

BOARD OF SUPERVISORS

Fernando Armenta	1 st District (Vice Chair)	Lew C. Bauman
Louis R. Calcagno	2 nd District	County Administrative Officer
Simón Salinas	3 rd District	
Jerry Smith	4 th District	Charles J. McKee
Dave Potter	5 th District (Chair)	County Counsel

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ACTION MINUTES

**MONTEREY COUNTY BOARD OF SUPERVISORS
MONTEREY COUNTY REDEVELOPMENT AGENCY
MONTEREY COUNTY WATER RESOURCES AGENCY
TUESDAY, MARCH 27, 2007
9:00 AM**

9:00 a.m.

- 6300.000 S-1 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 following public employment position:
 1. Natividad Medical Center CEO

BOARD ACTION: The performance evaluation occurred and will be on the agenda again at the next meeting.
 - b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:
 1. ~~Omni Resources, LLC vs. Monterey County, et al.~~
 2. ~~Sutton vs. Sokotowski, et al.~~
 3. Debra Lebow (WC)
 4. Nicholas McGranahan (WC)
 5. Orpha Solis (WC)
 6. ~~Diana Lavelle (WC)~~

S/A-2. County of Monterey, et al. vs. William B. Burleigh Trust, et al; related cross-action.

S/A-3. Salinas Valley Property Owners for Lawful Assessments (SVPOLA) v. County of Monterey

BOARD ACTION: On matters 3, 4, and 5, the Board approved a tentative settlement agreement. Copies of the settlement documents will be available through the County Counsel's office after the settlements have been finalized.

On matter S/A-2, the Board received and update and provided direction on how to resolve this matter.

On matter S/A-3, the Board received an update and gave direction.

10:30 a.m.

1. Pledge of Allegiance
The Pledge of Allegiance was led by Supervisor Calcagno.

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6300.000 2. 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.

There were no additions or corrections.

3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

4. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)

APPOINTMENTS:

Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0 (Supervisor Smith was absent from this meeting), The Board approved the following appointments, except as noted:

- 0800.450 5. **Reappointed** Larry Barlow to the Castroville Cemetery District Committee for a term ending March 31, 2010. (Supervisor Calcagno)
- 0800.450 6. **Reappointed** Jerome McCready to the Castroville Cemetery District Committee for a term ending March 31, 2010. (Supervisor Calcagno)
- 0800.450 7. **Re-appointed** Charles Rider to the Castroville Cemetery District Committee for a term ending March 31, 2010. (Supervisor Calcagno)
- 0401.500 8. **Appointed** Jean Richards to the Commission on the status of Women for a term ending February 1, 2010. (Supervisor Salinas)

OTHER BOARD MATTERS:

- 6300.000 9. Board Comments and Referrals
- a. Supervisor Armenta: At the Voting Rights Act meeting last week, the Supervisor had requested that staff bring back a report/briefing on the meeting results and what went wrong last November. The Supervisor would like to see this be brought back within the next 3 months and prior to the June election. The Supervisor also inquired what improvements will be implemented. The Supervisor advised that had had advised the group of individuals who wanted the County to get out of the electric voting, to forward a letter to the full board.
 - b. Supervisor Calcagno: The Supervisor advised that the North County Coastal plan will need review prior to the General Plan election. The Supervisor recommended that if staff decides to move forward with the North County Coastal plan that they use the identical structure in place and that they consult with local staff and local consultants.
- 6300.000 10. **Received** Board Referrals Update
- 0600.025 11. CAO Comments
There were no comments.

