ROLL CALL
Present: Supervisors Parker (Chair), Armenta, Calcagno, Salinas, and Potter*
*Supervisor Potter arrived prior to Closed Session.

1. Additions and Corrections for Closed Session: None.

CLOSED SESSION

1. Closed Session under Government Code section 54950, relating to the following items:
   a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:
      (1) Omni Resources, LLC v. Monterey County (USDC case no. 06-05420)  
          CLOSED SESSION REPORT: The Board conferred with counsel and received a status report on this matter. No action taken.

      (2) California-American Water Company v. County of Monterey (PUC case no. 97-03-052) (Added via Addendum) 
          CLOSED SESSION REPORT: The Board conferred with counsel and received a status report on this matter. No action taken.
(3) Ag Land Trust v. Monterey County Water Resources Agency, et al. (MCSC case no. M110691) (Added via Addendum)
CLOSED SESSION REPORT: The Board conferred with counsel and received a status report on this matter. No action taken.

(4) Ag Land Trust v. Marina Coast Water District (MCSC case no. M105019) (Added via Addendum)
CLOSED SESSION REPORT: The Board conferred with counsel and received a status report on this matter. No action taken.

b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
   (1) Designated representatives: Keith Honda and Dianne Dinsmore;
       Employee organizations: All Units
CLOSED SESSION REPORT: The Board conferred with labor negotiators and provided direction to the Mr. Honda and Ms. Dinsmore on how to proceed in labor bargaining.

10:30 AM RECONVENED

ROLL CALL

3. The Pledge of Allegiance was led by County Counsel Charles McKee.

4. Additions and Corrections: The Clerk of the Board announced agenda corrections and proposed additions which were acted on by the Board as provided in Sections 54954.2 of the California Government Code.

   Due to the need for immediate consideration by the Board of matters which arose after the posting of today’s agenda, as provided in Section 54954.2 of the California Government Code the Board is asked to make the following additions and corrections:

   Add Under Regular Consent – General Government
   16.2 a. Ratify the Administrative Proclamation of Local Emergency in the aftermath of the conditions of high surf and rising river levels at the Carmel River Beach causing conditions of extreme peril to the safety of persons and property along Scenic Drive and adjoining neighborhoods signed by the Administrative Officer on March 25, 2011.
       b. Extend this proclamation of local emergency for an additional thirty days.

   Add Under Regular Consent – General Government
   16.3 a. Ratify the Administrative Proclamation of Local Emergency of conditions of extreme peril to the safety and well being of persons and property within Monterey County caused by a series of storms and related weather events, commencing March 24, 2011, continuing
through March 27, 2011 signed by the Administrative Officer on March 28, 2011.

b. Extend this proclamation of local emergency for an additional thirty days in accordance with Californian Government Code Section 8630 (4/5ths vote required).

Motion by Supervisor Potter, seconded by Supervisor Armenta to approve the addition of items 16.2 and 16.3 as urgency items. ALL AYES

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
Don Ask pulled items 17, 18, and 19.

Motion by Supervisor Salinas, seconded by Supervisor Armenta. to approve the Consent Calendar – Regular, with the exception of items 16.1, 17, 18, and 19. ALL AYES

Supervisor Parker thanked staff for incorporating her previous comments and spoke regarding item 16.1. See item 16.1 for motion.

Public Comment on 17, 18, and 19: Don Ask.
Yaz Emrani responded to question regarding items 17, 18, and 19.

Motion by Supervisor Potter, seconded by Supervisor Armenta. to approve items 16.1, 17, 18, and 19. ALL AYES

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

6. CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplemental Sheet No. 21) (Added via Addendum)
Supervisor Calcagno questioned staff regarding item 21. Curtis Weeks responded.

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

Adjournment

Reconvene as the Monterey County Board of Supervisors

MONTEREY COUNTY BOARD OF SUPERVISORS

CEREMONIAL RESOLUTION

7. Adopted Resolution No. 11-078 proclaiming April "National Autism Awareness Month" to raise awareness in the general public and recognize people with autism throughout the County of Monterey. (Chair Parker)

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

8. Reappointed Mary Paredes to the Castroville Cemetery District, term ending March 20, 2014. (Supervisor Calcagno)
   Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

9. Appointed Sheriff Scott Miller and Chief of Police Darius Engles to the Juvenile Justice coordinating Council (JJCC), term at the pleasure of the Board. (Full Board)
   Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

10. Appointed Steve DeLorimier to the Agricultural Advisory Committee, filling an unscheduled vacancy term ending June 30, 2012. (Supervisor Calcagno)
    Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES

OTHER BOARD MATTERS

11. Board Comments
    ○ Supervisor Armenta announced that City of Salinas citywide March for Peace this coming Saturday. Contact the City of Salinas or individual Board offices for information. He announced his trip on Sunday to Washington DC with the City Council of Salinas and the Community Alliance for Safety and Peace (CASP) to attend the Department of Justice forum on the prevention of youth violence. He will spend two days there reviewing the approved strategic plan, strategies and best practices and look at establishing next steps to implement plan. Supervisor Armenta met last Thursday with Gov Jerry Brown at the CSAC Board of Directors meeting and the Board took of vote 44 to 4 pass constitutional amendment, to be approved by both Houses. He announced his plans to participate in the annual march with United Farm Workers and reminded all that Cesar Chavez’s birthday is March 31st. He also attended the Panetta Institute lecture on education last night.

