Revised

AGENDA
Tuesday, February 2, 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 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.

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

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 "Parker Flats" area of the former Fort Ord, Negotiators: Jim Cook for the Agency; Monterey Downs LLC, for the developer
          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) V. L., et al. v. John Wagner, et al. (Ninth Circuit Court of Appeals # 09-17581)
      (2) Codiga v. County of Monterey (United States District Court # C09-01621 HRL)

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

   d. Item deleted.

   e. 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, 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

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)
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. Presentation of Monterey County Adult Detention Facility Accreditation Certificate. (Supervisor Salinas)
12. Adopt Resolution honoring Reverend Connie White for her commitment to Restorative Justice in Monterey County. (Supervisor Parker)

13. Adopt Resolution honoring Nancy Ausonio as one of the 2010 Italian American Cultural Center Foundation Honorees for her community involvement and for her contributions to her heritage. (Supervisor Calcagno)

**APPOINTMENTS:**

14. Reappoint Charles Nelson to the Fish & Game Advisory Commission, term ending February 1, 2013. (Supervisor Armenta)

15. Reappoint Jenny Donegan to the Commission on the Status of Women, term ending February 1, 2013. (Supervisor Armenta)

16. Appoint Ruben Garcia to the Monterey County Workforce Investment Board, term ending June 17, 2011. (Full Board)

17. Reappoint Aurelio Salazar to the Monterey County Planning Commission, term ending January 23, 2014. (Supervisor Armenta)

**SCHEDULED MATTERS:**

S-1

a. Receive and consider accepting the "Mid-Year Budget Adjustments - Fiscal Year (FY) 2009-10" report summarizing the current economic outlook, potential impacts of the Governor's FY 2010-11 Budget Proposal, recommended budget adjustments necessary to address FY 2009-10 State Impacts, various revenue declines, and the elimination of vacant positions;

b. Consider approving the recommended adjustments to appropriations and revenues in the FY 2009-10 Adopted Budget in the Department of Social & Employment Services, Health Department and Non-Program Revenue budgets (4/5<sup>th</sup> vote required);

c. Consider approving the changes in position count in the FY 2009-10 Adopted Budget to include the elimination of 24.75 FTE positions that have been deemed not mission critical or business essential at this time in various departments;

d. Consider directing the Auditor-Controller to make the adjustments to the appropriations and revenues in the Department of Social & Employment Services, Health Department and Non-Program Revenue budgets as outlined in the Board Order (4/5<sup>th</sup> vote required); and

e. Consider directing the Auditor-Controller to amend the FY 2009-10 Adopted Budget to reflect the change in position count as outlined in the Board Order.

**12:00 P.M.**

Recess to Lunch
1:30 P.M. RECONVENE

ROLL CALL:

S-2 Receive a report on unsolicited print publications and consider providing direction to staff regarding preparation of an Ordinance regulating such publications (Board Referral No. 2008.06).

S-3 a. Approve and authorize the Director of Health to execute a Unified Franchise Agreement for the Exclusive Collection of Solid Waste and Recyclables in the Unincorporated County between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation, to commence for the entire Unified Franchise Area on November 1, 2010; and

b. Approve and authorize the Director of Health to execute “Amendment Number 6 to Northeastern Franchise Agreement” to the current franchise agreement entitled “Agreement between the County of Monterey and USA Waste of California, dba Carmel Marina Corporation for Collection of Refuse, Recyclables and Greenwaste from Residential and Commercial Customers in Unincorporated Northeastern Monterey County” (Northeastern Franchise Agreement), to commence on February 2, 2010, and to terminate the Northeastern Franchise Agreement on October 31, 2010.

S-4 Conduct a public hearing to:

a. Consider Appellants’ request to continue the hearing to February 23, 2010; or

b. If a continuance is not granted, approve a resolution to:

1. Deny the appeals of Peter Fallon and Steve Dallas from the discretionary decision by the Planning Commission to approve a Coastal Administrative Permit to allow the conversion of an approved test well to a domestic production well; and

2. Approve the application (PLN080017/Chopin Enterprises LLP) for a Coastal Administrative Permit to allow the conversion of an approved test well (PLN060263) to a domestic production well at 24479 San Juan Road, Carmel Woods, based on the findings and evidence and subject to the conditions of approval.

