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

NOTE: Supervisors Calcagno and Potter were present during Closed Session

1. Additions and Corrections to Closed Session:
NO ADDITIONS OR CORRECTIONS

The Clerk of the Board will announce Agenda corrections and proposed additions to Closed Session, which may be acted on by the Board as provided in Section 54954.2 of the California Government Code.

S-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.
SA-1 1. Christopher L. Griffith vs. Monterey County Sheriff’s Department, et al. (M82580; H032108)

SA-1 2. Clifford L. Jackson vs. Monterey County Jail, et al. (C07-01202)

3. Dorsami Reddy vs. Skanska USA Building, Inc., et al. (M81383; M83813; M84578)
   RESULTS OF CLOSED SESSION: The Board approved further actions in defense of these matters. Counsel will proceed with proper defense and some affirmative actions.

4. The Preserve Golf Club, Inc. vs. County of Monterey (M79407)
   RESULTS OF CLOSED SESSION: The Board approved tentative Settlement Agreement which will be available at the Office of County Counsel when fully executed.

5. Patricia Bernardi, et al. vs. County of Monterey (M73763; H031648)
   RESULTS OF CLOSED SESSION: The Board approved tentative Settlement Agreement which will be available at the Office of County Counsel when fully executed.

6. Delores Tognetti (Bailey) (WC)
   RESULTS OF CLOSED SESSION: The Board approved tentative Settlement Agreement which will be available at the Office of County Counsel when fully executed.

7. John Luna (WC)
   RESULTS OF CLOSED SESSION: The Board approved tentative Settlement Agreement which will be available at the Office of County Counsel when fully executed.

b. Pursuant to Government Code section 54956.95, the Board will confer with legal counsel regarding a liability claim against the County of Monterey.
   1. Harold M. Wooldridge
      RESULTS OF CLOSED SESSION: The Board denied claim.

  c. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding potential initiation of two litigation cases.
     THE RESULT OF CLOSED SESSION: The Board directed Counsel on how to resolve matters short of litigation at this time.

  d. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (Unit H & Unit X).
     Designated representative(s): Keith Honda, Patricia Covert.
     RESULTS OF CLOSED SESSION: The Board gave direction to both representatives on how to proceed.

  e. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (Unit D & Unit E).
     Designated representative(s): Keith Honda, Patricia Covert.
     RESULTS OF CLOSED SESSION: The Board gave direction to both representatives on how to proceed.
f. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one item of significant exposure to litigation. 
RESULTS OF CLOSED SESSION: The Board gave direction to Counsel on how to proceed to avoid continued exposure.


g. Pursuant to Government Code section 54956.9(b), the Board will confer with real property negotiators.
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: County of Monterey and the Salinas Regional Sports Authority.
Under negotiation: Price and Terms.
RESULTS OF CLOSED SESSION: The Board gave direction to Mr. Tanda on how to proceed.

SA-3 h. Pursuant to Government Code Section 54957.6, the Board of Directors of the Redevelopment Agency will confer with real property negotiators regarding the East Garrison area of the former Fort Ord; Negotiator, Jim Cook for the County of Monterey.
RESULTS OF CLOSED SESSION: The Board gave direction to Mr. Cook on how to proceed.

10:30 A.M. RECONVENCED

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

2. Pledge of Allegiance: Led by Chairman Armenta.

3. Additions and Corrections. The Clerk of the Board announced agenda corrections and additions which were acted on by the Board as provided in Sections 54954.2 of the California Government Code.
Motion by Supervisor Salinas, seconded by Supervisor Potter. ALL AYES

4. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
Motion by Supervisor Salinas, seconded by Supervisor Potter. ALL AYES

OTHER BOARD MATTERS:

5. Board Comments, Referrals, and Updates

Chairman Armenta requested a correction to the Board Referral Report of October 14, 2008, relating to No. 24, to change the Standard Labor Relations
Committee referral to an Ad Hoc Labor Relations Committee. (Heard after CAO comments)

6. CAO Comments
County Administrative Officer Lew Bauman announced the Monterey County Department of Social and Employment Services (DSES) is a recipient of a national award in regard to the MC Choice Program, an outreach program within the department. They have received the 2008 Hunger Champion Award from the U.S. Department of Agriculture. Elliott Robinson, Director, DSES, spoke.

7. Public Comment (Limited to 3 minutes per speaker)
Mr. Hans Jongens spoke regarding the election of Barack Obama; former State Legislator Sonny Bono; and other matters.