    ○ Supervisor Parker announced Natividad Medical Center and the Monterey County Health Department celebrated the ongoing weekly farmer's market on Wednesdays from 11:30 to 5:30 pm and the opportunity to buy fresh fruits and vegetables. She appreciated being part of the Board of Supervisors’ delegation in the UFW march in Greenfield in support and solidarity of workers negotiating a contract with the D’Arrigo Brothers, and to demonstrate the commitment to respect for all people, especially in the Greenfield area.

12. CAO Comments and Referrals: None.

13. Public Comment
    Bill Harris; Hans Jongens; Margie Kay.
SCHEDULED MATTERS

S-1 Received an oral presentation from the Arts Council for Monterey County regarding the Creative Monterey County Action Plan Update.

Public comment: Margie Kay

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

S-2 Adopted Resolution 11-079 declaring:

a. The stay of the Board’s March 23, 2010 decision has expired, thereby making final the March 23, 2010 decision to grant the appeal by Marjorie Kay and deny the application for a Coastal Development Permit (PLN080185/Jehovah Witnesses South Spanish Congregation); and

b. The findings and evidence are adopted, memorializing the Board’s decision of March 23, 2010. (Appeal - PLN080185/Jehovah Witnesses South Spanish Congregation, 125 Sill Road, Las Lomas)

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

Recessed to Lunch

1:30 PM Reconcene

ROLL CALL

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

Scheduled Items

(Removed via Addendum)

S-3 Consider and:

a. Approve the recommended County Financial Guidelines containing Countywide financial principles and strategies for building the Fiscal Year (FY) 2011-12 Recommended Budget and ongoing fiscal management;

b. Approve financial strategies to fulfill Board direction established in ordinance and the Financial Guidelines to fund the Strategic Reserve and Workers’ Compensation Liability Reserve; and

c. Authorize the Auditor-Controller to make necessary accounting transactions to implement Board approved financial strategies related to Strategic Reserve and Workers’ Compensation funding.

S-4 Opened public hearing to consider:

a. An appeal from the Planning Commission’s denial of an application for a Combined Development Permit (PLN070366/Wayland) consisting of: 1) Minor Subdivision Vesting Tentative Map to allow the division of a 38-acre parcel into four parcels of 9.7 acres, 5.3 acres, 9.3 acres, 5.2 acres 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 an estimated 39 oak trees; and grading of approximately
3,800 cubic yards of cut and 3,800 cubic yards of fill, installation of individual septic systems, a 50 foot by 50 foot water tank easement with a 100,000 gallon water tank and 15 foot wide utility easement, a 60-foot wide road and utility easement and a 30-foot wide road and utility easement; and

b. An appeal from the Planning Commission’s denial of an application for a Combined Development Permit (PLN070376/Merrill) consisting of: 1) Minor Subdivision Vesting Tentative Map to allow the division of a 37.8 acre parcel into three parcels of 10.5 acres, 13.8 acres, 7.5 acres and a remainder parcel of 6.0 acres; and 2) Use Permit for development in a visually sensitive area ("VS" District); and grading of approximately 3,100 cubic yards of grading, individual septic systems and 60 foot wide road and utility easements. (Appeal, PLN070366/Wayland Minor Subdivision) (Appeal, PLN070376/Merrill Minor Subdivision) [Request for continuance received from applicants]

Motion by Supervisor Potter, seconded by Supervisor Salinas to continue the opened public hearing on this item to May 3, 2011 at 1:30 p.m.  ALL AYES

S-5 Considered continuance of the Public Hearing, to consider Omni Enterprises’ appeal from the January 26, 2011 Planning Commission action on the application of Omni Enterprises for a Combined Development Permit consisting of a Use Permit, General Development Plan and Design Approval for a 126,523 sq. ft. shopping center, known as the Corral de Tierra Neighborhood Retail Village and to consider Omni Enterprises request to rezone the property to remove the "B-8" Overlay Zoning District from the subject site’s overall "LC-B-8-D" zoning. (Appeal, Discretionary Decision - PLN110077 an appeal of PLN020344/Omni Enterprises LLC, 5 Corral de Tierra Road, Salinas, Toro Area Plan) [Staff has requested a continuance of this item to a date certain.]

Public comment: Mike Weaver; Heidi Guillermo; Donald Kellogg.

Motion by Supervisor Potter, seconded by Supervisor Armenta to continue the public hearing to April 12, 2011 at 1:30 p.m.  ALL AYES

ORDER FOR ADJOURNMENT

APPROVED:

________________________________________
JANE PARKER, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: __________________________
CONSENT CALENDAR

GENERAL GOVERNMENT

14.  a. Amended Fiscal Year (FY) 2010-2011 Information Technology 1930 Appropriation Unit INF001 to delete one (1) Principal Office Assistant and add one (1) Accountant II; and
   b. Directed the CAO to incorporate this change in position count in the FY 2010-11 Information Technology 1930 Appropriation Unit INF001.

