ROLL CALL:
Present: Supervisors Salinas (Chair), Armenta, Calcagno, Parker and Potter.

1. Additions and Corrections for Closed Session: County Counsel announced agenda corrections and proposed additions, which were acted on by the Board as provided in Sections 54954.2 of the California Government Code.

**Item Removed Under Closed Session:**
2. b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
   (1) Stagecoach Territory, Inc. v. County of Monterey, et al. (MCSC Case No. M104908)

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 East Garrison Project (generally bounded by Reservation Road to the North and West, Watkins Gate Road to the South and Travel Camp Road to the East)
      Agency Negotiator: Jim Cook
      Negotiating parties: the Redevelopment Agency of the County of Monterey and East Garrison Partners
Under negotiation: Price and terms

CLOSED SESSION REPORT: The Board of Directors of the Redevelopment Agency provided direction to Mr. Tanda to advise Mr. Cook as to how to proceed in negotiations.

b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
   (1) Stagecoach Territory, Inc. v. County of Monterey, et al. (MCSC Case No. M104908) Item removed via Additions and Corrections.
   (2) Maria Buell, et al. v. Monterey County, et al. (USDC Case No. CV10-1952 JF)
   CLOSED SESSION REPORT: The Board received an update from counsel on the status of this lawsuit; a hearing is scheduled on Thursday, May 20, 2010.

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: All Units
   CLOSED SESSION REPORT: The Board provided direction to Mr. Honda on how to proceed in negotiations.

d. Pursuant to Government Code section 54956.9(c), the Board will confer regarding potential initiation of one litigation case.
   CLOSED SESSION REPORT: The Board conferred with counsel and did not provide additional authorization; if the complaint is filed, it will be available in the office of County Counsel.

e. Pursuant to Government Code section 54956.9(b), the Board will confer regarding one item of significant exposure to litigation.
   CLOSED SESSION REPORT: The Board received an update on this matter, but did not provide further direction.

10:30 A.M.

ROLL CALL:
Present: Supervisors Salinas (Chair), Armenta, Calcagno, Parker and Potter.

3. The Pledge of Allegiance was led by Supervisor Parker.

4. Additions and Corrections: There were no additions or corrections.

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
   · Supervisor Calcagno pulled item 16 for comment and questions.
   · Jay Donato commented on item 16 and his concerns on behalf of the SEIU 521.
· County Administrative Officer Bauman addressed comments on item 16.
· Supervisor Parker requested information on the timelines related to item 16. Keith Honda and Auditor-Controller Michael Miller responded to questions regarding item 16.

**Motion by Supervisor Armenta, seconded by Supervisor Parker to approve the Consent Calendar, with the exception of item 16. ALL AYES**

**OTHER BOARD MATTERS:**

6. Board Comments  
   · Supervisor Armenta invited the community to attend the Memorial Day ceremony scheduled on May 30th at 11:00 a.m. at the Vietnam Memorial on Laurel Drive.  
   · Supervisor Armenta advised he spent two hours at the Animal Services facility last Thursday. He noted it is a great facility and the visit was very informative.  
   · Supervisor Parker thanked Harry Weis, NMC CEO for being her special guest at Hot Drinks and Hot Topics last night.  
   · Supervisor Calcagno announced that at his May 19th luncheon he will give $16,000 to schools and libraries in the area.

7. CAO Comments and Referrals  
   County Administrative Officer Lew Bauman advised of the following Board referral:  
   1) Referred Arizona Senate Bill 1070 to the Legislative Committee, to be brought forward at a later date. (Armenta)

8. Public Comment  
   · Bill Carrothers  
   · Bill Harris  
   · Hans Jongens

9. United States Census update in Monterey County provided by Lydia Zendejas.

9.1 Adopted Resolution No. 10-121 Honoring Lorri Koster for her service as Chair of the Board to the Grower-Shipper Association by the Grower-Shipper Association in their 80 Year History, representing over 300 members throughout Monterey, San Benito, Santa Cruz and Santa Clara counties. (Full Board) (Added via Addendum)  

