

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
PAJARO COUNTY SANITATION DISTRICT
MONTEREY COUNTY REDEVELOPMENT AGENCY
MONTEREY COUNTY WATER RESOURCES AGENCY
TUESDAY, JULY 10, 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 Board conducted the performance evaluation for the Natividad Medical Center CEO and this will continue to be an ongoing review.
 - b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:
 1. Fernando Beltran vs. J. A. Momany Services, Inc., et al.
BOARD ACTION: A settlement was tentatively approved by the Board. Information pertaining to this matter will be available through County Counsel's office after the matter has been finalized.
 - 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.
 - d. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:
 1. Valera W. Lyles, et al. vs. County of Monterey, et al.
 2. Water World Resorts, Inc. vs. County of Monterey, et al.
 3. Lake San Antonio Resorts, Inc. vs. County of Monterey, et al.**BOARD ACTION: The Board received an update regarding the upcoming trial on Valera W. Lyles, et al. vs. County of Monterey, et al. The Board received a status and gave**

direction on all of the above referenced matters.

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

BOARD ACTION: The Board conferred with labor negotiators Keith Honda and Jonathan Holtzman and there is a tentative settlement agreement of a Cost of Living Adjustment (COLA) of 3.5% for G Unit.

- f. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the following public employment position:

1. County Administrative Officer

BOARD ACTION: This matter was conducted after the closing of the scheduled matters today. The Board conducted this performance evaluation discussing goals and objectives and this matter will continue at another date.

10:30 a.m.

1. Pledge of Allegiance
The Pledge of Allegiance was led by County Counsel Charles McKee.

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 Smith, and seconded by Supervisor Armenta, and carried, the Board approved the following additions and corrections to the Agenda:

38. a. Amend the Fiscal Year 2007-08 Cooperative Extension Budget Unit 621 to delete one Agricultural Aide and add one Farm Advisor Assistant III; and
b. Direct the Auditor-Controller's Office to amend the FY 2007-08 Budget Unit 621 - Cooperative Extension to delete one Agricultural Aide and add one Farm Advisor Assistant III.

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3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
4. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)
5. CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplemental Sheet)

APPOINTMENTS:

Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta, and carried, the Board approved the following appointments, except as otherwise noted:

- 0401.650 6. **Re-appointed** Dan Ipson to the Emergency Medical Services Council for a term ending June 30, 2009. (Full Board)
- 0401.650 7. **Re-appointed** Paul Ireland to the Emergency Medical Services Council for a term ending June 30, 2009. (Full Board)
- 0401.650 8. **Re-appointed** Randy Korsgaard to the Emergency Medical Services Council for a term ending June 30, 2009. (Full Board)

- 0401.650 9. **Re-appointed** David Mora to the Emergency Medical Services Council for a term ending June 30, 2009. (Full Board)
- 0401.650 10. **Re-appointed** Sidney Reade to the Emergency Medical Services Council for a term ending June 30, 2009. (Full Board)
- 0401.650 11. **Appointed** Harry B. Robins, Jr. to the Emergency Medical Services Council for a term ending June 30, 2009. (Full Board)
- 0401.500 12. **Appointed** Doris Jones to the Commission on the Status of Women for a term ending February 1, 2008. (Supervisor Smith)
- 0401.300 13. **Re-appointed** Ron Stefani to the Castroville/Pajaro Redevelopment Project Area Citizens Advisory Committee for a term ending January 1, 2011. (Supervisor Calcagno)
- 0401.300 14. **Re-appointed** Paul Cortopassi to the Castroville/Pajaro Redevelopment Project Area Citizens Advisory Committee for a term ending January 1, 2011. (Supervisor Calcagno)
- 0400.774 15. **Re-appointed** Polly Jimenez to the CSA No. 14 Advisory Committee for a term ending March 1, 2011. (Supervisor Calcagno)
- 0400.774 16. **Re-appointed** Greg Stefani to the CSA No. 14 Advisory Committee for a term ending March 1, 2011. (Supervisor Calcagno)
- 0400.774 17. **Re-appointed** Diana Jimenez to the CSA No. 14 Advisory Committee for a term ending March 1, 2011. (Supervisor Calcagno)
- 0400.774 18. **Re-appointed** Jess Estrada to the CSA No. 14 Advisory Committee for a term ending March 1, 2011. (Supervisor Calcagno)
- 0400.774 19. **Re-appointed** Greg Burch to the CSA No. 14 Advisory Committee for a term ending March 1, 2011. (Supervisor Calcagno)
- 0401.872 20. **Re-appointed** Merri Bilek to the Monterey County In-Home Supportive Services Public Authority for a term ending June 30, 2010. (Supervisor Potter)
- 0401.872 21. **Re-appointed** Alma Almanza to the Monterey County In-Home Supportive Services public Authority Advisory Committee for a term ending June 30, 2010. (Supervisor Calcagno)

OTHER BOARD MATTERS:

- 6300.000 22. Board Comments and Referrals
- a. Supervisor Calcagno: The Supervisor requested that the Planning Department and Code Enforcement work on an Ordinance that would pertain to the rural area to affect residential property only and exempt commercial operations. The Ordinance would limit the number of Roosters to no more than 2 or 3 for any one parcel of land.