- 2050.000 12. Public Comment (Limited to 3 minutes per speaker)
- a. Hans Jongens: Addressed the Board to advised that he walked out on the LAFCO meeting held last night. Mr. Jongens advised that there is a real fight between Ag and City Growth. Why wasn't there more defendants for Agriculture against City Growth? Mr. Jongens further inquired why it was that farm land had to be destroyed in order to build more homes?
- 2050.000 13. **Resolution No. 07-081 Adopted** a Resolution of Proclamation honoring Dana Ferreira on her selection as the Salinas River Channel Coalition's 2007 Special Recognition Recipient. (Supervisor Salinas)
BOARD ACTION: Upon motion of Supervisor Armenta, and seconded by Supervisor Salinas, and carried 4/0 (Supervisor Smith was absent from this meeting).
- 2050.000 S/A-1 **Resolution No. 07-083 Adopted** a Resolution of Proclamation honoring Michael W. Zimmerman, being named Hospitality Professional of the Year 2007 by the Monterey county Hospitality Association. (Supervisor Potter)
BOARD ACTION: Upon motion of Supervisor Armenta, and seconded by Supervisor Salinas, and carried 4/0 (Supervisor Smith was absent from this meeting).

SCHEDULED MATTERS:

- 0602.200
2800.000
1350.000 S-2 **Ordinance No.: 5061; Extended** Interim Ordinance No. 5057, with minor amendments, applying certain uniform restrictions and regulations in the processing of discretionary development entitlements pending the County's study and consideration of ordinances and regulations implementing the 2006 General Plan and the June 2007 Election on the competing General Plan ballot measures (4/5th vote required).
 (Interim Ordinance - PLN050045/General Plan Interim Ordinance, County-wide)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas and carried 4/0 (Supervisor Smith was absent from this meeting) the Board approved extending the Interim Ordinance through June 30, 2007 at which time it is to expire.
- Public Comment:
- a. John Bridges: Addressed the Board to advised that he commends the clarifications that the County Counsel has recommended.
- 0601.100 S-3 **Considered** the authorization of a financial subsidy to Westmed Ambulance, Inc.
BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Calcagno, and carried 4/0 (Supervisor Smith was absent from this meeting).

12:00 p.m.

Recess to Lunch- Health Committee meeting

1:30 p.m.

- 0602.200 S-4 **Held** a Public hearing to:
- a. **Considered** the Addendum to the Mitigated Negative Declaration, and Mitigated Negative Declaration adopted in May 2004 for the Oakvale Professional Complex LLC; and
- b. **Ordinance No.: 5062 Adopted** an Ordinance to remove the B-6 zoning designation for Lot 19 of the Laguna Seca Business Park; and

- c. **Resolution No.: 07-091 Adopted** a Resolution to approve the Vesting Tentative Map to subdivide the Oakvale Professional Complex (PLN030352) into four ownership parcels beneath existing professional/medical office structures and a fifth parcel of common ownership for the parking and landscaping areas and the balance of the 2.6 acre parcel, and

- d. **Modified** the adopted General Development Plan.

(Addendum - PLN060646/Oakvale LLC, 9821 Blue Larkspur Lane, Monterey, Greater Monterey Peninsula Area Plan)

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Potter, and carried 4/0 (Supervisor Smith was absent from this meeting).

S-5 **Pulled.** Continue to May 8, 2007 public hearing to:

- a. Deny in part and grant in part the appeal of the discretionary decision by the Director of Planning to grant one and deny two Certificates of Compliance on the Miller request for three Certificates of Compliance (Planning Files CC030072, CC030073, and CC030074); and
- b. Direct the Director of Planning to issue two Certificates of Compliance for Assessor's Parcel Number 151-011-005-000.

(Appeal, Discretionary Decision - PLN070034/Miller, 801 Los Laureles Grade, Carmel Valley, Carmel Valley Master Plan Area)

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Potter, and carried 4/0 (Supervisor Smith was absent from this meeting) The Board pulled this matter at the request of staff. Staff advised that this matter should be pulled as it will go back to the Planning Commission..

