AGENDA
Tuesday, April 12, 2011

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.
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

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 regarding existing litigation:
      (2) Gerald Pate v. County of Monterey (MCSC case no. M100633)
      (3) Omni Resources, LLC v. Monterey County, et al. (USDC CAND case no. C06-05420-HRL)
      (4) Georgine Scott-Codiga v. County of Monterey, et al. (USDC CAND case no. CV10-05450-LHK)
   b. Pursuant to Government Code section 54957, the Board will consult with Acting Chief Monarque of the Sheriff's Office.
   c. 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)

**CEREMONIAL RESOLUTIONS**

6. Adopt Resolution commending Commander Fred Garcia, Monterey County Sheriff's Office upon his retirement after 29 years of public service. (Full Board, Supervisor Parker)

7. Adopt Resolution recognizing and congratulating Kyle Titus, Ph.D., LCSW, Deputy Director, Adult Services upon his retirement from the Monterey County Health Department after 19 years of public service in Monterey County. (Chair Parker)

8. Adopt Resolution designating the week of April 10 through April 16, 2011 as National Crime Victims' Rights Week in Monterey County. (Chair Parker)

9. Adopt Resolution of the Monterey County Board of Supervisors proclaiming April 10 through April 16, 2011 to be Public Safety Dispatchers Week in Monterey County. (Chair Parker)

10. Adopt Resolution proclaiming the month of May 2011 to be “Fruits and Vegetables Month” in Monterey County. (Chair Parker)

11. Adopt Resolution proclaiming the week of April 10 through April 16, 2011 to be “Celebrating People In Action” in Monterey County as part of National Volunteer Week and honoring Natividad Medical Center’s Volunteer Auxiliary for 51 years of dedicated service to the hospital. (Chair Parker)

12. Adopt Resolution proclaiming 2011 to be Central Coast Visiting Nurse Association and Hospice year in Monterey County. (Chair Parker)

**APPOINTMENTS**

13. Appoint Mary Claypool to the Citizen's Redistricting Advisory Committee, to fill an unexpired term ending January 25, 2013. (Supervisor Parker)

14. Reappoint Margaret Robbins and Wayne Ross to the Housing Advisory Committee, terms ending April 12, 2013. (Supervisor Potter)

15. Appoint Sara Rubin to the Commission on the Status of Women, to fill an unexpired term ending February 1, 2012. (Supervisor Potter)

16. Appoint Amy Sands to the Commission on the Status of Women, term ending February 1, 2014. (Supervisor Potter)
17. Appoint Mary Huss to the Area Agency on Aging Advisory Council, to fill an unexpired term ending January 1, 2012. (Full Board)

18. Appoint Roxana Alcantar to the Commission on the Status of Women, term ending February 1, 2013. (Supervisor Armenta)

19. Reappoint Annalisa Mitchell to the Commission on the Status of Women, term ending February 1, 2014. (Supervisor Parker)

20. Reappoint Vivienne Moore to the Community Restorative Justice Commission, term ending January 29, 2014. (Full Board)

21. Appoint Ron Mesiroff to the Aromas Tri County Fire Protection District, term ending November 30, 2014. (Full Board)

22. Appoint Olivia Quezada to the Commission on Disabilities, to fill an unexpired term ending December 31, 2011. (Full Board)

OTHER BOARD MATTERS

23. Board Comments

24. CAO Comments and Referrals

25. 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 a status report from the County Administrative Office on development of the County of Monterey Fiscal Year (FY) 2011-12 Recommended Budget and provide direction to staff.

S-2 Consider:
   a. Adopting an Ordinance of the County of Monterey, State of California, to amend Section 5.06.020 of the Monterey County Code relating to the General Fund Strategic Reserve;
   b. Approving 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; and
   c. Authorizing the Auditor-Controller to make necessary accounting transactions to implement Board approved financial strategies related to Strategic Reserve and Workers' Compensation funding.
S-3  a. Consider Resolution of Intention to amend the North County Local Coastal Program. The amendment to the Local Coastal Program would consist of an ordinance amending Sheet 2 (Section 20-2) of the Monterey County Zoning Maps (Coastal Implementation Plan) to reclassify a 57.24 acre parcel and a 5.0 acre parcel from "RDR/10 (CZ)" [Rural Density Residential, 10 acre per unit minimum (Coastal Zone)] zoning classification to the "RDR/10-B-8 (CZ)" [Rural Density Residential, 10 acre per unit minimum, with B-8 Building Site Overlay (Coastal Zone)] zoning classification;

b. Certify that the amendment is intended to be carried out in a manner fully in conformity with the Coastal Act; and

c. Direct staff to transmit the proposed amendment to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review.

