

**MONTEREY COUNTY BOARD OF SUPERVISORS
MONTEREY COUNTY WATER RESOURCES AGENCY
PAJARO COUNTY SANITATION DISTRICT
TUESDAY, FEBRUARY 07, 2012
Government Center, 168 W. Alisal St., 1st Floor
Salinas, CA 93901
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.

The public may comment on Closed Session items prior to the Board s recess to Closed Session.

CLOSED SESSION

2. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.
 - b. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators.
 - (1) Property: 26 Central Avenue; Salinas, California
Negotiators: Gene Rogers for the County of Monterey
Under negotiation: Price and terms
 - c. Pursuant to Government Code section 54957.6(a), the Board will confer with legal counsel regarding existing litigation:
 - (1) LandWatch Monterey County, et al. v. County of Monterey, et al.
(Monterey County Superior Court case no. M113552)

Acting as the Board of Supervisors of the Monterey County Water Resources Agency:

CLOSED SESSION

- d. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:

- (1) In the Matter of the Application of California-American Water Company (Application 04-09-019)
 - (2) Ag Land Trust v. Monterey County Water Resources Agency, et al. (Monterey County Superior Court case no. M110691)
- e. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
 - f. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.
 - g. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding liability claims against the Monterey County Water Resources Agency.
 - (1) RMC Water & Environmental, Inc.

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. The public may comment on Closed Session items prior to the Board s recess to Closed Session.

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)

Recess

Convene as the Board of Directors of the Pajaro County Sanitation District

PAJARO COUNTY SANITATION DISTRICT

ROLL CALL

6. CONSENT CALENDAR PAJARO COUNTY SANITATION DISTRICT (See Supplemental Sheet)

Adjournment

Reconvene as the Monterey County Board of Supervisors

MONTEREY COUNTY BOARD OF SUPERVISORS

CEREMONIAL RESOLUTIONS

7. [Adopt Resolution Recognizing the 100th Anniversary of the Monterey County Free Libraries. \(Supervisor Potter\)](#)
8. [Adopt Resolution honoring Gill Campbell as recipient of the Coalition of the Monterey County Chambers of Commerce Economic Leadership Award. \(Supervisor Potter\)](#)
9. [Adopt Resolution recognizing the generous donation by the Monterey County United Veterans Council of a 2005 Mazda van to the County for use by the Office of Military and Veterans Affairs in the provision of services and assistance to local Veterans. \(Supervisor Potter\)](#)

APPOINTMENTS

10. [Appoint Rosie Martinez to the Domestic Violence Coordinating Council to fill an unexpired term ending January 13, 2013. \(Supervisor Parker\)](#)
11. [Reappoint John Sargenti to the Fish & Game Advisory Commission, term ending February 1, 2015. \(Supervisor Calcagno\)](#)
12. [Reappoint Frank D. Pierce to the Historical Advisory Commission, term ending February 1, 2016. \(Supervisor Calcagno\)](#)

OTHER BOARD MATTERS

13. Board Comments
14. [CAO Comments and Referrals](#)
15. 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 presentation and approve the Monterey County Workforce Investment Board's \(MCWIB\) Annual Report for Program Year 2010-2011.](#)

- S-2 [a. Conduct a public hearing under the requirements of Tax Equity and Financial Responsibility Act \(TEFRA\)](#) and the Internal Revenue Code of 1986, as amended; and,
- b. Adopt Resolution approving the issuance of up to \$13,300,000 in Private Activity Bonds by the California Municipal Finance Authority (CMFA) for the benefit of MP Manzanita Associates, Limited Partnership to provide for the financing of the Project.
- S-3 [Accept an oral presentation from the Health Officer and Project Coordinator regarding the "Striving to Reduce Youth](#) Violence Everywhere through Local Public Health Leadership," funded by an Award from the Department of Health and Human Services, Centers for Disease Control and Prevention, in the amount of \$225,000.00 for Federal Fiscal Year (FFY) 2011-12.

