

BOARD OF SUPERVISORS

Fernando Armenta
Louis R. Calcagno
Simón Salinas
Vacant
Dave Potter

1st District (Vice Chair)
2nd District
3rd District
4th District
5th District (Chair)

Lew C. Bauman
County Administrative Officer

Charles J. McKee
County Counsel

ACTION MINUTES

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

9:00 a.m.

6300.000 S-1 Closed Session under Government Code section 54950, relating to the following items:

- a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:
 1. Norman Snyder III (WC)
 2. Patricia Trier (WC)
 3. Sylvia Camacho (WC)
 4. Candice Vaughn (WC)
 5. H-Y-H Corporation vs. County of Monterey
 6. Helping Our Peninsula's Environment vs. Monterey County
 7. LandWatch Monterey County, et al. vs. County of Monterey, et al.
 8. Save Our Peninsula Committee vs. County of Monterey, et al.

BOARD ACTION: On Items 1-3 the Board approved tentative agreements. No action was taken on Item 4, and the Board directed staff to return with this item at a future Board meeting. The Board gave direction to County Counsel on Items 5-8 on how to try and solve those cases.

- b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding the following significant exposure to litigation/liability claim(s):
 1. Claim of Standard Pacific Homes

BOARD ACTION: The Board denied the claim.

c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (IHSS Unit);

1. Elliott Robinson and Fran Buchanan, IEDA, for the County of Monterey

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

A/C-1 d. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (Units D, E, J, and F); Keith Honda and Patricia Covert for the County of Monterey.

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

10:30 a.m.

1. Posting of Colors by the Salinas Elks Lodge 614.
Pledge of Allegiance was led by Claudia Link.
National anthem sung by Jade Rede.
Moment of silence in memory of Supervisor Jerry C. Smith.
Board Comments in memory of Supervisor Jerry C. Smith.
The Board of Supervisors, County Counsel, and County Administrative Officer expressed their condolences to the Smith family, remarked that they were honored to know and work with Supervisor Jerry Smith and recognized his service to the Country and to Monterey County.

S-2 Welcome Home Troops Ceremony
The Board honored the following service members for their service to our Country: Sergeant First Class William Bledsoe; Staff Sergeant Steven Bradford; Sergeant Andrew Breig; Private William Brown; Specialist Thomas Moran; Lance Corporal Junriel Sunagang; Corporal Justin Walker; and Petty Officer First Class Brenda Villanueva. Petty Officer First Class Brenda Villanueva presented the Monterey County flag back to the Board, which the Board had previously provided for her to carry with her on her tour of duty in Kuwait. The board directed staff to display the flag and story of its journey in the County Government Center.

6300.000 2. Additions and Corrections

The Clerk to 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.

Add Under Closed Session

A/C-1 d. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (Units D, E, J, and F); Keith Honda and Patricia Covert for the County of Monterey.

A/C-2 In memory of Supervisor Jerry Smith the Board hereby orders that the flags at all Monterey County Facilities be flown at half-mast from dawn on Tuesday, November 27, 2007 until dusk on Friday, November 30, 2007.

A/C-3 Adjournment in memory of Supervisor Jerry C. Smith.

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

3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta and carried 4/0.
Lew Bauman on item No. 36 clarified that the helicopter agreement is a two-year pilot program and recommend that the item come back to the Board at a future date with a Budget Committee report on the effectiveness of the program.

4. CONSENT CALENDAR – MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental sheet)
BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Calcagno and carried 4/0.

APPOINTMENTS:

BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta, and carried 4/0.