ORDER FOR ADJOURNMENT

APPROVED:

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Chair

ATTEST:

LEW C. BAUMAN, Clerk of the Board

By: _____
Deputy

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(Supplemental Sheet)

CONSENT CALENDAR

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0 (Supervisor Smith was absent from this meeting), the Board approved the following actions,

unless otherwise noted:**HEALTH AND SOCIAL SERVICES:**

- 0602.550 14. **Concurred** with the Monterey County Workforce Investment Board (MCWIB) to accept \$86,350 from California Employment Development Department, Workforce Investment Act Title I funds for a local Disability Program Navigator.
- 0602.550 15. **Concurred** with the Monterey County Workforce Investment Board (MCWIB) to approve the development and submission of a grant proposal for \$350,000 in Workforce Investment Act (WIA) Governor's Discretionary 15% funds to increase the number of at-risk youth receiving WIA services and to strengthen community partnerships providing services to youth for program years 2007-2009.
- 0601.100 16. **Authorized** the Director of Health or his designee, on behalf of Monterey County, to execute and submit all necessary applications, contracts, payment requests, agreements, documents and amendments thereto for the purposes of securing Local Enforcement Agency Grant funds for FY 07-08 in an amount not to exceed \$100,000, and for subsequent grant agreements for FY 08-09, FY 09- 10, FY 10-11, and FY 11-12 in amounts not to exceed \$150,000 annually, and to implement and carry out the purposes specified in the grant applications.
- 0601.150 17. **Agreement No.: A-10345**
0125.000 a. **Approved** and **authorized** the Director of Health to sign Amendment No. 2 to Professional Services Agreement A-10345 with The Action Council of Monterey County, Inc for program implementation, community education, and training services in the amount of \$146,500 for the period December 1, 2006 to June 30, 2007; and
b. **Approved** and **authorized** the Director of Health to sign up to three future amendments to this agreement where the amendments do not exceed 10% and do not significantly change the scope of work.
- 0601.100 18. **Resolution No.: 07-087; BU# 0/07-161**
0150.146 a. **Amended** the Health Department Public Administrator/Public Guardian Budget Unit 416 to approve reclassification of 1.0 FTE Principal Office Assistant to 1.0 FTE Management Analyst I, 1.0 FTE Sr. Account Clerk to 1.0 FTE Accountant II; and
b. **Approved** reallocation of 1.0 FTE Deputy Public Administrator/Guardian/Conservator I to 1.0 FTE Deputy Public Administrator/Guardian/Conservator II; and the reclassification of the Behavioral Health Aide to a Deputy Public Administrator/Guardian/Conservator I under filling a Deputy Public Administrator/Guardian/Conservator II allocation in Budget Unit 416; and
c. **Directed** the Auditor-Controller to incorporate change in the FY 2006-2007 Health Department Public Administrator/Public Guardian Budget Unit 416 to reflect the change. (4/5th vote required).

- 0601.150 19. **Agreement No.:A-10/46 Approved** and **authorized** the Director
 0125.000 Health to sign a Professional Services Agreement with Keith Vandevere
 for the provision of hearing officer services in the amount of \$25,000 for Fiscal Year
 2007-08, Fiscal Year 2008-09, and Fiscal Year 2009-10 for a total contract amount
 of \$75,000.
- 0601.150 20. **Agreement No.: A-10218 Approved** and **authorized** the Director
 0125.000 of Health to sign Amendment No. 3 to Health Services Agreement A-
 10218 with American Medical Transport, Inc. dba Central Coast Ambulance Services for the
 provision of transportation services for psychiatric or physically disabled clients, adding
 \$55,000 for Fiscal Year 2006-07 for a new total Agreement amount of
 \$801,750 for the period of July 1, 2005 through June 30, 2008.
- 0601.100
 0150.146
 5400.000 21. a. **B.U 06/07-166; Amended** Personnel Policies and Practices Resolution No. 98-394 to
 increase the salary range of Environmental Health Specialist II and III classifications;
 and
 b. **Directed** the Auditor-Controller to amend the FY2006-07 Health Department Budget
 Unit 414 to reflect an increase to estimated revenues and appropriations in the amount
 of \$72,000 to cover salary costs for FY2006-07. (4/5th vote required)
- 0601.100 22. **Proclaimed** state of local emergency relating to the spread of HIV
 among injection drug users in Monterey County.
- 0600.175 23. **Agreement No.: A-10847;**
 0600.600 a. **Approved** and **authorized** the Director of Child Support
 0125.000 Services to sign a Professional Services Agreement (PSA) with
 the Maximus Corporation for the provisions of early intervention and pro-
 active arrears collection services in the amount of \$48,500 for the period of
 April 01, 2007 through November 30, 2007; and
 b. **Authorized** the Director of Child Support Service to approve
 future amendments up to 5% of the amount which does not significantly
 alter the scope of work or result in an increase to net county cost.
- 0601.100 24. **Resolution No.: 07-085;**
 0601.525 a. **Approved** revisions to terms and format of Standard Physician
 Employment Agreement; and
 b. **Authorized** the Health Department and NMC to Execute
 Agreements.