12:00 P.M. RECESS TO LUNCH CONTINUED CLOSED SESSION

1:30 P.M. RECONVENE

MONTEREY COUNTY BOARD OF SUPERVISORS

ROLL CALL

SCHEDULED MATTERS

- S-4 [Public hearing to consider:](#)
- a. Appeal by Warren Wayland from the Planning Commission's decision denying the application for a Combined Development Permit (Wayland/PLN070366) consisting of:
- 1) a Minor Subdivision Vesting Tentative Map to allow the division of a 38-acre parcel into four parcels of 9.7 acres (Parcel 1), 5.3 acres (Parcel 2), 9.3 acres (Parcel 3), 5.2 acres (Parcel 4) and a remainder parcel of 8.8 acres;
- 2) Use Permit for development on slopes in excess of 25 percent for roadway improvements;
- 3) Use Permit for development in a visually sensitive area ("VS" District); and
- 4) Use Permit to allow the removal of approximately 39 oak trees; and
- b. Appeal by Susan Merrill from the Planning Commission's decision denying the application for a Combined Development Permit (Merrill/PLN070376) consisting of:
- 1) a Minor Subdivision Vesting Tentative Map to allow the division of a 37.8 acre parcel into three parcels of 10.5 acres (Parcel 1), 13.8 acres (Parcel 2), 7.5 acres (Parcel 3) and a remainder parcel of 6.0 acres; and

- 2) Use Permit for development in a visually sensitive area ("VS" District).
(Appeal, PLN070366/Wayland Minor Subdivision, 24975 Boots Road, Monterey)
(Appeal, PLN070376/Merrill Minor Subdivision, 24915 Boots Road, Monterey)
[Continued from January 10, 2012 hearing]

S-5 [Public hearing to consider:](#)

- a. Denial of the appeal by the Aguajito Property Owners Association and Eric and Teresa Del Piero from the Minor Subdivision's approval of a Lot Line adjustment between two legal lots of record;
- b. Adopt the Negative Declaration prepared for the project; and
- c. Approval of the application of a Lot Line Adjustment between two legal lots of record of approximately 4.6 acres [portion of Assessor's Parcel Number 103-061-015-000 Certificate of Compliance Document No. 2004079692 (the northerly parcel)] and 4.3 acres [portion of Assessor's Parcel Number 103-061-015-000 Certificate of Compliance Document No. 20040795684 (the southerly parcel)], resulting in two newly reconfigured lots of 4.6 acres (westerly Parcel A) and 4.3 acres (easterly Parcel B) respectively.
(Appeal of Lot Line Adjustment - PLN080454/Steuck, 570 and 570-a, Aguajito Road, Greater Monterey Peninsula Area Plan)

S-6 [Public hearing to:](#)

- a. Consider Addendum No. 2 to previously certified EIR No. 84-007 for the Monterra Ranch Subdivision;
- b. Consider approval of the modification to the York Highlands Combined Development Permit (PLN100020/Resolution No. 11-342) to:
 - 1) change the access from York Highlands Road 1 to the existing Monterra Ranch Subdivision entrance at Highway 218;
 - 2) re-designate the approximately 1,400 foot long section of York Highlands Road 1 between State Highway 68 and York Highlands Road 2 from a 60-foot wide road and utility easement to a 50-foot wide emergency access and public utility easement;
 - 3) designate the 50-foot wide, approximately 1,200-foot long fire access road between Monterra Ranch Phase 6 and York Highlands as a 60-foot wide private road and public utility easement;
 - 4) modify Condition No. 52 (Board of Supervisors Resolution No. 11-342) to eliminate the requirement for specific improvements to Highway 68 at the York Highlands Road 1 entrance; and
 - 5) amend the vesting tentative map to create a 1.79-acre open space parcel (Parcel T), thereby reducing Ranch Lot 1, and to merge a 0.48 acre portion of Parcel H (Monterra Phase 10, Scenic Easement Parcel) with an existing well parcel to create one water utility parcel; and
- c. Consider adoption of an amendment to the Mitigation Monitoring and Reporting Plan to incorporate amended conditions.

