

# BOARD OF SUPERVISORS

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

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Salinas, CA 93902	

## ACTION MINUTES

**MONTEREY COUNTY BOARD OF SUPERVISORS  
MONTEREY COUNTY REDEVELOPMENT AGENCY  
MONTEREY COUNTY WATER RESOURCES AGENCY  
TUESDAY, JULY 31, 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 heard points and measures.**

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

1. Christopher Griffith vs. Monterey County Sheriff's Department, et al.
2. Clifford Jackson vs. Monterey County Jail, et al.
3. Dorsami Reddy vs. Skanska, et al.
4. Preserve Golf Club, Inc. vs. County of Monterey
5. Water World Resorts, Inc. vs. County of Monterey, et al.
6. Lake San Antonio Resorts, Inc. vs. County of Monterey, et al.
7. Valera W. Lyles, et al. vs. County of Monterey, et al.
8. Omni Resources, LLC vs. Monterey County, et al

S/A-4 9. County of Humboldt vs. Robert C. McKee, et al.; related cross-action

**BOARD ACTION: Matters 1, 2, and 3: The Board heard defenses and authorized retaining Randy Willoughby to assist in Insurance Defense and Indemnification. Matter 4: This matter arose out of an Assessment Appeals Board decision. The Board authorized retaining and expert to assist in the defense of the property tax issues. Matters 5 and 6: The Board gave further direction regarding the settlement of the case. Matter 5: The Board authorized a tentative settlement in addition to authorizing the retaining of Randy Willoughby to assist with the insurance coverage issues. Matter 8: The Board authorized settlement. The settlement documents will be available through County Counsel's office upon receipt of the properly executed documents. Matter S/A-4: AMICA support was discussed.**

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

**BOARD ACTION: The Board discussed actions and requested policy on how to bring forward.**

- d. 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 matter pertains to the Addendum EIR for the Salinas Valley Water Project and subsequent EIR v. the potential litigation. The Board heard from County Counsel the positives and negatives on this matter.**

S/A-3 Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one item of potential initiation of litigation.

**BOARD ACTION: The Board agreed to a tolling agreement for this matter which is the Measure A- Pebble Beach matter.**

**BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas and carried 4/0 (Supervisor Smith was absent from the meeting) the Board added this emergency item to Closed Session:**

**A/C-1: Inclusionary Housing Requirement and the possible threat of litigation. This matter pertains to S-12 on the agenda.**

**BOARD ACTION: The Board heard from defense counsel regarding the threat of litigation in relation to action taken later today on the matter.**

**10:30 a.m.**

- 1. Pledge of Allegiance  
The Pledge of Allegiance was led by Keith Honda.

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 Calcagno, and carried 4/0 (Supervisor Smith was absent from the meeting) the Board approved the following additions and corrections to the Agenda:**

**Under Closed Session:**

**A/C-1: Inclusionary Housing Requirement and the possible threat of litigation. This matter pertains to S-12 on the agenda.**

**Under Appointments:**

- 8. Appoint Maria Castillo to the Overall Economic Development Commission for a term ending June 30, 2009. (Supervisor Armenta)

**ORDER FOR ADJOURNMENT**

## IN MEMORY OF ANTHONY NARIGI

3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
  4. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY - (See Supplemental Sheet)
- S/A-1 CONSENT CALENDAR – MONTEREY COUNTY WATER RESOURCES AGENCY

### 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:**

- |          |    |                                                                                                                                                                 |
|----------|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 0804.000 | 5. | <b>Re-appointed</b> Estella Ramirez to the San Lucas Cemetery District for a term ending November 30, 2011. (Supervisor Salinas)                                |
| 0804.000 | 6. | <b>Appointed</b> Karen Benedix to the San Lucas Cemetery District for a term ending November 30, 2011. (Supervisor Salinas)                                     |
| 0804.000 | 7. | <b>Appointed</b> Linda Larson to fill a vacancy by Kathy Kalpakoff to the San Lucas Cemetery District for a term ending November 30, 2008. (Supervisor Salinas) |
| 0402.800 | 8. | <b>Appointed</b> Maria Castillo to the Overall Economic Development Commission for a term ending June 30, 2009. (Supervisor Armenta)                            |

