

**MONTEREY COUNTY BOARD OF SUPERVISORS
TUESDAY, JULY 21, 2009
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 Section 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(b), the Board will confer with legal counsel regarding three matters of significant exposure to litigation.
 - b. Pursuant to Government Code sections 54956.9(b) and 54956.9(c), the Board will confer with legal counsel regarding one item of significant exposure to litigation and/or potential initiation of litigation.
 - 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: A, B, C, D and E.

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 Section 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 Hermila "Mily" Treviño-Sauceda for her outstanding and compassionate work on behalf of](#) the Organización en California de Lideres Campesinas in our community. (Supervisor Armenta, Salinas)
10. [Receive an oral report and consider recommendation from the Legislative Committee meeting of July 20, 2009.](#)

APPOINTMENTS:

11. [Appoint Andrew Jackson and reappoint Merri Bilek to the Housing Authority of the County of Monterey, terms ending](#) July 21, 2011. (Supervisor Potter)
12. [Appoint Ray Corpuz and Jason Burnett to the Overall Economic Development Commission, terms ending](#) June 30, 2012. (Supervisor Parker)

SCHEDULED MATTERS:

- S-1 [Consider and adopt an Ordinance of the County of Monterey amending Monterey County Code, Section](#) 2.76.050 relating to determination and payment of estimated fees for supplemental law enforcement services.

12:00 P.M.

Recess to Lunch Closed Session

1:30 P.M. RECONVENE

ROLL CALL:

- S-2 [Receive and accept a report and presentations from multiple departments covering their respective areas of](#) responsibilities concerning Fiscal Year 2009-10 cash flow impacts to the County due to the issuance of State IOU's and other State deferred payments.
- S-3 [Hold a public hearing to consider revisions to Staking and Flagging Criteria.](#) (PD070742/County of Monterey Staking and Flagging Criteria, County-wide)

- S-4 a. Deny the appeal by San Ardo Properties, LLC; and b. Find the project statutorily exempt from CEQA pursuant to Public Resources Code section 21080 (b) (5) and CEQA Guideline section 15270 (a) (Projects which are disapproved); and
- c. Deny the application for a Lot Line Adjustment (San Ardo Properties, LLC/ PLN080424)
- (Lot Line Adjustment - PLN080424/ San Ardo Properties, LLC, 62050 Railroad Avenue, San Ardo, South County Area Plan)
- S-5 Open a noticed public hearing and continue to August 25, 2009 to approve a resolution to:
- a. Determine that federal Citizen Participation requirements have been met;
- b. Approve submittal of a 2009 Economic Development Community Development Block Grant (CDBG) Planning Technical Assistance (PTA) Grant Application for up to \$70,000 from the California Department of Housing and Community Development in support of a business expansion plan for the Firestone Business Park;
- c. Authorize the County Administrative Officer to sign the Statement of Assurances for the Grant Application;
- d. Authorize the Redevelopment and Housing Director to make minor revisions to the Grant Application to meet State requirements, execute the Grant Application, execute all grant related documents and amendments including the Grant Agreement, and act on the County's behalf in all matters pertaining to this application;
- e. Authorize the Director of the Redevelopment and Housing Office to act as the Certifying Officer, under the National Environmental Policy Act of 1969 and related environmental regulations, for the State Community Development Block Grant Program; and
- f. Approve a local cash match contribution in the amount of \$20,000.

ORDER FOR ADJOURNMENT TO TUESDAY, AUGUST 25, 2009

Future Board Meetings:

Tuesday, July 28, 2009 No Meeting

Tuesday, August 4, 2009 No Meeting

Tuesday, August 11, 2009 No Meeting

Tuesday, August 18, 2009 No Meeting

CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER:

13. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 2 to the Agreement with First Databank for Pharmacy

Software Licensing Services in an amount not to exceed \$30,000 for the period January 1, 2009 to December 31, 2010.

14.
 - a. [Approve and amend Personnel Policies and Practices Resolution No. 98-394 to adjust the salary range for the](#) following classifications at Natividad Medical Center: Director of Cardiopulmonary Services and Clinical Laboratory Manager; and
 - b. Direct and authorize the Auditor-Controller to incorporate approved changes in the Fiscal Year 2009-10 adopted budget.
15.
 - a. [Approve Inter Departmental Policy \(IDP\) 6:2500 Records, Retention, Destruction and Storage; and b. Authorize the](#) Chief Executive Officer (CEO) of Natividad Medical Center to destroy records held at Natividad Medical Center according to IDP 6:2500.