(Appeal, Discretionary Decision – PLN080017/Chopin Enterprises LLP, 24479 San Juan Rd, Carmel Woods, Carmel Area Land Use Plan)
ORDER FOR ADJOURNMENT
TO TUESDAY, FEBRUARY 9, 2010

Future Board Meetings:
Friday, February 5, 2010 – Special Closed Session Meeting
Tuesday, February 16, 2010 – Special Meeting at CSUMB
Tuesday, February 23, 2010
CONSENT CALENDAR

HEALTH AND SOCIAL SERVICES:

18. Approve and direct the Auditor-Controller to increase appropriations and estimated revenues of $2,795,923 in the Department of Social Employment Services Fiscal Year 2009-10 Budget SOC005-001-5010-8262 and SOC009-007-5010-8261 for the Subsidized Employment program as detailed in the Board Order. (4/5\(^{th}\) vote required)

GENERAL GOVERNMENT:

19. a. Authorize the Director of Parks to file an application with Preserve America for a grant in the amount of $25,000 for Fiscal Year 2010-11 to fund the preparation of an interpretive plan for San Lorenzo Park that will promote heritage tourism; and
   b. Authorize the Director of Parks or his authorized deputy as the agent to coordinate, process, and execute all contracts, agreements, amendments, and ancillary documents within the scope of the application to accept the grant.

20. Approve the application from Frances M. Ellingwood to add the Ellingwood Hay Barn ("Red Barn") to the County's Local Official Register of Historic Resources, as recommended by the County's Historic Resources Review Board.

21. Approve the application from Chris Bunn to add the Charles Bardin House to the County's Local Official Register of Historic Resources, as recommended by the County's Historic Resources Review Board.

22. Adopt Resolution to approve and authorize a Pay and Leave Policy to support the Advantage Human Resources Management and Payroll system.

23. Approve Amendment No.1 to a Subrecipient Agreement with the Housing Resource Center of Monterey County to:
   a. Commit an additional $274,000 for a contract total of $349,000;
   b. Add a homebuyer education and counseling activity;
   c. Add approved Program Guidelines for the homebuyer education and counseling program to the Subrecipient Agreement as Exhibit F; and
   d. Authorize the Director of Redevelopment and Housing to execute the Amendment and make minor revisions to the Amended Subrecipient Agreement provided the overall feasibility of the objectives of this Agreement is not in jeopardy, no additional funds are required from the County, and no material term of this Agreement is altered.

24. a. Accept $2,140,714 in Neighborhood Stabilization Program (NSP1) grant funds;
b. Approve California Department of Housing and Community Development (HCD) NSP1 Guidelines for Homebuyer Assistance, Housing Rehabilitation, and Program Income Reuse and authorize the County Administrative Officer to sign them;
c. Approve a Memorandum of Understanding (MOU) with the National Community Stabilization Trust (Trust);
d. Approve Purchase Contracts as to form from four different banks in conjunction with purchase of bank owned properties using NSP1 funds;
e. Approve NSP Administrative Manual describing the procedures to be followed in implementing the County’s NSP program;
f. Authorize the Director and Assistant Director of the Redevelopment and Housing Office to accept or reject offers to purchase foreclosed properties, make or accept offers to re-sell those properties, and take such other action as may be deemed necessary or convenient to implement the County’s NSP plan, provided such actions are consistent with the NSP Administrative Manual and such other NSP-related documents as are approved by the Board; and
g. Direct the Auditor-Controller to amend the Fiscal Year 2009-10 budget to increase estimated revenues and appropriations in Fund 13, Unit Code 8200 (Community Development Grants) by $2,140,714 (4/5th vote required).

25. Approve an amendment of the Pass Through Agreement with the City of Marina for the Marina Redevelopment Project Area.

26. a. Approve submittal of FY 2011 federal appropriation requests to the offices of Senator Dianne Feinstein, Senator Barbara Boxer, and Congressman Sam Farr as follows:
   1. Monterey County Joint Gang Task Force - $3.1 million;
   2. Silver Star Gang Prevention and Intervention Program - $1.8 million;
   3. Pajaro River Flood Control Project - $5 million;
   4. U.S. 101/San Juan Road Interchange Project - $2 million (submitted by the Transportation Agency of Monterey County (TAMC));
   5. Natividad Medical Center Electronic Medical Record Development - $4.3 million;
   6. Monterey County Operational Area Emergency Communications System (aka: NGEN Radio) - $1 million;
   7. Quagga and Zebra Mussel Prevention, Vessel Inspection Program - $2.5 million;
   8. Carmel River Floodplain Restoration and Environmental Enhancement Project - $1.5 million;
   9. Commuter Rail Extension to Monterey County Project - $5 million (submitted by TAMC);
   10. State Route 156 Improvements - Phase 1 - $2 million (submitted by TAMC);
   11. Scenic Road Erosion Repair Project - $1.5 million; and

b. Authorize staff to adjust appropriation request submittals as necessary based upon direction from receiving congressional offices.
27. Continue to Tuesday, February 9, 2010, consideration of 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:**

