ACTION MINUTES
MONTEREY COUNTY BOARD OF SUPERVISORS
MONTEREY COUNTY REDEVELOPMENT AGENCY

TUESDAY, MAY 6, 2008
9:00 A.M.

ROLL CALL:
Present: Supervisors Armenta (Chair), Salinas, Mettee-McCutchon, Potter
Absent: Supervisor Calcagno

NOTE: Supervisor Calcagno was present during Closed Session

CLOSED SESSION:
County Counsel Charles McKee requested the Board take action to add an urgency agenda item to Closed Session, Item A/C 1, under Government Code Section 54954.2(b)2, exposure to litigation and/or initiation of litigation because the matter arose after posting of the agenda and due to the immediate need to act prior to the next meeting concerning EMS Contract Compliance.

A/C-1 Added Closed Session Agenda Item - Pursuant to Government Code Section 54956.9(b) & (c), the Board will confer with legal counsel regarding one item of significant exposure to litigation and/or initiation of litigation.

Motion of Supervisor Potter, seconded by Supervisor Salinas, added Closed Session Agenda Item A/C-1, carried 4/0. Absent: Supervisor Calcagno (present for Closed Session)

RESULTS OF CLOSED SESSION: The Board provided direction to County Counsel on how to proceed to avoid the exposure to litigation and/or initiation of litigation.
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 regarding the Ord Market area of the former Fort Ord; Negotiators: Supervisor Ila Mettee-McCutchon, Supervisor Dave Potter, and Jim Cook

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

b. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one item of potential initiation of litigation.

RESULTS OF CLOSED SESSION: The Board provided direction to County Counsel and staff on how to proceed to try to avoid litigation.

c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding three items of significant exposure to litigation.

RESULTS OF CLOSED SESSION: The Board provided direction to County Counsel and staff on how to proceed.

d. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:

1. James Huggins (WC)
2. Elena Meza (WC)
3. Sydney Portrum (WC)
4. Luis Gomez (WC)
5. Andrew Kopicki (WC)

RESULTS OF CLOSED SESSION: Items S-1, d. 1-5, the Board approved tentative settlement agreements which are on file with the Office of County Counsel.

e. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding the following significant exposure to litigation/liability claims:

1. Claim of Kim Velasquez
2. Claim of Randy Oka
3. Claim of Robert Rubish
4. Claim of Margarita Ruiz

RESULTS OF CLOSED SESSION: The Board denied claims regarding Agenda Item S-1, e. 1-4.

10:30 A.M.

ROLL CALL:
Present: Supervisors Armenta (Chair), Calcagno, Salinas, Mettee-McCutcheon, Potter
1. Pledge of Allegiance was led by Chairman Armenta.

2. Additions and Corrections - None

3. CONSENT CALENDAR – REGULAR (See Supplemental Sheet)

   Motion by Supervisor Mettee-McCutchon, seconded by Supervisor Salinas, all Ayes, except Consent Agenda Item 16 which was heard separately.

CONSENT AGENDA ITEM 16

a. Approved an Agreement A-11128 with Joe Fletcher Presents, Inc., to produce a concert at Laguna Seca Recreation Area;

b. Authorized the Parks Director to issue the Standard Special Use Event Application Form; and

c. Authorized the Parks Department Director to sign the Concession Agreement for Special Events.

PUBLIC COMMENT:

· Frank Gomez expressed concern with the gang violence problem in the community and discouraged any event or performer from participating in any type of venue which promotes gang violence.

· Kristin Cushman is helping organize efforts at the Monterey Music Summit and supports all aspects of the event; and presented a letter to the Board.

· Maximo Gomez voiced concern with the potential performance of Snoop Dog at the upcoming event.

· Brian Contreras agreed with the previous speakers regarding lyrics which promotes gang activity, but believes the event will be fine with proper law enforcement.

· Elsa Dooling advised she will serve as a volunteer coordinator, and supports the promoters and law enforcement to ensure a successful event.

· Jim Romig stated he works with various local prisons through the re-entry programs, and voiced opposition to a performance by Snoop Dog at this venue.

· Vicki Nohrden voiced concern regarding the negative impact this type of performance would bring to the community.

· Harry Gamotan expressed similar concern.

· Joe Fletcher, Festival Promoter, acknowledged the community's concern with gang violence in Salinas, however supports the event and performers expressing there have been no recent incidents with Snoop Dog’s performances in other areas. He discussed the variety of entertainers who will perform over the three-day event.