- 6300.000 23. **Received** Board Referrals Update
- 0600.025 24. CAO Comments
County Administrative Officer Lew Bauman announced that the Monterey County Redevelopment Agency and East Garrison Partners received an award for the East Garrison Project. This was a Public/Private Partnership Award presented at a special conference and was one of 6 awards given.
- 2050.000 25. Public Comment (Limited to 3 minutes per speaker)
The following five individuals addressed the Board regarding their concerns over the Pebble Beach, Measure A matter:
- a. Vierra Merritt
 - b. Weeva Moore
 - c. Hanna Moore
 - d. Natasha Montserat
 - e. David Dilworth
 - f. Marianne Worden: Ms. Worden addressed the Board regarding a cut in pay for elections workers. Ms. Worden advised that she had worked multiple precincts during this past election. Ms. Worden advised the Board that in the past she would receive extra pay for working extra precincts. However, she advises that for this past election she did not receive any notice that she would not be receiving extra pay for the extra work.
 - g. Jackie Lopez: Ms. Lopez wished to address the Board regarding a matter that was on the consent calendar. Ms. Lopez was advised that public comment for consent matters had already been heard.
 - h. Richard Hewitt: Mr. Hewitt addressed the Board regarding his concerns over the Davis Street Road Residential access to the East Garrison project.
 - i. Nancy Pratt: Ms. Pratt addressed the Board regarding her concern over the contract with various consulting firms retained to turn around Natividad Medical Center's financial deficits. Ms. Pratt advised that her concern was over the negotiations of contracts and then the supplemental request for money, indicating that perhaps the initial bid was undercut.
 - j. Hans Jongens: Mr. Jongens addressed the Board concerning matters of global warming, China import problems, and concerns over the American economy.
- 2050.000 26. **Resolution No.: 07-269; Adopted** a Resolution honoring Joe Pezzini as recipient of the Salinas Valley Chamber of Commerce 2007 Ag Leadership Award. (Supervisor Potter)
BOARD ACTION: Upon motion of Supervisor Smith, and seconded by Supervisor Armenta, and carried.
- 2050.000 27. **Resolution No.: 07-268; Adopted** a Resolution proclaiming the Month of August 2007 as "Breastfeeding Awareness Month" in Monterey County.
BOARD ACTION: Upon motion of Supervisor Smith, and seconded by Supervisor Armenta, and carried.
- 2050.000 28. **Resolution No.: 07-226; Adopted** a Resolution commending the Filipino-American Community Club of Monterey Peninsula on Celebrating 50 years of Service to Monterey County. (Supervisor Smith)
BOARD ACTION: Upon motion of Supervisor Smith, and seconded by Supervisor Armenta, and carried.

- 2050.000 29. **Resolution No.: 07-267; Adopted** a Resolution congratulating the Sports Car Racing Association of the Monterey Peninsula (SCRAMP) on the occasion of their 50th Anniversary. (Full Board)
BOARD ACTION: Upon motion of Supervisor Smith, and seconded by Supervisor Armenta, and carried.
Parks Director John Pinio presented the Resolution to the CEO of SCRAMP, Jill Campbell.

SCHEDULED MATTERS:

- S-2 **Continued to July 24, 2007:** Hold a public hearing to consider objections and protests to a report of delinquent accounts for the Pajaro County Sanitation District.
BOARD ACTION: Upon motion of Supervisor Salinas and seconded by Supervisor Smith , and carried.
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- 0601.525 S-3 a. **Resolution No. 07-270; B.U. No. 07/08-002 Approved and amended** Personnel Policies and Practices Resolution No. 98-394 to amend the salary level for Pharmacy Director; and
 b. Approves and amends the Natividad Medical Center Budget Unit 960 to add 1.0 Pharmacy Director; and
 c. **Directed** the Auditor-Controller to amend the FY 2007-08 Natividad Medical Center Budget Unit 960 to reflect the change in position count as outlined in the Board Order.
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried.
Public Comment:
 a. Jan Mitchell: Ms. Mitchell requested that staff provide a dollar amount to clarify what the cost is involved.
 STAFF: Andrea Rosenthal advised that the contract with McKesson is approximately 600,000. A FTE salary would be far less. The Salary would be dependent upon what step level the individual would be brought in at.
- 0601.525 S-4 a. **Authorized** the Purchasing Manager to execute an Agreement
 0125.000 with General Electric Healthcare for the repair and maintenance of a GE 1.0T Magnetic Resonance Imaging System (MRI) at Natividad Medical Center (NMC) in an amount not to exceed \$661,000 for the term of February 20, 2007 through February 19, 2012; and
 b. **Modified** standard County termination language; and
 c. **Modified** County Insurance Endorsement requirements.
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried.
- 0602.200 S-5 **Ordinance No.: 5077 Adopted** an interim urgency ordinance establishing standards and processes for the voluntary construction of fencing up to eight feet in height for the protection of agricultural crops in the unincorporated area of Monterey County. (4/5th vote required)
 (Interim Ordinance - PD070086/Agricultural Fences Interim Ordinance, County-wide)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried.
- Public Comment:
 a. Bill Loudermilk: The revisions proposed make this now a workable ordinance.
 b. Bob Perkins: Commends staff on their efforts. Mr. Perkins advises that they have not had an opportunity to review the revisions now being presented. He does not oppose the interim

