9:00 A.M.

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

S-1 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. Property: Landfill
     adjacent properties in the Ford Ord Redevelopment Project Area.
     Agency negotiator: Jim Cook
     Negotiating parties: The Monterey County Redevelopment Agency and Cypress
     Marina Heights LP
     Under negotiation: Price and terms

RESULTS OF CLOSED SESSION: The Board provided direction to Mr. Cook.
b. Pursuant to Government Code section 54956.9(a), the Board will confer regarding existing litigation.
   1. William B. Burleigh vs. County of Monterey, et al. (USDC No. C07 02332 RMW)

   **RESULTS OF CLOSED SESSION:** The Board rejected a settlement offer and provided direction to Counsel on how to proceed.


   **RESULTS OF CLOSED SESSION:** The Board authorized retention of outside counsel to assist in that matter.

   3. Patricia Bernardi, et al. vs. County of Monterey (M73763/H031648)

   **RESULTS OF CLOSED SESSION:** The Board provided direction to Counsel on how to proceed in that matter.

c. Pursuant to Government Code section 54956.95, the Board will confer with legal counsel regarding liability claims against the County of Monterey.
   1. Gerrick Gloria Catugda
   2. Scott Morris

   **RESULTS OF CLOSED SESSION:** The Board denied claims 1 and 2.

NOTE: Supervisor Potter arrived.

1. Additions and Corrections to Closed Session Items
   AC-1 Charles McKee announced agenda addition to Closed Session regarding exposure to a threat of litigation regarding the draft Environmental Impact Report regarding General Plan Update 5.
   **Motion by Supervisor Salinas, seconded by Supervisor Potter.**
   4 Ayes; 1 Absent - Supervisor Calcagno

   **RESULTS OF CLOSED SESSION:** The Board provided direction on how to proceed in the threat of exposure of litigation.

10:30 A.M RECONVENED

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

2. Pledge of Allegiance was led by Supervisor Armenta
3. 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.

AC-2 Withdraw Consent Item 24 under General Government.
Introduce, waive reading, and set November 4, 2008 at 10:30 a.m. for adoption of an ordinance of the County of Monterey, State of California, to amend the Title of Chapter 2.45 of, and Sections 2.45.010, 2.45.020, 2.45.030, 2.45.060, and 2.45.100 of, the Monterey County Code Relating to the Monterey - Santa Cruz Commission on Medical Care.

AC-3 Adjourn in the Memory of Nanette Maysonave
Motion by Supervisor Potter, seconded by Supervisor Salinas. ALL AYES

4. CONSENT CALENDAR – REGULAR (See Supplemental Sheet)
Consent Item 24 Pulled during additions and corrections.
Motion by Supervisor Salinas, seconded by Supervisor Potter. ALL AYES

5. CONSENT CALENDAR – MONTEREY COUNTY REDEVELOPMENT AGENCY (See supplemental Sheet)
Motion by Supervisor Salinas, seconded by Supervisor Calcagno. ALL AYES

OTHER BOARD MATTERS:

6. Board Comments, Referrals, and received Updates
Supervisor Mettee-McCutcheon requested the County support City of Salinas’s proclamation to fast for peace during the week of November 16-22, 2008.

Supervisor Calcagno referred staff to work with the Coastal Commission to explore an off-site mitigation program to address the long-term water issues of the North County coastal area.

7. CAO Comments
County Administrative Officer Lew Bauman stated October 27-31, 2008 is the last week of the County Employee Giving Campaign.

8. Public Comment (Limited to 3 minutes per speaker) No public comment.


9. Adopted Resolution No. 08-315 honoring Fernando Armenta upon being recognized by the County of Monterey and the County Veterans Services Advisory Commission as a recipient of a 2008 Monterey County Veterans of the Year Award.
(Calcagno)
Motion by Supervisor Calcagno, seconded by Supervisor Mettee-McCutcheon. 4 AYES; 1- ABSTAIN – Supervisor Armenta
10. Adopted Resolution No. 08-316 honoring Ronnie Lee Henderson upon being recognized by the County of Monterey and the County Veterans Services Advisory Commission as a recipient of a 2008 Monterey County Veterans of the Year Award. (Calcagno)
   Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