(Modification to Combined Development Permit - PLN120024/Banker s Development Group, LLC (York Highlands), South of the intersection of York Road and Highway 68, Greater Monterey Peninsula Area Plan)

S-7 [Public hearing to consider:](#)

- a. Adoption of a Resolution to certify the Environmental Impact Report and adopt Statement of Overriding Considerations;
- b. Adoption of a Resolution to: deny the appeal by Omni Resources LLC from the January 26, 2011 decision of the Monterey County Planning Commission; approve the Combined Development Permit for the project consisting of
 - 1) Use Permit
 - 2) General Development Plan; and
 - 3) Design Approval for development of a 99,970 square foot retail center known as the Corral de Tierra Neighborhood Retail Village and
 - 4) Lot Line Adjustment to modify the lot line between two existing parcels (5.6 acres and 5.38 acres in area) to create Parcel A (1.12 acres) and Parcel B (9.86 acres), subject to the recommended conditions; and adopt the Mitigation Monitoring and Reporting /Condition Compliance Plan; and
- c. Adoption of a Resolution denying the Applicant s request to rezone the Property to remove the B-8 Overlay Zoning District from the subject site s overall LC-B-8-D zoning classification.

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

ADJOURNMENT

**In Memory of
Laurence Philip Horan
Walter Griva
Jean Draper**

(Supplemental Sheet)

CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER

16. [Authorize the Purchasing Manager for Natividad Medical Center \(NMC\) to execute the Professional Services Agreement with Monterey Bay Oncology Associates to provide Hematology Oncology and Business Consulting Services at NMC in an amount not to exceed \\$300,000 for the period February 1, 2012 to January 31, 2013.](#)

HEALTH AND SOCIAL SERVICE

17. [Approve and authorize the Director of Health to sign and execute Amendment No. 2 to Agreement No. A-11610 for the second one \(1\) year Agreement extension with American Medical Response - West \(AMR\) for the period of February 01, 2016 through January 31, 2017.](#)
18.
 - a. [Approve and authorize the Director of Social & Employment Services to implement a CalWORKs Wage Subsidy program; and](#)
 - b. Approve and authorize the addition of 1.0 FTE Workforce Investment Board Employment Programs Supervisor; and
 - c. Authorize the Auditor-Controller to amend appropriations and estimated revenues in SOC009 by \$424,000 and in SOC005 by \$424,000 (4/5ths vote required); and
 - d. Authorize the County Administrative Office and the Auditor-Controller to amend the position count in SOC009.
19. [Authorize the Auditor-Controller to increase estimated appropriations and revenues in Special Revenue Fund 022 by \\$12,736,000 for AB118 realignment programs \(4/5ths vote required\).](#)

CRIMINAL JUSTICE

20. [Authorize the Auditor-Controller to increase estimated state and federal revenues and related appropriations totaling \\$2,632,135 in Probation's Budget PRO001 during Fiscal Year \(FY\) 2011-12 \(4/5ths vote required\).](#)
21. [Approve an amendment to the membership of the Community Restorative Justice Commission.](#)

GENERAL GOVERNMENT

22.
 - a. [Approve and authorize the Emergency Services Manager to accept a grant from the Federal Department of Homeland Security \(DHS\) in the amount of \\$630,723; and](#)
 - b. Authorize the Auditor-Controller to approve amending the Fiscal Year (FY) 2011-12 budget for the Office of Emergency Services, Appropriation Unit CAO005, to increase estimated revenues and appropriations in the amount of \$309,100. (4/5ths vote required)

23.
 - a. [Approve Amendment No.4 to the Concession Agreement between Monterey County Parks Department and Sports Car Racing Association of the Monterey Peninsula \(SCRAMP\) at the Laguna Seca Recreation Area, extending the current term one additional year through February 8, 2013; and](#)
 - b. Authorize the Chair of the Monterey County Board of Supervisors to sign the Amendment.