measure however; absent a review he does not necessarily support it either.

- c. Laura Giudici Mills: Ms. Mills would like to see an ad hoc committee formed for the purpose of assisting in food safety.
- d. Beverly Bean: Spoke in opposition of the ordinance.
- e. Gillian Taylor: Spoke in opposition of the ordinance.
- f. David Dilworth: Spoke in opposition of the ordinance.
- g. Jan Mitchell: Spoke in opposition of the ordinance.
- h. Madeline Clark: Spoke in opposition of the ordinance addressing concerns of aesthetics.
- i. Hans Jongens: Spoke in opposition of the ordinance.
- j. Richard Hughett: Spoke in support of the ordinance in addition to the creation of an ad hoc committee.
- k. Frank Pierce: Spoke of concerns over e-coli.

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0600.750
1350.000

- S-6 a. **Received** the Certified Statement of Votes Cast and Declare the Results of the June 5, 2007 Special Countywide election;
and

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Armenta and carried, the Board received the Certified Statement of Votes and Cast and Declared the Results of the June 5, 2007 Special Countywide election.

- b. Next Steps for the General Plan:

- 1. Affirm either that the majority "No" vote on Measure "B" prevails or that the majority "No" vote on Measure "C" supersedes Measure "B"; and
- 2. Select option(s) for implementation of the General Plan.

BOARD ACTION: FIRST MOTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Potter, and carried. The motion is as summarized: Supervisor Potter: The Board will be operating under the 1982 General Plan, we will develop an interim ordinance similar to the one that was previously developed that will be brought forward for a stay on development, we are to use the GPU 4 template as the start point or as the focus for the discussion and debate, and we will be having a Special Board of Supervisors meeting Tuesday July 17, 2007, for discussion of the parameters of the issues dealing with GPU4. Supervisor Potter asks his fellow board members if this summary of the motion on the table is correct.

Supervisor Calcagno, maker of the motion advises that the summary is correct.

BOARD ACTION: SECOND MOTION (Specific to process): Upon motion of Supervisor Potter, and seconded by Supervisor Smith and carried. The Board recommended to the Planning Commission to form a sub-committee with district representation on that sub-committee for each district upon which they represent also. Further that they have a Special Meeting of their own body set to make that Planning Commission Sub-Committee appointment and also to hear back from the Board on the parameters upon which you would like them to debate.

County Administrative Officer Lew Bauman: The Board should further request that staff bring back a recommended time line so that the Board could give the Planning Commission and idea on how many special meetings they will need.

The make of the motion, Supervisor Potter concurred as did Supervisor Smith who seconded the motion.

Public Comment:

- a. Glenn Robinson: Addressed the Board urging a compromise.
- b. Vinz Koller: Addressed the Board urging a compromise.
- c. Janet Brennan: Addressed the Board urging the citizens petition – Measure C prevails.
- d. Carlos Ramos: Addressed the Board not to adopt GPU 4. Mr. Ramos further announces to the Board that a new coalition has been formed and announced at a press conference held this

