

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 WATER RESOURCES AGENCY TUESDAY, FEBRUARY 14, 2006 9:30 AM

9:30 a.m.

S-1 Pledge of Allegiance
The Pledge of Allegiance was led 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 of Supervisor Potter, and seconded by Supervisor Lindley, and carried, the Board approved the following additions and corrections to the Agenda:

Title Corrections:

Under ORDER FOR ADJOURNMENT:

IN MEMORY OF RICHARD CHAMBERLIN, LONGTIME COACH AND TEACHER
AT PACIFIC GROVE HIGH SCHOOL

IN MEMORY OF TIM HANDLEY, WATER RESOURCES AGENCY VICE
CHAIRMAN

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

APPOINTMENTS:

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Lindley, and carried, the Board approved the following appointments, except as otherwise noted.

0800.600 1. **Re-appointed** Marcos Quintero to the North County Recreation and Park District for a term to end November 30, 2009. (Supervisor Calcagno)

- 0400.761 2. **Re-appointed** Abraham Magana to the Boronda Redevelopment Project Area Citizens' Advisory Committee for a term to end January 1, 2010. (Supervisor Calcagno)
- 0400.761 3. **Re-appointed** Juanita Perea to the Boronda Redevelopment Project Area Citizens' Advisory Committee for a term to end January 1, 2010. (Supervisor Calcagno)
- 0401.622 4. **Appointed** Edward Whalen to the Domestic Violence Coordinating Council for a term to end January 1, 2010. (Supervisor Calcagno)
- 0401.500 5. **Appointed** Glorietta F. Rowland to the Commission on the Status of Women for a term to end February 1, 2009. (Supervisor Calcagno)
- 0400.761 S/A-1 **Re-appointed** Richard L. Medley to the Boronda Redevelopment Project Area Citizen's Advisory Committee for a term to end January 1, 2010. (Supervisor Calcagno)

OTHER BOARD MATTERS:

- 6300.000 6. Board Comments and Referrals

Supervisor Lindley: Raised the San Jerardo Water Problem matter. He requested a referral now and further advised that there are individuals here who will be speaking to this subject at Public Comment. Requested if possible to bring back at the February 21, 2006 Board Meeting.

County Counsel Charles McKee advised that staff does have this matter and will be bringing it back to the Board.

Supervisor Armenta: Clarification regarding the Set Hearing on the Voting Rights Act. He would like to know when this is coming back advising that he had made this referral back in October at the meeting on the 18th.

Nick Chiulos: Provided an update to Supervisor Armenta. Mr. Chiulos advised that there was an Agenda drafted and that it was presently being reviewed. Further, he advised that it was anticipated that there would be a meeting either this month or early in March.

- 6300.000 7. Update on Board Referrals

None

- 0600.025 8. CAO Comments

CAO Dr. Bauman: advised that the San Jerardo matter would be agendized. Further that this staff had been working hard on this matter behind the scenes.

- 2050.000 9. Public Comment (Limited to 3 minutes per speaker)

- a. John Heric: Provided a hand out. Mr. Heric spoke to issues regarding Rippling River.
- b. Jeff Gillis: Mr. Gillis spoke on behalf of the American Heart Association. He was raising money on behalf of the Association. He advised that his father had passed away at age 51. He himself has just turned 51 and was contacted by this association and his participation solicited.

- c. Joe Vierra: Mr. Vierra Thanked the Board who provided equipment for the hearing impaired so that they could better hear and participate in the Board meetings. He further Thanked the Board for the Land decisions.
- d. Hans Jungens: Brought in the paper and discussed an article over political correctness and Valentine's Day. Further made comment to the hunting mishap that the Vice President was involved in. Mr. Jungens brought up an article that was in the paper over the weekend in addition to advising that there were not enough jobs and the need for additional Sheriff's.
- e. Sebastian (inaudible): Spoke regarding San Jerardo's Water issues.
- f. Juan Martinez: Provided a Hand out to be distributed. Mr. Martinez also spoke to the San Jerardo Water issues.

BOARD COMMENTS:

- a. Supervisor Armenta: Inquired whether the San Jerardo Water matter would be brought back next Tuesday.
- b. Supervisor Smith: wanted to ensure that this would still give staff enough time to prepare.
- c. Supervisor Armenta: Asked Mr. Martinez to correct the date on the letter he submitted because it reflected February 13, 2005 rather than February 13, 2006.
- d. Supervisor Lindley: Requested that the San Jerardo matter be brought back before the Board as quickly as possible.

BOARD ACTION: Upon motion of Supervisor Lindley, and seconded by Supervisor Potter, and carried, the Board approved the following Resolutions except as otherwise noted.

PUBLIC COMMENT:

Joe Vierra: Spoke to item number 15 expressing some concern due to the individuals stand on prior political issues.