5. Appoint Julie Tinkey to the Overall Economic Development Commission for a term ending June 30, 2009. (Supervisor Salinas)
6. Reappoint David Moore to the San Ardo Cemetery District for a term ending March 31, 2011. (Supervisor Salinas)
7. Reappoint Margaret Duflock to the San Ardo Cemetery District for a term ending March 31, 2011. (Supervisor Salinas)
8. Reappoint Francis Rianda to the Gonzales Rural Fire Protection District for a term ending November 30, 2011. (Supervisor Salinas)
9. Reappoint Frank LaMacchia to the Gonzales Rural Fire Protection District for a term ending November 30, 2011. (Supervisor Salinas)
10. Reappoint Maximiliano Cuevas, M.D. to the Santa Cruz-Monterey Managed Medical Care Commission for a term ending December 31, 2011. (Full Board)

11. Reappoint Len Foster, to the Santa Cruz-Monterey Managed Medical Care Commission for a term ending December 31, 2011. (Full Board)
12. Reappoint Elsa Quezada to the Santa Cruz-Monterey Managed Medical Care Commission for a term ending December 31, 2011. (Full Board)
13. Reappoint Susan O'Brien to the Animal Control Advisory Board for a term ending July 1, 2010. (Supervisor Potter)
14. Reappoint Shirely Jorgenson to the Animal Control Advisory Board for a term ending July 1, 2010. (Full Board)
15. Reappoint Barbara DeGroot to the Animal Control Advisory Board for a term ending July 1, 2010. (Full Board)
16. Reappoint Thomas Berry to the Animal Control Advisory Board for a term ending July 1, 2010. (Full Board)

OTHER BOARD MATTERS:

- 6300.000 17. Board Comments and Referrals
Supervisor Armenta requested clarification on letter regarding all paper ballots.
Supervisor Calcagno expressed gratitude for the Sheriff substation in Castroville.
Supervisor Potter requested to see possible municipal sewer line for the Public Works Oak Hills Homeowners Association
- 6300.000 18. **Received** Board Referrals Update
- 0600.025 19. CAO Comments: Lew Bauman expressed appreciation for the holiday goods gathered for Operation Yellow Ribbon. Announced the California Hospital Association is recognizing Sam Downing CEO of Salinas Valley Memorial Hospital (SVMH) and Dr. Steve Packer, President/CEO of Community Hospital of the Monterey Peninsula (CHOMP) for their contributions to health care and the community.
- 2050.000 20. Public Comment (Limited to 3 minutes per speaker)
No Public Comment
- 2050.000 21. **Resolution No. 07-392; Adopted** Resolution commending Commander Malcolm R. Gray, Monterey County Sheriff's Office, upon his Retirement from 25 years of public service. (Full Board)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0

22. **Resolution No. 07-391; Adopted** Resolution commending Detective James B. Miller, Monterey County Sheriff's Office, upon his retirement from 26 years of dedicated public service. (Full Board)

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0

23. **Resolution No. 07-396; Adopted** Resolution commending Patrick R. Camara for his 23 years of dedicated service to Monterey County as a California Highway Patrol Officer upon his retirement. (Supervisor Potter)

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0

24. **Resolution No. 07-393; Adopted** Resolution of Proclamation declaring Team Monterey County (Relay for Life 2007) event a success and recognition of participants. (Supervisor Potter)

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0

25. **Resolution No. 07-394; Adopted** Resolution honoring Ricki Mazzullo upon her retirement as the Executive Director of the ACTION Council of Monterey County. (Supervisor Potter)

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0

26. **Resolution No. 07-395; Adopted** Resolution proclaiming November 25, 2007 through December 2, 2007 as National Hunger and Homelessness Awareness Week in the County of Monterey. (Supervisor Potter)

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0

SCHEDULED MATTERS:

- 0600.050 S-3 **Received** a report from the Auditor-Controller regarding the award of the Certificate of Achievement for Excellence in Financial Reporting for the 2005-06 Comprehensive Financial Report and the award for Achieving Excellence in Financial Reporting for the Fiscal Year Ended June 30, 2006.

BOARD ACTION: Upon motion of Supervisor Calcagno and seconded by Supervisor Salinas and carried 4/0.