- morning. The new coalition is the Good Neighbor Coalition. Mr. Ramos also read to the Board a prepared statement from Mel Mason. (Copy obtained for the record.)
- e. Juan Uranga: Addressed the Board to have GPU 4 serve as a basis to go from but not to adopt GPU 4. Mr. Uranga stated that the voters have spoken. No to ballot box, yes to leadership. A representative form of government is needed.
 - f. Phyllis Meurer: Addressed the Board urging a compromise.
 - g. Bill Carrothers: Addressed the Board stating that neither water nor land can simply be created. These are issues that need to be further addressed.
 - h. John Bridges: Addressed the Board urging that GPU 4 is a valuable document and that it should be used as a base document to then discuss and make the modifications from.
 - i. Tom Carvey: Addressed the board urging for a speedy resolution to this matter. Mr. Carvey further echoed that the voters had spoken indicating that the voters showed that they do not like ballot box planning. Mr. Carvey urged that GPU 4 was a good base to start from.
 - j. Han Jongens: Addressed the concerns over sending the matter back to the Planning Department because it was his belief that there were conflicts within the Planning Department that would affect this project.
 - k. Bob Perkins: Addressed the Board urging that the voters want their leaders to lead. Mr. Perkins advises that he believed that GPU 4 should be used as a style template and a good start.
 - l. Ed Mitchell: Addressed the Board urging them to reject GPU 4 that Measure C prevailed.
 - m. Jan Mitchell: Addressed the Board urging them to heed the voice of the electorate.
 - n. Aaron Johnson: Addressed the Board echoing the No to ballot box planning sentiment addressed earlier. Mr. Johnson also urged the Board to stay with the 1982 General Plan and use the GPU 4 as a template.
 - o. John Bandarra: Addressed the Board urging them to adopt GPU 4.
 - p. Alfred Diaz-Infante: Addressed the Board urging the use of GPU 4 as a template. Mr. Diaz further advised that he believed it clear Measure A failed.
 - q. Jane Parker: Addressed the Board urging them to find Measure C prevailed and that a process be brought forward.
 - r. Madeline Clarke: Addressed the Board to propose that this be sent back to the various Land Use Advisory Committees (of which there are 12 within the County of Monterey) for review and submission to the Planning Commission then back to the Board.
 - s. Tony Peete: Addressed the Board urging a compromise. Mr. Peete urged all to re-set to the present. That the election was a huge market survey revealing just exactly what everybody felt and just how strongly they felt. This is now an opportunity to move forward using this as an opportunity to redeem ones-self and not to drop the ball as a good number of people have suggested here today.

12:00 p.m.

S-7 Continue with Closed Session

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**ORDER FOR ADJOURNMENT
IN MEMORY OF
GEORGE UYEDA
AND
MARTIN MACARENO**

APPROVED:

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Chair

ATTEST:

LEW C. BAUMAN, Clerk of the Board

By: _____
Deputy

(Supplemental Sheet)

CONSENT CALENDAR

BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta, and carried, the Board approved the following actions, unless otherwise noted: 51, 52, and 53 were pulled.

HEALTH AND SOCIAL SERVICES:

- 0602.550 30. a. **BU No.: 07/08-009 Approved and amended** the FY 2007-08
0601.160 Department of Social & Employment Services Budget Unit
0150.147 501 and Information Technology Department Budget Unit 193
 to increase staffing to backfill for current employees that will
 be assigned to the ISAWS Migration Project as detailed on
 attached Board Order; and
- b. **Directed** the Auditor-Controller to increase appropriations and estimated revenues of
 \$478,456 and amend the position allocations for the FY 2007-08 Department of Social
 & Employment Services BU 501 and Information Technology Department BU 193 as
 detailed on the attached Board Order. (4/5th vote required)

- 0602.550 31. a. **Resolution No. 07-271; B.U. No. 07/08-003 Approved** and
0150.147 amended the FY 2007-08 Department of Social and Employment Services Budget
 Unit 501 to reallocate one (1.0) FTE Office Assistant II to Office Assistant III, and
- b. **Directed** the Auditor-Controller to amend Budget Unit 501 Social Services Position
 Allocation for FY 2007-08 to reflect the changes.

- 0601.150 32. a. **Resolution No.: 07-274; BU No.: 07/08-008 Amended** the
0602.025 Personnel Policies and Practices Resolution No. 98-394 to add
0150.147 the classifications of Physician Assistant I, Physician Assistant II, Nurse
 Practitioner II, and Nurse Practitioner III; to re-title the classification Physician Assistant/Nurse
 Practitioner to Nurse Practitioner I and increase salary range; and to delete the classification
 of Sr. Physician Assistant/Nurse Practitioner; and
- b. **Amended** the Health Department Clinic Services Budget Unit 413 to approve the
 reallocation of 11.0 FTE Physician Assistant/Nurse Practitioner positions as outlined
 in the Board Order; and

- c. **Amended** the Health Department Clinic Services Budget Unit 413 to approve the reclassifications of 10.0 FTE Physician Assistant/Nurse Practitioner positions as outlined in the Board Order; and
- d. **Amended** the Health Department Behavioral Health Budget Unit 415 to approve the reallocation and reclassification of 1.0 FTE Physician Assistant/Nurse Practitioner to 1.0 FTE Nurse Practitioner III; and
- e. **Directed** the County Administrative Office and the Auditor-Controller's Office to incorporate these actions in the FY 2007-08 Adopted Budget.

- 0601.100 33. a. **B.U. No. 07/08-004. Approved and amended** FY 07-08
0150.147 Health Department Budget Unit 414 to reallocate 1.0 FTE Secretary to 1.0 FTE Principal Office Assistant position; and
- b. **Directed** the Auditor-Controller to amend FY 07-08 Health Department Budget Unit 414 to reflect the changes in position count.
- 0601.100 34. **Authorized** the appointment of Robert Shingai to a vacant seat on the Monterey County Solid Waste Hearing Panel to serve out the remainder of the term ending August 15, 2010.

