

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, MAY 08, 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 54956.9(b), the Board will confer with legal counsel regarding the following liability claims:
 1. Claim of Brett Passineau and Theresa Passineau
BOARD ACTION: The claim was denied by the Board.
 - b. Pursuant to Government Code section 54957.6, the Board will provide a performance evaluation for the following public employment position:
 1. Natividad Medical Center CEO
BOARD ACTION: This evaluation continued and the Board discussed goals for the future.
 - c. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:
 1. A & A Nursing, Inc. vs. Natividad Medical Center, et al.
BOARD ACTION: The Board gave direction on how to resolve.
 - d. Pursuant to Government Code sections 54956.9(b) and 54956.9(c), the Board will confer with legal counsel regarding one item of significant exposure to litigation and/or potential initiation of litigation.
 1. Claim by the County of Santa Cruz, et al. before the United States Department of Health & Human Services (Medicare Reimbursement)
BOARD ACTION: The Board voted to join in on the claim, and the subsequent lawsuit if filed.

- e. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (G Unit); Negotiators: Keith Honda and Jonathan Holtzman for the County of Monterey.

BOARD ACTION: The Board gave direction to the labor negotiators on how to proceed.

- f. Pursuant to Government Code section 54956.8, the Redevelopment Agency Board will confer with Real Property negotiator(s) regarding the following property:

1. The Ord Market area of the former Fort Ord; Negotiator: Jim Cook for the County of Monterey
2. The former Fort Ord; Negotiator: Jim Cook for the County of Monterey

BOARD ACTION: The Board gave direction to the negotiator on how to proceed.

- g. 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 gave direction on how to resolve- to enter into settlement discussions for resolution.

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

1. LandWatch, et al. vs. County of Monterey
2. Helping Our Peninsula's Environment vs. Monterey County
3. In re Monterey County Initiative Matter (Melendez vs. Board of Supervisors, Madrigal vs. County of Monterey)
4. Rangel and Buell vs. County of Monterey, et al.
5. Rancho San Juan Opposition Coalition vs. Board of Supervisors
6. Lupe Garcia, et al. vs. Board of Supervisors of the County of Monterey, et al.
7. The Open Monterey Project vs. County of Monterey

BOARD ACTION: On matters 1 & 2, the Board authorized contracts with independent contractors and these will be brought back into open session. On matters 3,4,5 & 6 these arise out of a Public Records Act dispute, the Board gave direction on how to proceed.

10:30 a.m.

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

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.

BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta and carried 4/0 (Supervisor Smith was absent from the vote) the Board approved the following additions and corrections to the Agenda:

Please note the revision under Appointments:

6. Appoint Mayor Richard Ortiz to the Overall Economic Development Commission for a term ending June 30, 2007. (Supervisor Salinas)

Please remove item

34. a. Approve the FY 2007-08 Local Transportation Fund application in the amount of \$2,179,129 for County contributions to various transportation programs; and

- b. Authorize the Public Works Director to execute and submit the FY 2007-08 Local Transportation Fund applications to the Transportation Agency for Monterey County.

3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

APPOINTMENTS:

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 appointments, except as noted:

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| 0802.000 | 4. | Re-appointed Leo Poppoff to the Water Resources Agency Board of Directors for a term ending December 31, 2010. (Supervisor Potter) |
| 0804.350 | 5. | Appointed Lori Bush to the Soledad-Mission Recreation District for a term ending January 31, 2011. (Supervisor Salinas) |
| 0402.800 | 6. | Appointed Mayor Richard Ortiz to the Overall Economic Development Commission for a term ending June 30, 2007. (Supervisor Salinas) |
| 0400.435 | 7. | Appointed Richard Rangel to the Area Agency on Aging Advisory Council for a term ending January 1, 2010. (Supervisor Salinas) |

OTHER BOARD MATTERS:

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| 6300.000 | 8. | Board Comments and Referrals <ol style="list-style-type: none"> a. Supervisor Calcagno: The Supervisor made a referral through staff requesting the Board's support for the North County Unified School District's grant application for a U.S. Department of Education Readiness and Emergency Management School Grant. The Supervisor requested that this matter be placed on next weeks agenda. |
| 6300.000 | 9. | Received Board Referrals Update |
| 0600.025 | 10. | CAO Comments
There were no comments from the County Administrative Officer. |
| 2050.000 | 11. | Public Comment (Limited to 3 minutes per speaker) <ol style="list-style-type: none"> a. Kim Stemler: Addressed the Board to thank them each for their support of the Resolution for the Week of the Young Child. b. Hans Jongens: Addressed the Board regarding the purchase of Marks Ranch by Land Trust – thus saved from developers. Mr. Jongens further addressed the Board regarding the upcoming special June election. |

