

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)

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ACTION MINUTES MONTEREY COUNTY BOARD OF SUPERVISORS MONTEREY COUNTY WATER RESOURCES AGENCY TUESDAY, DECEMBER 11, 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. H-Y-H Corporation vs. County of Monterey.
 2. Helping Our Peninsula's Environment vs. County of Monterey.
 3. LandWatch Monterey County, et al. vs. County of Monterey, et al.
 4. Save Our Peninsula Committee vs. County of Monterey, et al.
 5. Taryn Cowley (WC)
 6. Richard Ridge (WC)
 - S/A-2 ~~7. Ralph Roberts (WC)~~
 8. Renee Aleksich (WC)
 - S/A-1 9. Melendez, et al. vs. Board of Supervisors, et al.
 10. Madrigal, et al. vs. County of Monterey.
 11. Rangel and Buell vs. County of Monterey, et al.
 12. Rancho San Juan Opposition Coalition, et al. vs. Board of Supervisors, et al.

BOARD ACTION: On items 1, 2, 3, and 4, the Board gave direction on how to try and resolve those cases. On items 5, 6,

and 8, the Board approved tentative settlements of workers compensation. On items 9, 10, 11, and 12, the Board approved a tentative settlement in those matters.

b. Pursuant to Government Code section 54956.8, the County Board of Supervisors and the Board of Directors of the Water Resources Agency will confer with real property negotiators regarding the following:

1. Concession areas at Lake Nacimiento and Lake San Antonio; John Pinio for the County of Monterey.

BOARD ACTION: The Board of Supervisors and the Board of Directors of the Water Resources Agency conferred with real property negotiator John Pinio and gave direction on how to commence possible negotiations on concession properties.

c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding the following items of significant exposure to litigation/liability claims:

1. Claim of Gary and Jennifer Mazzurco

BOARD ACTION: The Board conferred with County Counsel and denied the claim.

d. Pursuant to Government Code sections 54956.9(b) and 54956.9(c), the Board will confer with legal counsel regarding two items of significant exposure to litigation and/or potential initiation of litigation.

BOARD ACTION: The Board gave direction to County Counsel on how to preserve the County's rights to possibly initiate litigation in the future. No authorization was directed.

e. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (all units); Patricia Covert for the County of Monterey.

BOARD ACTION: The Board conferred with Patricia Covert, labor negotiator, regarding labor negotiations that would affect all bargaining units of the County.

10:30 a.m.

1. Pledge of Allegiance was led by Supervisor Armenta.

6300.000 2. Additions and Corrections – None

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.

3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
BOARD ACTION: Upon motion of Supervisor Salinas and seconded by Supervisor Armenta, and carried 4/0.

OTHER BOARD MATTERS:

- 6300.000 4. Board Comments and Referrals
Supervisor Armenta stated a meeting was held with the Voting Rights Committee and recommendations from Committee through staff requesting a date set for a public hearing with Board of Supervisors regarding going to an all paper ballot.
Supervisor Salinas made a referral to look into establishing an oversight committee through the Voting Rights Committee to work with the Elections Department.
- 6300.000 5. **Received** Board Referrals Update
- 0600.025 6. CAO Comments – No comments.
- 2050.000 7. Public Comment (Limited to 3 minutes per speaker)
- a. George Riley, member of SAVElections Monterey County, submitted a handout and urged the Board to hold a public hearing or study session on the vulnerability of electronic voting systems.
 - b. Valerie Lane, Chair of SAVElections Monterey County, stated she was encouraged by the Registrar of Voters report, and would like to assist with Elections Department by submitting a spreadsheet for costs; she further expressed concern about checks and balances in government.
 - c. Gabriel Rico submitted a handout and urged postponing the Parks Department reorganization presentation to the Board to allow for thorough review and comment by the public.
 - d. Hanz Jongens spoke regarding elections, Al Gore receiving an Oscar, global warming, and Alaskan oil reserves.
- 2050.000 8. **Resolution No.:07-411; Adopted** Resolution commending Jane Snyder, Management Analyst II, upon her retirement from over 37 years of dedicated public service with the Monterey County Department of Social and Employment Services. (Full Board)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0.