GENERAL GOVERNMENT:

- 0600.025 35. a. **Received** a report on, and draft action minutes from, the Legislative Committee meeting of June 20, 2007; and
- b. **Considered** a recommendation from the Legislative Committee to adopt a position of "support" to a change in the definition of "domestic farm labor" contained in the 2007 Farm Bill.
- 0601.160 36. a. **BU No.: 07/08-010 Approved and authorized** the transfer of
0150.147 \$150,000 from the Cable TV Funds Restricted Revenue Account 080-3490 to BU 151-Telecommunications for services necessary to operate the Monterey County Government Channel during FY 2007-08; and
- b. **Increased** estimated revenue and appropriations by \$150,000 in BU 151-Information Technology as detailed on the attached Board Order (4/5th vote required); and
- c. **Directed** the Auditor-Controller to transfer required funds and increase estimated revenue and appropriations as detailed on the attached Board Order.
- 0601.160 37. a. **B.U. No. 07/08-005 Approved** reallocation of a
0150.147 Telecommunications Technician III to a Communications Technician III; and
- b. **Directed** the Auditor-Controller to amend Information Technology Department Budget Unit 151-Telecommunications to reflect the revised position classification count, as detailed on the attached Board Order.
- 0600.025 38. a. **BU No. : 07/08-011 Amended** the Fiscal Year 2007-08
0150.147 Cooperative Extension Budget Unit 621 to delete one Agricultural Aide and add one Farm Advisor Assistant III; and
- b. **Directed** the Auditor-Controller's Office to amend the FY 2007-08 Budget Unit 621 - Cooperative Extension to delete one Agricultural Aide and add one Farm Advisor Assistant III.
- 0601.175 39. a. **Agreement No. : A-10950 Approved** a Professional Services
0125.000 Agreement with the Monterey County Business Council (MCBC) for the term July 1, 2007 through June 30, 2008, in an amount not to exceed \$135,000, to administer all

aspects of the Competitive Clusters Project and the development of a Technology Cluster; and

- b. **Authorized** the Intergovernmental and Legislative Affairs Director to execute the Agreement.

0600.025 40. **Agreement No.: A-10954 Approved and authorized** the Contracts/Purchasing Manager to sign Agreements with Star Sanitation Services and United Site Services, Inc., to provide portable toilet site services for the Parks Department and other departments throughout the County for a term of two (2) years from the date of signing the Agreements through July 31, 2009, with the option of extending each Agreement for two (2) additional one (1) year periods. The Agreements carry an aggregate value of approximately \$400,000, in accordance with the terms and conditions set within each Agreement.

0600.050 41. **Agreement No.: A-10125 Authorized** the Chair to sign Amendment No. 2 to Agreement No. A-10125 with Bartig, Basler and Ray, CPAs in an amount not to exceed \$110,450 to perform the 2006-07 General Purpose Financial Statement and Single Audits; \$6,000 to perform an audit of the Pajaro County Sanitation District Financial Statements; and \$5,000 to perform an audit of the County's First 5 grants.

0600.750 42. a. **Agreement No. 09946 Approved and authorized** the Registrar of Voters to execute First Amendment to Agreement for \$567,806 with Sequoia Voting Systems, Inc. (Sequoia) to include additional hardware (audit trail printers and audio units for improved accessibility), software (ballot design), and extended warranties (central count ballot tabulators); and
 0125.000 b. **Accepted** Non-Standard County Liability Provisions as recommended by the Registrar of Voters.

0600.025 43. a. **Resolution No. 07-272; B.U. No. 07/08-006 Amended** Personnel Policies and Practices Resolution No. 98-394 to add the classifications of
 0150.147 Workers' Compensation Manager and Ergonomics Manager; and
 b. **Reallocated** 2.0 Full Time Equivalent (FTE) Allocation to be Determined (Unit X) positions within Budget Unit 195-Risk Management to 1.0 FTE Workers' Compensation Manager and 1.0 FTE Ergonomics Manager; and
 c. **Directed** the Auditor-Controller to amend Budget Unit 195 Position Allocations to reflect the changes.

0601.100 44. a. **Resolution No.: 07-273; BU No.: 07/08-001 Amended** Personnel Policies and Practices Resolution No. 98-394
 0602.025 to increase the salary range of the classification series of California
 0150.147 Children's Services Case Worker I, II and III; and amend the bargaining unit representation of the California Children's Services Case Worker classification series from Bargaining Unit J to Bargaining Unit K effective August 4, 2007; and
 b. **Authorized** the Health Department to pay employees in the classifications of California Children's Services Case Worker I, II and III retroactive pay effective January 6, 2007.