**Motion by Supervisor Calcagno, seconded by Supervisor Armenta. ALL AYES**
APPOINTMENTS:

10. Appointed Fabian Barrera to the Equal Opportunity Advisory Commission to fill an unexpired term ending December 31, 2010. (Full Board)

   **Motion by Supervisor Parker, seconded by Supervisor Calcagno. ALL AYES**

SCHEDULED MATTERS:

S-1 Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:

a. Conducted a Public Hearing on the Five Year Implementation Plan for the Boronda and Castroville/Pajaro Redevelopment Project Areas; and

b. Approved of the Five Year Implementation Plan for the Boronda and Castroville/Pajaro Redevelopment Project Areas.

   **Public comment: Hans Jongens; Bill Carouthers; Eric Tynan; Jan Mitchell**

   **Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES**

S-2 Considered and adopted Resolution No. 10-123 and took the following actions:

a. Certified that the Board has reviewed and considered the information in the Mitigated Negative Declaration previously adopted by Caltrans on June 23, 2009 for the State Route 68 at San Benancio Road Intersection Improvements, Project No. 10-111065;

b. Ratified prior action of the Board on item 32 from the April 27, 2010 meeting approving a Contract to Purchase Permanent Easements and Temporary Construction Easement (18,927 square feet, 31,555 square feet, respectively) with the Domain corporation, a California corporation, and Islandia 29 LP, a Delaware limited partnership (APN 161-011-084), in the amount of $6,800, for Right-of-Way for this project, and authorizing the Director of Public Works to execute the Contract; and

c. Ratified prior action of the Board on item 33 from the April 27, 2010 meeting approving a Contract to Purchase Permanent Easement, Public Utility Overhead Easement, and Temporary Construction Easement (2897 square feet, 4195 square feet, and 4195 square feet, respectively) with Brian McEldowney (727 Monterey-Salinas Highway, APN 161-061-003), in the amount of $32,300 for Right-of-Way for this project, and authorizing the Director of Public Works to execute the Contract. 12:00 P.M.

   **Public comment: Mike Weaver; Jan Mitchell; Hans Jongens**

   **Motion by Supervisor Potter, seconded by Supervisor Armenta. 4 - 1 (Supervisor Parker dissented)**

12:00 P.M. Recess to Lunch - Joint Board Leadership Meeting

1:30 P.M. RECONVENED
ROLL CALL:
Present: Supervisors Salinas (Chair), Armenta, Calcagno, Parker and Potter.

SCHEDULED MATTERS:

S-3 Hearing held and adopted Resolution No. 10-124 and:

a. UPHELD the appeal by Bruce Meyer from the Planning Commission’s-- adoption of a Mitigated Negative Declaration and approval of a Combined Development Permit (PLN040581/Moellentine); and

b. DENIED the application for a Combined Development Permit (PLN040581/Moellentine) consisting of a Coastal Administrative Permit and Design Approval to demolish an existing 2,704 square foot single family residence and 426 square foot garage (3,130 square feet total), construct a new 4,884 square foot, 3-level single family residence with a 1,406 square foot subterranean garage, grading (400 cubic yards cut) [3,229 sq. ft. above grade; 1,655 sq. ft. lower habitable level; 1,406 sq. ft. is garage; 6,290 sq. ft. total all]; Variance to reduce the east side setback from five feet to three feet, six inches along a private easement; retaining walls; and Coastal Development Permit to allow development with a positive archaeological report.

Public comment: Dave Swiegert

Motion by Supervisor Potter, seconded by Supervisor Calcagno to approve staff recommendation and incorporate revisions so Findings 2a. and b. now read as follows:

(a) Even with the revisions to the project application since May 2008, the size and design of the structure are too massive and conflicts with the natural setting and scale of the surrounding homes also located within the public viewshed. Siting of the structure has small front and side set backs allowing a minimal front yard on Scenic Drive which in the context of size and scale of the project is visually intrusive and intrudes into the viewshed as seen from Scenic Drive and therefore is not subordinate (Policy 2.2.2). Although the revisions break up the middle of the structure, the architectural rendering shows the house from Scenic Drive to be much larger than adjacent homes in the neighborhood (Policy 2.2.4.10.c) and therefore, the proposed structure does not blend in with and is not subordinate to the surrounding environment.