### OTHER BOARD MATTERS:

- |          |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6300.000 | 9.  | Board Comments and Referrals <ol style="list-style-type: none"> <li>a. Supervisor Armenta: Supervisor Armenta wished to advised the public under AB1234 (General updates on local/state and national conferences attended) that during June 28<sup>th</sup> – 30<sup>th</sup>, he attended the National Latino Elected Officials in Orlando Florida. He further advised that he has copies of the itinerary available at his office for any member of the public who wishes to review. In addition the Supervisor advised of his necessity to cancel his NACO conference due to the General Plan special meeting that was called.</li> </ol>                                                                         |
| 6300.000 | 10. | <b>Received</b> Board Referrals Update                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 0600.025 | 11. | CAO Comments<br>There were none.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 2050.000 | 12. | Public Comment (Limited to 3 minutes per speaker)<br>The following spoke regarding issues/concerns over F-Unit negotiations: <ol style="list-style-type: none"> <li>a. Rene Parim (Spelling ? – No Speaker card)</li> <li>b. Ms. Gutierrez (First name inaudible- no speaker card)</li> <li>c. Daniel Gutierrez (Spelling ? – No Speaker card)</li> <li>d. Mr. Salvez (Spelling ? – No Speaker card)</li> <li>e. David Diaz (Spelling ? – No Speaker card)</li> <li>f. John (last name in audible and no speaker card)</li> </ol> <ol style="list-style-type: none"> <li>g. Hans Jongens: Mr. Jongens addressed the Board regarding concerns over the supply of water in addition to concerns over NAFTA.</li> </ol> |

- 2050.000 13. **Resolution No.: 07-278; Adopted** a Resolution of Proclamation declaring August 2007 as Child Support Awareness month in Monterey County. (Supervisor Armenta)  
**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:**

- 0125.000  
0601.525 S-2 **Agreement No.: A-10623 Authorized** the Purchasing Manager for the County of Monterey to execute Amendment No. 2 to the Agreement with Databank IMX, LLC for Medical Records Scanning and Software Services at Natividad Medical Center (NMC), increasing the current Purchase Order (#B960866332) from \$28,000 to \$149,860 (an increase of \$121,860) for the period of August 1, 2007 through June 30, 2008.  
**BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta, and carried 4/0 (Supervisor Smith was absent from this meeting).**
- 0601.525 S-3 **Approved and authorized** the Purchasing Manager to issue a purchase order for the Master Agreement for Nursing Registry (RFP # 9770) at Natividad Medical Center in an amount not to exceed \$4,886,206.00 for FY 2007-08 and to distribute these funds between all the vendors under the Master Agreement for Nursing Registry (RFP # 9770) to assure that funds are available as needs for services occur.  
**BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Armenta, and carried 4/0 (Supervisor Smith was absent from this meeting).**
- 
- 5400.000  
0601.525  
0150.147 S-4 a. **Resolution No.: 07-295 Approved and amended** Personnel Policies and Practices Resolution No. 98-394 to add the classification of NMC Chief Nursing Officer; and  
b. **BU No.: 07/08-023 Approved and amended** the Natividad Medical Center Budget Unit 960 to a) Delete 1.0 FTE NMC Assistant Administrator, and 1.0 Administrative Secretary, add b) Add 1.0 FTE NMC Chief Nursing Officer, 1.0 FTE Senior Secretary, and 1.0 FTE Administrative Services Assistant; 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.  
**BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0 (Supervisor Smith was absent from this meeting).**
- 
- 0150.147  
0125.000  
0802.000 S-5 a. **Agreement No.: A-10979; Considered** a Professional Services Agreement with RMC Water and Environment for an amount not to exceed \$148,728 for development of a Granite Ridge Area Water Supply Project and Engineer's Report in preparation for a Proposition 218 Ballot Proceeding; and  
b. **Authorized** the Monterey County Water Resources Agency General Manager to Execute the Agreement; and  
c. **Budget Unit No.: 07/08-015; Directed** the County Administrative Office to identify the funding source for the Agreement.

