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

1. Additions and Corrections for Closed Session: County Counsel reported on the Special Meeting Closed Session for Friday, February 5, 2010.

SPECIAL CLOSED SESSION MEETING FEBRUARY 5, 2010
Closed Session under Government Code section 54950, relating to the following items:

a. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the County Administrative Officer.

b. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the County Counsel.

CLOSED SESSION REPORT: The Board performed performance evaluations and discussed various goals and objectives for both positions. The CAO and County Counsel will return in the future for finalization of their evaluations.
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)
   Negotiators: Jim Cook for the Agency; Union Community Partners for the developer
   Under negotiation: Price and terms
   CLOSED SESSION REPORT: The Board of Directors of the Redevelopment Agency conferred with real property negotiators and provided direction to Mr. Cook on how to proceed; appointed Supervisors Parker and Potter to an Ad Hoc Committee to assist in the confidential real property negotiations.

b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
   (1) In re: Daniel Masto, M.D. (Division of Labor Standards Enforcement Case No. 12-77002 SB)
   CLOSED SESSION REPORT: The Board conferred with counsel and authorized counsel to initiate an appeal de novo in this matter.

   (2) McLaughlin v. County of Monterey, et al. (MCSC Case no. M94151)
   CLOSED SESSION REPORT: The Board conferred with counsel and authorized settlement; if settlement is agreed upon by both parties, the agreement will be available in County Counsel’s office.

   (3) County of Monterey v. Nova Partners, et al. (MCSC Case no. M96829)
   (Removed via the Addendum)

c. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators.
   (1) Property: 312 East Alisal Street, Salinas
   County negotiator: Wayne Tanda, RMA Director
   Negotiating Parties: The County of Monterey and the City of Salinas
   Under negotiation: Price and terms
   CLOSED SESSION REPORT: The Board conferred with real property negotiator and provided direction to Mr. Tanda on how to proceed in this matter.
(2) Property: County owned property at the corner of Laurel Drive and Constitution Boulevard, Salinas (APNs 003-851-021, -024, and -027)
County negotiator: Wayne Tanda, RMA Director
Negotiating parties: County of Monterey and the City of Salinas.
Under negotiation: Price and Terms

CLOSED SESSION REPORT: The Board conferred with real property negotiator and provided direction to Mr. Tanda on how to proceed in this matter.

d. Pursuant to Government Code section 54956.9(b), the Board will confer regarding two items of significant exposure to litigation.

CLOSED SESSION REPORT: The Board conferred with counsel and provided direction to staff on how to avoid litigation in this matter.

e. Pursuant to Government Code section 54956.95, the Board will confer with legal counsel regarding a liability claim against the County of Monterey.

(1) Barbara Grant

CLOSED SESSION REPORT: The Board conferred with counsel and confirmed rejection of this claim as a late claim; authorized retention of outside counsel to represent the County in this matter.

f. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators.

Designated representatives: Keith Honda and Patricia Covert
Employee organizations: All Units

CLOSED SESSION REPORT: This matter was not discussed and continued to February 23, 2010.

10:30 A.M.

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

3. Pledge of Allegiance was led by Clerk of the Board Gail T. Borkowski

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

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
   · County Counsel Charles McKee pulled 26 and requested this matter trail to the afternoon.
   · Novo pulled 33.1; advised of clarification to the recommended actions and requested the Board remove recommendation “e.” as that item will return during Phase II of the project.
   · Hans Jongens commented on the Consent items for Natividad and Health Services.
 Supervisor Parker requested that Item 33.1 be continued; advised if it proceeds today she will abstain as she has not had the opportunity to read the item.

Motion by Supervisor Armenta, seconded by Supervisor Potter to approve the Consent calendar with the exception of Item 33.1 ALL AYES

OTHER BOARD MATTERS:

6. Board Comments
   · Supervisor Armenta commented on the letter from the Monterey County Food Bank; thanked the CAO’s office and all involved in the food drive effort.
   · Supervisor Armenta advised of his meeting with Undersecretary of California Veterans Affairs, Rocky Chavez and a future Iraqi-Afghanistan drop-in center in Monterey County.
   · Supervisor Salinas also commended the County employee’s food drive effort.