· Director of Parks John Pinio commented on the various events held each year throughout the County and stressed the primary goal is public safety at each event. He acknowledged the concerns voiced by the citizens of the County, and his confidence that the Sheriff’s Department and Park Rangers will provide adequate staffing during this event and strive to maintain safety.

· Sheriff Mike Kanalakis stated that if the promoter agrees to the conditions established for the event, he does not oppose it being held, and state that the Sheriff’s Office will provide a significant law enforcement presence.
Upon motion by Supervisor Salinas, seconded by Supervisor Potter.
4 Ayes; 1 Opposed Supervisor Mettee-McCutcheon

4. Board Comments, Referrals, and received Updates

5. CAO Comments - None

6. Public Comment (Limited to 3 minutes per speaker)
   · Esmeralda Zapin addressed the Board on behalf of Sandra Martinez, SEIU, relating to workers’ rights and use of a conference room at the Government Center.
   · Michael Rossi, SEIU, spoke regarding informing union members.
   · Julie Filice, SEIU 521, discussed worksite meetings.
   · Dean Carothers discussed partisan politics in the workplace.
   · Frank Garden, SEIU 521, discussed the union access clause of their contracts, and is dismayed with the County's attitude toward union workers.
   · Lena Valdez, Director for SEIU 521, spoke regarding a violation of the County contract and worksite meetings.
   · Harry Gamotan, President, Monterey County SEIU, commented regarding the relationship between the County and the union.
   · Marjorie Kay spoke regarding water issues in North County, and groundwater monitoring in California.
   · Joe Keffer, SEIU Local 521, commented regarding equal protection for public agency workers.
   · Hans Jongens spoke regarding the war in Iraq, the takeover of world order in this country, and the invasion of illegal aliens.

APPOINTMENTS:

7. Appointed Benjamin Aguirre and Manuel Zuniga to the San Lucas County Water District Board for terms ending November 30, 2012. (Supervisor Salinas)
   Motion by Supervisor Salinas, seconded by Supervisor Potter. All Ayes

8. Appointed Sarah Mawhirter to fill the vacancy of Cameron Garcia to the Equal Opportunity Advisory Commission, representing the Gay, Lesbian, Bisexual, and Transgender Community, for a term ending December 31, 2008. (Full Board)
   Motion by Supervisor Salinas, seconded by Supervisor Potter. All Ayes

   Motion by Supervisor Salinas, seconded by Supervisor Potter. All Ayes
10. Appointed Robin Whiteley to the Commission on Disabilities, representing The Blind and Visually Impaired Center, for a term ending December 31, 2010. (Full Board)
Motion by Supervisor Salinas, seconded by Supervisor Potter. All Ayes

11. Appointed Sonia Villalobos to the Greenfield Public Recreation District for a term ending December 31, 2012. (Supervisor Salinas)
Motion by Supervisor Salinas, seconded by Supervisor Potter. All Ayes

**SCHEDULED MATTERS**

**S-2**

a. Resolution No. 08-159 Considered the information contained in the Mitigated Negative Declaration and Mitigation Monitoring Program adopted on June 1, 2006 by the State of California Department of Transportation;

b. Adopted Resolution No. 08-159 of Intent to: adopt amendments to the North County Implementation Plan, Section 20.144.060.C.2 (Diking, Dredging, Filling, and Shoreline Structures Development Standards) and Section 20.144.080.D.2 (Agricultural Development Standards) allowing public safety improvements at Highway 1 and Salinas Road in North Monterey County consistent with the North County Coastal Land Use Plan; certify that the County intends to carry out the amendments in a manner fully in conformity with the California Coastal Act; and direct staff to submit the resolution to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review.

(PLN070600/Caltrans, approx. 1.6 mile stretch of Hwy 1 between Jensen and Trafton Roads)

PUBLIC COMMENT:
- Chuck Allen, Citizen's Advisory Committee, spoke in favor of project.
- Carol Willietts, Citizen's Advisory Committee, supported approval of the project.
- Debbie Hale, Executive Director, Transportation Agency of Monterey County, supported the staff recommendation.
- Marjorie Kay supported the project and voiced concerns regarding truck use on the alternate route during construction.

Motion by Supervisor Calcagno, seconded by Supervisor Potter. All Ayes

S-3 Received an oral presentation from the Monterey County Business Council (MCBC) regarding the Competitive Cluster (C²) Projects Status Report.

PUBLIC COMMENT:
- Joseph Werner, Executive Director, Monterey County Workforce Investment Board, supported Cluster project and efforts in support of the OEDC and the Enterprise Zone.

