

BOARD OF SUPERVISORS

Fernando Armenta	1 st District	Lew C. Bauman
Louis R. Calcagno	2 nd District	County Administrative Officer
W. B. "Butch" Lindley	3 rd District	
Jerry Smith	4 th District (Chair)	Charles J. McKee
Dave Potter	5 th District (Vice Chair)	County Counsel

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ACTION MINUTES

MONTEREY COUNTY BOARD OF SUPERVISORS MONTEREY COUNTY REDEVELOPMENT AGENCY MONTEREY COUNTY WATER RESOURCES AGENCY TUESDAY, FEBRUARY 07, 2006 9:30 AM

9:30 a.m.

S-1 Pledge of Allegiance
The Pledge of Allegiance was led this morning by Supervisor Calcagno.

6300.000 S-2 Additions and Corrections to the Agenda.

The Clerk of the Board will announce Agenda corrections and proposed additions, which may be acted on by the Board as provided in section 54954.2 of the California Government Code.

BOARD ACTION: Upon motion by Supervisor Potter, and seconded by Supervisor Calcagno, and carried the Board approved the following additions and corrections:

Title Corrections:

Under Scheduled matters:

- S-7 a. Approve and authorize the Purchasing Manager for Monterey County to issue purchase orders for the vendors listed in Attachments A, B, and C; and
- b. Authorize the Auditor-Controller to issue warrants totaling \$1,134,121.78 to those vendors; and
- c. Authorize the transfer of \$612,310.15 out of General Fund Contingencies to the Natividad Medical Center Enterprise Fund (4/5th vote required).

S-3 CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

S-4 CONSENT CALENDAR – MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)

APPOINTMENTS:

Upon motion of Supervisor Lindley, and seconded by Supervisor Calcagno and unanimously carried 5/0, the Board approved the following appointments.

- 0801.500 1. **Re-appointed** Eldon Pura to the Greenfield Public Recreation District for a term ending December 31, 2009. (Supervisor Lindley)
- 0401.750 2. **Re-appointed** Richard Hughett to the Fish and Game Advisory Commission for a term ending February 1, 2009. (Supervisor Armenta)
- 0402.800 3. **Appointed** Randy Taylor to the Overall Economic Development Commission (OEDC) for a term ending June 30, 2009. (Supervisor Smith)

OTHER BOARD MATTERS:

- 6300.000 4. Board Comments and Referrals
- a. Supervisor Smith: Wanted to advise that flags are being flown at ½ mast today in honor of Coretta Scott Kings memorial services being held today.
- b. Supervisor Armenta: Wish to Thank the CAO and the Board for forwarding the letter to the King family.
- 6300.000 5. Update on Board Referrals
- There were none.
- 0600.025 6. CAO Comments
- There were no comments.
- 2050.000 7. Public Comments (Limited to 3 minutes)
- Hans Jungens: Displayed a cartoon out of the San Jose Mercury (and hand outs were provided) regarding the Cartoon(s) which originated out of Denmark which have Muslim sects within the Middle East very upset and rioting.

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Lindley, the Board approved the following Resolutions unless otherwise noted:

- 2050.000 8. **Resolution No. 06-025: Adopted** a Resolution Commending Jim E. Warren as Monterey County Cattlemen's Association Cattleman of the Year 2006. (Lindley)
- 2050.000 9. **Resolution No. 06-024: Adopted** a Resolution Honoring Leticia McSween as the recipient of the Monterey Peninsula Branch of the NAACP President's Award. (Smith)
- 2050.000 10. **Resolution No. 06-026: Adopted** a Resolution Commending Pat Munro as Monterey County Cattlewomen's Association Cattlewoman of the Year 2006. (Lindley)

SCHEDULED MATTERS:

- 6300.000 S-5 Closed Session under Government Code section 54950, relating to the following items:
- a. Pursuant to Government Code sections 54956.9(b) and 54956.9(c), the Board will confer with legal counsel regarding the following item of significant exposure to litigation and/or potential initiation of litigation:
1. General Plan Initiative

BOARD ACTION: The Board met and conferred with Counsel. There was no decision made and no final action.

- b. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding the following item of potential initiation of litigation:

1. Evaluation of Padilla vs. Lever

BOARD ACTION: The Board received and update but no final action has been taken.

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

1. Salinas Valley Property Owners for Lawful Assessments, et al vs. County of Monterey, et al.
2. California American Water vs. City of Seaside, et al.

BOARD ACTION: The Board approved a tentative settlement for item No. 1. If approved by all parties, copies can be obtained through County Counsel's office once the settlement becomes finalized.

The Board received and update on item No. 2.

- 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: The Board received and update. No direction was given.

10:30 a.m.

