

# BOARD OF SUPERVISORS

Fernando Armenta	1 <sup>st</sup> District	Lew C. Bauman
Louis R. Calcagno	2 <sup>nd</sup> District	County Administrative Officer
W. B. "Butch" Lindley	3 <sup>rd</sup> District	
Jerry Smith	4 <sup>th</sup> District (Chair)	Charles J. McKee
Dave Potter	5 <sup>th</sup> District (Vice Chair)	County Counsel

Darlene Drain	Phone: (831) 755-5066
Clerk of the Board	FAX: (831) 755-5888
P. O. Box 1728	Home Page: <a href="http://www.co.monterey.ca.us">www.co.monterey.ca.us</a>
Salinas, CA 93902	

-  
**ACTION MINUTES**  
**SPECIAL MEETING**  
**MONTEREY COUNTY BOARD OF SUPERVISORS**  
**WEDNESDAY JANUARY 3, 2007**  
**9:00 A.M.**

**9:00 A.M.**

- 
1. Pledge of Allegiance  
The Pledge of Allegiance was led by Supervisor Smith.

- 6300.000 2. Additions and Corrections to the Agenda.

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

There were no additions or corrections to the Agenda.

**OTHER BOARD MATTERS:**

- 6300.000 3. Board Comments and Referrals  
There were none.

- 6300.000 4. Update on Board Referrals  
There were none.

- 0600.025 5. CAO Comments  
There were none.

**SCHEDULED MATTERS:**

- 6300.000 S-1 Closed Session under Government Code section 54950, relating to the following item:

- a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:
  1. In re Monterey County Initiative Matter (Melendez vs. Board of Supervisors, Madrigal vs. County of Monterey)
  2. Rangel and Buell vs. County of Monterey, et al.
  3. Rancho San Juan Opposition Coalition vs. Board of Supervisors

**BOARD ACTION: The Board conferred with Counsel and provided direction on how to resolve.**

- b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one item of significant exposure to litigation.

**BOARD ACTION: The Board conferred with Counsel and provided direction on how to resolve.**

**10:30 a.m.**

- 1350.000 S-2 Public hearing on the 2006 General Plan Update (PLN050045)
- a. **Resolution No. 07-006; Adopted** a resolution certifying the Final Program Environmental Impact Report (EIR) with findings for a Statement of Overriding Considerations and adopting a mitigation monitoring and reporting plan;
  - b. Adopt a resolution approving the 2006 Agricultural Winery Corridor Plan “Farm to Market” as a separate amendment to the General Plan; **This was included in paragraph c, and is included within resolution 07-007.**
  - c. **Resolution No. 07-007; Adopted** a resolution adopting the 2006 Monterey County General Plan;
  - d. **Directed** staff to prepare an Interim Ordinance entitled “An Ordinance of the County of Monterey, State of California Applying Certain restrictions to Permits for Land Uses in the County of Monterey”;
  - e. **Directed** County Counsel to return with a resolution calling for an election and placing the 2006 Monterey County General Plan on the ballot and direct the Registrar of Voters to translate the Plan into Spanish consistent with the Voting Rights Act;
  - f. **Directed** County Counsel to continue exploring ways to resolve the litigation over the General Plan Initiative titled “Amendment of the Monterey County General Plan, Including the North County Land Use Plan.”, and, if legally permissible, return with a resolution placing the same on the election ballot and direct the Registrar of Voters to translate the Plan into Spanish consistent with the Voting Rights Act;
  - g. **Considered** further direction to staff to translate the Final Programmatic EIR into Spanish.

Public Comment:

1. Glen Robinson: Addressed the Board to go over the documents submitted by M.R. Wolfe & Assoc. P.C. – authored by John Farrow on behalf of LandWatch.
2. Tom McCray: Addressed the Board to urge them to put the General Plan on the ballot.
3. Bill Nye: Addressed the Board regarding issues of consistency with the General Plan.
4. Marilyn Maxner: Addressed the Board regarding a letter that she advises she forwarded to Planning back around September 27<sup>th</sup> and that she has not received a response to her issues and would like a response to the concerns that she raised prior to the certification of the EIR.
5. Mike Weaver: Addressed the Board to urge them to put this matter to a vote.
6. Walter Wagenhals: Addressed the Board to read a letter that he is submitting and to request that this matter be put to a vote.

7. David Kuperman: (CalTrans) Addressed the Board regarding a letter that he advises was forwarded to Planning back in October. He advises that he did receive responses but that there are still some concerns. Road side rest areas and local service to state Highways are among some of the concerns still at issue.
8. Chris Steinbruner: Addressed the Board regarding the General Plan and jobs.
9. David Beech: Addressed the Board and submitted a handout. Mr. Beech urged the Board to place this matter on the ballot.
10. Alexander Urciuoli: (Citizens for Responsible Growth): Addressed the Board to urge them to place this matter on the ballot.
11. Tom Carvey: (Common Ground Monterey County): Addressed the Board concerning affordable housing, jobs and job security in Monterey County.