APPOINTMENTS:

9. **Appointed** Candise Pratt to the Commission on Disabilities for a term ending December 30, 2011. (Full Board)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0.
10. **Appointed** Reyna Navarrete to the Commission on the Status of Women for a term ending February 1, 2011. (Supervisor Calcagno)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0.
11. **Appointed** Dave Potter to the Monterey County Water Resources Agency, Seaside Groundwater Basin Watermaster Board, filling an unexpired vacancy for a term ending November 30, 2008. (Full Board)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0.
12. **Reappointed** Erik Cushman to the Monterey County Workforce Investment Board for a term ending December 11, 2010. (Full Board)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0.
13. **Reappointed** Joyce Martinez to the Monterey County Workforce Investment Board for a term ending December 11, 2010. (Full Board)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0.
14. **Reappointed** Linda Coyne to the Monterey County Workforce Investment Board for a term ending December 11, 2010. (Full Board)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0.
15. **Reappointed** Michael Oprish to the Monterey County Workforce Investment Board for a term ending December 11, 2010. (Full Board)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0.

16. **Reappointed** Ralph Rubio to the Monterey County Workforce Investment Board for a term ending December 11, 2010. (Full Board)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0.
17. **Reappointed** Scott Grover to the Monterey County Workforce Investment Board for a term ending December 11, 2010. (Full Board)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0.
18. **Reappointed** Donna Jean Brown to the Pajaro/Sunny Mesa Community Services District Board of Directors for a term ending November 30, 2011. (Supervisor Calcagno)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0.
19. **Reappointed** Joe Espinola to the Pajaro/Sunny Mesa Community Services District for a term ending November 30, 2011. (Supervisor Calcagno)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0.
20. **Reappointed** Brian Contreras to the Parks Commission for a term ending April 26, 2011. (Supervisor Armenta)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0.
21. **Reappointed** Frank (Mickey) Hearne to the South County Fire Protection District for a term ending December 12, 2011. (Supervisor Salinas)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0.
22. **Reappointed** Jerry Smith (Greenfield) to the South County Fire Protection District for a term ending December 12, 2011. (Supervisor Salinas)
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0.

SCHEDULED MATTERS:

- 0601.100 S-2 **Recognized** the following businesses that have obtained Green Business certification from the Monterey Bay Area Green Business Program: Light & Motion Industries, Whole Foods Market, Delaware North Companies Parks & Resorts at Asilomar, Passionfish, Martella Printing, Monterey Bay National Marine Sanctuary and Hans Auto Repair.
BOARD ACTION: Upon motion of Supervisor Salinas, and seconded by Supervisor Calcagno, and carried 4/0.
- 5100.000 S-3 **Ordinance No. 5096 Adopted** Ordinance providing that Eminent Domain by the Redevelopment Agency of the County of Monterey is not authorized for the Castroville/Pajaro Redevelopment Project Area.
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas and carried 4/0.
- 5100.000 S-4 **Ordinance No. 05097 Adopted** Ordinance providing that Eminent Domain by the Redevelopment Agency of the County of Monterey is not authorized for the Boronda Redevelopment Project Area.
BOARD ACTION: Upon motion of Supervisor Calcagno and seconded by Supervisor Salinas, and carried 4/0.
- 0600.025 S-5 **Received** report on the "Growing Our Own to Serve the Community" Learning System for County employee training and organizational development.
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Salinas, and carried 4/0.

12:00 p.m.

Recess to Lunch – Joint Board Leadership Meeting

1:30 p.m.

- 0602.200 S-6 **Held** Public Hearing to take action on year 2008 Agricultural Preserve and Farmland Security Zone applications:
a. **Resolution No. 07-415 Approved** applications for six Farmland Security Zone contracts; and
b. **Resolution No. 07-416 Denied** applications for two standard Agricultural Preserve contracts and one Farmland Security Zone contract.
(PLN070313/Williamson Act Contract Applications, County-wide)
Public comment:

- a. Lin Eldridge, representing Sage Ridge Ranch in Carmel Valley, requested the acceptance of projection of revenue and accept into the program for 2008, received handout.
- b. Elaine Mathews requested her application be approved for the Williamson Act 2008, received handout.