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 resolutions except as noted:

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| 2050.000 | 12. | Resolution No.: 07-140; Adopted a Resolution proclaiming Week of the Young Child April 22 - 28, 2007. (Full Board) |
| 2050.000 | 13. | Resolution No.: 07-129; Adopted a Resolution honoring Pacific Tweed as the Monterey Peninsula Chamber of Commerce 2006 Business of the Year Award. (Supervisor Potter) |
| 2050.000 | 14. | Resolution No.: 07-139; Adopted a Resolution honoring Juan V. Huerta upon the occasion of his 80 th birthday. (Supervisor Salinas) |

2050.000 15. **Resolution No.: 07-141 Adopted** a Resolution of proclamation designating the week of May 6 – 12, 2007, as National Hospital Week. (Full Board)

1900.000 16. a. **Received** a report from the Legislative Committee including a briefing on the April City/County legislative advocacy meetings held in Washington D.C.; and
b. **Considered** a recommendation from the Legislative Committee to adopt a position of “oppose” to AB 1459 (Levine) California Coastal Act of 1976: coastal development; and
c. **Received** minutes from the January 23rd, February 27th, March 20th, and April 17th, 2007, meetings of the Legislative Committee.

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

SCHEDULED MATTERS:

0403.425 S-2 a. **Received** a presentation on Older American's Month May 2007; and
b. **Resolution No.: 07-128; Adopted** a Resolution of proclamation recognizing the month of May as Older American's Month.

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

0602.200 S-3 **Ordinance No.: 5069 Adopted** interim ordinance (4/5th vote required) prohibiting the installation of billboards in Monterey County.

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

6300.000 S-4 Continue Closed Session

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ORDER FOR ADJOURNMENT

APPROVED:

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Chair

ATTEST:
LEW C. BAUMAN, Clerk of the Board

By: _____
Deputy

- 0602.500 19. **Agreement No.: A-10883 Approved** and **authorized** the Sheriff
0125.000 to sign Professional Medical Services Agreement for Fiscal Years 2007-2010 with the California Forensic Medical Group (CFMG), for medical, dental, and mental health services for inmates at the Custody Operations Bureau, Budget Unit 251.
- 0602.250 20. **Agreement No.: A-10390 Approved** and **authorized** the
0125.000 Purchasing Manager to sign Amendment No. 3 in the amount of \$17,150 to Agreement A-10390 with Partners for Peace for a mentoring program supporting the Silver Star Gang Prevention and Intervention grant during Fiscal Year 2006-07.
- 0602.500 21. a. **Agreement No.: A-10884 Approved** and **authorized** the
0125.000 Sheriff to sign a Professional Services Agreement with Jim Guy, d.b.a. Introspect, for Inmate Assessment and Intervention Program at the Sheriff's Custody Operations Bureau, Budget Unit 251, in the amount of \$167,000 per year for the period of July 1, 2007 through June 30, 2010; and
b. **Authorized** the Sheriff, upon mutual consent by both parties, to approve two optional one (1) year extensions, which would extend the agreement to June 30, 2012.
- 0602.500 22. a. **Agreement No.: A-10888 Approved** and **authorized** the
0125.000 Sheriff to sign Professional Jail Chaplaincy Services Agreement for religious programs at the Monterey County Sheriff's Office, Custody Operations Bureau, Budget Unit 251, in the amount of \$59,488 per year for the period of July 1, 2007 through June 30, 2010; and
b. **Authorized** the Sheriff, upon mutual consent by both parties, to approve two optional one (1) year extensions, which will extend contract to June 30, 2012.
- 0602.500 23. a. **B.U. No. 06/07-190 Authorized** the Sheriff's Office to donate
0150.146 \$1,000 each to the Carmel High School and North Monterey County High School Sober Grad Night from the Sheriff's Drug and Youth Gang Education Fund; and
b. **B.U. No.: Increased** estimated revenue and appropriations in Sheriff's Budget Unit 230 in the amount of \$2,000. (4/5th vote required)

GENERAL GOVERNMENT:

- 0601.600 24. a. **Accepted** the recommendation of the County Fish and Game
Commission; and
b. **Approved** the distribution of Fish and Game grant funds in the
amount of \$20,231.89 for specified grant projects for Fiscal Year 2006 -
2007.
- 0601.600 25. a. **Agreement No.: A-10887 Awarded** Trackview Pavilion
0125.000 Landscape and Facility Improvements to Green Valley Landscaping, Inc. based on the price total which represents the actual expected cost of the project in the amount of \$74,142 for base bid and \$42,912.45 to add alternate No. 1 at Laguna Seca Recreation Area, Bid No. 10033; and
b. **Agreement No.: Authorized** the Chair of the Board to sign the contract; and
c. **Authorized** the Director of Parks to approve change orders up to 10% of the bid.
- 0601.600 26. a. **2007 CONST 0007 Awarded** annual construction contract to
0525.000 Graniterock dba, Pavex Construction, low bidder, in the

amount not to exceed \$100,000 for Annual Maintenance of Park Roadways at Laguna Seca Recreation Area, for Calendar Year 2007 (January 1, 2007 through December 31, 2007), Bid No. 10028; and

- b. **Authorized** the Chair of the Board to sign the contract.