5100.000
0125.000

- S-6 a. **Resolution No. 06-028: Held** Tax Equity and Financial Responsibility Act (TEFRA) hearing and adopt a resolution to approve the issuance of tax-exempt bonds by the Housing Authority in connection with the acquisition and rehabilitation of the Rippling River affordable housing project in Carmel Valley; and
- b. **Agreement No. A-10381: Approved** a Loan Agreement with Housing Authority of Monterey County for Community Development Block Grant (CDBG) and HOME Investment Partnership funding for the rehabilitation of Rippling River in the amount of \$1,262,500; and
- c. **Authorized** the Housing and Redevelopment Director or designee to execute the Loan Agreement and CDBG and HOME grant-related documents.

BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Lindley, and carried.

STAFF COMMENT:

Jim Cook: Made the staff presentation in part and advised that this would be back before the Board on these 2 issues. Further, it was requested that if approved, the Resolution needed to be processed and sent by this afternoon.

PUBLIC COMMENTS:

- a. Joseph Erblin (Spelling? No speaker card completed): Wanted to see Rippling River Preserved for the residents that live there. He further stated that he believed it to be unfortunate that this matter was not noticed in the Monterey County Herald rather than the Californian because he believed more people would have seen it. He also complained that there was not adequate time to review the information.
- b. Dan DeVrees (Spelling? No speaker card completed): An attorney speaking to the Sub- Recipient Agreement. He questioned if the funds were not needed and other sources of funding are chosen, where is the County's authority to protect the residents? Can they do the project alone on Bond issuance?
- c. Mary Billick: Also expressed concerns over the Sub-Recipient Agreement but wants it signed.

STAFF COMMENTS:

- a. Jim Cook: Consulted with Lee Blankenship of County Counsel's office regarding the revision to the Resolution.
- b. Starlett Warren: Advised that they were not likely to turn down \$1.3 million and that all financing is hinging on this piece.
- c. Lee Blankenship: Advised that the Resolution was actually drafted by Quintin Finnick out of the Bay area. He recommended moving forward as recommended and advised that amending or revising as was requested by Mr. DeVrees could potentially create some exposure to the County that does not exist in the present format.

SUPERVISOR COMMENT:

Supervisor Potter: Advised that there are several issue to touch upon in the future – Ad Hoc Committee (with the Boards indulgence) will continue through the construction period and therefore it is not over there will be continued opportunities. He moved staff recommendations.

0601.525
0150.145

- S-7
- a. **Budget Unit No. 05/06-151: Approved** and authorized the Purchasing Manager for Monterey County to issue purchase orders for the vendors listed in Attachments A, B, and C; and
 - b. **Authorized** the Auditor-Controller to issue warrants totaling \$1,134,121.78 to those vendors; and
 - c. **Authorized** the transfer of \$612,310.15 out of General Fund Contingencies to the Natividad Medical Center Enterprise Fund (4/5th vote required).

BOARD ACTION: Upon motion of Supervisor Lindley, and seconded by Supervisor Calcagno, and carried.

Supervisor Lindley: This has been reviewed and he advised that he was not happy that this matter was being brought before the Board. He questioned attachment (c) the Total for Johnson & Johnson is this over and above? Dr. Chadwick advised that he would have to research and get back with the answer. Supervisor Lindley requested this be done as he would like and answer. Supervisor Lindley further advised he was glad that he was not a vendor for NMC having provided goods in September and now in February still not having been paid. Supervisor Lindley advised that he will move to approve this but reluctantly as a necessity.

Supervisor Calcagno: The same mistakes keep getting made over and over. This will eventually take you down.

Chair Smith: Advised that he would like to see this documented into each of the performance evaluations of the staff who deviated from procedure.

Supervisor Calcagno: Agreed with Chair Smith.

Dr. Chad Chadwick: Advised that he would to so as a going forward basis. He advised he was more comfortable in doing so now that there was a signed agreement of understanding in each personal file.

12:00 p.m.

Lunch - Health Committee Meeting

1:30 p.m.

0601.100 S-8 **Accepted** an oral presentation on Monterey County Health Profile 2005: TRENDS from the Monterey County Health Officer.
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Lindley, and carried.

Presented by Dr. Hugh Stallworth.

PUBLIC COMMENT:

a. Jan Mitchell: Thanks Dr. Stallworth for the presentation and requested consideration to make the presentation locally in the Prunedale area.

1351.280 S-9 **Received and Updated** from the Registrar of Voters regarding the time
0600.750 and expense of preparing statistical information concerning signatures on General Plan Initiative and provide direction to staff.
BOARD ACTION: Upon motion of Supervisor Lindley and seconded by Supervisor Potter, and carried. (Supervisor Armenta was the No vote).