15. Adopted Resolution No. 11-086 to expand the Board of Supervisor's Proclamation of Local Emergency regarding washout of section of Highway 1 along the Big Sur coast and authorized emergency contracts for services, work, replacements, and/or repairs without giving notice for bids. (4/5ths vote required)

16.  a. Find that the Bid Protest submitted by Don Chapin Co., the second-low bidder, is without merit;
   b. Waive the irregularity in the bid and award a contract in the amount of $1,397,744 to Monterey Peninsula Engineering, Inc. 192 Healy Avenue, Marina, CA 93933, the lowest responsible bidder for the Hyland Drive/El Rancho Way Street Improvement Project in the community of Boronda, and by Monterey Peninsula Engineering;
   c. Approve the Payment and Performance bonds;
   d. Authorize a contingency in an amount not to exceed ten percent (10%) of the contract amount to provide funding for approved change orders;
   e. Authorize the Director of Redevelopment and Housing to execute the contract and, subject to the terms of the Public Contract Code, approve change orders to the contract that do not exceed $25,000 plus five percent (5%) of the original contract amount in excess of $250,000, do not exceed $150,000, and do not significantly change the scope of work; and
   f. Direct the County Administrative Office to amend the Fiscal Year (FY) 2010-11 budget for Redevelopment & Housing Unit 8221 to increase revenues and appropriations by $742,403. (Removed via Addendum)

16.1 a. Approved amended response to the 2010 Monterey County Grand Jury Final Report; and
   b. Directed the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by April 9, 2011. (Added via Addendum)

Motion by Supervisor Potter, seconded by Supervisor Armenta to approve amended Grand Jury response, and further clarification on recommendation 8.5: recommended the item read: “The County will not be establishing such a committee, but by action of the Board of Supervisors (BOS) of the Water Resources Agency on March 22, 2011, the BOS established the fact that they will hold monthly presentations, including financing and costs, and the public can
weigh in on those issues at that time. Under the WPA, financial matters regarding this project are heard at public meetings of the 1) Board of Supervisors of the Water Resources Agency, 2) the Board of Directors of the Marina Coast Water District, the Board of Directors of the Water Resources Agency and 3) the Public Utilities Commission." ALL AYES

16.2 Adopted Resolution No. 11-080:
   a. Ratify the Administrative Proclamation of Local Emergency in the aftermath of the conditions of high surf and rising river levels at the Carmel River Beach causing conditions of extreme peril to the safety of persons and property along Scenic Drive and adjoining neighborhoods signed by the Administrative Officer on March 25, 2011.
   b. Extend this proclamation of local emergency for an additional thirty days.

16.3 Adopted Resolution No. 11-081:
   a. Ratified the Administrative Proclamation of Local Emergency of conditions of extreme peril to the safety and well being of persons and property within Monterey County caused by a series of storms and related weather events, commencing March 24, 2011, continuing through March 27, 2011 signed by the Administrative Officer on March 28, 2011.
   b. Extend this proclamation of local emergency for an additional thirty days in accordance with Californian

RMA - PUBLIC WORKS

17. Adopted Resolution No. 11-082:
   a. Accepting the Certificate of Completion for the Renovation of North Wing of Salinas Courthouse, Project No. 8772-Project Bid 9781-19 Rebid for Ceramic Tile Supply & Install, performed by U.S. Perma, Inc. dba California Tile Installers; and
   b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Renovation of North Wing of Salinas Courthouse, Project No. 8772-Project Bid 9781-19 Rebid for Ceramic Tile Supply & Install, performed by U.S. Perma, Inc. dba California Tile Installers.

18. Adopted Resolution No. 11-083:
   a. Accepting the Certificate of Completion for the Renovation of North Wing of Salinas Courthouse, Project No. 8772-Project Bid 10090 for Electrical System, performed by Collins Electrical Company, Inc.; and
   b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Renovation of North Wing of Salinas Courthouse, Project No. 8772-Project Bid 10090 for Electrical System, performed by Collins Electrical Company, Inc.
19. Adopted **Resolution No. 11-084**:  
a. Accepting the Certificate of Completion for the Renovation of North Wing of Salinas Courthouse, Project No. 8772-Project Bid 9781-18 for Custom & Finish Carpentry/Casework, performed by Amberwood Installation, Inc.; and  
b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Renovation of North Wing of Salinas Courthouse, Project No. 8772-Project Bid 9781-18 for Custom & Finish Carpentry/Casework, performed by Amberwood Installation, Inc.

20. Adopted **Resolution No. 11-085**:  
a. Amending the Mileage of Maintained County Roads; and  
b. Authorizing the Director of Public Works to forward the Resolution and tabulations to the California Department of Transportation.

**RMA - Monterey County Water Resources Agency**

21. Ratified the selection of Citigroup Global Markets, Inc. as the professional underwriter for the Regional Desalination Project financing plan; direct the underwriter to proceed with their work and report to the Office of the Auditor-Controller, on behalf of the Monterey County Water Resources Agency.  
(Added via Addendum)  
###