**12:00 p.m.**

-  
Lunch

**1:30 p.m.**

-  
1350.000 S-2 Continued if needed.

Public Comment Continued:

12. Chris Fitz: Addressed the Board to advise that he was supportive of Supervisor Calcagno's motion back during the December 19, 2006 Board of Supervisor Meeting. He urges the Board to put this matter to a vote of the people.
13. Lorri Koster: (Mann Packing Company) Supports the Agricultural Community. She urges the Board to adopt GPU 4.
14. LuAnn Meador: Addressed the Board urging the approval of the GPU 4.
15. Jay Brown: Urged the Board to adopt the General Plan and place the matter on the ballot.
16. René Boskoff: Addressed the Board urging them to adopt the General Plan.
17. Rhonda Motil: Addressed the Board urging them to support the adoption of the AWCP as a separate amendment to the General Plan.
18. Michael Cling: Addressed the Board regarding a Property Owners Request - #215; The Pine Canyon Area. Mr. Cling advises that he objects to the exclusion of this property.
19. Chris Bunn: Addressed the Board urging them to approve of the GPU 4.
20. Bob Perkins: Addressed the Board to advise that he is supportive of the translation of this document into Spanish. Further, he supports a, b, c, and d, but does not endorse e or f.
21. Jan Mitchell: Addressed the Board regarding promoting common sense growth and urging the Board to adopt option C#A.
22. Jim Nelson: Mr. Nelson is the attorney for property owner Doris Dolan. Mr. Nelson submitted a handout for the Board's review. Mr. Dolan was referencing a transcript from a January 12, 2005 Planning Commission meeting.
23. David Fried: Addressed the Board regarding his concerns over the DEIR – overriding consideration.
24. Gillian Taylor: Representing the Sierra Club, Ms. Taylor addressed the Board regarding a letter she authored that was sent to Planning.
25. Ted Hill: Addressed the Board urging them to place the General Plan on the ballot.
26. Kurt Gollnick: Addressed the Board to urge the adoption of the General Plan and the AWCP.
27. Brian Finnegan: Addressed the Board to urge the adoption of the General Plan.
28. Sheri Damon: Representing various landowners, Ms. Damon addressed the Board urging them to adopt the General Plan.
29. Bill Carrothers: Addressed the Board regarding "Rhetoric vs. Reality current state of housing in Salinas.
30. Rufino Vega: Addressed the Board to request that the General Plan be translated into Spanish.
31. Eleuterio Salvador: Addressed the Board to request the General Plan be translated into Spanish.
32. Reinalda Sacarria: Addressed the Board to request the General Plan be translated into Spanish.

33. Hans Jongens: Addressed the Board to advise he was in opposition to the General Plan, that it will destroy Agriculture and Monterey County further requesting that the Board let the voters decide.
34. Roelof Wijbrandus: Addressed the Board requesting that the Board allow the voters decide.
35. Ron Chesshire: Addressed the Board urging the adoption of the General Plan 4.
36. Julie Engell: Addressed the Board advising that option C#A was acceptable but that Option B was unacceptable.
37. John Bridges: Addressed the Board to advise that option B was acceptable – this has always been a matter of compromise.
38. Sheryl McKenzie: Representing the Monterey County Association of Realtors, urging the adoption of the 2006 General Plan and the Agricultural Winery Corridor Plan.
39. Nancy Isakson: Addressed the Board regarding two letters submitted. 1. The Salinas Valley Growers Association and 2. Salinas Valley Water Coalition.
40. Rich Smith: Addressed the Board urging the adoption of the 2006 General Plan.
41. Aaron Johnson: Addressed the Board concerning the WCP and Chualar. Mr. Johnson requested that Chualar be kept as it existed in the 2006 General Plan.
42. Wren Bradley: Representing SEIU Local 35 – Senior Field Representative. Ms. Bradley addressed the Board urging that the General Plan be translated into Spanish in order for this to be an inclusionary process. Ms. Bradley argued that the Farm workers have not been included, nor was SEIU Local 35.
43. Barbara Joykim (Spelling? – no speaker card): Ms. Joykim addressed the Board to read a statement on behalf of Evelyn Epstein – to put this matter to a vote by the people. (a copy of this statement was not submitted.)

There were 20 Documents submitted for this Board Meeting:

1. Christie Cromeenes – Approval of the GPU4
2. David Beech – Voting Process for GPU4
3. Gillian Taylor – Sierra Club (sent to Planning)
4. Beverly Meamber – Salinas Valley Chamber of Commerce
5. David Murray – Department of Transportation (sent to Planning)
6. Christina Fischer – The Nature Conservancy
7. Tom Carvey – The Refinement Group – Adopt the 2006 General Plan
8. Tom Carvey – The Refinement Group- General Plan AG-1.12
9. Bill Hammond – Monterey County Farm Bureau
10. René Boskoff – Marriott Monterey
11. Gary Cursio – MCHA
12. Bill Bluhm and Sheryl McKenzie – MCAR
13. Michael Stamp – GPU4-EIR
14. Walter Wagenhals – Put it to a vote
15. David Dilworth – GP and EIR must be improved to meet legal minimums.
16. David Dilworth – State of Monterey Peninsula water supply 8/2006.
17. John Farrow – Binder (129 pages) submitted by M.R. Wolfe & Assoc. P.C. on behalf of Landwatch.
18. James Nelsen- Bankruptcy Filing on behalf of third party plaintiff Doris Dolan.
19. Nancy Isakson – Independent Growers Association, Inc. – Keith Roberts, President.
20. Nancy Isakson – Salinas Valley Water Coalition – Michael Griva, Chair.