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

- 0802.000  
0802.180
- S-6 a. **Resolution No.: 07-294 Adopted** the Addendum to the Final Environmental Impact Report for the Salinas Valley Water Project (Exhibit A of the attached Resolution); and
- b. **Adopted** the Additional Findings for the Addendum (Exhibit B of the attached Resolution); and
- c. **Approved** the Proposed Modifications to the Salinas Valley Water Project as Described in Exhibit A of the Attached Resolution; and
- d. **Approved** the Amendment to the Mitigation Monitoring Program for the Salinas Valley Water Project (Exhibit C of the attached Resolution); and
- e. **Directed** the Clerk of the Board to file a Notice of Determination Pursuant to the California Environmental Quality Act.

The Board held a Public Hearing regarding these actions on July 24, 2007. (Public Hearing is closed.)

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

**12:00 p.m.**

Recess to Lunch

**1:30 p.m.**

S-7 **Continued** to September 11, 2007: Appeal - Reynolds - PLN050447.

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

There was no public comment made.

S-8 **CONTINUED TO AUGUST 28, 2007:**

- a. Conduct a public hearing and receive public comments regarding the Freeway Agreement with Caltrans; and
- b. Approve a Freeway Agreement with Caltrans for the construction of the Prunedale Improvement Project (PIP); and
- c. Authorize the Chair to execute the Freeway Agreement; and
- d. Direct the Public Works Director to submit the fully endorsed Freeway Agreement to the County Recorder for filing.

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

There was no public comment made.

0150.147

1100.000

0802.000

- S-9 **Budget Unit No.: 07/08-016; Amended** Article XI of the Monterey County Fee Resolution to adjust fees relating to land use permitting activities provided by the Monterey County Water Resources Agency.

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

There was no public comment made.

- 0802.000 S-10 a. **Received** staff report regarding the results of the hydrostratigraphic analysis conducted by GeoSyntec Consultants Inc. regarding the El Toro Planning Area and Evaluation of the B-8 Overlay; and
- b. **Provided** direction to staff on how to proceed based upon the results and options presented in the GeoSyntec Report.

(Toro Watershed Hydrologic Study [Watershed Hydrologic Analysis] – PD050276/Resource Management Agency & Water Resources Agency, Toro Area Plan)

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

There was no public comment made.

2800.000  
0602.200

- S-11 a. **Ordinance 5082 Conducted** public hearing to consider extension of Interim Urgency Ordinance No. 5077 to establish interim 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; and
- b. **Acted** upon one of the following three options:
1. extend all relevant provisions of Interim Urgency Ordinance No. 5077 until June 10, 2008 (10 months and 15 days) (4/5 vote required);
  2. **extend all relevant provisions of Interim Urgency Ordinance No. 5077** for a shorter period (e.g., **until October 30** or November 27, 2007) (4/5 vote required); or
  3. set a Special Meeting of the Board of Supervisors for August 21, 2007 and continue the public hearing to that date to consider extension of Ordinance No. 5077.

(Interim Urgency Ordinance Extension—PD070086/Agricultural Fences, County-wide)

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

Public Comment:

- a. Beverly Bean: Submitted a letter from the Sierra Club – Ventana Chapter. Ms. Bean addressed the Board in opposition to the Ordinance. Ms. Bean requested that the ordinance be post-poned because there was a need to first determine the source of the e-coli.
- b. Bob Martin: Real Farms – King City. Mr. Martin addressed the Board advising that the e-coli pathogen should first be pin-pointed. Mr. Martin cited from the list of animals of concern, the Deer as an example. Mr. Martin questioned how did Deer get on this list? Mr. Martin proposed that come next hunting season, fecal samples be taken from the deer.
- c. Michael Stamp: Representing his client, Open Monterey Project. Mr. Stamp advised that he was supportive of the science based approach which should go before the action of an ordinance. Further that guideline 15269- no long term without science to support. Mr. Stamp argued that to proceed accordingly would not be lawful. Mr. Stamp further advised that if the Board were to come back in 90 days, then there was the chance to further work with county counsel and with staff.
- d. Bob Perkins: Executive Director of the Monterey County Farm Bureau. Mr. Perkins addressed the Board to advise that he was supportive of the continuation of this ordinance as essential.

- e. Eric Lauritzen: Monterey County Agricultural Commissioner: Mr. Lauritzen addressed the Board to advise this is not a made up problem. Mr. Lauritzen advised that 90 days would be good to allow further work to be done.

1353.450  
0602.200

- S-12 a. **Resolution No.: 07-296 Denied** the appeal of the corrected Planning Commission Resolution No. 05001 issued for Grading Permit GP030078 for site improvements to the 73 lots in Spreckels; and
  - b. **Denied** the appeal of the Letter of Determination of Inclusionary Housing Requirement for Grading Permit GP030078; and
  - c. **Directed** the Appellant to pay the inclusionary housing fee of \$514,879.95 to the Office of Housing and Redevelopment.
 (Appeal Grading Permit - GP030078/PLN070330/Standard Pacific, Spreckels, Greater Salinas Area Plan)

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

Public Comment:

- a. Aaron Johnson: Mr. Johnson represents the appellant, Standard Pacific. Mr. Johnson provided hand outs to the Board and addressed the Board urging them to uphold the appeal. Mr. Johnson argued that the Inclusionary Housing fee should not apply.
- b. Jim Reilly: Mr. Reilly addressed the Board in support of the appellant.
- c. Ken Sheen ( ? Spelling -No speaker card): Mr. Sheen addressed the Board representing the Community Housing Trust of Monterey County and how his non-profit organization could be available as a possible resource for such matters.

**ORDER FOR ADJOURNMENT  
IN MEMORY OF  
ANTHONY NARIGI**

APPROVED:

-

\_\_\_\_\_

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 Calcagno, and carried 4/0 (Supervisor Smith was absent from this meeting) the Board approved the following actions, unless otherwise noted:**

**NATIVIDAD MEDICAL CENTER:**

- 0601.525      14.      **Approved** and **authorized** the CEO of Natividad Medical Center (NMC) to sign the application for the California Healthcare for Indigents Program Funding for FY 2007-08.
- 0601.525      15.      **Approved** and **authorized** the Chief Executive Officer (CEO) of Natividad Medical Center to sign the authorization(s) to destroy the attached list of records now held at Natividad Medical Center. (4/5<sup>th</sup> vote required)

**HEALTH AND SOCIAL SERVICES:**

- 0403.825  
0602.550      16.      **Concurred** with the Monterey County Workforce Investment Board (WIB) Adult Title I funding recommendations to:
- a. **Approved** the extension of a Workforce Investment Act (WIA) Title I adult subcontract with Turning Point of Central California for the period of July 1, 2007 to June 30, 2008 in the amount of \$307,630 plus an On-the-Job Training (OJT) set-aside of \$75,680; 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.

0403.825

0602.550

17. **Concurred** with the Monterey County Workforce Investment Board (WIB) to:
- a. **Approved** the extension of a Workforce Investment Act (WIA) Title I adult subcontract with Shoreline Workforce Development Services for the period of July 1, 2007 to June 30, 2008 in the amount of \$257,832 plus an On-the-Job Training (OJT) set-aside of \$62,604; 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.

0403.825

0602.550

18. **Concurred** with the Monterey County Workforce Investment Board (WIB) to:
- a. **Approved** the extension of a Workforce Investment Act (WIA) Title I adult subcontract with Arbor E & T, LLC for the period of July 1, 2007 to June 30, 2008 in the amount of \$343,553 plus an On-the-Job Training (OJT) set-aside of \$82,800; 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.