0600.025 45. **Approved** the Memoranda of Understanding (MOU) and the related addenda for Deputy Sheriffs' Association Units A (General Safety), B (Safety Supervisory) and C (Safety Management) for July 1, 2006 through June 30, 2009

RMA - PLANNING:

0602.200 46. **Resolution No.: 07-275 Adopted** a Resolution of Support for the Land Trust of Santa Cruz County's Application to the Department of Conservation California Farmland Conservancy Program for an Agricultural Conservation Easement applied to Borina Farmlands with portions within both the unincorporated areas of Santa Cruz County and the Non-Coastal Area of North Monterey County. This Board action applies only to that portion of the subject property within the unincorporated area of Monterey County.

(Resolution - PD070489/Borina Foundation, North County Non-Coastal Zone)

0602.200 47/62. a. **Accepted** the Parcel Map to allow a minor subdivision to divide the 213.6 acre parcel into four parcels and a 111 acre remainder parcel and a lot line adjustment of three existing parcels of 87, 169 and 20 acres, to create three parcels of 34.5, 27.7 and 213.6 acres; and

b. **Accepted** the Subdivision Improvement Agreements, Road and Drainage Maintenance Agreement, Mitigation Monitoring Agreement, Indemnification Agreement, Deed Notification and Deed Restriction, Conservation and Scenic Easement Deed, Scenic Easements Conservation and Scenic Easement Deed, Fox Creek Ranch Biological Easements Conservation and Scenic Easement Deed, Water Conservation Notice, Floodplain Notice, Subdivision Guarantee, Notice of TAMC fees, Security Bonds, and Tax Report from the Tax Collector; and

c. **Authorized** the Chair to execute the Subdivision Improvement Agreement; and

d. **Authorized** the Chair of the Water Resources Agency to execute the Road and Drainage Maintenance Agreement; and

e. **Directed** the Clerk of the Board to sign the Subdivision Improvement Agreements, Conservation and Scenic Easement Deed, Scenic Easements Conservation and Scenic Easement Deed, and Fox Creek Ranch Biological Easements Conservation and Scenic Easement Deed; and

f. **Directed** the Clerk of the Board to submit the Parcel Map, Mitigation Monitoring Agreement, Indemnification Agreement, Deed Notification and Deed Restriction, Conservation and Scenic Easement Deed, Scenic Easements Conservation and Scenic Easement Deed, Fox Creek Ranch Biological Easements Conservation and Scenic Easement Deed, Water Conservation Notice, Notice of TAMC fees and Floodplain Notice to the County Recorder for filing.

(PLN030456/Fox Creek Ranch, 33750 E Carmel Valley Road, Cachagua Area Plan)

RMA - PUBLIC WORKS:

0602.350 48. a. **Agreement No.: A-10956** Approved a Professional Services Agreement with HJW GeoSpatial, Inc., in an amount not to exceed \$29,400 to provide aerial photogrammetric (topographic mapping) services for the Davis Road Bridge Replacement Project (County No. 0125.000 208) at Salinas River, Federal Aid Project No. BRLS-5944 (068), Project No. 09-360065, including the widening of Davis Road to four lanes between Blanco Road and Reservation Road in Monterey County to December 31, 2008; 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.

Public Comment:

a. Hans Jongens: Mr. Jongens questioned the widening of the road.

BOARD ACTION: Item No. 49 was voted on separately. Supervisor Potter recused himself due to a potential conflict due to his son being employed by Duffy & Associates. Vice Chair Armenta called for the

motion and the vote: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas and carried 4/0.

- 0602.350 49. a. **Agreement No.: A-10408 Approved** Amendment No. 1 in the
0125.000 amount of \$23,345 for a total amount not to exceed \$103,121 to the Professional Services Agreement with Denise Duffy & Associates, Inc., to provide a second construction season of preconstruction wildlife surveys and construction monitoring services for the Arroyo Seco Road Bridge (Co. No. 311) at Arroyo Seco River, Federal Aid Project No. BRLSZD-5944 (046), Project No. 06-220665, to August 1, 2009; 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 50. a. **Set** public hearing for July 31, 2007, at 1:30 p.m., to receive public comments regarding the Freeway Agreement with Caltrans for the construction of the Prunedale Improvement 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 and Monterey Herald.
- Public Comment:
- a. Sigmat (No speaker card and no last name provided): Requested a brief clarification of this item.
- b. Jan Mitchell: Ms. Mitchell inquired whether the agreements with Caltrans would be made available for the public's review.
- STAFF: Public Works Director Ron Lundquist provided clarification to the Board that this matter for approval was just to set a public hearing. The public hearing then being July 31, 2007.

BOARD ACTION: Supervisor Potter pulled 51, 52, and 53 noting that none had gone first through the Capital Improvements Committee. Supervisor Potter advised that he was not necessarily opposed to any of the matters, but that since they did involve contracts and amendments to contracts for a rather large dollar amount, they should first go through the Capital Improvements Committee. Supervisor Salinas who also sits on this committee was also in agreement. Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta, 51, 52, and 53 were pulled to be first submitted to the Capital Improvements Committee for review and recommendation.