(b) Although applicants reduced the structure by lowering the middle of the structure to reduce the mass and be more visually subordinate to the natural scenic character of the area, the Board has determined that the structural design of this house containing three levels with massive columns is not a design that blends into the site and its surroundings. It would visually intrude into the viewshed in comparison to many other more subordinate designs available to the applicant. The project can be designed to better meet the LCP’s requirement of subordination to the surrounding viewshed area (Policy 2.2.3.6). For example, this could be achieved by breaking up the surfaces, setting back the second story with intervening pitched roofs and offsetting design components. The project could also be lowered into the site with direct underground garage access similar to many other homes in the area. The
project could also be designed at a height comparable to the height of the existing structure on the site. 4 - 1 (Supervisor Armenta dissented)

S-4  a. Considered and adopted Ordinance 5159 adding Chapter 18.27 to the Monterey County Code to create a pilot program implementing a state law commonly known as the Mills Act. The ordinance establishes uniform procedures under which the County may enter into a maximum of five contracts with owners of qualified historic properties to preserve, restore, and maintain the historic properties in exchange for preferential property tax assessment; and

b. Directed staff to return to the Board two (2) years from adoption of the Ordinance for review of the pilot program. (Ordinance - PLN080298/Pilot Mills Act Ordinance, County-Wide, Board Referral No. 2008-27)

Public comment: Kent Seevy, Melanie Gideon, Mark Norris, Barbara Rainer, Bruce Meyer, Joel Panzer, Salvador Rios.

Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

ORDER FOR ADJOURNMENT
In memory Don Barsotti

/s/ Simón Salinas
SIMÓN SALINAS, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: /s/ Gail T. Borkowski
CONSENT CALENDAR

HEALTH AND SOCIAL SERVICES:

11. Agreement No. a-11699; Board Budget No. 09/10-149
   a. Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign an agreement with First Alarm Security Services for $720,511 to install and maintain a DMP Access/Security System in eight (8) DSES locations for the period April 1, 2010 through June 30, 2015;
   b. Authorized the Director of the Department of Social & 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;
   c. Directed the Auditor-Controller’s Office to amend the Department of Social & Employment Services Fiscal Year (FY) 2009-10 Adopted Budget SOC005-001-5010-8262 to increase appropriations and estimated revenues of $416,511 as indicated in the Board Order (4/5th vote required); and
   d. Directed the Auditor-Controller’s Office and the County Administrative Office to incorporate approved changes in the Department of Social & Employment Services FY 2010-11 Final Budget SOC005-001-5010-8262 to increase appropriations and estimated revenues of $304,000 as indicated in the Board Order (4/5th vote required).

CRIMINAL JUSTICE:

12. Board Budget No. 09/10-150
   a. Approved and authorized the Sheriff to accept the Anti-Drug Abuse Recovery Act Program (ADA RAP) grant in the amount of $313,492 and the California Multi-Jurisdictional Methamphetamine Enforcement Team (Cal-MMET) Recovery Act Program in the amount of $40,580 through the California Emergency Management Agency (Cal EMA) to enhance the ongoing programs for the Narcotics Enforcement Unit County of Monterey (NEUCOM) and Cal-MMET for the period of March 1, 2010 to February 28, 2012; and
   b. Directed the Auditor-Controller’s Office to increase appropriations and estimated revenues for the Fiscal Year 2009-10 in the Sheriff’s Budget Unit 8246 in the amount of $43,810 as detailed in the Board Order (4/5th vote required).

