

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

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

ACTION MINUTES
MONTEREY COUNTY BOARD OF SUPERVISORS
MONTEREY COUNTY WATER RESOURCES AGENCY
TUESDAY, JUNE 19, 2007
9:00 AM

AGENDA

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: This performance evaluation was conducted and will continue to be ongoing.
 - b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:
 1. Water World Resorts, Inc. vs. County of Monterey, et al.
 2. Lake San Antonio Resorts, Inc. vs. County of Monterey, et al.
BOARD ACTION: The Board gave direction to Counsel on how to finalize settlement agreements.
 - c. 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: This item relates to the Election Results and the threat of potential litigation over the certification of these results.

10:30 a.m.

1. Pledge of Allegiance
The Pledge of Allegiance was led by Chair Potter.
- 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 to the agenda.

3. **CONSENT CALENDAR - REGULAR** (See Supplemental Sheet)

APPOINTMENTS:

Upon motion of Supervisor Armenta, and seconded by Supervisor Salinas, and carried 4/0 with Supervisor Smith absent from the meeting, the Board approved the following appointments, except as noted:

- 0403.825 4. **Re-appointed** Pamela Edwards to the Monterey County Workforce Investment Board as a Youth Council member for a term ending June 22, 2009. (Full Board)
- 0403.825 5. **Re-appointed** Harry Gamotan to the Monterey County Workforce Investment Board for a term ending April 14, 2010. (Full Board)
- 0403.825 6. **Re-appointed** Mark Gonzalez to the Monterey County Workforce Investment Board as a Youth Council member for a term ending June 22, 2009. (Full Board)
- 0403.825 7. **Appointed** Randy Bangs to the Monterey County Workforce Investment Board as a Youth Council member for a term ending June 19, 2009. (Full Board)
- 0403.825 8. **Appointed** Carol Blair to the Monterey County Workforce Investment Board for a term ending June 19, 2010. (Full Board)
- 0403.825 9. **Appointed** Chris Chidlaw to the Monterey County Workforce Investment Board for a term ending June 19, 2010. (Full Board)
- 0403.825 10. **Appointed** Richard Gillis to the Monterey County Workforce Investment Board for a term ending June 19, 2010. (Full Board)
- 0403.825 11. **Appointed** Barbara A. Jennings to the Monterey County Workforce Investment Board for a term ending June 19, 2010. (Full Board)
- 0403.825 12. **Appointed** Cesar Lara to the Monterey County Workforce Investment Board for a term ending June 19, 2010. (Full Board)
- 0403.825 13. **Appointed** Jose Mendez to the Monterey County Workforce Investment Board for a term ending June 19, 2010. (Full Board)
- 0403.825 14. **Appointed** Elza Minor to the Monterey County Workforce Investment Board for a term ending June 19, 2010. (Full Board)
- 0403.825 15. **Appointed** Salvador Munoz to the Monterey County Workforce Investment Board for a term ending June 19, 2010. (Full Board)
- 0403.825 16. **Appointed** Lupe Palacio to the Monterey County Workforce Investment Board for a term ending June 19, 2010. (Full Board)
- 0403.825 17. **Appointed** Judith Profeta to the Monterey County Workforce Investment Board for a term ending June 19, 2010. (Full Board)

- 0403.825 18. **Appointed** Laura Pruneda to the Monterey County Workforce Investment Board for a term ending June 19, 2010. (Full Board)
- 0403.310 S/A-1 **Appointed** William Foley, Chief Executive Officer of Natividad Medical Center, to the Central Coast Alliance for Health Commission for a term ending November 30, 2008. (Full Board)

OTHER BOARD MATTERS:

- 6300.000 19. Board Comments and Referrals
a. Supervisor Salinas made request through the CAO's office regarding the timeline for the RFP for the Ambulance Service.
- 6300.000 20. **Received** Board Referrals Update
- 0600.025 21. CAO Comments
There were none.
- 2050.000 22. Public Comment (Limited to 3 minutes per speaker)
a. Hans Jongens: Mr. Jongens provides two article to the Board addressing Issues of Immigration in addition to the proposed Free Trade Highway.