Motion by Supervisor Potter, seconded by Supervisor Salinas. All Ayes

**12:00 P.M.** Recessed to Lunch- Legislative Committee Meeting
1:30 P.M. RECONVENED:

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

S-4 Received oral report and consider recommendations from the Legislative Committee meeting of May 6, 2008.

S-5 Considered continuing the hearing to a date uncertain for an appeal of Combined Development Permit consisting of a Coastal Administrative Permit (PLN050447/Reynolds) and design approval to allow the construction of a 1,610 square foot, 2-story single family residence with a 324 square foot attached garage, septic system and a Coastal Administrative Permit for a permanent well. (Appeal – PLN050447/Reynolds, 74 Corona Road, Carmel, Carmel Highlands Area, Coastal Zone)

PUBLIC COMMENT:
· John Bridges spoke on behalf of Mr. Kashfe.
· Gwen Deamaral, one of four appellants, addressed the Board.

Motion by Supervisor Potter, seconded by Supervisor Salinas, the matter was continued for a period of no more than 30 days. All Ayes

ADJOURNED TO CLOSED SESSION

RECONVENED FROM CLOSED SESSION; COUNTY COUNSEL PROVIDED RESULTS OF CLOSED SESSION (See Agenda Items S-1, a-e)

ORDER FOR ADJOURNMENT
TO TUESDAY, MAY 13, 2008

APPROVED:

__________________________
/s/ Supervisor Armenta
CHAIR, BOARD OF SUPERVISORS

ATTEST:

DENISE PENNELL
Interim Clerk of the Board

BY: _______________________
/s/ Denise Hancock
DEPUTY
CONSENT CALENDAR

Motion by Supervisor Mettee-McCutchon, seconded by Supervisor Salinas.
All Ayes, except Consent Agenda Item 16 which was heard separately.

NATIVIDAD MEDICAL CENTER:

12. a. Board Budget No. 07/08-177 Approved an $11 million increase in FY 2007-08 Budgeted Revenues and Appropriations for Natividad Medical Center (NMC), an 8.6% increase due to a 17.6% increase in overall in-patient (IP) and out-patient (OP) volume at NMC Year-to-Date (YTD) in FY 08 (4/5ths vote required); and
   b. Directed the Auditor-Controller to amend the FY 2007-08 Natividad Medical Center budget to increase estimated Revenues and Appropriations in the amount of $11 million.

CRIMINAL JUSTICE:

13. a. Board Budget No. 07/08-178 Approved and authorize the Chief Probation Officer to accept a grant in the amount of $250,000 from the U.S. Department of Justice, for the planning and implementation of the Juvenile Sex Offender Response Team (JSORT) program during the period 07/01/07 through 12/31/09;
   b. Authorized the Chief Probation Officer to sign grant-related contracts, amendments, or extensions with the US Department of Justice;
   c. Approve increased estimated revenues and appropriations in the amount of $18,110 in Budget Unit 255-Probation during FY 2007-08 (4/5ths vote required);
   d. Approved the addition of one (1) FTE Probation Officer III position for the grant; and
   e. Directed the County Administrative Office and the Auditor-Controller's Office to amend FY 2007-08 Budget and incorporate approved changes in the FY 2008-09 Adopted Budget.

GENERAL GOVERNMENT:

14. Resolution No. 08-152 Terminated the Resolution of Proclamation of a Local Emergency for actions taken on the Carmel River, Carmel area. (4/5ths vote required)

15. a. Board Budget No. 07/08-179 Approved and amended the FY 2007-08 Assessor's Budget Unit 118 to reallocate one (1) Associate Personnel Analyst position to one (1) Senior Personnel Analyst position; and
b. Directed the County Administrative Office and the Auditor-Controller's Office to amend the Assessor's Office Budget Unit 118 FY 2007-08 Budget and incorporate approved changes in the FY 2008-09 Adopted Budget.

NOTE: Agenda Item 16 was removed from Consent and heard under Agenda Item 3.

17. a. Resolution No. 08-153; Board Budget No. 07/08-180 Amended Personnel Policies and Practices Resolution No. 98-394 to align salary for classifications of Communications Technician III, Telecommunications Technician III and Telecommunications Specialist III, as indicated in the attached board order; and
b. Directed the County Administrative Office and the Auditor-Controller's Office to amend Budget Unit 151 FY 2007-08 Budget and incorporate approved changes in the FY 2008-09 Adopted Budget.