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

- 0602.000 S/A-3
- a. **Considered** several modifications to the November 6, 2007 Board direction regarding amendments to the 2006 General Plan.
 - b. **Provided** direction to staff regarding proposed modifications. (Hearing - PLN070525/2007 General Plan Update, Countywide)
Public Comment:
 - a. David Fried commented on the concern for overdevelopment in North County and the settling for lower service.
 - b. Tim Sanders stated he is concerned about due process and reasonableness, which are obligations of the Board to the citizens of Monterey County. Urged the Board that no substantive changes be made to the General Plan until the EIR is prepared and distributed, and suggested that youth in public schools be required to attend Board of Supervisor meetings.
 - c. Carolyn Anderson expressed her anger at the last minute proposals.
 - d. Marit Evans urged waiting until the EIR is received and studied before making any changes.
 - e. Jeff Taylor – not present
 - f. Brian Finegan – Passed
 - g. Jim Manassero, representing the Agricultural Advisory Committee, urged the Board to refer the Ag Element of GPU 5 back to the Agricultural Advisory Committee for their input and recommendations.
 - h. Phyllis Meurer, representing two chapters of the League of Women Voters, stated the League objects to today's procedure of a vague and non-specific report. Urged the Board to wait until EIR report prepared and distributed before making modifications.
 - i. Margaret Robbins urged waiting for the EIR.
 - j. George Riley encouraged the Board to make changes through the EIR process.
 - k. Ed Mitchell, representing the Prunedale Neighbor's Group, spoke on GS1.A regarding adjustments on Butterfly Village.
 - l. Linda Murdock urged no changes be made to GPU5 until the EIR is released.
 - m. John Dalessio stated the staff report text is too vague and requested staff reports be more clear.

- n. John Tresch urged the Board not to change stance on compromise, not cave into big money special interests, and urged no changes be made until the EIR is released for public review.
- o. Anne Marie Tresch concurred with son, John Tresch, and feels she is not being represented by her Supervisor. She expressed outrage of the last minute oral report on the GPU5 and requested nothing be done today.
- p. Cesar Lara, Executive Director of the Monterey Bay Central Labor Council, presented letter to the Board, and spoke regarding the evaluation process for development, job training opportunity policy and the EIR process.
- q. Tom Carvey, Executive Director, Common Ground, noted lawsuits with the County from today's closed session. Urged the General Plan to be a planning process with input from all members of the community, and the Board should reconsider the original plan with the Ag Element that was approved by the agricultural community, and not on the basis of leverage applied by special groups
- r. Bob Perkins, Executive Director of Monterey County Farm Bureau, agreed with Carolyn Anderson. He viewed the proposals as reasonable clarifications, and the process itself is as important as the policies. He believes it would be inappropriate to conduct an EIR on policies that need clarification and further discussion and urged the Board to continue hearings until enough public input has been received and the changes that have been made in order to give appropriate direction to staff.
- s. Bill Carothers – did not speak.
- t. Chris Bunn, fourth generation farmer, stated the public process went off track on November 6, 2007. While proceeding in the General Plan process he suggested the Board should remember who their constituents are.
- u. Chris Fits, Executive Director of LandWatch Monterey County, stated the changes staff presented reflect substantive changes for compromise. He further commented that if changes need to be made they should be made after the EIR is completed.
- v. Hans Jongens does not agree with any changes.
- w. Jan Mitchell, of the Prunedale Preservation Alliance, gave Webster's definition of compromise, and stated the November 6th draft of GPU5 represented a significant step toward a compromise plan. She further questioned why new considerations and direction given to staff are on today's supplemental agenda.

- x. Dianne Russell urged the Board to leave GPU5 as is until EIR is completed and presented to the public.
- y. Doug Kasunich spoke regarding water resource protection in North Monterey County.
- z. Xavier Maruyama expressed his concern regarding lack of content in announcement regarding changes to amendments for GPU5 and urged the Board to wait until EIR is presented.
- aa. Mari Kloeppe, Co-Chair of Friends, Artists and Neighbors of Elkhorn Slough, urged that no changes be made on GPU5 until after the EIR is completed.
- bb. Mark Del Piero, on behalf of the Monterey County Agricultural and Historic Land Conservancy, submitted hand out and requested continuance of farmland preservation policies.
- cc. Julie Engell, Chair of Rancho San Juan Opposition Coalition, is against today's process and urged the Board uphold their compromise; to make final direction to planning staff and complete EIR.