7. CAO Comments and Referrals - None

8. Public Comment
   · Don Ask; Jay Donato; Hans Jongens.

RESOLUTIONS: Items 9 through 9.8 heard concurrently

9. Adopted Resolution No. 10-014 honoring Dorothy Giannini as the 2010 Monterey County Cattlewoman of the Year. (Supervisor Calcagno)
    Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

9.1 Adopted Resolution No. 10-015 honoring Norman Braga as Soledad Mission Chamber of Commerce’s Citizen of the Year. (Supervisor Salinas)
    Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

9.2 Adopted Resolution No. 10-016 honoring Fire Chief Richard Foster as Soledad Mission Chamber of Commerce’s Friend of the Community. (Supervisor Salinas)
    Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

9.3 Adopted Resolution No. 10-017 honoring Soledad Health Care District as the Soledad Mission Chamber of Commerce’s Business of the Year. (Supervisor Salinas)
    Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

9.4 Adopted Resolution No. 10-018 honoring A&G Pumping as the King City Chamber of Commerce and Agriculture’s Business of the Year. (Supervisor Salinas)
    Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

9.5 Adopted Resolution No. 10-020 honoring Sarah Christina Nash as the King City Chamber of Commerce and Agriculture’s Friend of the Community. (Supervisor Salinas)
    Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES
9.6 Adopted Resolution No. 10-021 honoring Ron Bernard as the Monterey County Cattlemen’s Association Cattleman of the Year. (Supervisor Salinas)  
Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

9.7 Adopted Resolution No. 10-019 honoring Frank Lopez in recognition of his selection as the King City Chamber of Commerce and Agriculture’s 2009 Citizen of the Year. (Supervisor Salinas)  
Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

9.8 Adopted Resolution No. 10-022 honoring Susan McCall upon her retirement from the Monterey County District Attorney’s Office after 35 years of service. (Full Board)  
Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

APPOINTMENTS: Items 10 through 16.4 heard concurrently

10. Reappointed Laura Caballero to the Area Agency on Aging Advisory Council, term ending January 1, 2013. (Supervisor Salinas)  
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

11. Reappointed Eldon Pura to the Greenfield Public Recreation District, term ending December 31, 2013. (Supervisor Salinas)  
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

12. Reappointed Juan Sanchez to the Military and Veterans Affairs Advisory Commission, term ending January 1, 2013. (Supervisor Salinas)  
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

13. Appointed Gloria De La Rosa to the Commission on the Status of Women to fill an unexpired term, ending February 1, 2012. (Supervisor Salinas)  
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

14. Reappointed Richard Godoy to the Soledad Cemetery District, term ending February 1, 2014. (Supervisor Salinas)  
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

15. Reappointed Allan Panziera to the Greenfield Fire Protection District, term ending November 30, 2013. (Supervisor Salinas)  
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

16. Appointed Chief J. Michael Klein to the Community Restorative Justice Commission to fill an unexpired term, ending September 16, 2011. (Full Board)  
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

16.1 Reappointed Juan Sanchez to the Monterey County Planning Commission, term ending January 23, 2014. (Supervisor Armenta)  
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES
16.2 Reappointed Joel Hill to the Greenfield Public Recreation District, term ending December 31, 2013. (Supervisor Salinas)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

16.3 Reappointed Richard Medley to the Fish and Game Commission, term ending February 1, 2013. (Supervisor Calcagno)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

16.4 Reappointed Frank Gomes to the Fish and Game Commission, term ending February 1, 2013. (Supervisor Calcagno)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

SCHEDULED MATTERS:

S-1 Continued to February 23, 2010 consideration of adoption of an Ordinance of the County of Monterey amending Paragraph D of Section 2.32.030 of the Monterey County Code relating to the specific duties of the Purchasing Agent to lease, license and acquire any interest in real property, subject to the conditions set forth in Paragraph D.
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

S-2 a. Reviewed the information for each of the issues presented in the Capital Issue Report and the recommendations of the Capital Improvement Committee (Attachment 1); and
b. Concurred with the recommendations of the Capital Improvement Committee (listed in Attachment 1 to the Board report); provided direction to staff on its preferred options for inclusion in the Draft Five Year Capital Improvement Plan and/or consideration in the Fiscal Year 2010-11 Recommended Annual Budget Process; and directed staff to perform a comprehensive assessment of needs and opportunities that relate to County services.
Motion by Supervisor Potter, seconded by Supervisor Calcagno. ALL AYES

Recessed to Lunch – Continued Closed Session

1:30 P.M. Reconvened

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

26. Agreement No. A-11636
a. Approved a Master Consultant Agreement with Cottage and Castles Real Estate, Inc. not to exceed $815,675 to assist in administering the Monterey County Neighborhood Stabilization Program 1; and
b. Authorized the Director of the Redevelopment and Housing Office to make minor modifications to and execute the Agreement.
Motion by Supervisor Parker, seconded by Supervisor Armenta. ALL AYES
Conducted and closed public hearing; continued this matter to February 23, 2010 at 1:30 p.m. to:

a. Consider denial of the appeal from the Planning Commission’s determination that the Red Barn operations are in violation of Use Permits ZA-3117, ZA-3567-D, and ZA-3629-D;

b. Find that the Red Barn operations are in violation of Use Permits ZA-3117, ZA-3567-D, and ZA-3629-D for 1) outdoor retail sales outside the approved area (ZA-3117), 2) landscaping not in conformance with the approved landscaping plan (ZA-3629-D), and 3) parking and storage of vehicles outside the approved area (ZA-3567-D);

c. Determine that the uses allowed on the "Red Barn" property are those uses stated in the resolutions adopted for ZA-3117, ZA-3567-D, and ZA-3629-D; and

d. Modify the conditions of approval for Use Permits ZA-3117, ZA-3567-D and ZA-3629-D to include new conditions of approval. (Appeal - PD080726/Stagecoach Territory (‘Red Barn’), 1000 Highway 101, Aromas, North County Area Plan)

Myron Etienne addressed the Board on behalf of the applicant.