(PLN100297/Walworth, 2575 and 2579 San Juan Road, Aromas, North County Land Use Plan)

12:00 P.M. RECESS TO LUNCH

Monterey County Board of Supervisors and Water Resources Agency Joint Board Leadership Meeting

1:30 P.M. RECONVENE

ROLL CALL

SCHEDULED MATTERS

S-4  Public hearing to consider an appeal by Lorin and Karen Letendre from the February 10, 2011 decision of the Monterey County Zoning Administrator approving an application by the Monterey County Resource Management Agency - Public Works (Scenic Rd. /PLN110001) for a Coastal Administrative Permit and Design Approval to install traffic controls (signage and striping) to change Scenic Road (a County maintained road) to one way traffic from Valley View Avenue to Carmelo Street. (Carmel River State Beach parking lot). Properties fronting the affected section of road include APNs: 009-471-001 & 002, 009-471-014 to 018, 009-471-021 & 022, 009-471-025, 009-472-001 & 004. (County of Monterey/Scenic Road - PLN110001, Carmel Area Land Use Plan)

(Hearing to be continued)

S-5  a. Conduct a public hearing and receive public comments to satisfy the provisions of Streets and Highways Code, Section 100.22 regarding a Freeway Agreement with Caltrans;

b. Consider the environmental effects as noted in the Mitigated Negative Declaration signed by Caltrans on December 7, 2009;

c. Consider adopting a Resolution to certify that the Board has reviewed and considered the information in the Mitigated Negative Declaration previously
adopted by Caltrans for the State Route 101 @ San Juan Road Interchange Project, and making related findings thereto;

d. Approve a Freeway Agreement with Caltrans for the construction of the State Route 101 @ San Juan Road Interchange Project;

e. Authorize the Chair to execute the Freeway Agreement; and

f. Direct the Director of Public Works to submit the fully endorsed Freeway Agreement to the County Recorder for filing.

S-6

a. Public hearing to consider an appeal by Omni Resources, Inc. from the January 26, 2011 decision by the Monterey County Planning Commission resulting in no action on a Combined Development Permit for a 126,523 square foot commercial development and Omni Resources’ request to remove the "B-8" Overlay zoning designation and rezone the property from "LC-B-8-D" to "LC-D."

b. Provide direction to staff related to certification of the EIR, preparation of findings and evidence related to action on the Combined Development Permit and request to remove the B-8 zoning and continue the public hearing to May 17, 2011.

(Appeal, Discretionary Decision - PLN110077 (an appeal of PLN020344) Omni Resources, Inc. LLC, 5 Corral de Tierra Road, Salinas, Toro Area Plan)

ADJOURNMENT
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER

26. Authorize the County Contracts/Purchasing Officer to increase the current purchase order with SFN Group, Inc (formally Spherion) from the County Master Agreement (MA*65) for Temporary Personnel Services at Natividad Medical Center (NMC) in an amount not to exceed $1,000,000 (an increase of $500,000) for the period January 1, 2011 to June 30, 2011.

27. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 3 to the Agreement with JLG Medical Inc. for Medical Dictation and Transcription Services at NMC in an amount not to exceed $3,999,126.40 (an increase of $2,000,000) for the period April 1, 2011 to March 31, 2014.

28. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to approve an increase to the agreement for recruitment advertising at NMC from $200,000 to $300,000, pursuant to the terms of the Request for Proposal (RFP #9600-4), with the authority to open purchase orders and distribute these funds among all of the vendors under the agreement.

HEALTH AND SOCIAL SERVICES

29. Approve revision to reduce the retention period of the existing Paper Records Destruction and Retention Schedule for the Department of Child Support Services.

30. a. Approve and authorize the Director of Health to sign an agreement with Santa Cruz Community Counseling Center for the provision of mental health services effective July 1, 2011 through June 30, 2014 for a total amount not to exceed $539,700; and
   b. Authorize the Director of Health to sign up to three (3) future amendments to this agreement where the cumulative amount of amendments do not exceed ten percent (10%) of the maximum agreement amount and do not significantly change the scope of work.

31. a. Approve and authorize the Director of the Department of Social and Employment Services, or his designee, to sign an agreement with the Food Bank for Monterey County to provide food access services for low income people in Monterey County for $93,290 for the period April 1, 2011 through December 31, 2011; 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.
32. Approve the Area Agency on Aging 2011-2012 Area Plan Update, and authorize the Chair of the Board of Supervisors to sign the Area Plan Update Transmittal Letter.