HEALTH AND SOCIAL SERVICES:

16.
 - a. [Approve and authorize the Director of Health to sign Emergency Medical Services \(EMS\), Budget Unit 436,](#) Agreement with San Luis Ambulance to provide ambulance coverage in peripheral areas of Monterey County for the period of January 1, 2009 through December 31, 2009; and
 - b. Authorize the modification of the County standard insurance requirements pertaining to General Liability insurance.
17.
 - a. [Approve and authorize the Director of Health to sign a three \(3\) Fiscal Year term \(FY 2009-10, 2010-11 and 2011-12\)](#) Alcohol and Drug Treatment Services Agreement with Sun Street Centers for the provision of alcohol and drug recovery services in the annual amount of \$1,578,476 for a total of \$4,735,428 for the period July 1, 2009 through June 30, 2012; and
 - b. Authorize the Director of Health to approve future amendments up to five percent (5%) of the annual amount, which does not significantly alter the scope of work or result in an increase to net county costs.
18.
 - a. [Approve an amendment to the current License and Support Agreement of September 12, 2006, between](#) Decade Software Company, LLC, and Monterey County to augment the agreement in the amount of \$58,034.84 and extend the agreement for provision of data management services for an additional one (1) year term from July 1, 2009 to June 30, 2010;
 - b. Authorize the Director of Health to sign the amendment; and c. Authorize the Director of Health to approve future amendments up to five percent (5%) of the annual amount, which does not significantly alter the scope of work or result in an increase to net county costs.
19.
 - a. [Approve and authorize the Director of Health to sign a three \(3\) Fiscal Year term \(FY 2009-10, 2010-11 and 2011-12\)](#) Alcohol and Drug Treatment Services Agreement with Community Human Services for the provision of

- alcohol and drug recovery services in the annual amount of \$1,634,666 for a total of \$4,903,998 for the period July 1, 2009 through June 30, 2012; and
- b. Authorize the Director of Health to approve future amendments up to five percent (5%) of the annual amount, which does not significantly alter the scope of work or result in an increase to net county costs.

CRIMINAL JUSTICE:

20.
 - a. [Approve and authorize the Contracts/Purchasing Officer to execute separate Alternate Defender Office Attorney](#) Agreements with effective terms of July 1, 2009 to June 30, 2010 for Steve D. Liner (\$138,000), Scott Erdbacher (\$138,000), Susan Chapman (\$138,000), Paddy L. Grinstein (\$110,000), and Jeffrey Gobell (\$109,500);
 - b. Authorize the Contracts/Purchasing Officer to execute one year extensions to each of the Agreements at the end of contract term for Fiscal Year 2009-10, with otherwise identical terms and conditions.

GENERAL GOVERNMENT:

21. [Approve a request from the North County Fire Protection District for dry period loan of \\$3,850,000 for the Fiscal](#) Year ending, June 30, 2010.
22.
 - a. [Approve and authorize the transfer of up to \\$350,000 from the Cable TV Funds Restricted Revenue Account](#) 020-2883 to Budget Unit (BU) 1930-8140 Telecommunications for Public, Education, and Government (PEG) access projects for the Monterey County Government Channel and I-NET projects including procurement and installation of a generator at the Fort Ord I-NET site during Fiscal Year (FY) 2009-10;
 - b. Approve and authorize the purchase of fixed assets up to \$250,000;
 - c. Approve and authorize the Contracts/Purchasing Officer to sign amendments to extend the term of existing agreements with vendors supporting PEG projects provided that the total value of those amendments does not exceed \$100,000.00 for projects taking place in FY 2009-10;
 - d. Direct the Information Technology Department to continue to deposit PEG fees from any cable provider into funds to restricted revenue account 020-2883 consistent with past practice and federal law; and
 - e. Approve and authorize an increase in FY 2009-10 estimated revenue and appropriations by \$350,000 in BU 1930-8140 as detailed on the attached Board Order (4/5th vote required); and
 - f. Direct the Auditor-Controller to transfer restricted revenue funds as expended and increase FY 2009-10 estimated revenue and appropriations as detailed on the Board Order.
23. [Approve a Request from the Soledad-Mission Recreation District for an "ongoing" Exemption to the Annual Audit](#) Required by Government Code Section 26909 and Authorize Preparation of a Biennial Audit covering the Fiscal Year of 2009-10 and each year thereafter (unanimous vote required).

