S-1 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 items of significant exposure to litigation.

RESULTS OF CLOSED SESSION: The Board provided direction to Counsel how to proceed and try to avoid litigation.

b. Pursuant to Government Code section 54956.9(a), the Board will confer regarding existing litigation.
   1. Helping Our Peninsula’s Environment vs. Monterey County Board of Supervisors (M82643)
   2. Sierra Club, et al. vs. County of Monterey, et al. (M82632)
   3. Robyn Snyder-Bush (WC)

RESULTS OF CLOSED SESSION: The Board approved tentative settlement.
c. Pursuant to Government Code section 54957, the Board will confer regarding recruitment of Natividad Medical Center executive management staff.

RESULTS OF CLOSED SESSION: The Board provided direction to move forward with recruitment of NMC executive management staff.

d. Pursuant to Government Code section 54956.9(b), the Board will confer with real property negotiators.
   Property: All Monterey County Superior Court facilities, locations: 240 Church Street, Salinas; 1200 Aguajito Road, Monterey; 250 Franciscan Way, King City; 3180 Del Monte Boulevard, Marina; and 1422 Natividad Road, Salinas.
   Agency Negotiator: Nick Chiulos
   Negotiating parties: The County of Monterey and the Administrative Office of the Courts, State of California
   Under negotiation: Price and terms

RESULTS OF CLOSED SESSION: The Board discussed price, terms, and timing of transfer in those matters.

e. Pursuant to Government Code section 54956.9(b), the Board will confer with real property negotiators.
   Property: One or more sites in the unincorporated area of the County
   Agency negotiator: Wayne Tanda
   Negotiating parties: County of Monterey and California Department of Corrections and Rehabilitation
   Under negotiation: Terms

RESULTS OF CLOSED SESSION: This item was removed and not considered by the Board

SA-3

f. Pursuant to Government Code section 54957, the Board will provide performance evaluations for the following:
   1. County Administrative Officer
   2. County Counsel

10:30 A.M.

ROLL CALL:
Present: Supervisors Armenta (Chair), Calcagno, Salinas, Mettee-McCutchen, Potter

1. Pledge of Allegiance was led by Supervisor Armenta

2. 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.
   No additions or corrections.
3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

Supervisor Potter requested Consent Item 17 be pulled.

PUBLIC COMMENT:
· Hans Jongens urged the Board to approve only the Consent Items that are the most necessary.

Motion by Supervisor Salinas to approve all Consent Items excluding Item 17, seconded by Supervisor Potter. All Ayes

Motion to pull Consent Item 17 and be brought back at a date uncertain by Supervisor Potter, seconded by Supervisor Mettee-McCutcheon. All Ayes

OTHER BOARD MATTERS:

4. Board Comments, Referrals, and Updates
Supervisor Armenta proposed an ordinance regulating Big Box Superstores in rural areas of Monterey County.

5. CAO Comments
Lew Bauman, CAO, announced that Monterey County has been selected as one, of the first time ever, Top 100 Best Fleets in North America for 2008 by Government Fleet magazine and acknowledged Tomas Abear, Fleet Manager, for his achievement in fleet management, the entire Fleet team, and the Resource Management Agency.

6. Public Comment (Limited to 3 minutes per speaker
· Malvina Torres spoke regarding an incident at the Women’s Shelter and urged improvement be made in helping the community.
· Hans Jongens submitted an article regarding Presidential Candidate Barack Obama; and property taxes.

7. Adopted a Resolution No. 08-288 - proclaiming October 3 through October 9, 2008, as “Bi-National Health Week.” (Full Board)
Motion by Supervisor Salinas, seconded by Supervisor Calcagno. All Ayes

8. Adopted a Resolution No. 08-289 - proclaiming the month of September 2008, as “National Alcohol and Drug Addiction Recovery Month.” (Supervisor Armenta)
PUBLIC COMMENT:
· Lori Carriedo, on behalf of the preventions coalitions in Salinas, thanked the Board for recognizing the month of September 2008 for being a recovery month.
· Lucas Cole, employee of Sun Street Center, shared some of his recovery experience and thanked the Board for their commitment and funding of the recovery program.
Motion by Supervisor Calcagno, seconded by Supervisor Potter. All Ayes
SCHEDULED MATTERS:

S-2  Received and accepted an oral presentation on the Enterprise Resource Planning (ERP) Project.