- 0601.525 S-4 **Agreement No. A-10277; Authorized** the Purchasing Manager for the County of Monterey to execute Amendment #4 to the Agreement with California Emergency Physicians (CEP) providing emergency medical physician services and emergency services

management for the emergency department at Natividad Medical Center (NMC) in the amount not to exceed \$1,706,000, an increase of \$456,000 for the term November 15, 2007 through June 30, 2009 for the purpose of creating a Rapid Medical Assessment Program at NMC.

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

12:00 p.m.

Recess to Lunch – Fort Ord Committee Meeting

1:30 p.m.

0600.025 S-5 **Received and accepted** a report on the FY 2007-08 General Fund Expenditures, Revenues and Cash through the Quarter Ending September 30, 2007.

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

0600.025 S-6 **Received** the Three-Year Financial Forecast Report for the period of FY 2008-09 through FY 2010-11.

BOARD ACTION: Upon motion of Supervisor Armenta and seconded by Supervisor Salinas, and carried 4/0.

0600.250 S-7 **Board Budget No. 07/08-091; Received** a status report on the
0150.147 Monterey County General Fund budgets impacted by the Governor's Fiscal Year 2007-08 State Budget signed August 24, 2007.

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

S-8 **Considered** adoption of Monterey County's 2008 State and Federal Legislative Priorities and Platform.

BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Armenta, and carried 4/0.

0602.200 S-9 a. **Conducted** a public hearing to consider a negative declaration and proposed amendments of Chapters 20.60, 20.68, 21.61, and 21.68 of the Monterey County Code to modify regulations governing signs; and
b. **Approved Resolution No. 07-425;** adopting a negative declaration prepared for the amendments; and
c. **Adopted Ordinance No. 5098;** to amend Chapter 21.60 and repeal section 21.68.070 of Title 21 of the Monterey County Code; and
d. **Adopted Resolution of Intent 07-426;** to amend Chapter 20.60 and repeal section 20.68.070 of Title 20 (Part 1 of the

Coastal Implementation Plan) of the Monterey County Code;
and

- e. **Directed** staff to submit the proposed amendment of Chapters 20.60 and 20.68 to the California Coastal Commission for certification.

(Amendments to Chapters 20.60, 20.68, 21.60, and 21.68 of the Monterey County Code - PLN070228/County of Monterey, County-wide)

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

S-10 **Continued to December 4, 2007**

- a. Consider the Mitigated Negative Declaration adopted April 11, 2007 for the Country Lake Estates project and the Addendum attached to that document; and
- b. Approve the Resolution to amend to the 1982 General Plan to change the land use designation from Rural Density Residential to Low Density Residential on approximately 40 acres of the subject property (70970 New Pleyto Road; APN: 423-071-059-000); and
- c. Adopte an Ordinance to amend Title 21 (Zoning Ordinance of the Monterey County Code) to change the zoning from RDR/5.1 (Rural Density Residential, 5.1 acres per unit) to LDR/1 (Low Density Residential, 1 acre per unit) on approximately 40 acres of the subject property (70970 New Pleyto Road; APN: 423-071-059-000); and
- d. Approve a Resolution to
 - i. Adopt a Condition Compliance and Mitigation Monitoring Reporting Plan for Lot Pattern 1 (Phase 2) of the Country LakeEstates Subdivision; and
 - ii. Approve a Vesting Tentative Map for Lot Pattern 1 (Phase 2) of the Country Lake Estates Subdivision to resubdivide three lots numbered 43, 44, and 45 into ten lots numbered 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52.

(Amendments and Tentative Map – GPZ060006 and PLN040103/ Country Lake Estates, 70850 and 70970 New Pleyto Road, Bradley, South County)

BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Armenta, and carried 4/0.

0802.000

- S-11 **Approved** the Zone 2B Proposition 218 Engineer's Report and direct staff to proceed with a Proposition 218 notice and public hearing for the Salinas River Diversion Facility to establish water delivery charges to cover operations and maintenance costs for the Diversion Facility.