SCHEDULED MATTERS:

S-2 **Received** presentation from Dr. Diane Cordero de Noriega on the Community Foundation's 5-year Literacy Campaign.

BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Salinas, and carried 4/0 (Supervisor Smith was absent from this meeting) the Board requested that staff forward their Resolution language for calendaring on a future agenda.

- 0600.027 S-3 **Received** the 2006 annual Monterey County Crop Report from the Agricultural Commissioner.

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

- 0601.525 S-4 **Increased** appropriations by \$1 million for various capital
0150.146 expenditures at Natividad Medical Center (NMC) for Fiscal Year
2006/07.

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

- 0601.525 S-5 **Continued to June 26, 2007:** Authorize the Purchasing Manager to execute the Contract Amendments with multiple vendors for various services at Natividad Medical Center.

BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta, and carried 4/0 (Supervisor Smith was absent from this meeting) this matter was continued to June 26, 2007.

12:00 p.m.

Recess to Lunch- Fort Ord Committee meeting & Health Committee meeting.

1:30 p.m.

2800.000 S-6 **Ordinance No.: 5072 Adopted** an interim ordinance extending the current interim ordinance prohibiting the installation of billboards in Monterey County for an additional 10 months and 15 days. (4/5th vote required) (Ordinance –Extension of Prohibition of Billboard Ordinance PLN070221County-wide)

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

0602.350 S-7 a. **Resolutions 07-180 thru 07-211 (inclusive); Conducted** a public hearing to hear all objections, protests, and recommended changes or corrections to Written Reports of Service Charges to be levied on County Service Areas for FY 2007-08 and maintain service charge levels for all service areas; and
 b. **Adopted** resolutions approving County Service Area Written Reports of Service Charges for FY 2007-08 for all County Service Areas except County Service Areas 10, 17, 25, 34, 55, 57, 67, 69, and 100, where no service charges are collected on the tax rolls; and
 c. **Directed** the Auditor-Controller to enter the amounts of the charges against the respective parcels as they appear on the assessment roll for FY 2007-08 upon receipt of the Written Reports of Service Charges.

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

2800.000 S-8 **Ordinance No.: 5073 Considered and adopted** an ordinance amending Sections 5.40.020, 5.40.030, 5.40.090, 5.40.140, 5.40.160 and 5.40.170 of the Monterey County Code relating to the assessment and collection of Transient Occupancy Tax.

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

Items S-9, S-10, and S-11 were heard collectively:

0802.175 S-9 **Resolutions 07-175, 07-176; Conducted** a Public Hearing to
 0802.185 approve the Fiscal Year 2007-2008 assessments and water delivery
 0802.190 charges for Zone 2B and FY 2007-2008 assessments for Zones 2Y and 2Z for the Castroville Seawater Intrusion Project and the Salinas Valley Reclamation Project.

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

0802.050

0802.450

0802.500

0802.650

0802.900 S-10 **Resolution #'s: 07-213; 07-214; 07-215 Conducted** a Public Hearing to approve the Fiscal Year 2007-2008 benefit assessments

for Zones 1, 1A, 8, 9, 12, and 17.

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

0802.182 S-11 **Resolution No. 07-177; Conducted** a Public Hearing to approve the Fiscal Year 2007-2008 Zone 2C assessment charges for the Salinas Valley Water Project.

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Potter, and carried 4/0 (Supervisor Smith absent from this meeting) the Board further requested that a copy of the power point presentation be made available, and that there be frequent updates presented.

Public Comment:

The following individuals spoke in **opposition** to staff's recommendations:

- a. Julie Engell: Ms. Engell also submitted a document for distribution to the Board.
- b. Mr. Mitchell: Addressed the Board in opposition due to a lack in benefit to North Monterey County.
- c. Margie Kay: Addressed the Board using some maps depicting the Salt Water Intrusion.
- d. Jan Mitchell: Addressed the Board concerning two letters that had been faxed the night before to the Board.