S-3  Ordinance No. 5116 – Adopted an Interim Ordinance to modify and extend Interim Ordinance No. 5086 for one (1) year, until and through October 1, 2009, temporarily limiting new development in the Carmel Highlands, pending the County’s study and consideration of an Onsite Wastewater Management Plan. (4/5th vote required) (Ordinance – PLN070521/Carmel Area Land Use Plan, Carmel Highlands)

PUBLIC COMMENT:
· Brendon Connolly, on behalf of George & Raimie Kriste, believed the issue had been resolved and thanked Richard LeWarne and Mary Ann Dennis.
· Rick Steres, architect for a project on San Remo Rd., stated he was mistakenly excluded from the list of pending applications, submitted letter and requested consideration to be placed on the pending list.
· Brian Finegan, representing Frank Hennessy, presented packet and reviewed Carmel Highlands moratorium he urged the Board to make corrections to the pending list of applications and add Mr. Hennessy’s application to the list.
· Frank Hennessy, added to Mr. Finegan’s remarks, stated his planner and environmental staff and were aware that he was near the end of the application process.

Motion by Supervisor Potter, seconded by Supervisor Calcagno. 4 Ayes 1 No – Supervisor Mettee-McCutcheon.

Supervisor Mettee-McCutcheon posed a substitute motion, to hear both issues separately, no second. No Action taken.

S-4  Held a public hearing continued from prior hearing dates to consider:
Resolution No 08-292
a. Denial of the appeal by Willsen and De Amaral et al from the Zoning Administrator’s approval of a Combined Development Permit (PLN050447/Reynolds (Kashfi)); and
b. Approved of a Combined Development Permit (PLN050447/Reynolds (Kashfi)) consisting of: a Coastal Administrative Permit and Design Approval to allow the construction of a 1,610 square foot, 2-story single family residence with a 324 square foot attached garage, and septic system; and a Coastal Administrative Permit for a permanent well. (Appeal - PLN050447/Reynolds (Kashfi), 74 Corona Road, Carmel Highlands, Carmel Area, Coastal Zone)

PUBLIC COMMENT:
· John Bridges, representing Mr. Kashfi, urged the Board to approve staffs recommendations with the addendum.
S-4 Motion by Supervisor Potter with the addition of addendum to condition 20, seconded by Supervisor Salinas. All Ayes

Recessed to Lunch - Legislative Committee Meeting

1:30 P.M. RECONVENED

ROLL CALL:
Present: Supervisors Armenta (Chair), Calcagno, Salinas, Mettee-McCutcheon, Potter.

SCHEDULED MATTERS:

S-5 Receive oral report and consider recommendations from the Legislative Committee meeting of September 23, 2008.

S-6 a. Agreement No. A-11286 - Approved a Professional Services Agreement with Wood Rodgers, Inc. to provide environmental documentation and plans, specifications, and engineer's estimate for the Monterey Bay Sanctuary Scenic Trail - Moss Landing Segment, Project No. 866865, in an amount not to exceed $1,048,896 for a term through December 30, 2011; and
b. Authorized the Contracts/Purchasing Officer to execute the Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

Motion by Supervisor Calcagno, seconded by Supervisor Potter. All Ayes

SA-2 Closed Session under Government Code section 54950, relating to the following items:

a. Pursuant to Government Code section 54957, the Board will provide performance evaluations for the following:
   1. County Administrative Officer
   2. County Counsel

(This matter may be considered at any time during the day)

RESULTS OF CLOSED SESSION: The Board provided direction to County Administrator Officer and County Counsel regarding goals, objectives, and strategic initiatives.

READ OUT CLOSED SESSION See S-1 (a – e) and SA-2
ORDER FOR ADJOURNMENT

In Memory of Enid Sales

APPROVED:

/s/ Fernando Armenta
CHAIR, BOARD OF SUPERVISORS

ATTEST;
NICHOLAS E. CHIULOS
Interim Clerk of the Board

BY: /s/ Denise Hancock
DEPUTY

(Supplemental Sheet)
CONSENT CALENDAR

Motion by Supervisor Salinas to approve all Consent Items excluding Item 17, seconded by Supervisor Potter. All Ayes

Motion to pull Consent Item 17 and be brought back at a date uncertain by Supervisor Potter, seconded by Supervisor Mettee-McCutcheon. All Ayes

HEALTH AND SOCIAL SERVICES:

9. a. Agreement No. A-11282 - Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign a contract with Meals on Wheels of the Monterey Peninsula for $416,576, to provide congregate and home-delivered meals to Monterey County seniors for the period July 1, 2008 through June 30, 2009; and
   b. Authorized the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to the 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.