24. [Approve the use of County Park facilities by First Baptist Church on September 20, 2009 for one function by First Baptist Church in compliance with Monterey County Code 14.12.130.](#)
25. [Adopt Resolution rescinding Resolution No. 06-363, thereby vacating the certification of the final revised EIR and](#) voiding the approval of permits and entitlements for the September Ranch project, in compliance with the Peremptory Writ of Mandate issued by the Superior Court.
26. [Adopt Resolution to Amend Resolution No. 06-331 and Approve the Monterey County Agricultural Advisory](#) Committee Bylaws to Eliminate the Sunset Date of the Committee, Increase Member Term Limits and Eliminate the Limitation on Officer's Terms
27.
 - a. [Authorize the Information Technology Department \(ITD\) to provide requested services to](#) Natividad Medical Center (NMC) for the additional time periods indicated in the following;
 - b. Amend the 1930-8137 ITD Fiscal Year (FY) 2009-10 budget to reflect increased expenditures and \$173,540 of additional offsetting revenue being received from NMC for one month of information technology services to be rendered between July 1 and July 31, 2009 (4/5th vote required);
 - c. Amend the 1930-8140 ITD FY 2009-10 budget to reflect increased expenditures and \$278,945 of additional offsetting revenue being received from NMC for six months of phone service rendered between July 1 and December 31, 2009 (4/5th vote required);
 - d. Amend the 1930-8137 ITD FY 2009-10 budget to reflect increased expenditures and \$135,228 of additional offsetting revenue being received from NMC for one time costs to separate Natividad Hospital data network from County data network (4/5th vote required); and
 - e. Direct the Auditor/Controller to increase estimated revenue and appropriations by \$587,713 in ITD as detailed in the Board Order.
28.
 - a. [Approve the Fiscal Year 2009-10 Development Set-Aside \(DSA\) Marketing Plans, submitted by the Monterey County](#) Convention and Visitors Bureau (MCCVB), the Arts Council for Monterey County (ACMC), and the Monterey County Film Commission (MCFC), as recommended by the Overall Economic Development Commission (OEDC);
 - b. Authorize the Contracts/Purchasing Officer to execute an Agreement with the MCCVB for the term July 1, 2009 through June 30, 2010, in an amount not to exceed \$887,397;
 - c. Authorize the Contracts/Purchasing Officer to execute an Agreement with the ACMC for the term July 1, 2009 through June 30, 2010, in an amount not to exceed \$260,303; and
 - d. Authorize the Contracts/Purchasing Officer to execute an Agreement with the MCFC for the term July 1, 2009 through June 30, 2010, in an amount not to exceed \$124,893.

29.
 - a. [Approve a Professional Services Agreement with the Monterey County Business Council \(MCBC\) for the term July 1, 2009 through June 30, 2010, in an amount not to exceed \\$108,000, to administer all aspects of the Competitive Clusters \(C \) Project, and](#)
 - b. Authorize the Contracts/Purchasing Officer to execute the Agreement.
30. [Direct the Clerk of the Board to solicit bids to be opened on Tuesday, August 18, 2009 for the Ranger Station and Kiosk](#) Improvements Project at Lake Nacimiento, Monterey County Parks, Bid No. 10206-B.
31. [Direct the Clerk of the Board to solicit bids to be opened on Tuesday, August 18, 2009 for the Site Improvements](#) Project at Lake Nacimiento, Monterey County Parks, Bid No. 10206-A.
32.
 - a. [Approve and authorize the establishment of a new special revenue fund \(Fund 17 - Self Insurance\);](#)
 - b. Approve and authorize an increase of \$4,286,500 in appropriations and revenues for Fund 17 - Self Insurance in Fiscal Year (FY) 2009-10 Adopted Budget as detailed in the attached Board Order (4/5th vote required);
 - c. Authorize and approve the Assistant County Administrative Officer for Human Resources/Risk Management to oversee independent audits of all employee benefits programs; and
 - d. Direct the Auditor-Controller to increase appropriations and revenue in the FY 2009-10 Adopted Budget as detailed in the Board Order.
- 32.1 [Authorize the Public Works Director to execute an amendment to the Subdivision Improvement Agreement for](#) the Valley View subdivision (CHISPA PLN040767) to substitute a deed of trust as improvement security until such time as the project is ready to proceed, and grant an extension of time to perform.