18. a. Board Budget No. 07/08-187 Approved the grievance settlement Side Letter for the Probation Association (Bargaining Units M and N), effective April 12, 2008;
b. Approve and amend the FY 2007-08 budget for the Probation Department by adding $44,114 in appropriations and revenue (4/5ths vote required);
c. Approved and amended the FY 2007-08 budget for the Juvenile Hall by adding $63,481 in appropriations and revenue (4/5ths vote required); and
d. Directed the County Administrative Office and the Auditor-Controller's Office to amend the FY 2007-08 Budget and incorporate approved changes in the FY 2008-09 Adopted Budget.

19. a. Approved a two percent (2%) educational stipend program (linked to pay-for-performance) for all X Unit employees, effective January 1, 2008;
b. Directed the County Administrative Office and the Auditor-Controller’s Office to incorporate this action in the FY 2008-09 Adopted Budget; and
c. Directed the County Administrative Office and Management Council to jointly develop a recommendation to the County Board of Supervisors for a “pay-for-performance” program based on differentiating competencies, for X Unit employees, to be implemented no later than FY 2009-2010.

RMA - PLANNING DEPARTMENT:

20. Granted a stay of the time period for expiration of the map for the September Ranch Vesting Tentative Map pursuant to Government Code Section 66452.6 (c) and Section 19.05.060.B of the Monterey County Code because of pending litigation.
(Stay - PLN050001/September Ranch, Carmel Valley Road)
RMA - PUBLIC WORKS:

21. a. Adopted Resolution No. 08-150 finding that the closure of the North Wing of the Monterey County Courthouse continues to pose an emergency requiring immediate action; and
   b. Adopted Resolution ratifying the execution of emergency contracts and emergency actions taken by the Public Works Director or his designee to respond to the emergency. (4/5ths vote required)

22. a. Approved the FY 2008-09 Local Transportation Fund application in the amount of $1,989,422 for County contributions to various transportation programs; and
   b. Authorized the Public Works Director to execute and submit the FY 2008-09 Local Transportation Fund application to the Transportation Agency for Monterey County.

23. a. Adopted Resolution No. 08-151 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 ratifying the execution of emergency contracts and emergency actions taken by the Purchasing Manager or his designee to respond to the emergency. (4/5ths vote required)

24. a. Approved Agreement No. A-09381 Amendment No. 2 to Professional Services Agreement No. A-09381 with Gerald W. Williams to provide additional project management and related administrative and analysis services as specified by the Public Works Department, Architectural Services Division, of the Resource Management Agency, in the amount of $21,000, for a total amount not to exceed $396,000 for a term to June 30, 2008; and
   b. Authorized the Contracts-Purchasing Officer to execute Amendment No. 2 to Professional Services Agreement No. A-09381 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

25. a. 2008CONST0004; Agreement No. A-11150 Awarded a contract in the total amount of $5,966,129, to RGW Construction, Inc., the lowest responsible bidder, for construction of the Thorne Road Bridge at Arroyo Seco River, County Bridge No. 317, State Bridge No. 44C-0183, Federal-Aid Project No. BRLKO-5944(073), Project No. 08-172165;
   b. Approved the Performance and Payment Bonds executed and provided by RGW Construction, Inc.;
   c. Authorized a contingency to provide funding for approved contract change orders not to exceed ten percent (10%) of the contract amount;
   d. Authorized the Public Works Director to execute the contract; and
   e. Authorized the closing of Thorne Road during the construction of the project.
26. a. 2006CONST0019; Agreement No. A-11151; Board Budget No. 07/08-183
Approved Change Order No. 1 to the Construction Agreement with Petroleum
Telcom, Inc. for the installation of a communications tower and other
improvements at the Agricultural Commissioner’s Office-King City Facility,
522 N. 2\textsuperscript{nd} Street, King City, California, Project No. 8537, in the amount of
$20,038, for a total amount not to exceed $145,328, plus the related ten
percent (10\%) contingency of $2,004, for a revised total contingency amount
of $14,533;

b. Approved other increases to the project budget, accounting for additional staff
time and increased scope for design and engineering, in the amount of $9,000,
for a revised total of $45,273;

c. Authorized the Contracts/Purchasing Officer to execute Change Order No. 1
and future change orders that do not significantly alter the scope of work or
change the approved Agreement amount; and

d. Directed the Auditor-Controller to transfer appropriations within Fund 009,
Budget Unit 166, from line item 6310 (Maintenance-Facilities &
Construction) to fixed asset line item 6784 (Agricultural Commissioner’s
Office - King City) in the amount of $31,042.

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