11. Adopted Resolution No. 08-317 honoring Allen L. Gill upon being recognized by the County of Monterey and the County Veterans Services Advisory Commission as a recipient of a 2008 Monterey County Veterans of the Year Award. (Salinas)
   Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

12. Adopted Resolution No. 08-318 honoring John Branson upon being recognized by the County of Monterey and the County Veterans Services Advisory Commission as a recipient of a 2008 Monterey County Veterans of the Year Award. (Potter)
   Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

13. Adopted Resolution No. 08-319 honoring Thomas L. Davis upon being recognized by the County of Monterey and the County Veterans Services Advisory Commission as a recipient of a 2008 Monterey County Veterans of the Year Award. (Mettee-McCutcheon)
   Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

14. Adopted Resolution No. 08-320 honoring Willie B. Smith upon being recognized by the County of Monterey and the County Veterans Services Advisory Commission as a recipient of a 2008 Monterey County Veterans of the Year Award. (Mettee-McCutcheon)
   Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

15. Adopted Resolution No. 08-321 honoring Thomas J. Perkins upon being recognized by the County of Monterey and the County Veterans Services Advisory Commission as a recipient of a 2008 Monterey County Veterans of the Year Award. (Mettee-McCutcheon)
   Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

NOTE: Charles McKee, County Counsel, commented that October 27, 2008 meeting regarding distribution of funds of the Federal Bailout Bill was attended by members of San Mateo County Local County Government; School Districts; and Congresswoman Anna Eshoo.

APPPOINTMENTS:

16. Appointed Mayor Gerald J. Wilmont, City of Marina, to the Community Restorative Justice Commission, for a term ending October 28, 2011. (Full Board)
   Motion by Supervisor Mettee-McCutcheon, seconded by Supervisor Calcagno. ALL AYES
SCHEDULED MATTERS:

S-2  a. Considered conducting a public hearing on Unmet Transit Needs in the unincorporated area of Monterey County in preparation for the Fiscal Year 2009-10 Local Transportation Funds allocation; and

b. Considered and referred all comments received to the relevant transit operators and the Public Works Department for analysis.

Public Comment:
· Sue Putnam requested a public hearing be set as soon as possible.
· Marcie Castro, Area Agency on Aging, stated there is an unmet transportation need and submitted the Senior Needs Assessment preliminary report.

Motion by Supervisor Potter, seconded by Supervisor Mettee-McCutcheon. ALL AYES

S-2  Jehovah Witnesses South Spanish Congregation/PLN 080185

Staff recommendation: hold a public hearing to receive a status report and continued this item to a date to be determined (Appeal - 125 Sill Road, Las Lomas)

Public Comment:
· John Bridges, attorney for applicants, agreed to a continuance of a date certain.
· Margie Kay, appellant, agreed on continuance to November 18, 2008.

Motion by Supervisor Calcagno, seconded by Supervisor Mettee-McCutcheon. continuance to November 18, 2008. ALL AYES

NOTE: Charles McKee requested reconsideration motion of continuance for Item S-3.

Motion by Supervisor Calcagno, seconded by Supervisor Salinas to reconsider Motion of continuance Item S-3. ALL AYES

Public Comment:
· John Bridges stated he understood the continuance to November 18, 2008 will be an open public hearing.
· Margie Kay requested clarification that the continuance will be an open public hearing.

Motion by Supervisor Calcagno, seconded by Supervisor Salinas to continue the open public hearing to November 18, 2008. ALL AYES

Recessed to Lunch – Health & Human Services Committee
1:30 P.M. RECONVENED

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

SCHEDULED MATTERS:

S-4  a. Considered the certified Final Environmental Impact Report (EIR #95-01) prepared for the Yanks Air Museum Combined Development Permit (SH94002);

b. Considered a Technical Addendum to the certified Final Environmental Impact Report prepared for a request to extend the Combined Development Permit; and