RMA - PLANNING DEPARTMENT:

33.
 - a. [Accept and authorize the chair to execute the Offer to Dedicate an Irrevocable Open Space and Scenic](#) Easement Deed in Exchange for Transferable Development Credits; and
 - b. Direct the Clerk of the Board to submit the Offer to Dedicate an Irrevocable Open Space and Scenic Easement Deed in Exchange for Transferable Development Credits, Notice of Transferable Development Credit(s) and Indemnification Agreement to the Monterey County Recorder for recordation. (Offer to Dedicate an Irrevocable Open Space and Scenic Easement Deed in Exchange for Transferable Development Credits - PLN060613/Lipman, 41730 Pfeifer Ridge Road, Big Sur)
34.
 - a. [Approve Amendment No. 2 to Professional Services Agreement No. A-11225 with Denise Duffy & Associates,](#) Inc. (DDA) where the Base Budget is increased by \$36,995 to \$318,330 with a Contingency increase of \$5,549 to \$47,749, for a total amount not to exceed \$366,079 to provide additional

services associated with the Environmental Impact Report (EIR) for the Villas de Carmelo (PLN070497) in Carmel, Coastal Zone, for a term through December 31, 2009;

- b. Approve Amendment No. 2 to Funding Agreement No. A-11226 with Carmel Hospital Development, LLC where the Base Budget is increased by \$36,995 to \$318,330 and the County Surcharge is increased by \$6,289 to \$107,256, with a Contingency increase of \$5,549 to \$47,749, for a total amount not to exceed \$473,335 to allow funding to Monterey County for costs incurred by DDA and County departments to provide additional services associated with the EIR for the Villas de Carmelo (PLN070497) in Carmel, Coastal Zone, for a term through December 31, 2009; and
- c. Authorize the Director of Planning to execute Amendment No. 2 to Professional Services Agreement No. A-11225, Amendment No. 2 to Funding Agreement No. A-11226 and future amendments to these Agreements where the amendments do not exceed ten percent (10%) of the original Agreement amounts and do not significantly alter the scope of work.

(Contract - PD060228/Denise Duffy and Associates, County-wide)

RMA - PUBLIC WORKS:

- 35.
 - a. [Disallow any and all bid protests; b. Award a contract to Granite Rock Company dba Pavex Construction Division,](#) the lowest responsible Base bidder, for the Espinosa Road Overlay Project, Project No. 09-140465, in the amount of \$1,975,828;
 - c. Approve the Performance and Payment Bonds executed and provided by Granite Rock Company dba Pavex Construction Division;
 - 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 and subject to the terms of the Public Contract Code, approve amendments to the contract where the total of the amendments do not exceed fifteen percent (15%) of the original contract amount, and any amendments do not significantly change the scope of work.
- 36.
 - a. [Adopt Resolution to accept Permanent Easement Grant Deed for roadway and public utility easement and](#) Grant Deed for well equipment easement and pipeline easement (Easements) from the San Jerardo Housing Cooperative, Inc. (Cooperative); and
 - b. Authorize the Director of Public Works to execute the Certificate(s) of Acceptance and Consent to Recordation for said Easements on behalf of the County.
- 37. [Introduce, waive the reading, and set for August 25, 2009, at 10:30 a.m. to consider adoption of an ordinance](#) amending the Monterey County Code, Title 12, Section 12.12.010, to establish a 45 m.p.h. speed limit on Laureles Grade from Carmel Valley Road to a point 500 feet north of the centerline of Miramonte Road, in Carmel Valley.

38. a. Authorize and direct the Auditor-Controller to decrease Fund Balance Designations - 3115, by \$20,000 and increase the available fund balance, Unreserved Fund Balance - 3101, by \$20,000 for County Service Area 33 - Coast Ridge Subdivision, Fund 067, Unit 8198; and
- b. Authorize and direct the Auditor-Controller to increase appropriations for Fund 067, Unit 8198, Account 6312, Maintenance - Public Works, by \$20,000 (4/5th vote required).
39. a. Adopt Resolution finding that the repairs and renovations in various shower stalls of the Monterey County Adult Detention Facilities, located at 1410 Natividad Road, Salinas continues to pose an emergency requiring immediate action without adopting plans and specifications and giving notice for bids to let contracts; and
- b. Adopt Resolution ratifying the execution of emergency contracts and emergency actions taken by the Contracts/Purchasing Officer, or his designee, to respond to the emergency (4/5th vote required).

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