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

1. Additions and Corrections for Closed Session:

County Counsel Charles Mckee announced Agenda corrections and proposed additions, which may be acted on by the Board as provided in Section 54954.2 of the California Government Code.

URGENCY ITEM ADDED
2. b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation: PERS PPO Premium Holiday issue

Motion by Supervisor Potter, seconded by Supervisor Salinas to add item to the agenda. 4-0 (Supervisor Armenta Absent)
2. Closed Session under Government Code section 54950, relating to the following items:
   a. 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 Mr. Tanda and provided direction on how to proceed in this matter.
      (2) Property: 20 East Alisal Street, Salinas
          County negotiator: Wayne Tanda, RMA Director
          Negotiating parties: The County of Monterey and Croker Corner Partnership
          Under negotiation: Price and terms
          CLOSED SESSION REPORT: The Board conferred with Mr. Tanda and provided direction on how to proceed in this matter.
      (3) Property: County owned property at the corner of Laurel Drive and Constitution Boulevard (APNs 003-851-021, -024, and -027)
          County negotiator: Wayne Tanda, RMA Director
          Negotiating parties: The County of Monterey and the Salinas Regional Sports Authority
          Under negotiation: Price and terms
          CLOSED SESSION REPORT: The Board conferred with Mr. Tanda and provided direction on how to proceed in this matter.

URGENCY ITEM:
   b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation: PERS PPO Premium Holiday issue

   CLOSED SESSION REPORT: The Board heard this matter but did not give final direction. Staff will make a final determination on how to proceed and may return to the Board on a future date.

Closed Session from Tuesday, September 29, 2009:

11. 12:30 P.M. SPECIAL CLOSED SESSION

   Closed Session at Natividad Medical Center, 1441 Constitution Blvd., Salinas, CA 93906, Steinbeck Room, Second Floor
   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
CLOSED SESSION REPORT: The Board provided performance evaluation for the County Administrative Officer and provided direction on how to proceed in performing objectives to reach specified goals.

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

CLOSED SESSION REPORT: The Board provided performance evaluation for County Counsel and provided direction on how to proceed in performing objectives to reach specified goals.

10:30 A.M.

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

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

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

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
Motion by Supervisor Parker, seconded by Supervisor Salinas.
4-0 (Supervisors Armenta Absent)

6. CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplemental Sheet)
Motion by Supervisor Parker, seconded by Supervisor Salinas.
4-0 (Supervisor Armenta Absent)

OTHER BOARD MATTERS:

7. Board Comments
Supervisor Salinas thanked the Sweet family for the donation of 16 acres of land (see Consent item 33).

8. CAO Comments and Referrals: None

9. Public Comment
Ed Mitchell; Hans Jongens

RESOLUTIONS:

Items 10 and 11.1 were heard concurrently.

10. Adopted Resolution No. 09-385 honoring Susan Todd for her distinguished service as an Eligibility Supervisor for the County of Monterey Department of Social and Employment Services. (Full board)
Motion by Supervisor Potter, seconded by Supervisor Parker. 4-0 (Supervisor Armenta Absent)

11. Presentation of Measure K, Salinas Safe Neighborhoods/Essential Services Measure (General Transactions and Use Tax), presented by Mayor Dennis Donohue, City of Salinas.
No action taken.

11.1 Adopted a Resolution of Proclamation No. 09-388 declaring the Month of October as International Walk to School Month in the County of Monterey; and declaring October 7th as International Walk to School Day in the Community of Castroville, CA (Supervisor Calcagno) (ADDED VIA ADDENDUM)
Motion by Supervisor Potter, seconded by Supervisor Parker. 4-0 (Supervisor Armenta Absent)

APPOINTMENTS:

Items 12 through 14 were heard concurrently.
12. Appointed Lilia Chagolla to the Monterey County Commission on Disabilities to fill an unexpired term, term ending December 31, 2011. (Full Board)
Motion by Parker, seconded by Supervisor Salinas. 4-0 (Supervisor Armenta Absent)

Motion by Parker, seconded by Supervisor Salinas. 4-0 (Supervisor Armenta Absent)

14. Appointed Mike Miller to the Agricultural Advisory Commission to fill an unexpired term, term ending June 30, 2012. (Supervisor Parker)
Motion by Parker, seconded by Supervisor Salinas. 4-0 (Supervisor Armenta Absent)

SCHEDULED MATTERS:

S-1 Adopted Ordinance 5139 to amend Chapter 16.16 of the Monterey County Code and update floodplain management regulations.
Public Comment: Hans Jongens
Motion by Supervisor Potter, seconded by Supervisor Salinas. 4-0 (Supervisor Armenta Absent)

Reconvened to Closed Session

Recessed to Lunch from Closed Session
RECONVENED 1:30 P.M.