0403.825

0602.550

19. **Concurred** with the Monterey County Workforce Investment Board (WIB) funding recommendation to:
- a. **Approved** the extension of the Workforce Investment Act (WIA) Title I youth subcontract with Turning Point of Central California (CA) in the amount of \$250,000 for the period of July 1, 2007 to June 30, 2008 to serve 58 economically disadvantaged youth; 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.

0403.825

0602.550

20. **Concurred** with the Monterey County Workforce Investment Board (WIB) funding recommendation to:
- a. **Approved** the extension of the Workforce Investment Act (WIA) Title I youth subcontract with Unity Care Group in the amount of \$120,000 for the period of July 1, 2007 to June 30, 2008 to provide follow-up services to 150 economically disadvantaged youth, plus set aside \$20,000 for supportive service reimbursements; 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.

0150.147

0125.000

0602.550

21. a. **Agreement No.: A-10980; Approved** and authorized the Director of Social and Employment Services, or his designee, to sign the agreement with First 5 Monterey County in the total amount of \$1,082,927 for the period of July 1, 2007 to June 30, 2008 for the CARES Program; 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; and
- c. **Budget Unit No.: 07/08-017; Directed** the Auditor-Controller to increase appropriations and estimated revenues of \$830 in Budget Unit 593. (4/5<sup>th</sup> vote required)

0150.147  
0601.100

- 22. a. **Budget Unit No.: 07/08-024 Approved** the Department of Health's Annual Plan and Budget for Children's Medical Services for Fiscal Year 2007-08; and
- b. **Authorized** the Board Chair to sign the Child Health and Disability Prevention (CHDP) Program Certification Statement and to sign the California Children's Services (CCS) Certification Statement; and
- c. **Approved** and **amended** Health Department Children's Medical Services Budget Unit 440 to add .50 FTE Physical Therapist-PHC and 1.0 FTE Public Health Nutritionist II positions, and reallocate 1.0 FTE Office Assistant III to 1.0 FTE Principal Office Assistant position; and
- d. **Directed** the Auditor-Controller to amend the Fiscal Year 2007-08 Health Department Children's Medical Services Budget Unit 440 to reflect the change in position count as outlined in the attached Board Order.

0125.000  
0601.100

- 23. a. **Agreement No: A-10711; Approved** and **authorized** the Director of Health to sign Amendment No. 1 to Agreement A-10711 with JDT Consultants, Inc., to increase the agreement by \$241,920 for the provision of Therapeutic Behavioral Services for Monterey County children for the period of July 1, 2006 through June 30, 2009 for a revised total agreement amount of \$362,880; and
- b. **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.

### CRIMINAL JUSTICE:

0125.000  
0602.500

- 24. a. **Agreement No.: A-10983 Approved** and **authorized** the Chair of the Board of Supervisors and the Sheriff to sign Agreement between the Monterey County Sheriff's Office and the Unified Fire Authority of Salt Lake City, Utah to accept five (5) body armor vests and five (5) ballistic helmets with face shields being donated by the Unified Fire Authority of Salt Lake City, Utah; and
- b. **Authorized** the Chair of the Board of Supervisors to send thank you letters.

0150.147  
0602.300

- 25. a. **Approved** and **authorized** the Public Defender to recognize its portion of the State of California, Corrections Standards Authority Juvenile Mentally Ill Offender Crime Reduction (MIOCR) Program grant award for the period of July 1, 2007 through June 30, 2008; and
- b. **Budget Unit No.: 07/08-018; Amended** Budget Unit 227-Public Defender to increase fiscal year 2007-08 estimated revenues and appropriations by \$48,887. (4/5<sup>th</sup> vote required)

### GENERAL GOVERNMENT:

0600.025

0150.147  
0125.000  
0602.400

26. a. **Agreement No.: A-10987; Budget Unit No.: 07/08-028 Approved** and authorized the Purchasing Manager to sign a contract with CGI Inc., for a fixed priced amount of \$863,837.90 for Enterprise Resource Planning (ERP) Pre-implementation Services associated with the upgrade, and replacement of the County's Financial, Budget Preparation and Human Resources (HR)/Payroll Systems for the period of August 1, 2007 through January 31, 2008; and
- b. **Approved** the non-standard liability and warranty provisions negotiated for this contract.