8. Adopted Resolution 08-336 honoring the 10th Anniversary of the Monterey Cowboy Poetry and Music Festival. (Supervisor Potter)
Mick Vernon, Artistic Director, Monterey Cowboy Poetry and Music Festival, made presentation and presented material for the Board.
Motion by Supervisor Potter, seconded by Supervisor Mettee-McCutchon. ALL AYES

AC-2 Adopted Resolution 08-337 honoring the Filipino American Community Club of Monterey Peninsula on the crowning of Miss Filipino American Community (Mettee-McCutchen).
Motion by Supervisor Potter, seconded by Supervisor Calcagno. ALL AYES

AC-3 Appointed Chairman Armenta to serve as Director and Supervisor Potter to serve as an Alternate on the 2009 Board of Directors for the California State Association of Counties (CSAC).
Motion by Supervisor Calcagno, seconded by Supervisor Salinas. ALL AYES

APPOINTMENTS:

NOTE: Agenda items 9-12 were heard concurrently.

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

10. Reappointed Carol Lieberman to the Community Action Commission for a term ending July 1, 2011. (Supervisor Potter)
Motion by Supervisor Salinas, seconded by Supervisor Calcagno. ALL AYES
11. Appointed Ken Ekelund to the Monterey County Water Resources Board of Directors for a term ending December 31, 2010. (Supervisor Potter)
   Motion by Supervisor Salinas, seconded by Supervisor Calcagno. ALL AYES

12. Appointed Bob Harper to the Monterey County Workforce Investment Board Youth Council, representing Education, for a term ending November 18, 2011. (Full Board)
   Motion by Supervisor Salinas, seconded by Supervisor Calcagno. ALL AYES

SCHEDULED MATTERS:

S-2 Ordinance No. 5117- Adopted 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.

Mr. John Guertin gave presentation.

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

S-3 Considered applicant’s request and continued to Tuesday, January 27, 2009, the public hearing on an appeal from the Minor Subdivision Committee’s adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program and approval of a Coastal Development Permit consisting of a Tentative Parcel Map creating four parcels of 3 acres, 3 acres, 3 acres, and 11 acres, based on the Findings and Evidence and subject to the recommended Conditions. (Appeal - PLN080185/Spanish Congregation, 125 Sill Road (Kingham Road) North County Area, Coastal Zone)

Ms. Elizabeth Gonzales, Planner, gave presentation.

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

12:00 P.M.

Recessed for Lunch - Legislative Committee Meeting

1:30 P.M. RECONVENED

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

S-4 Received an oral report and considered recommendations from the Legislative Committee meeting of November 18, 2008. Nicholas Chiulos, Director, Legislative Affairs and Intergovernmental Relations, made presentation. 
Motion by Supervisor Armenta, seconded by Supervisor Salinas. ALL AYES

S-5 Adopted Resolution 08-338 to revise the Monterey County Land Use Advisory Committee (LUAC) Procedures. (PD061173/LUAC Guidelines Update 2008) Mr. Carl Holm, Assistant Director of Planning, gave presentation. 
Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

NOTE: COUNTY COUNSEL CHARLES MCKEE PROVIDED RESULTS OF CLOSED SESSION.

ORDER FOR ADJOURNMENT IN MEMORY OF ANGEL VALENZUELA, ELIZABETH KAPLAN, AND EDITH KARAS TO FRIDAY, NOVEMBER 21, 2008

APPROVED: 

/s/ Louis R. Calcagno
CHAIR, FERNANDO ARMENTA
LOUIS R. CALCAGNO
BOARD OF SUPERVISORS

ATTEST:
DENISE PENNELL
Interim Clerk of the Board

BY: /s/ Paola Munoz Paola Munoz, Deputy
CONSENT CALENDAR

Motion by Supervisor Salinas, seconded by Supervisor Potter, approving Consent Agenda Items 13 - 35. ALL AYES

NATIVIDAD MEDICAL CENTER

13. Approved the revised Natividad Medical Center (NMC) permanent Bylaws, as approved by the NMC Board of Trustees on November 7, 2008.

HEALTH AND SOCIAL SERVICES:

14. Concurred with the Monterey County Workforce Investment Board Executive Committee to approve submission of a $500,000 proposal for the Employment Development Department and California Workforce Investment Board, Governor’s Gang Reduction, Intervention and Prevention (CalGRIP) solicitation.