10. Authorized and approved the Department of Social and Employment Services to develop and submit a Volunteer Income Tax Assistance Grant Program application for an amount up to $29,986.

11. a. Board Budget No. 08/09-048 - Authorized the purchase of two (2) 2008 seven-passenger minivans in the amount of $52,000 to be used by staff located at the Health Department’s Women, Infants, and Children Branch; and
   b. Directed the Auditor-Controller to increase Fiscal Year 2008-09 appropriations and revenue as outlined in the Board Order.

CRIMINAL JUSTICE:

12. Agreement No. A-11283 (Boronda Community School); Agreement No. A-11284 (Silver Star Resource Center)
   a. Approved and authorized the Chief Probation Officer to sign two (2) Memoranda of Understanding in the amounts of $158,084, and $183,490 with the Monterey County Office of Education for collaborative services with the Boronda Community School, and the Silver Star Resource Center, Independent Study Program during Fiscal Year 2008-09; and
   b. Authorized the Chief Probation Officer to sign up to three (3) future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work.

13. Board Budget No. 08/09-049
a. Approved the reclassification of two (2) Supervising Office Assistant I to two (2) Supervising Office Assistant II;
b. Amended the Fiscal Year (FY) 2008-09 Probation Department Budget Unit 255 to delete two (2) Supervising Office Assistant I and add two (2) Supervising Office Assistant II; and
c. Directed the Auditor-Controller to incorporate these changes in Budget Unit 255-Probation for FY 2008-09.

GENERAL GOVERNMENT:

14. a. Adopted Resolution No. 08-290 - approving the Office of Emergency Services to submit an application for the Homeland Security Fiscal Year (FY) 2008 Grant Program in the amount of $978,800; and
b. Adopted a Resolution designating and authorizing as Monterey County representatives, the appropriate Auditor-Controller staff, Emergency Services Manager and Planner to execute grant documents.

15. Resolution No. 08-291 - Adopted a Declaration of Local Emergency and Recognition of Conditions of Extreme Peril in the aftermath of the Basin Complex Fire.

16. a. Supported expansion of the Monterey - Santa Cruz Commission on Medical Care to include Merced County; and,
b. Directed County Administrative Office and County Counsel to draft an ordinance to amend County Code 2.45 Monterey - Santa Cruz Commission on Medical Care to include Merced County and to modify the Membership of the Commission.

RMA - PLANNING DEPARTMENT:

17. PULLED TO A DATE UNCERTAIN Approve and Authorize the Chair of the Board of Supervisors to execute a "Release of Liability" from the "Settlement Agreement and Release" between the Pebble Beach Company and the County of Monterey, County of Monterey Action No. 89303, the terms of a 1991 settlement agreement now fully performed by the Pebble Beach Company, encumbered property now owned by the Del Monte Forest Foundation with a deed restriction, and it has requested a release in order to convey the property. (PD080842)

RMA - PUBLIC WORKS:

18. Agreement No. A-11285
a. Approved a Contract to Purchase Permanent Easement (APN 113-161-018) in the amount of $5,465 for the purchase of 0.1558 acre (6,786 sq. ft.) permanent road easement for the Russell Road and Van Buren Avenue Traffic Signal, Greater Salinas area; and
b. Authorized the Acting Public Works Director to execute the Contract to Purchase Permanent Easement (APN 113-161-018) and the Certificate of Acceptance and Consent to Recordation on behalf of the County.

19. Agreement No. A-07540
   a. Approved and authorized the Contracts/Purchasing Officer to renew Lease Agreement A-07540 through June 30, 2018, with Salinas Airport Business Partners for 25,750 square feet of general office space located at 752 LaGuardia Street, Salinas, California, for use by the Department of Child Support Services;
   b. Directed the Auditor-Controller to make lease payments of $37,337.50 per month, effective July 1, 2008, and in accordance with the terms of the agreement; and
   c. Authorized the optional extension of the Lease Agreement for an additional two, five-year periods under the same terms and conditions if deemed by the Contracts/Purchasing Officer to be in the best interest of the County.

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