51. a. **PULLED** Approve Amendment No. 2 in the amount of \$98,099 for a total amount not to exceed \$1,449,567 with Wald, Ruhnke & Dost Architects, LLP for additional services associated with the County Health Department Building; and
- b. Authorize 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.
52. a. **PULLED** Approve a Construction Project Management Services Agreement with Turner Construction in an amount not to exceed \$2,095,737 to provide construction project management services for the County Government Center North Wing Renovation and Expansion Project to December 31, 2008; and
- b. Authorize the Chairman to the Board of Supervisors to execute the Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.
53. a. **PULLED** Approve a Professional Services Agreement with Keith B. Higgins & Associates, Inc., in an amount not to exceed \$123,348 to provide traffic engineering services for the Monterey County Government Center Parking Structure to June 30, 2008; and
- b. Authorize the Purchasing Manager to execute the Amendment and future amendments that do not significantly alter the scope of work or change the a

approved Agreement amount.

0525.000

0602.350

54. a. **2007 CONST 0010 Approved** Plans and Special Provisions for the Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat 2007 Project (Contract No. 08-550816; and
- b. **Authorized** the Clerk of the Board to advertise the "Notice to Contractors" in the Californian on July 13, and July 20, 2007.

0602.350

0125.000

55. a. **Found** that County Service Area No. 15 - Toro Park Estates, Serra Village, Toro Creek Estates and Toro Sunshine are located remote from available County resources; and the County's economic interests are served best by contracting for landscape maintenance service, pursuant to Government Code section 31000; and
- b. **Agreement No.: Agreement No.: A-10952 Approved** an Agreement for Landscape and Open Space Maintenance Services for a period of one year, with the option to extend the Agreement for two additional one-year periods, in an amount estimated not to exceed \$35,350 in FY 2007-08 between County Service Area No. 15 - Toro Park Estates, Serra Village, Toro Creek Estates and Toro Sunshine and Linda Vista Landscape in accordance with the terms and conditions within Request for Proposal No. 10011; and
- c. **Authorized** the Purchasing Manager to execute the Agreement, related documentation necessary to effectuate the Agreement, and future amendments that do not significantly alter the scope of work or change the approved amount.

0602.350

56. a. **Resolution No.: 07-277 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: Supervisor Potter again raised the issue that No.'s 57 and 58 should procedurally first go through the Capital Improvement Committee for review and recommendation back to the board. Thus that these two matters should also be trailed (as 51, 52 and 53 had been). Supervisor Salinas was in agreement. Upon motion of Supervisor Salinas, and seconded by Supervisor Smith, and carried, the Board trailed these two items to be submitted first through the Capital Improvement committee.

57. **PULLED** Approve and authorize the Chair of the Board of Directors of the Redevelopment Agency of the County of Monterey to sign Amendment No. 5 to Agreement No. A-09669 with The Paul Davis Partnership for the Castro Plaza Project in Castroville, to extend the term of the Agreement to June 30, 2008.

58. **PULLED** Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey, take the following actions relating to the receipt of bids for construction of the Castro Plaza Fountain in Castroville, Project No. 07-720720:

a. Reject the bid of DMC Construction, Inc., as being non-responsive due to an irregularity in the Bid Bond; and

- b. Award a contract in the amount of \$198,253.00 to Tombleson Incorporated; and
- c. Establish a contingency not to exceed 10% of the amount bid; and
- d. Authorize the Director of Housing & Redevelopment to execute the contract.

MONTEREY COUNTY WATER RESOURCES AGENCY:

BOARD ACTION: Upon motion of Supervisor Salinas and seconded by Supervisor Smith, and carried, the Board approved the following actions, unless otherwise noted: 61 was continued to a date in the near future.

- 0802.000 59. **B.U. No.: 07/08-007 Approved** the following revisions to the
0150.147 Monterey County Water Resources Agency's FY 2007-2008 budget:
1. **Decreased** appropriation for the purchase of a Portable Diesel Pump in Fund 217, Budget Unit 930, Account 6890 (Fixed Assets) by \$25,000, and
 2. **Decreased** appropriation for the purchase of a Portable Diesel Pump in Fund 222, Budget Unit 930, Account 6890 (Fixed Assets) by \$25,000, and
 3. **Increased** appropriation for the purchase of the Espinosa Pump Station in Fund 217, Budget Unit 930, Account 6890 (Fixed Assets) by \$25,000 (4/5th vote), and
 4. **Increased** appropriation for the purchase of the Espinosa Pump Station in Fund 222, Budget Unit 930, Account 6890 (Fixed Assets) by \$25,000 (4/5th vote required).
- 0802.150 60. **Resolution No.: 07-276 Approved** the notice and Request for Proposals for seven leases on Agency land located around lakes San Antonio and Nacimiento reservoirs and direct the Clerk to advertise for proposals to be submitted by August 22, 2007, at 1:00 p.m.