Interpreters: Rafael Santana and Paola Munoz

Public Comment: Christine Kemp; Dell Matt (Mrs.); Domitila Tapia Narez; Gordon Sonne; Antonio Arande, with Paola interpreter; Rafael Regalado; Ed Mitchell; Keith Higgins; Belinda Talubin; Cesar Cortez; Noemí Valdez, with Paola Munoz interpreter; Evelyn Epstein; Jan Mitchell; Manuel Delgadillo; Hans Jongens; Maria Valdez

Motion by Supervisor Calcagno, seconded by Supervisor Potter to continue this item to February 23, 2010 for final action. ALL AYES

Approved the application from Frances M. Ellingwood to add the Ellingwood Hay Barn ("Red Barn") to the County’s Local Official Register of Historic Resources, as recommended by the County’s Historic Resources Review Board.

Public Comment: Belinda Taluban; Manuel Delgadillo.

Motion by Supervisor Armenta, seconded by Supervisor Potter. ALL AYES

CLOSED SESSION REPORT (See 2 a – f)

ORDER FOR ADJOURNMENT

Adjourn in memory of Martha Norton
/s/ Simón Salinas
SIMÓN SALINAS, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: /s/ Gail T. Borkowski
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER:

17. Agreement No. A-11632 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute the Agreement with Ciber, Inc. for Project Advisor and IT Strategist Services at NMC in an amount not to exceed $310,000 for the period January 30, 2010 through December 31, 2010.

18. Agreement No. A-11546 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No.1 to the Agreement with Healthcare Services Management Inc. (HSM) for MediTech Project Manager Services per RFP #9600-1 at NMC in an amount not to exceed $399,490 (an increase of $89,490) for the period February 1, 2010 through September 30, 2010.

19. Agreement No. A-11633 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute the Agreement with Cloud Solutions, Inc. for Information Technology Network Engineer services at NMC in an amount not to exceed $150,000 for the period December 1, 2009 through June 30, 2010.

20. Agreement No. A-11634 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute the Agreement with NetXperts, Inc. for project management and network engineering information technology services at NMC in an amount not to exceed $330,000 for the period January 1, 2010 through December 31, 2010.

HEALTH AND SOCIAL SERVICES:

21. Agreement No. A-11273 Approved and authorized the Director of Health to sign Amendment No. 2 to Mental Health Services Agreement No. A-11273 with CF Merced Behavioral, LLC dba Country Villa Merced Behavioral Health Center for services to adults with severe psychiatric disabilities, increasing the Agreement in the amount of $483,161 for Fiscal Year (FY) 2009-10 and FY 2010-11 for a total increase in the amount of $966,322 and a revised total Agreement amount of $1,877,428.

22. Board Budget No. 09/10-098
   a. Approved and amended Health Department Budget 4000, Public Health Bureau, HEA003 Revenue and Appropriation budget in the amount of $1,261,766 to incorporate increased funding in the Women, Infants and Children (WIC) and Public Health Emergency Response and reductions in funding in the HIV/AIDS programs;
b. Amended Health Department Budget 4000, Public Health Bureau, HEA003 to add three (3.0) FTE Chronic Disease Prevention Specialist I in the WIC program;
c. Approved and amended Health Department Budget 4000, Clinic Services Bureau, HEA007 Appropriation and Intra Fund Reimbursement in the amount of $203,700; and
d. Directed the Auditor-Controller to amend adopted Fiscal Year (FY) 2010 Health Department Budget 4000, Public Health Bureau, HEA003 to reflect the change in position count and increase in Revenue and Appropriation, and Health Department 4000, Clinic Services Bureau, HEA007 to reflect the increase in Appropriation and Intra Fund Reimbursement as outlined in the attached Board Order. (4/5th vote required)

23. Board Budget No. 09/10-099
   a. Approved and amended the Health Department’s Behavioral Health Bureau Budget HEA002 to reallocate one (1.0) FTE Clinical Psychologist, 3.10 FTE Psychiatric Social Worker II, one (1.0) FTE Behavioral Group Counselor II, one (1.0) FTE Senior Psychiatric Social Worker, and 0.7 FTE Behavioral Health Aide vacant positions to five (5.0) FTE Behavioral Health Unit Supervisor positions; and
   b. Directed the Auditor-Controller to amend the Fiscal Year (FY) 2009-10 Health Department Behavioral Health Bureau Budget to reflect the change in position count.