Public Hearing Held:
- Kristine Kemp attorney for project, reviewed site of project and presented Yank’s Air Museum movie.
- Art Avalos, Foundation’s Chairman of the Board of the Yanks Air Museum, spoke regarding the foundation and the opportunities for Monterey County.
- David Moore, President and CEO of the Yanks Air Museum spoke regarding programs that will be available to the public at the museum.
- David Meyer, LBM Associated, Project Manager, provided chronology of requirements of the County and requested a five year extension of planning entitlements.
- Carl Nicholas, Co-Founder of Yanks Air Museum, spoke regarding the process of bringing the Yanks Air Museum to Monterey County and the benefits resulting from the museum.
- Kristine Kemp, gave summary of project, stated Mr. Nichols agreed to enter into an Agreement between County of Monterey and Yanks Air Museum to fully indemnify the County should the EDA seeks reimbursement of their money. (Exhibit E) Ms. Kemp requested the elimination of Condition 2, agreed to Condition 3. Requested the use permit extension to expire 24 months after Caltrans issues the encroachment permit, which is required pursuant to Condition 5 of the Oct 12, 2004 Resolution (Copies handed out).

Public Comment:
- Don Chapin, local businessman, supported the project.
- Tom Perkins supported the project.
- Doug Meador, a neighboring property owner, supported the project.
- John Huerta Jr., Mayor of Greenfield, supported the project.
- Brian Finegan, representing Franscioni farmlands opposed extension of time.
- Louis Testaguzza supported approval.
- Tyson Rininger supported approval.
· Paulette Bumbalough, representing Hartnell College, Director of Education Services supported S-4.
· Beverly Meamber supported the extension.
· Lori Atkinson, Vice-Chair Business Development for Salinas Valley Chamber of Commerce, offered Chambers support for the future of the project.
· Jeff Weir supported the project.
· Nancy Isakson expressed concern of the adjacent Francioni property and urged the Board to consider their concerns regarding the buffer area of the project.
· Vincent Guaring supported extension of application.
· Diane Ausonio, Airport Commission, read letter of support.
· Gary Coats endorsed and supported project.
· Paul Mugan, Redevelopment and Housing Director for the City of Greenfield urged the consideration of restating of Condition C and supports the Air Museum.
· Al Oliveira supported the project.
· Mary Claypool, Executive Director of the Monterey County Business Counsel, voiced support and favorably accept the extension being requested.
· Mary Ann Leffèl, President of the Monterey County Business Council Board, supported museum project.
· Robert Fagan read letter into the record for Jeff Davi.
· Yolanda Teneyuque, Mayor Pro Term for the City of Greenfield, supported Kristine Kemp’s requests.
· Manuel Amaral supported the project.
· Ray O’Neal was in favor of the museum.
· Stephen Doolittle, supported the project.
· Hans Jongens, stated the Air Museum should be built in Marina to avoid farmland being used.

Motion by Supervisor Salinas, seconded by Supervisor Mettee-McCutchon. Conditions 1 and 3, delete Condition 2, and extend Combined Development Permit to expire 24 months after Caltrans issues permit. MOTION FAILED

Motion by Supervisor Potter, seconded by Supervisor Mettee-McCutchon. extension of Combined Development Permit to expire in four years, Condition 1 and 3; except Condition 2; included Agreement Performance Indemnification and preclude parking in the south buffer zone. ALL AYES

NOTE: The Board recessed and reconvened.

ROLL CALL:
Present: Supervisors Armenta (Chair) Calcagno, Salinas, Mettee-McCutchon
Absent: Supervisor Potter
S-5    Considered potential revisions to the Inclusionary Housing Ordinance to address agricultural subdivisions and provide policy direction to staff.

NOTE: Supervisor Potter arrived during staff presentation.

Public Comment:
· Manuel Amaral, representing Ed Silva Farms, supported staff recommendation.

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

SA-2 Received report and give direction to staff on options following expiration of Interim Ordinance No. 5080, as modified and extended by Ordinance Nos. 5085 and 5090, relating to the processing of discretionary development entitlements pending the update of the County's General Plan.

No Public Comment.