BOARD ACTION: Upon motion of Supervisor Armenta, and seconded by Supervisor Salinas to agenize to December 18, 2007 NOES: Supervisor Potter and Supervisor Calcagno. The motion failed.

ORDER FOR ADJOURNMENT

- uncompensated emergency services provided in Fiscal Year 2007-08; and
- b. **Directed** the Auditor Controller to amend the Fiscal Year 2007-08 Health Department Budget Unit 435 to increase estimated revenue and appropriations in the amount of \$288,805. (4/5th vote required)
- 0601.100 28. a. **Agreement No. A-11075 Approved** and **authorized** the Director of Health to sign a Professional Services Agreement with Clinica de Salud del Valle de Salinas in the amount of \$84,100 for the period of November 19, 2007 through June 30, 2008, to develop and implement improvements to patient care involving chronic disease management as related to the Steps to a Healthier Salinas Initiative;
- b. **Accepted** and **approved** the modification to the county's standard language within the Professional Services Agreement to include a mutual indemnification clause; and
- c. **Authorized** the Director of Health to sign up to three future amendments to this Agreement where the amendments do not exceed 10% of the original contract amount and do not significantly change the scope of work.
- 0602.350 29. a. **Agreement No. A-10793 Approved** and **authorized** the Director of the Department of Social & Employment Services, or his designee, to sign Amendment No. 1 to Agreement No. A-10793 with Shelter Outreach Plus to add Salinas domestic violence services for the period January 1, 2007 through December 31, 2007 in the amount of \$20,458 and increasing the contract to \$97,482; and
- b. **Authorized** the Director of the Department of Social & Employment Services, or his designee, to sign up to 3 amendments to the agreement where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

CRIMINAL JUSTICE:

- 0602.500 30. **Agreement No. A-10418 Board Budget No. 07/08-079 Approved** and **authorized** the Sheriff to accept a grant award from the Governor's Office of Emergency Services for a \$300,000 grant to fund the Monterey County Agricultural Crime Task Force, with a Joint Powers Agreement between the Sheriff and the District Attorney for the period of July 1, 2007 to June 30, 2008.

GENERAL GOVERNMENT:

- 0601.600 31. **2007CONST0007 Authorized** acceptance of work and file a combined Notice of Completion for the second, third and fourth quarters of the annual maintenance of park roadways at Laguna Seca Recreation Area for calendar year 2007, Bid No. 10028.
- 0601.160 32. a. **Agreement No. A-11074 Approved** and **authorized** the Purchasing Manager to execute a Confidentiality Agreement in support of cable television franchise management services by and between Monterey County and The Buske Group (Consultant for Monterey County) and Comcast of California IX, Inc. (Comcast); and
b. **Approved** and **authorized** the Purchasing Manager to execute a Non-Disclosure Agreement in support of cable television franchise management services by and between The Buske Group and C2 Consulting and Charter Communications (Charter).
- 0600.050 33. **Adopted** the County of Monterey Capital Asset Policy.
- 0602.150 34. **Board Budget No. 07/08-080 Received** the Notice of Adjustment of the Annual Salary of the Members of the Board of Supervisors, consistent with the salary increase (4.16 percent) provided to the Judges as provided in Section 2.04.370C of the Monterey County Code, effective on December 22, 2007; retroactive to July 1, 2007.
0150.147

RMA - PLANNING:

- 0602.200 35. a. **Agreement No. A-10878 Approved** Amendment No. 1 in the amount of \$50,000 for a total amount not to exceed \$158,000 to the Professional Services Agreement with Denise Duffy & Associates, Inc. to provide additional staff assistance to the Monterey County Planning Department to January 1, 2010 (RFP #9992); 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.
(Contract - PD060228/Denise Duffy & Associates, County Wide)