0125.000  
0600.025  
0602.400

27. **Agreement No.'s: A-10981 & A-10982; Approved** and authorized the Contracts/Purchasing Manager to sign Agreements with Corporate Express and Office Depot, to provide office supplies (office products, supplies and copier paper) for the County of Monterey for a term of one (1) year from the date of signing the Agreements through June 30, 2008, with the option of extending each Agreement for two (2) additional one (1) year periods. The Agreements carry an aggregate value of approximately \$2,000,000, in accordance with the terms and conditions set within each Agreement.

0600.775  
0600.025

28. **Received** the report regarding the Office of Emergency Services' Quarterly Work Plan for the period of July - September 2007.

0150.147  
0600.025  
0900.000

29. **Budget Unit No.: 07/08-019; Resolution No.: 07-289; Approved** a Resolution designating County staff positions to authorize and execute documents and applications for the purpose of obtaining financial assistance with the Fiscal Year 2007 Homeland Security Grant Program.

0150.147  
0602.750

30. **Budget Unit No.: 07/08-029 Adopted** Treasurer's Investment Policy for FY 2007-08; Delegate Investment Authority to the Treasurer-Tax Collector for FY 2007-08; Accept Treasurer's Report of Investments for the quarter ending June 30, 2007.

0150.147  
0602.750

31. a. **Approved** the reallocation of the Treasury Officer I to Treasury Officer II; and
- b. **Budget Unit No.: 07/08-020; Directed** the Auditor Controller to amend FY 2007-08 Treasurer-Tax Collector Budget Unit 117 to reflect the changes in position count.

0125.000  
0600.050  
0602.450  
0602.750

32. a. **Agreement No.: A-10988 Approved** and adopted a Software Upgrade License and Maintenance addendum for an amount not to exceed \$396,000 (over a four year period, without interest) payable to the Megabyte (MPTS 2000+) Property Tax System; and
- b. **Approved** the inclusion of non-standard indemnification and insurance provisions in the Agreement.

- 0600.050 33. **Approved** a request from the North County Recreation & Park District for a dry period loan of \$130,000.00 for the Fiscal Year ended June 30, 2008.
- 0125.000  
5100.000 34. a. **Approved** a \$4 million Application for a HOME Partnership Investment Act Grant to rehabilitate the Pacific Meadows senior housing project at 5315 Carmel Valley Road in Carmel Valley; and  
b. **Agreement No.: A-10934 Authorized** the Director of the Housing and Redevelopment Office to execute application documents for the State HOME Standard Agreement, any amendments thereto, and all other related HOME program documents; and  
c. **Resolution No.: 07-291 Approved** a Resolution to submit the HOME application to the State Office of Housing and Community Development.
- 0150.147  
0601.600  
0802.000 35/S/A-2. a. **Budget Unit No.: 07/08-022; Authorized** Parks Director and Water Resources General Manager to develop a business plan to assume responsibility for the operation of various resort activities at Lake San Antonio and Lake Nacimiento for the period of October 1, 2007 through March 31, 2008; and  
b. **Directed** the Parks Director and Water Resources General Manager to return to the Board with a complete business plan and necessary budget adjustments; and  
c. **Directed** Parks Director to notify employees currently employed by Water World Resorts, Inc. and Lake San Antonio Resorts of Board's direction.
- 0600.025 36. a. **Resolution No.: 07-292; BU No. 07/08-025 Adopted** a  
0150.147 ..... Resolution of Intention to approve amendments to the contract between the County of Monterey and the Public Employees' Retirement System to provide Safety Retirement for specified Park Rangers per Government Code Section 20441; and  
b. **Introduced**, waive first reading, and set for hearing on August 28, 2007 at 10:30 a.m., an Urgency Ordinance to authorize the Contract Amendment; and  
c. **Authorized** the Chair to sign the attached certification of Governing Body's Action and Certification of Compliance with Government Code Section 7507.