CRIMINAL JUSTICE:

District Attorney Dean Flippo addressed the Board regarding item #25 to provide further background and detail on the matter. The matter was voted on collectively

- 0600.600 25. **Resolution No.: 07-088; Adopted** a Resolution authorizing local law
 enforcement officers assigned to a case the authority to provide the victim of the
 crime with a "Victims of Crime: Information Card".
- 0602.500 26. **BU No.: 06/07-162;**

- 0150.146 a. **Approved** and **authorized** the Sheriff to purchase fabrication and installation services in the amount of \$14,910 for security caging in a new prisoner transportation van; and
- b. **Directed** the Auditor-Controller to transfer the appropriation of \$14,910 from Services and Supplies account to Fixed Asset account in the Budget Unit 230 as detailed in the Board Order.

GENERAL GOVERNMENT:

- 0601.600 27. a. **Approved** specifications for annual maintenance and repair of park roadways at Laguna Seca Recreation Area, for calendar year 2007 (January 1, 2007 through December 31, 2007), Bid No. 10028, and authorize solicitation of bids; and
- b. **Directed** the Clerk of the Board to solicit bids to be opened on Wednesday, April 18, 2007 at 10:00 a.m.
- 0602.150 28. **Agreement No.: A-10843; BU No.: 06/07-163;**
Approved the Unit L (Probation Managers' Association) Tentative Agreement covering the period November 1, 2006 through October 31, 2010.
- 0601.175 29. **Resolution No.: 07-089; Approved** a Zero Property Tax Transfer
 0600.025 for the proposed "Standard Pacific Corporation Project Annexation" to the Spreckels Community Service District.
- 0601.160 30. **2007 CCONST 0004;**
 a. **Approved** specifications for Trackview Pavilion landscape and facility improvements at Laguna Seca Recreation Area, Bid No. 10033; and
 b. **Directed** the Clerk of the Board to solicit bids to be opened on Wednesday, April 18, 2007 at 10:30 a.m.
- 0601.160 31. **Agreement No.: A-10848;**
 0125.000 a. **Approved** and **authorized** the Purchasing Manager to execute an Agreement with Websense Inc., in the amount of \$24,467.67 to provide Internet content management blocking and filtering services for the County for the period of March 1, 2007 through February 28, 2008; and
 b. **Authorized** the Purchasing Manager to sign up to two one year extensions to this agreement; and
 c. **Accepted** Non-Standard County Liability and Indemnification Provisions as recommended by the Director of Information Technology; and
 d. **Directed** the Auditor / Controller to make payments for services provided under this agreement upon approval of the Information Technology Department.
- ~~32. — a. Approve and authorize the Purchasing Manager to execute an Agreement with McAfee Inc. in the amount of \$33,497.00; and~~
~~b. Authorize a purchase order to be issued to their reseller partner, CPACine.com, in the amount of \$36,093.00, to provide technical support and maintenance services for the County for the period of January 27, 2007 through January 26, 2008; and~~
~~c. Direct the Auditor/Controller to make payments for services provided under this agreement upon approval of the Information Technology Department.~~

BOARD ACTION: Matters #33 and #34 were pulled for comment by a member of the Public, Larry Parish who also submitted a handout to the Board. Mr. Parrish requested that the appropriations not be approved. The matter was not pulled by the Board and was voted on collectively.