The following individuals spoke in **support** of Staffs recommendations:

- e. Steve Collins: Mr. Collins is Vice Chair of the Water Resources Board of Directors. Mr. Collins addressed the Board to remind all that this has been a 4 year process. That during the 4 years, there has been 3 meetings a month every month for 4 years. Mr. Collins stated that it was his belief that as such, there has been plenty of opportunity for public input.
- f. Nancy Isakson: Ms. Isakson advises that she has been a participant in this process as well and addressed the Board in support of staff's recommendations.

5100.000 S-12 Held a public hearing to:

- a. **Reviewed** and **approved** submittal of a 2007 Freeze Allocation Community Development Block Grant (CDBG) application in the amount of \$300,000 to the California Department of Housing and Community Development to provide Rental Assistance to low-income individuals and families that lost wages as a result of the January 2007 freeze disaster; and
- b. **Authorized** the County Administrative Officer to sign the Statement of Assurances for the Grant Application; and
- c. **Authorized** the Director of the Housing and Redevelopment Office to sign the Grant Application and all grant related documents and amendments; and
- d. **Authorized** the Director of Housing and Redevelopment Office to act as the Certifying Officer, under the National Environmental Policy Act of 1969 and related environmental regulations, for the State Community Development Block Grant Program and other State funding related to this Agreement; and
- e. **Approved** a local match contribution of \$30,000 in CDBG Program Income funds (Fund 016) as the County's leverage for this application.

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

Public Comment:

- a. Elza Minor: Mr. Minor requested the opportunity to work in conjunction with the Redevelopment Agency and for the deferment of \$25,000 for Small Business Development to provide technical assistance.

Staff:

Jim Cook, the Director of Redevelopment Agency: Responded to Mr. Minor to advise the Board that the Grant Application is not designed for Business Technical Assistance. Instead Mr. Cook advised the Board that they could instead make a referral to staff to further look into this request.

- 0602.200 S-13 **Resolution No. 07-178; Held** a public hearing and considered approval of a resolution to:
 - a. **Uheld** the appeal from the decision of the Planning Commission; and
 - b. **Upheld** the application for a Combined Development Permit (Magarich Primo, LLC/PLN050671) consisting of: (1) an Administrative Permit to allow the construction of a 5,818 square foot one-story single family dwelling with a 726 square foot attached three- car garage and 854 square feet of covered patios and a porta cochere, (2) a Use Permit for development on slopes in excess of 30%, and (3) a Use Permit for the removal of 5 protected oak trees.

(Appeal - PLN050671/Magarich Primo LLC, 25836 Paseo Real, Monterey, Greater Monterey Peninsula Area Plan)

BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Armenta, and carried 4/0 (Supervisor Smith was absent from the meeting) the Board Supported the appellant - upheld the appeal and requested that the matter be brought back to the Board for further consideration of a Resolution of intent.

-

**ORDER FOR ADJOURNMENT
IN MEMORY OF WILLIAM BILLY BRINAN**

-

APPROVED:

-

Chair

ATTEST:
LEW C. BAUMAN, Clerk of the Board

By: _____
Deputy

-

-

-

-

-

-

-

-
-
-

(Supplemental Sheet)

CONSENT CALENDAR

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

HEALTH AND SOCIAL SERVICES:

0601.150 23. a. **Agreement No.: A-10929; Approved and authorized** the
0125.000 Director of Health to sign the Agreement with Allen/Loeb Associates in the amount not to exceed \$282,565 for the term of July 1, 2007 to June 30, 2010 for grant and plan preparation and oversight of existing evaluation plans for mental health programs. This Agreement replaces A-10068; 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%, an aggregate of \$28,257, and do not significantly change the scope of work.

0601.150 24. a. **Agreement No.: A-10932; Approved and authorized** the
0125.000 Director of Health to sign the Agreement with the Housing Authority of Monterey County in the amount not to exceed \$145,120 for the term of June 1, 2007 to May 31, 2008 for County provided alcohol and drug treatment services; 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%, an aggregate of \$14,510, and do not significantly change the scope of work.