Supervisor Armenta: Inquired whether Mr. Ramos would be provided with a written response.
County Counsel advised that in this matter it would be appropriate to have Mr. Anchundo respond.
Mr. Anchundo advised that the response would be no different than that of the prepared Board Report.

0601.525 S-10 **Budget Unit No. 05/06-153 a. Received** Natividad Medical Center
0400.750 Budget Action Plan update.
b. **Reported** on the NMC Blue Ribbon Ad Hoc Committee.
BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Lindley, and carried.

Supervisor Armenta: Advised that he would be unable to attend this Friday February 10ths meeting. He requested that the letter that was handed out to by Dr. Jameson be e-mailed to all of the Board of Supervisors.

**ORDER FOR ADJOURNMENT
IN MEMORY OF CHRISTOPHER FORESTER GRAY**

APPROVED:

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_____ Chair

ATTEST:
LEW C. BAUMAN, Clerk of the Board

By: _____
Deputy

(Supplemental Sheet)

CONSENT CALENDAR

BOARD ACTION: Upon motion by Supervisor Calcagno, and seconded by Supervisor Lindley, the Board approved the following actions, unless otherwise noted. S/A-1 will trail to complete some minor revisions to the letter for approval and signature.

HEALTH AND SOCIAL SERVICES:

- 0601.100 11. **BU 05/06-146; Resolution No. 06-034: Authorized** Positions in support
0601.150 of Proposition 63:
0150.145
- a. **Amended** Personnel Policies and Practices Resolution No. 98-394 to re-title the Behavioral Health Program Manager and Behavioral Health Program Manager III classifications to Behavioral Health Services Manager I/II; and
 - b. **Amended** Health Department Budget Unit 415 to approve the re-title of three (3) Behavioral Health Program Manager positions to Behavioral Health Services Manager I and to approve the re-title of three (3) Behavioral Health Program Manager III positions to Behavioral Health Services Manager II; and
 - c. **Amended** Health Department Budget Unit 417 to approve the re-title of one (1) Behavioral Health Program Manager position to Behavioral Health Services Manager I; and
 - d. **Amended** Health Department Budget Unit 415 to reallocate one (1) Patient Account Representative II position to one (1) Supervising Patient Account Representative; and
 - e. **Amended** Health Department Budget Unit 415 to approve six (6) new allocations of Behavioral Health Aide; one (1) new allocation of Behavioral Health Unit Supervisor; three (3) new allocations of Office Assistant II; two (2) new allocations of Patient Service Representative II; twenty-five (25) new allocations of Psychiatric Social Worker II; two (2) new allocations of Senior Psychiatric Social Worker; two (2) new allocations of Behavioral Health Services Manager II; four (4) new allocations of Contract Physician; one (1) new allocation of Account Clerk; one (1) new allocation of Management Analyst II; and
 - f. **Authorized** the Health Department to accept \$1,435,798 from the State of California for Mental Health Services Act (Proposition 63) implementation; and
 - g. **Directed** the Auditor-Controller to amend the FY 2005-06 Health Department Budget Unit 415 to reflect the change in position count and to increase estimated revenue and appropriations in the amount of \$1,894,914. (4/5th vote required)
- 0601.150 12. **Agreement No.: A-10382: Approved and authorized** the Director of
0125.000 Health to sign a Memorandum of Understanding between the Monterey County Office of Education (MCOE) and the Monterey County Health Department/Behavioral Health Division (COUNTY) for the Through and Beyond - Transition to Success Program effective July 1, 2005 to June 30, 2006. The MCOE will pay the COUNTY \$89,887 to provide collaborative support services to eligible youth to facilitate optimum academic, vocational and behavioral success.
- 0601.100 13. **BU 05/06-148:**
0150.145
- a. **Approved and amended** the Health Department Clinic Services Budget Unit 413 to add 2.0 FTE General Internists; and
 - b. **Directed** the Auditor-Controller to amend the FY 2005-06 Health Department Budget Unit 413 to reflect the changes in position counts, and transfer \$180,460 from Services and Supplies to Employee Salaries.

- 0601.100 14. **Proclaimed** state of local emergency relating to the spread of HIV among injection drug users in Monterey County.

CRIMINAL JUSTICE:

- 0602.250 15. **BU 05/06-147: Approved** increase in estimated revenue and
0150.145 appropriations in the amount of \$45,848 in Budget Unit 256-Institutions and Alternative Programs, to recognize additional revenue for the High Risk Youth Education and Public Safety Program Grant (4/5th vote required).
- 0602.250 16. **Approved** yearly update to the application, criteria and disqualifiers recommended by the Probation Department for the Supervised Home Confinement Program, as mandated by Penal Code 1203.016(d)(1).