28. a. Approval of a Lot Line Adjustment between two separate parcels under Land Conservation Contract No. 85-4 with no net decrease in acreage under Williamson Act Contract; as shown on the proposed Lot Line Adjustment on file in Planning File No. PLN090325, subject to the Findings and Evidence in Exhibit B, and Conditions of Approval in Exhibit B-1;

b. Authorize the Chair to execute new or amended Land Conservation Contracts in order to rescind a portion of existing Land Conservation Contract No. 85-4 as applicable to the reconfigured, contracted parcels only, and simultaneously execute new or amended Land Conservation Contract No. 85-4A for the reconfigured, contracted parcels between the County and the Richard E. Alderson Trust dated 1987, reflecting 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 - PLN090325/Richard E. Alderson Trust, Elm Avenue at Arroyo Seco River and Arroyo Seco Road, Greenfield, Central Salinas Valley Area Plan)

**RMA - BUILDING DEPARTMENT:**

29. Adopt Resolution authorizing Sacramento County to submit a collaborative application on behalf of the County of Monterey to the California Energy Commission and if recommended for funding by the California Energy Commission, the County of Monterey authorizes Sacramento County to accept a grant award on its behalf and to enter into all necessary contracts and agreements, and amendments thereto, on its behalf to implement and carry out the program for financing the CaliforniaFIRST project.

**RMA - PUBLIC WORKS:**

30. Accept the Annual Evaluation Report of traffic on Carmel Valley Road, and Carmel Rancho Boulevard, pursuant to Carmel Valley Master Plan, Policy 39.3.2.1(b), Carmel Valley Area.

31. a. Amend the Subdivision Improvement Agreement for The Commons at Rogge Road Subdivision to extend the construction completion date for a period of 18 months;
b. Authorize the Chair of the Board to execute the Amendment of the Subdivision Improvement Agreement for The Commons at Rogge Road Subdivision; and
c. Direct the Clerk of the Board to submit the certified copy of the Amendment to the County Recorder for recordation.

32. a. Accept a portion of The Commons at Rogge Road Subdivision Improvements as completed; and
b. Approve release of a portion of the Faithful Performance Bond No. CWS70967 issued by Western Insurance Company in the amount of $2,382,606 for completed off-site and on-site infrastructure improvements.

33. a. Authorize an increase in the construction contingency in the amount of $358,000 to provide funding for additional approved contract change orders for construction services associated with the renovation of the Agricultural Commissioner's office at 1428-1432 Abbott Street; and
b. Authorize the Director of Public Works to approve amendments to the construction contract, subject to terms of the Public Contract Code and where each amendment does not exceed $96,200, where the total of all amendments do not exceed $609,100 and any amendment does not significantly change the scope of work.

34. a. Approve Renewal to the Professional Services Agreement No. A-10408 with Denise Duffy & Associates, Inc. to provide additional environmental services related to ongoing maintenance, monitoring and reporting associated with the riparian restoration tasks for the Arroyo Seco Road Bridge (Co. No. 311) at Arroyo Seco River, Project No. 220665, Federal Aid Project No. BRLSZD-5944 (046) in the amount of $15,964 for a total amount not to exceed $119,085 and extend the term to December 31, 2010; and
b. Authorize the Contracts/Purchasing Officer to execute renewal and future amendments to this Agreement that do not significantly alter the scope of work or change the approved Agreement amount.

34.1 a. Approve Amendment No. 4 to Operations and Services Agreement No. A-10766 with Pajaro/Sunny Mesa Community Services District to continue to provide tasks associated with operational and maintenance services for the wastewater collection system in the Pajaro County Sanitation District, in the amount of $168,000 for a total amount not to exceed $736,000 for a term through January 9, 2011; and
b. Authorize the Chair to execute Amendment No. 4 to Operations and Services Agreement No. A-10766 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.
35. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
   Approve a grant agreement in the amount of $134,690 between the Redevelopment Agency and Clinica de Salud del Valle de Salinas for the Pajaro Medical/Dental Clinic Project.

36. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
   Approve a lease agreement between the Redevelopment Agency and Clinica de Salud del Valle de Salinas for the Pajaro Medical/Dental Clinic Project located at the Pajaro Senior Center.

37. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
   Approve and authorize the Chair to sign an Agreement with the Castroville Coalition with regard to fund raising for the Castroville Child and Family Resources Center (Castro Plaza - 3 Circles Project).

**MONTEREY COUNTY WATER RESOURCES AGENCY:**

38. Acting as the Board of Supervisors of the Monterey County Water Resources Agency:
   Approve an amendment of the Pass Through Agreement with the City of Marina for the Marina Redevelopment Project Area.

###