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**RMA - PLANNING:**

- 0602.200 37. Approved the request to correct the Assessors Parcel numbers on previously approved Letter of Convenience and Necessity (Resolution No. 06-133) for the sale of beer and distilled spirits for Carmel Valley Partners on behalf of Safeway (PLN060178). The property is located at 5 Crossroads Boulevard in the Crossroads Shopping Center, Carmel. Assessors Parcel Numbers 009-562-036-000 & 009-562-038-000.  
(PLN060178/ Carmel Valley Partners, Safeway, 5 Crossroads Blvd., Carmel)
- 0602.200  
6000.500 38. a. **Accepted** the Minor Subdivision Parcel Map to divide one parcel of 10,872 square feet into two parcels of 5,436 square feet each, the Tax Report from the Tax Collector and the Subdivision Guarantee; and  
b. **Directed** the Parks Department to deposit the Recreation In-Lieu Fee of \$17,023.00 into the Recreation In-Lieu Fee Trust Account No. 080-3473 to be used for financing parks and recreation programs and facilities in the area; and

- c. **Directed** the Clerk to Board to submit the Parcel Map to the County Recorder for filing.

(Final Map - PLN050359/DAVI Minor Subdivision, 11427 Del Monte Avenue, Castroville, North County Area Plan)

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39. a. **Agreement No.: A-10978; Approved** Amendment No. 1 in the amount of \$1,369 for a total amount not to exceed \$8,089 and extend the term of the Reimbursement Agreement with Maureen Wruck Planning Consultants, LLC to August 1, 2007 to reimburse Webster & Associates for third party arborist review for the Thornley Project located in the Carmel Valley Master Plan area (PLN060510); and
- b. **Authorized** the Interim Director of Planning to execute the Amendment and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

(Contract – PD070565/Maureen Wruck Planning Consultants, LLC, County-wide)

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40. a. **Accepted** the Standard Subdivision Final Map to subdivide the Oakvale Professional Complex 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, Property Tax Clearance Certification from the Treasurer-Tax Collector, Road and Drainage Maintenance Agreement, Deed Restriction on the common ownership parcel and Subdivision Guarantee; and
- b. **Authorized** the Chair of the Water Resources Agency to execute the Road and Drainage Maintenance Agreement; and
- c. **Directed** the Clerk of the Board to submit the Final Map, Road and Drainage Maintenance Agreement, and Deed Restriction on the common ownership parcel to the County Recorder for filing.

(Final Map - PLN060646/Oakvale Professional Center, 9821 Blue Larkspur Lane, Monterey)

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41. **Resolution No.: 07-290; Adopted** Resolution issuing report pursuant to Government Code section 65858(d) describing measures taken to alleviate the conditions that led to the adoption of the interim ordinance (Ordinance No. 5077) 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.

(Adopt Resolution – PD070086/Interim Ordinance for Agricultural Fences, County-wide)

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42. **Resolution No.: 07-293 Adopted** attached Resolution issuing report pursuant to Government Code 65858(d) regarding measures taken to alleviate the conditions that led to the enactment of Interim Ordinance No. 5080 applying certain uniform restrictions and regulations in the processing and approval of discretionary development entitlements and precluding the processing and approval of new applications for standard subdivisions pending the County's consideration of further amendments to the 2006 General Plan following the June 2007 election on the competing General Plan ballot measures.