15. Concurred with the Monterey County Workforce Investment Board Executive Committee to approve submission of a demonstration grant for $1,000,000 to the U.S. Department of Labor, Employment and Training Administration that targets employment and training needs of pregnant and parenting young mothers.

16. Adopted Resolution No. 08-343 proclaiming state of local emergency relating to the spread of HIV among injection drug users in Monterey County.

17. Approved Agreement No. 11323 and authorized the Contracts/Purchasing Office to sign an Agreement with California Commercial Interiors to provide modular laboratory furniture including installation services for the new County of Monterey Health Department for the initial term of the date of signing the Agreements, through June 30, 2009, including the option to extend the Agreements for two (2) additional one (1) year periods, with a yearly aggregate value estimated not to exceed $320,770.86, in accordance with terms and conditions set within the Agreement.

CRIMINAL JUSTICE:

18. a. Board Budget No. 08/09-067: Approved increased estimated revenues and appropriations in the amount of $156,046 in Budget Unit 255-Probation for the Juvenile Sex Offender Response Team (JSORT) federal grant during Fiscal Year (FY) 2008-09 (4/5ths vote required); and
b. Directed the Auditor-Controller to amend FY 2008-09 Budget Unit 255 to reflect the change in revenue and appropriations.

19. Board Budget No. 08/09-068: Approved advancement of Gary Craft to Step 4 of
the Chief District Attorney Investigator salary range, pursuant to Personnel Policies and Practices Resolution, Section A.1.11.5 (Waiver for Unusual Circumstances).

SA-4 a. Board Budget No. 08/09-074: Approved an increase in appropriations and estimated revenues by $16,170 in Sheriff’s Budget Unit 230 for the purchase of a used 2008 Chevrolet Trailblazer for the Abandoned Vehicle Abatement Unit; and
b. Directed Auditor-Controller to increase appropriations and estimated revenues in Sheriff’s Budget Unit 230 as detailed in the Board Order (4/5ths Vote Required).

SA-5 Adopted Resolution No. 08-347 (Board Budget No. 08/09-073) authorizing the Chief Probation Officer to submit a grant application to the Corrections Standard Authority in the amount of $320,000 for utilization of Juvenile Accountability Block Grant (JBAG) funds for the Gang Intervention Collaborative.

GENERAL GOVERNMENT:

20. Adopted Resolution No. 08-340 approving a Zero Property Tax Transfer for the proposed annexation of three (3) non-contiguous parcels in the Carmel Highlands to the Carmel Area Wastewater District.

21. a. Board Budget No. 08/09-069: Approved and authorized Emergency Services Manager to accept a grant from the Federal Office of Homeland Security (OHS) in the amount of $978,800; and
b. Directed the Auditor-Controller to amend FY 2008-09 Office of Emergency Services Budget Unit 295 to increase estimated revenues and appropriations in the amount of $498,287 (4/5ths vote required).

22. a. Adopted Resolution No. 08-341; Resolution No. 08-342 approving a property tax transfer agreement between the County of Monterey and the Salinas Rural Fire Protection District for the proposed Calera, Jacks, Jefferson, Limekiln, Olmsted, Panziera, and Underwood Annexations;
b. Approved a property tax transfer agreement for the proposed Fort Ord Annexation to the Salinas Rural Fire Protection District, including policy direction to pursue revenue neutrality with respect to the fiscal impact of future development; and
c. Authorized the Chair to sign a letter to the Local Area Formation Commission supporting the Salinas Rural Fire Protection District annexation application.

23. a. Board Budget No. 08/09-070: Accepted the recommendation of the Monterey County Fish and Game Commission to award a funding grant to Hunter’s Supply; and
b. Approved distribution of Fish and Game grant funds in the amount of $2,683 for a specified grant project for Fiscal Year 2008-09.
24. Approved Agreement No. A-11324 (Casa de Floors) and Agreement No. A-11325 (Wheeler’s Flooring America) authorizing the Contracts/Purchasing Officer to sign Master Agreements with Casa de Floors and Wheeler’s Flooring America (dba Griffin Carpets) to provide carpet installation services on an as-needed basis for projects of $10,000 or less each, to the County of Monterey for the initial term of two (2) years from the date of signing the Agreements, through June 30, 2010, including the option to extend the Agreements for three (3) additional one (1) year periods, with a yearly aggregate value estimated not to exceed $150,000 for the Agreements, in accordance with the terms and conditions set within each Agreement.