24. Approved a customer rate increase and service fee adjustments effective January 1, 2010, as shown on amended Exhibit 13.02 - Rate Schedule and amended Exhibit 13.01a - Service Fee Schedule, pursuant to Amendment No. 5 of the Northeastern Franchise Agreement, originally approved by the Board of Supervisors on February 24, 2009.

25. Agreement No. A-11635
   a. Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign Amendment No.1 to the Agreement with Housing Resource Center of Monterey County to provide low-income residents with financial counseling and temporary housing and rental assistance, adding $60,828 and increasing the total contract amount to $120,828 for the period July 1, 2009 June 30, 2010; and
   b. Authorized 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.

GENERAL GOVERNMENT:

Item 26 heard at 1:30 p.m.
27. Approved the use of County Park facilities by the Salinas Korean Christian Church on June 20, 2010 for one function by the Salinas Korean Christian Church in compliance with Monterey County Code 14.12.130.

28. Accepted the Annual Report for Fiscal Year (FY) 2008-2009 from the Monterey County Fish and Game Advisory Commission.

29. Approved Board of Supervisors Action Minutes of Tuesday, January 12, 2010.

30. Approved the recommendation of the Overall Economic Development Commission (OEDC) to fund the Fall Fiscal Year (FY) 2009-10 Development Set-Aside re-granting proposal submitted by the Arts Council for Monterey County (ACMC) in the amount of $145,000.

31. Adopt Resolution to approve and authorize a Pay and Leave Policy to support the Advantage Human Resources Management and Payroll system. (Removed via the Addendum)

**RMA - PLANNING DEPARTMENT:**

32. a. Authorized Planning Director to execute "Release of Liability" from "Land Conservation Agreement No. 68-93" established per Resolution No. 68-56-93, between the County of Monterey, a political subdivision of the State of California, and Sumner D. Gould and Anna M. Gould to current property Owner, Neil P. Mussallem;

b. Directed Clerk of the Board to record "Release of Liability" with the County Recorder; and

c. Rescinded and supersede the previous Board Order adopted on October 20, 2009.

33. Item deleted.

33.1 (Added via the Addendum)

a. Pursuant to Government Code Section 66456.1 and MCC Section 19.03.04, concurred with the applicant’s request and staff’s recommendation to file multiple final maps;

b. Accepted a Final Map for Phase I of the Kennedy Standard Subdivision consisting of one 5.1 acre parcel (Lot 6) and a 125.25- acre remainder parcel. Subsequently, Phase II, consisting of dividing a 125.25-acre parcel into nine 5.1 acre parcels, one 39.35-acre parcel and a 40-acre remainder parcel, will be submitted to the Board of Supervisors.

c. Accepted the Parcel Map Guarantee and Tax Report from the Tax Collector;

d. Directed the Clerk of the Board to submit the Parcel Map, Deed Restriction and Water Conservation Notice (Notice of Water Conservation Requirement) to the County Recorder for recording.
e. Authorize the Chair of the Water Resources Agency to execute the Agreement Regarding Drainage and Flood Control System and direct the Clerk of the Board to submit it to the County Recorder for filing.
   (PLN060014/Kennedy)
   Motion by Supervisor Potter, seconded by Supervisor Calcagno. 4-0
   (Supervisor Parker dissented)

RMA - PUBLIC WORKS:

34. Agreement No. A-11637
   a. Approved and authorized the Contracts/Purchasing Officer to execute a two (2) year Standard Lease Agreement, effective January 1, 2010, with LIFE Foundation Monterey, LLC, a California limited liability company, at 1000 South Main Street, Suites 205, 302, and 313 in Salinas, California, for 7,955 rentable square feet for use by the Department of Social and Employment Services;
   b. Directed the Auditor-Controller to make lease payments in the amount of $13,841.70 per month and in accordance with the terms of the Standard Lease Agreement; and
   c. Authorized the optional extension of the Standard Lease Agreement for an additional second and third term at two years each under the same terms and conditions if deemed by the Contracts/Purchasing Officer to be in the best interest of the County.

35. 2010CONST001
   a. Approved Plans and Special Provisions for the Procurement (Delivery and Application) of Asphalt Emulsion to chip seal and fog seal approximately 42 miles of selected roads throughout Monterey County for the Seal Coat 2009 Project (Contract No. 10-551019); and
   b. Authorized the Clerk of the Board to advertise the "Notice to Bidders" in The Californian on February 15 and February 22, 2010.

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