0600.750

0150.146

0125.000

33. a. **B.U. 06/07-165; Agreement No.: A-10844; Approved** and authorized the Acting Registrar of Voters or his/her designee to execute Agreement Number 06EAID77 with the Secretary of State's office to receive HAVA Section 261 grant funds; and
- b. **Approved** increased FY 2006-07 estimated revenue and appropriations by \$140,175 in Budget Unit 141-Elections for HAVA compliant voting equipment and other qualified expenditures, and direct the Auditor-Controller to reflect these changes as detailed on the attached Board Order (4/5th vote required).

0600.750

0150.146

34. **BU No.: 06/07-160;**
- a. **Received** information regarding the Elections Department's Help America Vote Act (HAVA) grant funds; and
- b. **Approved** increased FY 2006-07 estimated revenue and appropriations by \$605,129 in Budget Unit 141-Elections for HAVA compliant voting equipment, and direct the Auditor-Controller to reflect these changes as detailed on the attached Board Order (4/5th vote required).

RMA - PLANNING:

0602.200

35. a. **Approved** the Lot Line Adjustment between four legal lots of record - Parcel "A" (116.9 acres), Parcel "B" (118.2 acres), Parcel "C" (154.0 acres), and Parcel "D" (273.1 acres) - resulting in four lots - 121.5 acres (Parcel "A"), 137.7 acres (Parcel "B"), 168.1 acres (Parcel "C"), and 234.9 acres (Parcel "D") - as shown on the tentative lot line adjustment map on file in Planning File No. PLN060272, subject to the Findings and Evidence in Exhibit A and recommended Conditions of Approval in Exhibit B; and
- b. **Resolution No.: 07-090; Adopted** a Resolution authorizing the Chair of the Board to execute a new or amended Land Conservation Contract or Contracts in order to rescind a portion of the existing Land Conservation Contract (No. 96-004, as established by Resolution No. 96-056, and No. 96-004A, as established by Resolution No. 01-054) as it applies to the reconfigured parcels only, and simultaneously execute a new or amended Land Conservation Contract or Contracts No. 96-004B, for the reconfigured parcels between the County of Monterey and Bertha Bray, Henry Bray, Yvonne Bray, Briana Bray, Trea (Mary) Bray, Paula Roth, Paul W. Martinus, Paul M. Martinus, Mary N. Chambers, Ronald Chambers, Sarah Chambers (Telles), Amy N. Chambers (Van Kirk), Jan H. Martinus, May B. Martinus, and/or Seth Landrum and Zanzara Landrum to incorporate the new legal description to reflect new ownership interests and, to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures.
- (Lot Line Adjustment PLN060272/Martinus and Landrum, approximately 4 miles north of Lockwood, South County Area.)

0602.200

36. **Considered** the following:

- a. **Accepted** an irrevocable offer to dedicate an open space easement Recorded Instrument No. 16802 (PD061224) executed by Jules E. Goetz & Katherine Goetz for property located at Rocky Creek area off Palo Colorado Road (APN: 418-141-002-000 and 418-141-004-000) Big Sur area, Coastal Zone; and
- b. **Authorized** the Chair of the Board of Supervisors to sign the Certificate of Acceptance; and
- c. **Directed** the Clerk of the Board to submit the signed Certificate of Acceptance to the County Recorder for filing/recordation. (Dedication of Irrevocable Offer to dedicate an Open Space Easement – PD061224 /Goetz, Rocky Creek area off Palo Colorado Road, Big Sur Coastal LUP area)