24. [Adopt Resolution to extend the Administrative Proclamation of Local Emergency due to the conditions of high surf and](#) rising river levels at the Carmel Lagoon causing conditions of extreme peril to the safety of persons and property along Scenic Road and adjoining neighborhoods signed by the Administrative Officer on November 16, 2011 for an additional thirty days in accordance with California Government Code 8630 (4/5ths vote required).

RMA - BUILDING DEPARTMENT

25.
 - a. [Approve Amendment No. 5 to Professional Services Agreement No. A-11957 with California Code Check, Inc. \(CCC\) to continue to provide services associated with plan check,](#) inspection and related services to the Monterey County Building Services Department, in the amount of \$165,000 for a total amount not to exceed \$552,446 through June 30, 2012; and
 - b. Approve Amendment No. 3 to Professional Services Agreement No. A-12103 with CSG Consultants, Inc. (CSG) to continue to provide services associated with plan review services to the Monterey County Building Services Department, in the amount of \$105,000 for a total amount not to exceed \$307,446 through June 30, 2012; and
 - c. Authorize the Contracts/Purchasing Officer to execute the Amendments to the Professional Services Agreements and future amendments that do not significantly alter the scope of work or change the approved Agreement amounts.

RMA - PUBLIC WORKS

26.
 - a. [Approve Plans and Special Provisions for the Slurry Seal 2012 Project, Contract No. 12-551222; and](#)

- b. Authorize the Director of Public Works to advertise the "Notice to Bidders" in *The Californian*.
27. [a. Approve Amendment No. 1 to Wireless Communication Site Lease Agreement with New Cingular Wireless PCS, LLC, 1410 Natividad Road, Salinas, California, to correct the legal description of real property and correct and establish a description of the Lease Area consistent with its actual location and square footage and location of installed equipment; and](#)
- b. Authorize the Contracts/Purchasing Officer to execute Amendment No. 1 to Wireless Communication Site Lease Agreement with New Cingular Wireless PCS, LLC, 1410 Natividad Road, Salinas California.
28. [a. Approve Plans and Special Provisions for the Crack Seal 2012 Project, Contract No. 12-551225; and](#)
- b. Authorize the Director of Public Works to advertise the "Notice to Bidders" in *The Californian*.
29. [Adopt Resolution:](#)
- a. Declaring County-owned real property located at 26 Central Avenue in Salinas, California (former Monterey County Free Libraries Administration Building), APN 002-164-020 as surplus real property and no longer necessary for county or other public purposes;
 - b. Declaring intent to sell the property at public auction to the highest responsible bidder, for cash;
 - c. Directing all interested parties to appear on February 21, 2012 at 11:00 a.m. in the Monterey Conference Room at 168 West Alisal Street, Second Floor, Salinas, CA pursuant to Government Code Section 25363 (4/5th vote required);
 - d. Establishing the minimum bid price at \$500,000;
 - e. Authorizing the Contracts/Purchasing Officer or his designee to receive oral and written bids using the procedures outlined in this report, open written bids, call for oral bids, accept the highest responsible bid and close the auction on the date, place and approximate time as set forth above; and
 - f. Authorizing the Contracts/Purchasing Officer to execute a Quitclaim Deed transferring the property after the sale has been reported to and confirmed by the Board.

PAJARO COUNTY SANITATION DISTRICT

30. [Acting as the Board of Directors of the Pajaro County Sanitation District:](#)
- a. Approve Amendment No. 7 to Operations and Services Agreement No. A-10766 with the 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 \$1,086,000 and extend the term through February 9, 2013; and

- b. Authorize the Chair of the Board to execute Amendment No. 7 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.

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