0601.150 25. a. **Agreement No.: A- 10930; Approved and authorized** the
0125.000 Director of Health to sign the Mental Health Agreement with Community Human Services in the amount not to exceed \$2,923,770 for the term of July 1, 2007 to June 30, 2010 for outpatient mental health services; 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%, an aggregate of \$292,380, and do not significantly change the scope of work.

0601.100 26. **Agreement No.: A-10933; Approved** Sexual Assault Forensic
0125.000 Examiner Master Agreement and Authorize the Director of Health to
execute agreements with qualified individuals.

0602.550 27. a. **Agreement No.: A-10585; Approved and authorized** the
0125.000 Director of the Department of Social & Employment Services, or his designee, to sign Amendment No. 1 adding \$1,050 to Agreement No. A-10585 with CareAccess Silicon Valley, Inc. increasing the contract to \$15,970 for maintenance of website to access third-party software for the period July 1, 2006 through June 30, 2008; and
b. **Authorized** the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to this Agreement where the total amendments do not exceed 10%, and do not significantly change the scope of work.

- 0602.550 28. a. **Agreement No.: A-10934; Approved and authorized** the
0125.000 Director of the Department of Social and Employment Services, or his designee, to sign an Agreement with Hartnell College in the amount of \$1,042,572, for the period July 1, 2007 through June 30, 2009 to provide training and recruitment services to eligible Monterey County local agency employees and current and prospective caregivers; and
- b. **Approved and authorized** the Director of the Department of Social and Employment Services, or his designee, to sign all future amendments to the Agreement where the total amendments do not exceed 10% of the original contract amount, or significantly change the scope of work.
- 0602.550 29. **Concurred** with the Monterey County Workforce Investment
0403.825 Board Executive Committee to approve the submission of a grant proposal for the US Department of Labor, Employment and Training Administration, Preparing Ex-Offenders for the Workplace through Beneficiary-Choice Contracting solicitation, for an amount not to exceed \$1,200,000.
- 0602.550 30. **Approved and authorized** the Chair to sign the CY 2008 - 2009
Community Action Plan.
- 0602.550 31. **Approved** revisions to the Monterey County Workforce
0403.825 Investment Board ("WIB") Bylaws that modify WIB and Youth Council membership.

CRIMINAL JUSTICE:

- 0602.500 32. **Accepted** the Jail Facility Needs Assessment report presented on May
22, 2007 as a final report.
- 0602.500 33. a. **Agreement No.: A-10931 B.U. No. 06/07-222; Approved and**
0125.000 **authorized** the Sheriff to sign a Professional Services Agreement with Most Wanted Software, to provide software license and maintenance of The Law Enforcement Administrative Database (L.E.A.D.), in the amount of \$129,452 payable in three annual installments for the period of June 1, 2007 through June 30, 2010; and
- b. **Increased** appropriations and estimated revenues in the Sheriff's Budget Unit 230 in the amount of \$29,783 (4/5th vote required); and
- c. **Directed** the Auditor-Controller to increase FY 2006-07 appropriations and estimated revenues in the Sheriff's Budget Unit 230, and to transfer \$29,783 from the restricted fund to the General Fund, as detailed in the Board Order.
- 0602.500 34. **Resolution No.: 07-212; Approved and authorized** the Sheriff to
submit a grant application with the Monterey Bay Unified Air Pollution Control
District for \$200,000 to procure funding for video conferencing equipment through
AB 2766 Emissions Reduction Grant Program, Fiscal Year 2007-08.
- 0602.500 35. a. **B.U. No. 06/07-223; Increased** appropriations and estimated revenues in the FY
2006-07 by \$650,000, estimated revenues by \$530,000, and Intra-Fund Transfer
by \$120,000 in Budget Unit 230-Sheriff's Office Administration and Enforcement
Operations Bureau for law enforcement safety equipment, supplemental law
enforcement activities, Tasers and attached cameras (4/5th vote required); and
- b. **Directed** the Auditor-Controller to increase appropriations and estimated revenues
in Budget Unit 230-Sheriff's Office Administration and Enforcement Operations

Bureau, and to transfer the amount from the restricted fund to the General Funds, as detailed in the Board Order.