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

ORDER FOR ADJOURNMENT

IN MEMORY OF

SUPERVISOR JERRY C. SMITH

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 Armenta, and carried 4/0.

HEALTH AND SOCIAL SERVICES:

- 0602.550 27. **Approved** Bylaws of the In Home Supportive Services Advisory Committee.
- 0602.550 28. **Approved** dissolution of the Social Services Commission.
- 0602.550 29. a. **Agreement No. A-10592; Approved** and **authorized** the Director of the Department of Social and Employment Services, or his designee, to sign Amendment #2 to Agreement A-10592 with Meredith Manhard adding \$6,443 and increasing the contract to \$75,047 for the period July 1, 2006 - June 30, 2008 to provide nutrition education services for the Area Agency on Aging; and
b. **Authorized** the Director of the Department of Social and Employment Services, or his designee, to sign up to three amendments where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.
- 0602.550 30. a. **Agreement No. A-11056; Approved** and **authorized** the Director of the Department of Social & Employment Services, or his designee, to sign an Agreement for \$200,425 with Alisal Union School District to provide family case management services for children at risk for abuse and neglect and for support of the Family to Family initiative in the 93905 area of Salinas for the period July 1, 2007 through June 30, 2008; and
b. **Authorized** the Director of the Department of Social and Employment Services, or his designee, to sign up to (3) amendments to this agreement where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.
- 0602.550 31. a. **Agreement No. A-11083; Approved** and **authorized** the Director of the Department of Social and Employment Services, or his designee, to accept funding and sign an agreement with First 5 Monterey County for \$23,784 for the period July 1, 2007 through June 30, 2008 to provide matching funds required for the Department's Perinatal Substance Abuse/HIV Infant allocation to Door to Hope's MCSTART Program; and

GENERAL GOVERNMENT:

- 0600.025 41. **Resolution No. 07-404; Adopted** Resolution to support the grant application of the Arts Council of Monterey County to the California Arts Fund.
- 5100.000 42. **Agreement No.: A-11059; Approved and authorized** the Purchasing Manager to sign a three-year lease agreement with Castrobloc, LLC for approximately 1,400 square feet of office space at 10680 Merritt St, Castroville, CA 95012 at no cost to the County for use by the Monterey County Sheriff's Department.
- 0600.050 43. **Designated** the County Debt Manager as an authorized County representative with signatory authority pertaining to funds held in the acquisition accounts by Union Bank of California, trustee for the 2001 Master Refunding and the 2007 Refunding and Public Facilities Financing.
- 5100.000 44. **Agreement No.: A-11060; Approved** a Subrecipient Agreement between the County of Monterey and the Monterey County Housing Advocacy Council for administration of the CDBG Freeze Grant for a rental assistance program.
- 5100.000 45. **Introduced, waived** the reading, and **set** this matter for consideration on December 11, 2007 for Adoption of an Ordinance providing that Eminent Domain by the Redevelopment Agency of the County of Monterey is not authorized for the Castroville/Pajaro Redevelopment Project Area.
- 5100.000 46. **Introduced, waived** the reading, and **set** this matter for consideration on December 11, 2007 for Adoption of an Ordinance providing that Eminent Domain by the Redevelopment Agency of the County of Monterey is not authorized for the Boronda Redevelopment Project Area.
- 0600.450 47. **Resolution No. 07-403; Approved** the Amendment of Article XIII of the Master Fee Resolution to set and authorize:
1100.000 a. The collection of an additional one dollar (\$1.00) in County Recorder fees for recording the first page of every instrument pursuant to Government Code Section 27361(d)(1), effective January 1, 2008 through December 31, 2017; and
 b. The collection of ten dollars (\$10.00) in County Clerk fees for the verification and certification of interpreters or translators pursuant to Government Code Section 27293(a)(2)(C) effective January 1, 2008.