- 0601.600 27. a. **B.U. No.: 06/07-191 Approved** fixed asset purchase of a
0150.146 Boulton Powerboats, Inc. Patrol Boat and Trailer for use at Lake San Antonio and Lake Nacimiento (Boat \$75,024, Trailer \$7,264) per Board Letter dated September 26, 2006 and Approved Standard Agreement A-10680; and
- b. **Approved** the 2006-07 budget transfer of \$17,288 from services and supplies to fixed assets; and
- c. **B.U. No.: 06/07-193 Directed** the Auditor-Controller to transfer funds in the amount of \$17,288 from 001-750-7501-6322 to 001-750-7532-6890 whereas the balance of \$65,000 is appropriated in the following account 001-755-7550-6777-1718 per Board Letter dated September 26, 2006.

- 0601.160 28. a. **B. U. No.: 06/07-192 Approved** and **authorized** the transfer of
0150.146 up to \$85,000.00 from the Cable TV Funds account 080-3490 (a restricted revenue account) to Budget Unit 151-Information Technology to cover costs of equipment and associated services for direct broadcast of a digital signal from the Monterey County Information Technology Department to Comcast Cable for the Monterey Government Channel (4/5th vote required); and
- b. **Directed** the Auditor-Controller to transfer funds from the Cable TV Funds Account 080-3490 (a restricted revenue account) and increase estimated revenues and appropriations in Budget Unit 151-Information Technology, as detailed on the attached Board Order (4/5th vote required).

RMA - PLANNING:

- 0600.025 29. **Agreement No.: A-10885 Authorized** Interim Director of
0602.200 Planning Services to execute Release of Liability from
0125.000 Indemnification Agreement between MFS GLOBENET INC. (PLN980609) and the County of Monterey.
(Agreement - PLN980609/ MCI WORLDCOM/MFS GLOBENET)

RMA - PUBLIC WORKS:

- 0602.350 30. a. **Agreement No.: A-10889; 2007 CONST 0002 Approved** a
0125.000 Professional Services Agreement with AEPC Group, LLC, in an amount not to exceed \$127,730 to provide architectural and engineering design and construction administration for the Youth Center 3 Educational Facility Replacement project located at 970 Circle Drive, Salinas, Project Bid No. 9989; and
- b. **Authorized** the Purchasing Manager to execute the Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

- 0602.350 31. a. **Agreement No.: A-10886; 2006CONST0005 Approved**

- 0125.000 Amendment No. 5 in the amount of \$607,252 for a total amount not to exceed \$997,914 and extend the term of the Professional Services Agreement with Dokken Engineering, Inc. to December 31, 2009 to provide engineering services for the Highway 68-San Benancio Road Intersection Improvements, Project No. 09-111065; 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 32. a. **Resolution No.: 07-145 Adopted** a resolution declaring intent to sell County owned real property located at 26 Central Avenue, Salinas (County Library Administrative Building), pursuant to the Government Code, Section 25526; and
- b. **Approved** the Invitation for Bid Package and authorize the Purchasing Manager to solicit bids from qualified bidders; and
- c. **Set** June 5, 2007 at 11:00 a.m. at its regular meeting for opening, examining and declaring bids, calling for oral bids and acceptance of the highest responsible bid, or to take other appropriate action, pursuant to the Government Code, Sections 25530 et seq.
- 0602.350 33. a. **Agreement No.: A-10527 Approved** Amendment No. 2 in the amount of \$50,000 for a total amount not to exceed \$125,000 of the Professional Services Agreement with Kleinfelder, Inc. for additional services associated with on-site laboratory construction materials testing for various construction projects to June 30, 2007; and
- 0125.000 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.
- ~~34. a. **Approved** the FY 2007-08 Local Transportation Fund application in the amount of \$2,179,129 for County contributions to various transportation programs; and~~
- ~~b. **Authorized** the Public Works Director to execute and submit the FY 2007-08 Local Transportation Fund applications to the Transportation Agency for Monterey County.~~