GENERAL GOVERNMENT:

36. **Approved** the Action Minutes for the meeting of Tuesday, May 1, 2007, copies having been previously distributed to each Board member.
37. **Approved** the Action Minutes for the meeting of Tuesday, May 8, 2007, copies having been previously distributed to each Board member.
38. **Approved** the Action Minutes for the meeting of Tuesday, May 15, 2007, copies having been previously distributed to each Board member.
39. **Approved** the Action Minutes for the meeting of Tuesday, May 22, 2007, copies having been previously distributed to each Board member.
40. **Approved** the Action Minutes for the meeting of Tuesday, June 5, 2007, copies having been previously distributed to each Board member.
- 5100.000 41. **Introduced**, and waived the reading, and **set** this matter to be returned on June 26, 2007 for Adoption of an Ordinance Approving the Program for Acquisition of Real Property by Eminent Domain for the Fort Ord Redevelopment Area.
- 0602.025 42. a. **BU #: 06/07-221; Granted** a 3.5% Cost of Living Adjustment
0150.146 to Units X, Y, XL, D, E, and R effective July 7, 2007; and
b. **Amended** the Personnel Policies and Practices Resolution No. 98-394 Salary Schedule to reflect the increase; and
c. **Directed** the Auditor Controller and the Information Technology Department to take the necessary steps to implement the wage increase; and
d. **Ratified** the 2.2% Cost of Living Adjustment for Units X, Y, XL, D, E, and R effective July 22, 2006 per previous direction from the Board of Supervisors.
- 0601.525 43. **Authorized** the Natividad Medical Center (NMC) CEO to fill the vacant Assistant Administrator position at NMC, effective June 1, 2007 with a consultant on an interim basis, pursuant to the Agreement between the County of Monterey and Wellspring Management Services LLC (a Huron Consulting Group Company)

RMA – PLANNING:

- 0602.200 44. a. **Accepted** the Conservation and Scenic Easement Deed; and
0700.000 b. **Authorized** the Chair to sign the Conservation and Scenic Easement Deed; and
c. **Directed** the Clerk of the Board to record the Conservation and Scenic Easement Deed with the County Recorder.
(PD000060/Lakeview Vineyards, 54700 Bradley Lockwood Road, South County Planning Area).

RMA - PUBLIC WORKS:

- 0602.350 45. a. **Resolution No.: 07-179; 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).

- 0602.350 46. a. **Approved** a grant application in the amount of \$521,000 submitted to the California Department of Fish and Game, Fisheries Restoration Grant program, to implement the Watershed Erosion and Restoration Project; and Coast Road
- b. **Authorized** the Public Works Director or his designee to act as the agent for the County in processing all documentation to secure these funds from the California Department of Fish and Game.

- 0602.350 47. a. **Approved** Amendment No. 3 in the amount of \$125,000 for a total amount not to exceed \$199, 000, and extend the term of the Professional Services Agreement with Daniel Hogan to June 30, 2008 for additional project management and master planning for the Agriculture Commissioner's Office, project management for the Youth Center, and miscellaneous project management services for various Monterey County projects; 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.

BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Salinas and carried 4/0 (Supervisor Smith was absent from this meeting) the Board moved to continue number 48 to June 26, 2007 in order to make available copies of the cooperative agreement not previously available to the public.

48. a. **Approved** a Cooperative Agreement with Caltrans for the preparation of Project Report for "Project Approval and Environmental Documentation" of the State Route 68 and Corral de Tierra Project; and
- b. **Authorized** the Chair of the Board to execute the Cooperative Agreement; and
- c. **Directed** the Clerk of the Board to submit the Cooperative Agreement to the County Recorder for filing.

- 0602.350 S/A-2 a. **Agreement No. A-10935; Awarded** a contract in the amount of \$114,681 to First Alarm, the lowest responsible bidder, to Repair/Upgrade the Fire Alarm System at the Sheriff's Public Building located at 1414 Natividad Road, Salinas, Safety Project No. 05-100; and
- b. **Approved the Performance and Payment Bonds executed and provided by First Alarm; and**
- c. **Authorized** a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change orders; and
- d. **Authorized** the Public Works Director to execute the contract.