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

SCHEDULED MATTERS:

S-2 Resolution No. 09-395
a. Considered the appeal from the Planning Commission’s denial of the claim of Vested Rights and denial of a request for Waiver of Application Fees
Motion #1: by Supervisor Salinas, seconded by Supervisor Parker to continue this matter to November 3, 2009. 2-2 (Supervisors Parker and Potter dissented; Supervisor Armenta Absent) Motion failed. The matter was trailed to a later time on the agenda.

This item resumed after Item S-3.
Public Comment: Derinda Messenger, for the applicant, Tim Sanders, Margaret Robbins, Deanne Howe, Rod Mills, Ed Morrow, and Scott McClellan.
Motion #2: Motion by Supervisor Potter, seconded by Supervisor Parker to:
a. Deny the appeal from the Planning Commission’s denial of the claim of Vested Rights and denial of a request for Waiver of Application Fees.
b. Deny the Carmel Presbyterian Church’s claim of Vested Right in its Combined Development Permit (PLN965481) for a Community Life Center; and
c. Deny applicant’s request for waiver of fees for the application for a Vested Rights Determination. (Appeal, PLN090070/Carmel Presbyterian Church terminus of Rio Road and East Val Verde Drive, Carmel Valley, Carmel Valley Master Plan Area).
Appeal Denied Vote: 4-0 (Supervisor Armenta Absent)

S-3 Accepted an oral presentation from the Deputy Health Officer regarding Implementation of a Countywide Breastfeeding policy.
· Supervisor Parker clarified that staff needs to return with a workplace lactation accommodation policy by December 15, 2009 to complete her Board referral.
Motion by Supervisor Potter, seconded by Supervisor Parker. 4-0 (Supervisor Armenta Absent)

S-4 Continued to October 13, 2009
a. Receive status report on Telephone Emergency Notification System (TENS) and the AlertMontereyCounty outreach campaign;
b. Ratify Amendment No. 1 to the Agreement for Professional Services with Twenty First Century Communications signed by the Director of Emergency Communications to extend the term through July 7, 2012 at a cost not to exceed $250,000 for service for Fiscal Year (FY) 2009/10 and increases of up to five percent (5%) per year after that;
c. Approve an auto renewal clause as recommended by the Director of Emergency Communications; and

d. Increase FY 2009/10 estimated revenue and appropriations in BU 1520 - Emergency Communications by $50,000 to account for community donations collected for the AlertMontereyCounty Outreach Campaign, and the appropriate expenditures associated with this revenue (4/5th vote required).

By Consensus, the Board continued this item to October 13, 2009. (Supervisor Armenta Absent)

CLOSED SESSION REPORT: (See a-b)

ORDER FOR ADJOURNMENT

APPROVED:

LOUIS R. CALCAGNO, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: ___________________________
CONSENT CALENDAR

HEALTH AND SOCIAL SERVICES:

15. Approved and authorized the Director of Health, to submit on behalf of the County of Monterey, the revised application to the State Department of Alcohol and Drug for continued funding of the Substance Abuse Offender Treatment Program which requires a County match of ten percent (10%) as specified by the State each year.

16. Concurred with the Monterey County Workforce Investment Board’s (WIB) Executive Committee to accept $44,981 in Governor’s Workforce Investment Act (WIA) fifteen percent (15%) funds to support the California Department of Corrections & Rehabilitation (CSCR) New Start Program.

GENERAL GOVERNMENT:


18. a. Approved the Monterey County Comprehensive Violence Prevention, Intervention, Suppression and Reentry Framework; and
   b. Authorized the Chair to sign a joint letter of submittal with the Mayor of the City of Salinas to Congressman Sam Farr.

19. Agreement No. A-11545
   a. Approved a Memorandum of Understanding between the County of Monterey and the Superior Court of California, County of Monterey, the purpose of which is to memorialize the County Treasurer-Tax Collector, Revenue Division’s responsibility for the collection of delinquent fees, fines, forfeitures, penalties and assessments arising from criminal, traffic and minor offense cases; and
   b. Authorized the Chair of the Board of Supervisors to sign Memorandum of Understanding.

20. a. Adopted Resolution No. 09-392 amending Monterey County Fee Resolution relating to current user fees and fines for the Monterey Free Libraries effective January 1, 2010; and
   b. Approved an amnesty period for existing fines and penalties for the months of November and December 2009.