- 0600.025 48. **Agreement No.: A-11061; Approved** Unit L Probation Managers' Association fully executed negotiated Agreement (the Tentative Agreement was approved on March 13, 2007).
- 0600.025 49. **Board Budget No. 07/08-402; Approved** the Internal Revenue
0150.147 Code Section 414(h)(2) Resolution which allows employee contributions to retirement to be made pre-tax.

RMA - PLANNING:

- 0602.200 50. **Set** a Public Hearing for December 11, 2007 at 1:30 P.M. to consider Agricultural Preserve and Farmland Security Zone contract applications for 2008.
(PLN070313/Williamson Act Contract Applications, County-wide)

RMA - PUBLIC WORKS:

- 0602.350 51. a. **Resolution No. 07-400; Adopted** Resolution to approve the submittal of a grant application in the amount of \$1,800,000 to the State Bicycle Transportation Account for the Spreckels Boulevard/Reservation Road Bicycle Path and Bridge Project; and
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 State Bicycle Transportation Account; and
c. **Approved** the commitment to fund \$180,000 from local, state, and/or federal secured grant funds as the 10 percent grant matching requirement.
- 0602.350 52. a. **2007CONST0013; Agreement No. A-11062; Awarded** a contract in the base bid amount of \$534,257 to Signature Glass & Windows, Inc., the lowest responsible bidder, for the Window Replacement at the North Wing Courthouse, Project Bid No. 10062; and
b. **Approved** the Performance and Payment Bonds executed and provided by Signature Glass & Windows, Inc.; and
c. **Authorized** a contingency (not to exceed 10% of the original contract amount) to provide funding for approved contract change orders; and
d. **Authorized** the Public Works Director to execute the contract.
- 0602.350 53. a. **Resolution No. 07-401; Adopted** Resolution finding that the emergency repairs and renovations in various shower stalls of the Monterey County Adult Detention Facilities, located at 1410 Natividad Road, Salinas continues to pose an emergency requiring immediate action without adopting plans and specifications and giving notice for bids to let contracts; and

- b. **Adopted** Resolution ratifying the execution of emergency contracts and emergency actions taken by the Purchasing Manager or his designee to respond to the emergency. (4/5th vote required)
- 0602.350 54. a. **Resolution No. 07-409; Adopted** Resolution ratifying the County Administrative Officer's proclamation of a local emergency for the Monterey County Government Center Complex in Salinas, California, in order to maintain the facilities and services of Superior Court and the County of Monterey that are dependent on the North Wing; and
- b. **Adopted** Resolution ratifying the execution of emergency contracts and emergency actions taken by the Public Works Director or his designee to respond to the emergency. (4/5th vote required)

RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY:

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

- 1550.000 55. **Resolution No. 07-399;** Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey, **approved** Resolution approving two applications for the Environmental Enhancement and Mitigation Program for grant assistance under Section 164.56 of the Streets and Highways Code:
- a. An application in the amount of \$250,000 to fund the Artichoke Avenue Phase I Class II bicycle trails project in Castroville; and
 - b. An application in the amount of \$47,790 to fund the Artichoke - Avenue Phase I Roadside Landscaping project in Castroville.
- 5100.000 56. a. **Agreement No. A-10815; Approved** Amendment No. 2 to Professional Services Agreement No. A-10815 with Freitas + Freitas Engineering and Planning Consultants, Inc. to increase payment to consultant by \$40,000 for a total contract amount not to exceed \$140,000 and to extend the term to June 30, 2008, to allow contractor to continue to provide consulting management and planning services for the support of redevelopment activities in the Fort Ord Redevelopment Area; and
- b. **Authorized** the Director of the Housing and Redevelopment Office (or designee) to execute the Amendment. The term of the Agreement will be February 27, 2007, to June 30, 2008.

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