Motion by Supervisor Potter, seconded by Supervisor Calcagno. To receive staff report and directed staff to return within 30 days.  ALL AYES

NOTE: Supervisor Calcagno referred staff to work with the Coastal Commission to explore an off-site mitigation program to address the long-term water issues of North County Coastal area

NOTE: County Counsel provided Results of Closed Session (see S-1 a-c and AC-1)

ADJOURNED

In Memory of Nanette Maysonave

APPROVED:

/s/ Louis R. Calcagno
LOUIS R. CALCAGNO, CHAIR

/s/ Fernando Armenta
FERNANDO ARMENTA, CHAIR

BOARD OF SUPERVISORS

ATTEST;

NICHOLAS E. CHIULOS
Interim Clerk of the Board

BY: /s/ Denise Hancock
Denise Hancock, Deputy
(Supplemental Sheet)

CONSENT CALENDAR
Motion by Supervisor Salinas, seconded by Supervisor Potter. ALL AYES

HEALTH AND SOCIAL SERVICES:

17. Approved the Area Agency on Aging 2007-08 Year-End Report and authorized the Chair to sign the Year-End Report Transmittal Letter.

18. a. Agreement No. A-11309 Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign an Agreement with West Ed for $106,500 to perform evaluation services for the C.A.R.E.S. Program from September 1, 2008 through March 31, 2009; and
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.

19. Adopted Resolution No. 08-323 proclaiming a state of local emergency relating to the spread of HIV among injection drug users in Monterey County.

20. a. Agreement No. A-11310 authorized the Director of Health the sign Amendment No. 1 to the Practice Management System Agreement between OCHIN and Monterey County; and
b. Accepted the deviations from the County’s standard indemnification language.

CRIMINAL JUSTICE:

21. Board Budget No. 08/09-065
   a. Approved and authorized the Chief Probation Officer to accept a grant award in the amount of $430,348 from the US Department of Health and Human Services for the Silver Star Gang Prevention and Intervention Program for the period July 30, 2008 through December 29, 2009, and sign all grant-related documents and amendments; and
   b. Increased Fiscal Year 2008-09 revenues and appropriations in the amount of $394,486 in Budget Unit 256-Juvenile Institutions and Alternative Programs, for services funded by the grant (4/5th vote required).

GENERAL GOVERNMENT:

22. Approved the Action Minutes of Tuesday, September 16, 2008 and Tuesday, September 30, 2008; copies having been previously distributed to the Supervisors.
23. Agreement No. A-11311 (Peninsula Business Interiors); Agreement No. A-11312 (California Commercial Interiors); Agreement No. A-11313 (Axiom II); Agreement No. A-11314 (Palace Interiors)

Approved and authorized the Contracts/Purchasing Officer to sign Master Agreements with Peninsula Business Interiors, California Commercial Interiors, Axiom II, and Palace Interiors, to provide office furniture including installation services on an as-needed basis for the County of Monterey for the initial term of the date of signing the Agreements, through December 31, 2011, including the option to extend the Agreements for two (2) additional one (1) year periods, with a yearly aggregate value estimated not to exceed $2,000,000 annually for the cumulative total of all four Agreements, in accordance with the terms and conditions set within each Agreement.

24. AC-1 - WITHDRAWN

Introduce, waive reading, and set November 4, 2008 at 10:30 a.m. for adoption of an ordinance of the County of Monterey, State of California, to amend the Title of Chapter 2.45 of, and Sections 2.45.010, 2.45.020, 2.45.030, 2.45.060, and 2.45.100 of, the Monterey County Code Relating to the Monterey - Santa Cruz Commission on Medical Care.

25. Approved amendments to Conflict of Interest Code of the Elections Department of Monterey County.

RMA - PUBLIC WORKS:

26. a. Adopted Resolution No. 08-324 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. Adopted Resolution No. 08-324 ratifying the execution of emergency contracts and emergency actions taken by the Contracts Purchasing Officer, or his designee, to respond to the emergency (4/5ths vote required).

27. a. Approved a Right of Entry Agreement and Agreement for Installation of Improvements for the maintenance and repair of an existing drainage facility at Coast Road, between Mile Post 3.64 and 4.25, Big Sur area; and
b. Authorized the Acting Public Works Director to execute the Right of Entry Agreement and Agreement for Installation of Improvements.
RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY:  
Motion by Supervisor Salinas, seconded by Supervisor Calcagno. ALL AYES

28. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
   a. Approved Amendment No. 2 to Professional Services Agreement dated July 3, 2007, with Keyser Marston Associates, Inc., to expand the Agreement’s Scope of Work and extend the term of the Agreement to November 15, 2009; and
   b. Authorized the Redevelopment and Housing Office Director to execute the amendment and future amendments that do not significantly alter the Scope of Work or change the approved Agreement amount.

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