- 0602.200 37. **Considered** the following actions:
- a. **Accepted** an irrevocable offer to dedicate an open space easement Recorded Instrument No. 17788 (PD061225) executed by Morgan T Emlay and Leslie A. Emlay for property located at Palo Colorado Canyon off Highway 1, Big Sur (APN: 418-081-037-000 and 418-081-024-000) Big Sur area, Coastal Zone; and
- b. **Authorized** the Chair of the Board of Supervisors to sign the Certificate of Acceptance; and
- c. **Directed** the Clerk of the Board to submit the signed Certificate of Acceptance to the County Recorder for filing/recordation. (Dedication of Open Space Easement - PD061225/Emlay, Palos Colorado Canyon off Highway 1, Big Sur Area, Coastal Zone)

RMA - PUBLIC WORKS:

- 0602.350 38. **Resolution No.: 07-086; Adopted** a Resolution amending the mileage of Monterey County maintained roads.
- 0602.350 39. **2007 CONST 0005**
- a. **Set** a public hearing on May 1, 2007, at 1:30 p.m., for the Initial Study/Mitigated Negative Declaration for the Thorne Road Bridge at Arroyo Seco Road Replacement Project; and
- b. **Directed** the Clerk of the Board to publish a Notice of Public Hearing ten days prior to the hearing in the Californian, Monterey Herald, and King City Rustler.
- 0602.350 40. **Agreement No.: A-10845;**
- 0125.000 a. **Approved** an Agreement with the City of Salinas for operations and maintenance of a traffic signal system at Russell Road and Van Buren Avenue; and
- b. **Authorized** the Chair of the Board to execute the Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.
- 0602.350 41. **Agreement No.: A-10076;**
- 0125.000 a. **Approved** Amendment No. 1 in the amount of \$18,700 for a total amount not to exceed \$153,145 and extend the term of the Professional Services Agreement with Dokken Engineering, Inc. to December 31, 2008 for additional environmental permitting and clearance services for the Highway 68 - Laureles Grade Road Intersection Improvements, Project No. 07-112065; and
- b. **Authorized** the Purchasing Manager to execute the Amendment and future amendments that do not significantly alter the

scope of work or change the approved Agreement amount.

- 0602.350 42. **2006 CONST 0020; BU No.: 06-07-164;**
0150.146 a. **Approved** the Change Order to the Contract to Remove
Underground Storage Tanks - Pajaro, Project No. 04-127, with Controlled
Environmental Services, resulting in a net increase of \$93,785 for a total
contract value of \$207,422; and
b. **Authorized** acceptance of the work; and
c. **Authorized** the Public Works Director to execute and record
the Notice of Completion; and
d. **Directed** the Auditor-Controller to amend the FY 2006-07
Health Department Budget Unit 414 to reflect an increase to estimated
revenues and appropriations in the amount of \$95,000 to cover project
costs (4/5th vote required).
- 0602.350 43. a. **Approved** Replace Dishwasher project for the Sheriff's Adult
Detention Kitchen, 1410 Natividad Road, Salinas, CA, Project No. 06-015;
and
b. **Authorized** the County Purchasing Manager to execute
Purchase Orders on behalf of the County for the purchase and
installation of the dishwasher of approximately \$76,999.
- 0602.350 44. **Resolution No.: 07-087;**
a. **Adopted** a resolution finding that the closure of the North
Wing of the Monterey County Courthouse continues to pose an
emergency requiring immediate action; and
b. **Adopted** a resolution ratifying the execution of emergency
contracts and emergency actions taken by the Public Works Director or
his designee to respond to the emergency (4/5th
vote required).

RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY

BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta, and carried 4/0 (Supervisor Smith was absent from this meeting), the Board approved the following actions, unless otherwise noted:

- 5100.000 45. **2005 CONST 0002;**
a. **Authorized** acceptance of work for Project No. 9820-02,
Demolition and Sitework, for the Castro Plaza Project, community
of Castroville; and
b. **Authorized** the Director of Housing and Redevelopment to
execute and record the Notice of Completion; and
c. **Authorized** the release of retention 35 days following the filing
of the Notice of Completion and upon approval of the Director of Housing and
Redevelopment Office.

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