#### **BOARD ACTION:**

1. **Upon motion of Supervisor Calcagno, seconded by Supervisor Potter and carried 5/0, the Board approved the modifications as proposed by Staff – Ag Mitigation 1.12.**
2. **Upon motion of Supervisor Calcagno, seconded by Supervisor Smith and carried 4/1 (Supervisor Lindley dissenting), the Board approved the recommendation to remove Pine Canyon.**
3. **Upon motion of Supervisor Calcagno, seconded by Supervisor Potter and carried, the Board approved the reduction from 900 to 350 acres within the Community of Chualar.**
4. **Upon motion of Supervisor Potter, seconded by Supervisor Calcagno and carried, the Board approved the modification made by staff at the request of CalTrans, to change C-4.8 to add in**

“including rest areas for truck drivers”.

5. Upon motion of Supervisor Calcagno, seconded by Supervisor Lindley and carried, the Board approved the Staff recommended changes to O.S. 1.10 and the Glossary addition.
6. Upon motion of Supervisor Armenta, seconded by Supervisor Calcagno, the Board approved the reconsideration to agendaize the matter on translating the General Plan before its adoption.
  - a. Supervisor Potter inquired of staff an approximate time line to translate as well as to re-circulate in addition to the costs involved.

STAFF: Alana Knaster advised that such action would take a significant amount of time just to translate the document in addition to the time needed for circulation of the document, then comments by the public. The low end cost would be \$80,000.

This motion to have the EIR and the General Plan translated into Spanish and re-circulated prior to moving forward, failed ¼.

- a. **BOARD ACTION:** Upon motion of Supervisor Armenta, seconded by Supervisor Lindley and carried 4/1 (Supervisor Potter dissenting) the Board adopted a resolution of the Monterey County Board of Supervisors certifying the Final Environmental Impact Report (SCH#2006021054), and associated Mitigation Monitoring Reporting Plan, and adopted a statement of Overriding Considerations for the 2006 Monterey County General Plan and Agricultural Winery Corridor Plan.

**b. BOARD ACTION:**

No motion was made regarding a No Vote of the People – Motion dies due to lack of support.

Upon motion of Supervisor Potter, seconded by Supervisor Calcagno, the Board reviewed Option A – to adopt the General Plan subject to voter approval.

- a. Supervisor Lindley: Advised that he would rather see the Board approved the General Plan, taking ownership of it and then placing it on the ballot making it subject to the voters repealing the matter (Option B).
- b. Supervisor Smith: Advised that the Board should adopt the General Plan and then place it on the ballot to allow the voters to vote on it.
- c. Supervisor Calcagno: Advised that both Supervisors make a valid argument but that a forum for the public has been allowed and changes were made in accordance.

A Substitute motion was then made as follows:

Upon motion of Supervisor Lindley, seconded by Supervisor Calcagno and carried 4/1 (Supervisor Potter dissenting) the Board approved the following substitute motion:

1. Adopted Resolution as revised to adopt the 2006 General Plan including the agricultural Winery Corridor Plan, subject to voter repeal at the June 2007 election.
2. The action making the adoption of the Plan subject to voter repeal shall only be rescinded by a unanimous vote of this Board.
3. Directed staff to return with an Interim Ordinance addressing the processing of development permits and other development issues during the transition to the 2006 general Plan.
4. Direct County Counsel to return with a resolution calling for an election and placing the 2006 Monterey county General Plan on the ballot for the question of repeal and direct the Registrar of Voters to translate the plan into Spanish consistent with the “Voting Rights Act”. This resolution shall only be rescinded by unanimous vote of this Board.
5. Direct county Counsel to continue exploring ways to resolve the litigation over the General Plan initiative titled “Amendment of the Monterey County General Plan, Including the North County Land Use Plan” and return with a resolution placing the same on the election ballot and direct the Registrar of Voters to translate the General Plan initiative into Spanish consistent with the “Voting Rights Act.” However, resolution of the current litigation in federal court should not preclude placement on the ballot except if pursuant to court order.
6. Direct Staff to translate the Executive Summary of the Final Programmatic EIR into Spanish.

**ORDER FOR ADJOURNMENT**

APPROVED:

-

\_\_\_\_\_  
Chair

ATTEST:

LEW C. BAUMAN, Clerk of the Board

By: \_\_\_\_\_  
Deputy