**GENERAL GOVERNMENT**

33. 
   a. Approve the recommendation to revise the Fish & Game Propagation Budget for Fiscal Year (FY) 2010-11; and
   b. Authorize the Auditor-Controller to increase appropriations by $18,000 in Appropriation Unit PAR002 to be financed by $16,837 in audited fund balance, Fund 006, and $1,163 in increased revenue from court fines (4/5ths vote required).

34. 
   a. Introduce, waive the reading, and set April 26, 2011, at 1:30 p.m. to consider adoption of an Ordinance revising Chapter 18.40 of the Monterey County Code, the Inclusionary Housing Ordinance, to clarify certain regulations and procedures to improve the Inclusionary Program and establish fees for service; and
   b. Direct the Redevelopment and Housing Office to publish the Ordinance Summary in *The Californian* at least 5 days prior to the hearing for the Ordinance adoption.

35. 
   a. Approve Amendment No. 4 extending the Management Agreement (“Interim Agreement”) between Forever Resorts, doing business as “Monterey Lake Resorts and Marinas, LLC”, and the County of Monterey, two weeks to operate the resort business at Lake Nacimiento and Lake San Antonio until May 6, 2011;
   b. Authorize the Parks Director to approve up to three more two week extensions; and
   c. Authorize the Parks Director to sign Agreement Amendment No. 4.

**RMA - PLANNING DEPARTMENT**

36. 
   a. Accept the Conservation and Scenic Easement Deed for the Polkow property;
   b. Authorize the Chair of the Board of Supervisors to execute the Conservation and Scenic Easement Deed; and
   c. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing and recordation.

   (Conservation and Scenic Easement Deed - PLN080266/Polkow, 26478 Carmelo Street, Carmel, Carmel Land Use Plan, Coastal Zone)

37. 
   a. Accept the Conservation and Scenic Easement Deed for the Wheatley property;
   b. Authorize the Chair of the Board of Supervisors to execute the Conservation and Scenic Easement Deed; and
   c. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing and recordation.
38. a. Approve Amendment No. 1 to Professional Services Agreement No. A-11918 with Jones & Stokes Associates, Inc. (aka ICF International) where the Base Budget of $78,513 is increased by $438,104 to $516,617 and the Contingency Budget of $11,777 is increased by $65,716 to $77,493, for a total amount not to exceed $594,110 to include an additional phase of work, Phase 2, EIR, for completion of the Environmental Impact Report (EIR) for the Pebble Beach Company Project (PLN100138) in Pebble Beach, for a term through October 31, 2012;

b. Approve Amendment No. 1 to Funding Agreement No. A-11919 with the Pebble Beach Company where the Base Budget of $78,513 is increased by $438,104 to $516,617 and the Contingency Budget of $11,777 is increased by $65,716 to $77,493 with no change to the County fee of $3,170, for a total amount not to exceed $597,280 to allow funding to Monterey County for costs incurred by Jones & Stokes Associates, Inc. (aka ICF International) to include an additional phase of work, Phase 2, EIR, for completion of the EIR for the Pebble Beach Company Project (PLN100138) in Pebble Beach, for a term through October 31, 2012; and

c. Authorize the Director of Planning to execute Amendment No. 1 to Professional Services Agreement No. A-11918, Amendment No. 1 to Funding Agreement No. A-11919 and future amendments to these Agreements where the amendments do not significantly alter the scope of work or change the approved agreement amounts.

(PD061136/Jones & Stokes, Inc.)

RMA - PUBLIC WORKS

39. Adopt Resolution:

a. Accepting the Certificate of Completion for the Renovation of North Wing of Salinas Courthouse, Project No. 8772-Project Bid 10062 for Window Replacement, performed by Signature Glass & Windows, 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 10062 for Window Replacement, performed by Signature Glass & Windows, Incorporated.

40. Adopt Resolution:

a. Accepting the Certificate of Completion for the North Wing Salinas Courthouse Flood Remediation Project, Project No. 8782, for Roof Replacement Services performed by Scudder Roofing Co.; and

b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the North Wing Salinas Courthouse Flood Remediation Project, Project No. 8782, for Roof Replacement Services performed by Scudder Roofing Company.
41. Adopt Resolution:
   a. Accepting the Certificate of Completion for the Renovation of North Wing of Salinas Courthouse, Project No. 8772-Project Bid 9781-03 for Selective Demolition/Hazardous Materials Abatement, performed by Restec Contractors, 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 9781-03 for Selective Demolition/Hazardous Materials Abatement, performed by Restec Contractors, Incorporated.