GENERAL GOVERNMENT:

- 0601.600 17. **2006 CONST 003:**
0525.000 a. **Approved** specifications for annual maintenance and repair of park roadways at Laguna Seca Recreation Area, for calendar year 2006 (January 1, 2006 through December 31, 2006), Bid No. 9894, and authorize solicitation of bids; and
b. **Directed** the Clerk of the Board to solicit bids to be opened on Wednesday, March 1, 2006 at 10:00 a.m.
- 0601.600 18. a. **Authorized** the Director of Parks to approve and execute all documentation with the California State Department of Boating and Waterways for Park Rangers to attend Enforcement Training for Fiscal Year 2005-06; and
b. **Authorized** the Parks Director to execute and submit all necessary documentation to obtain reimbursement from the California State Department of Boating and Waterways to the extent that such funding is available.

RMA-PLANNING AND BUILDING INSPECTION:

- 0602.200 19. a. **Agreement No. A-10383: Approved** Professional Services
0125.000 Agreement with EMC Planning Group, Inc. for preparation of the Environmental Impact Report (EIR) for the Rancho Los Robles Subdivision, not to exceed \$58,896 plus a \$10,000 contingency fee, for a total of \$68,896; and
b. **Agreement No. A-10388: Approved** Reimbursement Agreement in the amount of \$84,798 with Heritage Western Communities, Ltd. to reimburse EMC Planning Group, Inc. for preparation of an EIR for the Rancho Los Robles Subdivision; and
c. **Authorized** the Planning and Building Inspection Director to execute the Professional Services Agreement and Reimbursement Agreement and future amendments that do not significantly alter the scope of work or change the approved agreement amount.
- 0602.200 20. a. **Agreement No. A-10384: Approved** a Professional Services
0125.000 Agreement with CSG Consultants, Inc., in an amount not to exceed \$100,000 to provide professional plan review services to the Monterey County Planning and Building Inspection Department; and
b. **Authorized** the Planning and Building Inspection Director to execute the Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.
- 0602.200 21. a. **Agreement No. A-10385: Approved** a Professional Services
0125.000 Agreement with Naffa International, Inc., in an amount not to exceed \$100,000 to provide professional plan review services to the Monterey County Planning and

Building Inspection Department; and

- b. **Authorized** the Planning and Building Inspection Director to execute the Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

Trailed prior to approval to revise some wording within the letter for ultimate approval and signature.

6300.000 S/A-1 **Authorized** the Board Chair to sign a letter of support for the Brazil Ranch application that will be heard before the Coastal Commission February 8, 2006 and February 10, 2006.

RMA-PUBLIC WORKS:

0602.350 22. a. **Agreement No. A-10386; 2004 CONST 029: Approved and**
 0125.000 **authorized** the Chair to execute an Agreement with Allied Fire
 0525.000 Protection in the amount of \$461,000 for "Fire Suppression System- Project Bid No. 9781-11" for the Government Center North Wing Renovation in Salinas; and
 b. **Approved** the performance and payment bonds executed and provided by Allied Fire Protection; and
 c. **Authorized** the Auditor-Controller to make payments upon approval of Capital Projects Management of the award amount.

0602.350 23. a. **Agreement No. A-10387; 2005 CONST 039: Approved and**
 0125.000 **authorized** the Chair to execute an Agreement with California Tile in
 0525.000 the amount of \$83,586 for "Ceramic Tile Supply & Install - Project Bid 9781-19" (Rebid) for the Government Center North Wing Renovation Project in Salinas; and
 b. **Approved** the performance and payment bonds executed and provided by California Tile; and
 c. **Authorized** the Auditor-Control to make payments upon approval of Capital Projects Management of the award amount.

0602.350 24. **Introduced**, waive the reading, and set March 14, 2006 at 10:30 a.m. for
 2800.000 adoption of an ordinance amending Monterey County Code, Title 12, Section 12.28.010, to establish no parking at any time on a portion of San Juan Road in Pajaro.

RMA-MONTEREY COUNTY REDEVELOPMENT AGENCY

BOARD ACTION: Upon motion by Supervisor Calcagno, and seconded by Supervisor Lindley, the Board approved the following actions, unless otherwise noted.

5100.000 25. **Agreement No. A-09669: Approved** Amendment No. 3 to Agreement
 0125.000 No. A-09669 with The Paul Davis Partnership in an amount not to exceed \$62,813, for a total cost not to exceed \$720,772 for additional services related to the re-design and re-bidding of the Castro Plaza Project in Castroville.

5100.000 26. **Approved** a Contract Change Order Procedure for Construction Contracts administered by the Redevelopment Agency of the County of Monterey.