This matter was pulled by Supervisor Calcagno:

BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Armenta, this matter was continued in order to allow for a Public Presentation with and opportunity for some recorded input and then be brought back in the near future.

- 0802.000 61. **CONTINUED:** Consider Approval of the Monterey Bay Regional Water Solutions Leadership Task Force Memorandum of Understanding.
- Supervisor Calcagno pulled this and requested that this matter be voted on separately as he intended to recuse himself from the vote and he would appreciate in the future that a report of this magnitude which he would like to participate in, that we would eliminate mentioning or holding off any thing to do with De-Sal in Moss Landing off the particular agenda because this is a long issue in which the Supervisor would like to participate but because the De-sal facility in Moss Landing is listed that gives the Supervisor a conflict wherein he cannot participate in this vote. Therefore, Supervisor Calcagno advised that he would appreciate that in the future in bringing such matters forward, that Water Resources eliminate that portion and handle it separately and write the report strictly on the other issues.

Public Comment:

- a. Margie Kay: Ms. Kay would like to know who are the LTF members? Who is representing North County? What is going on? What progress is being made? Ms. Kay requests that this matter be continued this time and attach to its approval a timely public staff report on the progress of the LTF.
- b. Madeline Clarke: This matter is too big to have been placed under consent.
- c. Jan Mitchell: Addressed the Board requesting that this matter be continued and further that a public representative be appointed to the LTF.

Staff: Curtis Weeks, Director of the Water Resources Agency: Addressed the Board to advise that he recognizes the concerns. Mr. Weeks advises that there were a number of organizations both water and cities and others that participated and recognize that this MOU is a good step

forward. He agreed that it was appropriate to monitor and advise or perhaps provide quarterly reporting on the progress. Mr. Weeks acknowledged the need to pay attention to the water supply in Monterey County, both in North County as well as in the Peninsula, the Salinas Valley and South County as well. In terms of who represents Monterey County, the intent was to have Supervisor Calcagno as representative of the Agency, Sylvio Bernardi (a former member of the Castroville Water District) to be the representative on that body. Mr. Weeks advised that he is not opposed to having public members serve however, at this point they have not identified public members from other areas and if they did that they would probably need to have some sort of equitable opportunity for others to participate. In terms of this matter being on Consent, this is follow up direction from the Board, working through developing this task force. The question about who participates primarily it has been at a working level, city managers and general managers and that type of individual. They have had two meetings on a public official basis. Supervisor Potter was in attendance of both meetings. One was in April 2006 and the other in February of this year. There is another meeting scheduled for the 23rd of this month. Mr. Weeks advised that he believed that it was appropriate for the Board to take action and be supportive of this, that staff can certainly bring this matter back but that he would like to have the Board's support as they work together towards that 23rd meeting. In any case they would be willing to come back and talk more in detail about some of the parameters that are associated with this and bring people up to speed.

- 0602.200 62/47. a. **Accepted** the Parcel Map to allow a minor subdivision to divide the 213.6 acre parcel into four parcels and a 111 acre remainder parcel and a lot line adjustment of three existing parcels of 87, 169 and 20 acres, to create three parcels of 34.5, 27.7 and 213.6 acres; and
- b. **Accepted** the Subdivision Improvement Agreements, Road and Drainage Maintenance Agreement, Mitigation Monitoring Agreement, Indemnification Agreement, Deed Notification and Deed Restriction, Conservation and Scenic Easement Deed, Scenic Easements Conservation and Scenic Easement Deed, Fox Creek Ranch Biological Easements Conservation and Scenic Easement Deed, Water Conservation Notice, Floodplain Notice, Subdivision Guarantee, Notice of TAMC fees, Security Bonds, and Tax Report from the Tax Collector; and
- c. **Authorized** the Chair to execute the Subdivision Improvement Agreement; and
- d. **Authorized** the Chair of the Water Resources Agency to execute the Road and Drainage Maintenance Agreement; and
- e. **Directed** the Clerk of the Board to sign the Subdivision Improvement Agreements, Conservation and Scenic Easement Deed, Scenic Easements Conservation and Scenic Easement Deed, and Fox Creek Ranch Biological Easements Conservation and Scenic Easement Deed; and
- f. **Directed** the Clerk of the Board to submit the Parcel Map, Mitigation Monitoring Agreement, Indemnification Agreement, Deed Notification and Deed Restriction, Conservation and Scenic Easement Deed, Scenic Easements Conservation and Scenic Easement Deed, Fox Creek Ranch Biological Easements Conservation and Scenic Easement Deed, Water Conservation Notice, Notice of TAMC fees and Floodplain Notice to the County Recorder for filing.
- (PLN030456/Fox Creek Ranch, 33750 E Carmel Valley Road, Cachagua Area Plan)