### **RMA - PUBLIC WORKS:**

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43. a. **Authorized** the Public Works Director or his designee to negotiate and execute a Right-of-Entry & Well Monitoring Agreement in connection with the San Jerardo Cooperative Water System Improvements; and
- b. **Authorized** the Public Works Director or his designee to negotiate and execute an Option to Purchase Real Property in connection with the San Jerardo Cooperative

Water System Improvements; and

- c. **Authorized** the Public Works Director or his designee to negotiate and execute an Interim Agreement in connection with the San Jerardo Cooperative Water System Improvements.

- 0602.350 44. a. **Resolution No.: 07-297 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. (4/5<sup>th</sup> vote required)

- 0602.350 45. **Introduced**, and waived the reading, and **set August 28, 2007 at 10:30 a.m. to consider adoption of an ordinance** amending the Monterey County Code, Title 12, Section 12.16.010, to establish Cayetano Street as a one-way street between the northern intersection with Florence Avenue and the southern intersection with Florence Avenue, upon which all vehicles shall be moved only in the direction from the northern intersection with Florence Avenue to the southern intersection with Florence Avenue, in Pajaro.

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46. a. **Agreement No.: A-10985; Budget Unit No.: 07/08-026 Approved** and **authorized** the Purchasing Manager to execute a three-year Lease Agreement, effective on or around July 1, 2007, with King City Town Square, LLC, for approximately 3,373 square feet of space located at 200 Broadway Street, Suite 88, King City, for use by the Health Department, Behavioral Health Division; and  
 b. **Directed** the Auditor-Controller to make lease payments in the amount of \$4,821 per month in accordance with the Lease Agreement; and  
 c. **Authorized** the extension of the Lease Agreement for an additional six years under the same terms and conditions if deemed by the Purchasing Manager to be in the best interest of the County.

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47. a. **2007 CONST 0011; Approved** Plans and Special Provisions for the Abbott Street Pavement Rehabilitation and Overlay Project, Project No. 08-140365; and  
 b. **Authorized** the Clerk of the Board to advertise the "Notice to Contractors" in The Californian on August 3 and August 10, 2007.

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48. a. **Agreement No.: A-10986; Budget Unit No. 07/08-027 Approved** and authorized the Purchasing Manager to execute a five-year Lease Agreement, effective on or around January 1, 2008 with the Creekbridge Office Center II, LLC for approximately 12,463 square feet of rentable space located at 1615 Bunker Hill Road, Suites 190, 230, and 250, Salinas, for use by the Health Department's Community Health Division, Children's Medical Services Branch; and  
 b. **Directed** the Auditor-Controller to make lease payments in the amount of \$26,172 per month and in accordance with the terms of the agreement; and  
 c. **Authorized** the extension of the Lease Agreement for an additional six years under the same terms and conditions if deemed by the Purchasing Manager to be in the best interest of the County.

**RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY**

**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:**

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49. **Budget Unit No.: 07/08-021; 2007 CONST 0009;** 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. **Rejected** the bid of DMC Construction, Inc. as being non-responsive due to an irregularity in the Bid Bond; and
  - b. **Awarded** a contract in the amount of \$198,253.00 to Tombleson Incorporated; and
  - c. **Established** a contingency not to exceed 10% of the amount bid; and
  - d. **Authorized** the Director of Housing & Redevelopment to execute the contract.

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50. **Agreement No.: A-09669** Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey **approved** and **authorized** the Chair of the Board of Directors 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.

**MONTEREY COUNTY WATER RESOURCES 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:**

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S/A-2/35.

- a. **Budget Unit No.: 07/08-022; Authorized** Parks Director and Water Resources General Manager to develop a business plan to assume responsibility for the operation of various resort activities at Lake San Antonio and Lake Nacimiento for the period of October 1, 2007 through March 31, 2008; and
- b. **Directed** the Parks Director and Water Resources General Manager to return to the Board with a complete business plan and necessary budget adjustments; and
- c. **Directed** Parks Director to notify employees currently employed by Water World Resorts, Inc. and Lake San Antonio Resorts of Board's direction.

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