RMA - PLANNING DEPARTMENT:

21. a. Accepted the Conservation and Scenic Easement Deed for the property located at 904 La Terraza Court (Assessor’s Parcel Number: 173-074-038-000), Monterey;
b. Authorizes the Chair of the Board of Supervisors to sign the Conservation and Scenic Easement Deed; and
c. Directed the Clerk of the Board to record the Conservation and Scenic Easement Deed with the County Recorder. (Conservation and Scenic Easement Deed - DA080291/Robedeau, 904 La Terraza Court, Monterey)

22. a. Approved a Lot Line Adjustment between four separate lots of record under Land Conservation Contract No. 70-1 and Contract No. 89-2, established by County Resolution No. 70-37-1 and County Resolution No. 89-84, with no net decrease in acreage under Williamson Act Contracts; as shown on the proposed Lot Line Adjustment map on file in Planning File No. PLN090163, subject to the Findings and Evidence in Exhibit B, and Conditions of Approval in Exhibit C;
b. Adopted Resolution No. 09-393 authorizing the Chair to execute new or amended Land Conservation Contracts in order to rescind a portion of the existing Land Conservation Contract No. 70-1 and Contract No. 89-2, as they apply to the reconfigured, contracted parcels only and simultaneously execute new or amended Land Conservation Contract Nos. 70-1C and 89-2A, for the reconfigured, contracted parcels between the County and Henry Alexander LP, reflecting the new legal descriptions, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and
c. Directed the Clerk of the Board to record the new or amended Contracts. (Lot Line Adjustment - PLN090163/Henry Alexander Ranch LP, between Sargents and Rowell Canyon Roads, San Ardo, South County Area Plan)

RMA - PUBLIC WORKS:

23. Introduced, waived the reading, and set October 27, 2009, at 10:30 a.m. to consider adoption of an ordinance amending the Monterey County Code, Title 12, Section 12.12.010, to increase an existing speed limit on Reservation Road from 40 m.p.h. to 55 m.p.h., near Marina.

24. Introduced, waived the reading, and set October 27, 2009, at 10:30 a.m. to consider adoption of an ordinance amending the Monterey County Code, Title 12, Section 12.12.010, to establish a 40 m.p.h. speed limit on Tustin Road in Prunedale.

25. Introduced, waived the reading, and set October 27, 2009, at 10:30 a.m. to consider adoption of an ordinance amending the Monterey County Code, Title 12, Section 12.12.010, to establish a 30 m.p.h. speed limit on a portion of Outlook Drive in High Meadows, Carmel area.

26. Introduced, waived the reading, and set October 27, 2009, at 10:30 a.m. to consider adoption of an ordinance amending the Monterey County Code, Title 12, Section 12.12.010, to establish a 45 m.p.h. speed limit on a portion of Blackie Road in Prunedale.
27. Introduced, waived the reading, and set October 27, 2009, at 10:30 a.m. to consider adoption of an ordinance amending the Monterey County Code, Title 12, Section 12.24.020, to establish a stop intersection at Sylvan Road and Manor Road. Stop required on the southern leg of Manor Road at the entrance to Sylvan Road, Monterey area.

28. Introduced, waived the reading, and set October 27, 2009, at 10:30 a.m. to consider adoption of an ordinance amending the Monterey County Code, Title 12, Section 12.12.010, to establish a 55 m.p.h. speed limit on a portion of San Juan Road, Aromas area.

29. a. Set a public hearing for unmet transit needs in the unincorporated area of Monterey County on October 27, 2009, at 10:30 a.m., in preparation for Fiscal Year 2010-11 Local Transportation Fund allocations; and b. Directed the Clerk of the Board to publish a Notice of Public Hearing ten days prior to the hearing in The Californian, The Monterey County Herald, and King City Rustler.

30. a. Adopted Resolution No. 09-394 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. Adopt Resolution No. 09-394 ratifying the execution of emergency contracts and emergency actions taken by the Contracts/Purchasing Officer, or his designee, to respond to the emergency (4/5th vote required).

31. a. Approved submittal of three Highway Safety Improvement Program grant applications to Caltrans for a total amount not to exceed $900,000 for any one project; and b. Authorized the Director of Public Works, or his designee, to act as the agent for the County in processing all documentation to secure these funds.

32. 2009CONST011 a. Approved Plans and Special Provisions for the installation of pipeline, construction of well site improvements, core system improvements, and secondary source improvements for the San Jerardo Water System Project, Project No. 09-859968; and b. Authorized the Clerk of the Board to advertise the "Notice to Contractors" in The Californian on October 9 and October 16, 2009.

33. Accepted a Gift Deed of 16 acres of vacant land, donated by Elmer Sweet, the vacant land is located at lake San Antonio. APN 424-061-022, granted to the Monterey County Water Resources Agency (MCWRA).

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