25. Agreement No. A-10723 Approved and authorized the Chair to sign Amendment No. 8 to Agreement No. A-10723 with Wellspring Management Services, LLC, a Huron Consulting Group Company, for additional professional healthcare services at Natividad Medical Center in an amount not to exceed $775,000.


**RMA - PLANNING DEPARTMENT:**

27. a. Accepted the Parcel Map to allow a subdivision of a 100 acre parcel into two (2) separate parcels: one (1) 60 acre parcel and one (1) 40 acre parcel;
b. Accepted the Parcel Map Guarantee and Tax Clearance letter from the Tax Collector;
c. Directed the Clerk of the Board to submit the Parcel Map to the County Recorder for filing;
d. Approved the Conservation and Scenic Easement Deed;
e. Authorized the Chair to sign the Conservation and Scenic Easement Deed;
f. Directed the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing;
g. Directed the Parks Department to deposit the recreation-in-lieu fee of $95 into the Recreation-In-Lieu Fee Trust Account No. 080-3473 to be used for financing parks and recreation programs and facilities; and
h. Directed the Clerk of the Board to submit the Mitigation Monitoring Agreement to the County Recorder for filing. (PLN050523/ MONTEMAYOR, 63519 Argyle Road, Lockwood Area, South County Area)


29. a. Accepted and authorized the Chair to execute the Conservation and Scenic Easement Deed; and
b. Directed the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing.
   (Conservation and Scenic Easement Deed - PLN070157/Taylor [Oliver and Gold], 100 Via Milpitas, Carmel, Carmel Valley Master Plan)

RMA - PUBLIC WORKS:

30.  a. Adopted Resolution No. 08-344; Board Budget No. 08/09-071 amending Personnel Policies and Practices Resolution No. 98-394 to revise Section A.9.9 Road Commissioner Pay Premium;
    b. Appointed Assistant Public Works Director, Paul H. Greenway, P.E. as Road Commissioner; and
    c. Directed the Auditor-Controller to implement the terms of this amendment.

31.  a. Approved Maintenance Agreement No. A-11326 with the City of Salinas in compliance with the requirements of the Local Agency Formation Commission, Resolution No. 08-10, for maintenance on Rogge Road and Williams Road in the Salinas Area;
    b. Authorized the Chair to execute the Maintenance Agreement; and
    c. Directed the Clerk of the Board to return the Maintenance Agreement to the Department of Public Works to forward to the City of Salinas.

32.  a. Adopted Resolution No. 08-345; Board Budget No. 08/09-072 to approve submittal of a grant application in the amount of $1,800,000 to the State Bicycle Transportation Account for the Spreckels Boulevard/Reservation Road Bicycle Path and Bridge Project;
    b. Authorized the Acting Public Works Director, or his designee, to act as the agent for the County in processing all documentation to secure these funds from the State Bicycle Transportation Account; and
    c. Approved the commitment to fund $180,000 from local, state, and/or federal secured grant funds as the ten percent (10%) grant-matching requirement.

33.  a. Adopted Resolution No. 08-346 finding that 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. 08-346 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).

34.  a. Construction No. 2008CONST0014; Agreement No. A-11327 Awarded a contract to Granite Rock Company, dba, Pavex Construction Division, the lowest responsible bidder, for construction of the San Miguel Canyon Road Overlay Project in Prunedale from State Highway 101 to Hall Road, Project No. 09-140765, in the total amount of $3,019,044;
b. Approved the Performance and Payment Bonds executed and provided by Granite Rock Company, dba, Pavex Construction Division;
c. Authorized a contingency (not to exceed ten percent (10%) of the contract amount) to provide funding for approved contract change orders; and
d. Authorized the Acting Public Works Director to execute the contract.

35. a. Agreement No. A-07545 Approved and authorized the Contracts/Purchasing Officer to renew Lease Agreement A-07545 through October 31, 2018, with Salinas Airport Business Park Partners for 42,094 square feet of general office space located at 730 La Guardia Street, Salinas, California, for use by the Department of Social and Employment Services – Office for Employment Training Division;
b. Directed the Fiscal Office of the Office for Employment Training to make lease payments of $61,036.30 per month, effective November 1, 2008, and in accordance with the terms of the Agreement; and
c. Authorized the optional extension of the Lease Agreement for an additional two (2) five-year periods under the same terms and conditions if deemed by the Contracts/Purchasing Officer to be in the best interest of the County.

###