42. Adopt Resolution:
   a. Accepting the Certificate of Completion for construction of the Carmel Valley Road Overlay Project, Project No. 10-140865; and
   b. Authorizing the Director of Public Works to execute and record the Notice of Completion.

43. Adopt Resolution:
   a. Accepting the Certificate of Completion for the construction of Roof Repairs and Renovations-Roof Replacement-Health Building, 1200 Aguajito Rd., Monterey, Project No. 8543, Bid Package No. 10236, performed by Progressive Roofing and authorizing the Director of Public Works to execute and record the Notice of Completion;
   b. Approving the transfer of project savings in the amount of $24,090 from Fund 401, Appropriation Unit RMA004 to Fund 402, Appropriation Unit RMA014;
   c. Approving reducing Fund 401 appropriations and revenues by $24,090; and
   d. Authorizing the Auditor-Controller to amend the Fiscal Year (FY) 2010-11 Budget by increasing revenue and appropriations in Fund 402, Unit 8174, Appropriation Unit RMA014, Accounts 5940 and 7521, (Operating Transfers-In, and Building Improvements - Needs Board Approval, respectively) in the amounts of $24,090 (4/5ths vote required).

44. Adopt Resolution:
   a. Approving submittal of the Stormwater Flood Management grant application, funded under Proposition 1E, to the California Department of Water Resources, Integrated Regional Water Management Division; and
   b. Authorizing the Director of Public Works, or his designee, to act as the agent for the County in processing and signing all documentation to secure these funds.

45. a. Approve Plans and Special Provisions for the Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat 2010 Project, Contract No. 11-551120; and
   b. Authorize the Clerk of the Board to re-advertise the "Notice to Bidders" in The Californian for ten consecutive times commencing April 18, 2011.

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SEE ADDENDUM NEXT PAGE
MONTEREY COUNTY  
BOARD OF SUPERVISORS

Supplemental / Addendum for Tuesday, April 12, 2011
View Addendum reports at:

http://www.in.co.monterey.ca.us/cob/Supplemental_Addendum%202011/

ADDENDUM

Added to 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 regarding existing litigation:
      (5) Eduardo Lorenzana v. County of Monterey, et al. (MCSC case no. M111479)
      (6) California-American Water Company v. County of Monterey (PUC case no. 97-03-052)
      (7) Ag Land Trust v. Monterey County Water Resources Agency, et al. (MCSC case no. M110691)
   d. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one item of significant exposure to litigation.
   e. Pursuant to Government Code section 54956.9(b)(2), the Board will confer to determine whether a closed session is authorized.

Added Under Regular Consent – Criminal Justice
28.1 Approve and authorize the Auditor-Controller to transfer $56,175 from the Capital Projects Fund 402, Unit 8174 Account 7521 to the Sheriff’s Appropriation Unit 001-2300-SHE001-8273-6613 to pay MTG Management Consultants LLC for Request for Proposal (RFP) Evaluation Service for the Integrated Justice Information System (IJIS) project. (4/5ths vote required)

Added Under Regular Consent – Public Works
46 a. Approve a Professional Services Agreement with Mill Construction Company, Inc. to provide building performance evaluation services for the East and West Wing Buildings located at 240 Church Street, Salinas, CA in an amount not to exceed $115,500 for a term through November 30, 2011;
b. Authorize the Contracts/Purchasing Officer to execute the Professional Services Agreement and future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original Agreement amount and do not significantly alter the scope of work;

c. Approve $53,028 in prior year expenditure and estimated staff costs; and

d. Authorize the allocation of funds in the amount of $180,078 within Fund 404, Appropriation Unit RMA015.

SUPPLEMENTAL

Cancelled
Monterey County Board of Supervisors and Water Resources Agency Joint Board Leadership Meeting

MATERIALS SUBMITTED

S-6  Public Hearing for Omni Resources, Inc.

Background Information for this item can be found on the Planning Department’s website at the following URL:

http://www.in.co.monterey.ca.us/planning/docs/eirs/Corral%20De%20Tierra/BO S_Staff_Rpt_and_Exh_for_041211/BOS_Staff_Rpt_and_Exh_for_041211.htm

Hard copies are on file at the Clerk of the Board’s Office, 168 West Alisal Street, 1st Floor, Salinas.

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