GENERAL GOVERNMENT:

13. a. Approved and authorized the Chair to sign a Contract to Purchase a Permanent Storm Drain Easement and a Temporary Construction Easement from Cal Investments, Inc. (APN 261-131-023, 17060 Hyland Drive) for the Hyland Drive/El Rancho Way Storm Drain and Street Improvement Project;
b. Approved and authorized the Chair to sign the Permanent Storm Drain Easement and the Temporary Construction Easement; and
c. Directed the Clerk of the Board to record the executed easements with the County Recorder’s Office.

14. a. Approved and authorized the Chair to sign a Contract to Purchase a Temporary Construction Easement from Angelo and Cynthia Cagnacci (APN 261-131-010, 17070 Hyland Drive) for the Hyland Drive/El Rancho Way Storm Drain and Street Improvement Project;
b. Approved and authorized the Chair to sign the Temporary Construction Easement; and
c. Directed the Clerk of the Board to record the executed easement with the County Recorder’s Office.

15. Agreement Nos. A-11028, A-11088, A-11187; Board Budget No. 09/10-151
a. Authorized expenditure of an additional amount not to exceed a total of $250,000 for the services of The Sohagi Law Group, PLC; Kimley-Horn and Associates; and IFC Jones & Stokes for tasks related to the completion of the General Plan Update and its associated Environmental Impact Report, and for participation in hearings before the Planning Commission and Board of Supervisors;
b. Authorized the County Administrative Officer to determine the appropriate allocation of funds between the above-named consultants to enable completion of tasks and, if necessary, execute appropriate amendments to Professional Services Agreement Nos. A-11088 (ICF Jones & Stokes) and A-11187 (Kimley-Horn and Associates) to augment the amount payable within this funding limit and extend the term of the Agreements;
c. Authorized County Counsel to execute an appropriate amendment to Agreement No. A-111028 for Specialized Attorney Services with The Sohagi Law Group, PLC to augment the amount payable within this funding limit, and process payments for all consultants pursuant to this action; and
d. Authorized and directed the Auditor-Controller to transfer $250,000 from General Fund Contingencies 001-CAO020-1050-8034-7811 to County Counsel 001-COU001-1210-8057-6606 (4/5th vote required). (Monterey County General Plan Update)

16. Agreement No. A-11698
a. Approved and authorized the Contracts/Purchasing Officer to sign Amendment No. 1 to the Professional Services Agreement with ADHR Consulting (Term 7/1/09 through 6/30/10), increasing the total amount of the contract from $100,000 to $135,000 for human resources consulting services and approving the revised scope of services (Attachment A); and
b. Directed the Auditor/Controller to make payments based on the approved amendment.

Motion by Supervisor Armenta, seconded by Supervisor Potter. ALL AYES
17. a. Accepted the recommendation of the Monterey County Fish and Game Commission to award eight funding grants; and  
   b. Approved the distribution of Fish and Game grant funds in the amount of $22,450 for specified grant projects for Fiscal Year 2009-10.

**RMA - PUBLIC WORKS:**

18. 2010CONST001; Agreement No. A-11700  
   a. Awarded a contract to Telfer Oil Company, the lowest responsible base bidder, for the Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat 2009 Project, Contract No. 10-551019, in the amount of $519,492;  
   b. Approved the Performance and Payment Bonds executed and provided by Telfer Oil Company;  
   c. Increased the contract amount by seven percent (7%) ($36,364) to fund the allowance for additional charges;  
   d. Authorized a contingency not to exceed ten percent (10%) of the contract amount to provide funding for approved contract change orders; and  
   e. Authorized the Director of Public Works to execute the contract.

19. a. Approved and authorized the Director of Public Works to execute Fuel Service Agreements with requesting local government agencies to sell and dispense fuel at the County’s current cost per gallon, plus a ten percent (10%) surcharge to pay for administrative and maintenance costs associated with this service; and  
   b. Authorized the Director of Public Works to execute the optional extension of the Fuel Service Agreement for additional annual renewals under the same terms and conditions.

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