- 2050.000 10. **Resolution No. 06-037: Adopted** a Resolution Commending Grace Jaime as the 2005 Soledad-Mission Chamber of Commerce Citizen of the Year. (Supervisor Lindley)
- 2050.000 11. **Resolution No. 06-040: Adopted** a Resolution requesting the California Department of Transportation to permit the temporary closure of portions of State Highway 183 on Sunday, May 21, 2006 for the Castroville Artichoke Festival. (Supervisor Calcagno)
- ~~12. Adopt a Resolution for Monterey County Peace Officers Association - Matthew Davis, Monterey County Sheriff Deputy. (Supervisor Armenta)~~
- 2050.000 13. **Resolution No. 06-031: Adopted** a Resolution Honoring Shirley Lavorato for being named the 2006 Citizen of the Year by the Salinas Chamber of Commerce. (Supervisor Armenta)
- 2050.000 14. **Resolution No. 06-030: Adopted** a Resolution Honoring Nicholas M. Pasculli for being named the 2006 Member of the Year Award by the Salinas Valley Chamber of Commerce. (Supervisor Armenta)
- 2050.000 15. **Resolution No. 06-029: Adopted** a Resolution Honoring Lucy Pizarro for being named the 2006 Athena Awardee of the Year. (Business Woman of the Year) (Supervisor Armenta)

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

- 6300.000 16. **Adopted** amended Board of Supervisor's meeting schedule for the calendar year 2006.

PUBLIC COMMENT:

Jan Mitchell: Complained that copies of this schedule was not available inside the Board Chambers.

Supervisor Smith: Advised that members of the public need merely to contact the Clerk of the Board and copies are made available.

County Counsel Charles McKee: Advised the same.

Supervisor Armenta: Thanked the Chair noting that there are 22 additional meetings to this year's schedule.

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SCHEDULED MATTERS:

- 6300.000 S-4 Closed Session under Government Code section 54950, relating to the following items:
- a. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding four items of significant exposure to litigation.

BOARD ACTION: One item was pulled. Two the Board gave direction to Counsel. The third, the Board approved a waiver of conflict of interest and approved the representation by a local law firm.

- b. 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: Discussions occurred over the previous letter received from Rotan and Tucker in addition to the February 10, 2006 correspondence received from Strumwasser & Woocher (Copies of this letter were made available to the public). No action was taken and therefore, no final action taken.

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

1. Natividad Medical Center CEO
2. Monterey County Water Resources Agency General Manager

BOARD ACTION: The performance evaluation of the Natividad Medical Center CEO was started but not completed. The second evaluation, for the Monterey County Water Resources Agency General Manager, was pulled.

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

1. California Department of Transportation vs. County of Monterey (Rancho San Juan)
2. LandWatch Monterey County, et al. vs. County of

- Monterey, et al. (Rancho San Juan)
3. John L. McDonnell, Jr., et al. vs. County of Monterey, et al. (Rancho San Juan)
 4. Save Our Peninsula Committee vs. County of Monterey, et al. (Rancho San Juan)
 5. City of Salinas vs. County of Monterey (Rancho San Juan)
 6. H-Y-H Corporation vs. County of Monterey (Rancho San Juan)

BOARD ACTION: The Board received and updates and provided direction to Counsel.

10:30 a.m.

- 0600.025 S-5 a. **Held** a Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing in connection with tax exempt financing for The Kinship Center in an amount not to exceed \$3,300,000; and
- b. **Resolution No. 06-044: Adopted** a Resolution approving the sale and issuance of the Revenue Bonds pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended.

BOARD ACTION: Upon motion by Supervisor Calcagno, and seconded by Supervisor Potter and carried 5/0.

- ~~1350.000 S-6 **Considered** the draft General Plan policy regarding a boundary for the proposed Chualar Community Area.~~

BOARD ACTION: Upon motion by Supervisor Lindley, and seconded by Supervisor Smith with an addition for staff to bring back a draft list of a proposed Community Advisory Committee to be brought back in 30 days, and passed with the following vote:

District 1: Yes

District 2: Yes – although not sure 900 acres is what is needed thus with reservation.

District 3: Yes

District 4: Yes

District 5 – No

PUBLIC COMMENT:

- a. Chris Fitz: Executive Director for LandWatch Monterey County – Spoke to limiting the acreage to 100.
- b. Aaron Johnson: Representing Wayne Ranch LLC. Urged to adopt staff recommendations of the 350 acres in Phase I.
- c. Tom Duffy: The Broom Ranch: Also urged to adopt staff recommendations.
- d. Luis Savado (Spelling – no speaker card completed.): Urged the adoption of Staff's recommendations.
- e. Maria Buehl: Supports Staff recommendations. Further requested a timeline be created to address when actual activity will occur.
- f. Tom Carvey: Common Ground Monterey. Urged the adoption of Staff Recommendations.
- g. Hans Jungens: Advised that the citizens of Monterey County voted down any increase in the development of Chualar. Discussed the loss of additional farm land and expressed concern that farmland was more important than additional housing.

12:00 p.m.

Recess to Lunch – Water Resources Agency / Joint Board Leadership meeting.

1:30 p.m.

- 2800.000 S-7 **Ordinance No. 05018: Adopted** Ordinance of the County of Monterey amending Subsection A of Section 15.29.055 of the Monterey County Code relating to the Paramedic Emergency Medical Services Special Tax for residential timeshare units.
BOARD ACTION: Upon motion by Supervisor Potter, and seconded by Supervisor Armenta and carried 5/0.

PUBLIC COMMENT:

- a. Anthony Lombardo: Representing the Applicant – the have reviewed the conditions which are acceptable and the access issue has been resolved as well.
- b. Mike Nunnley: Mr. Nunnley is an Engineer working with King City on the water water capacity. Mr. Nunnley spoke in support of King City as the Water Plant.

- 5900.000 S-8 **Held** a Public hearing to consider approval of the Morisoli-Amaral Subdivision (PLN020016) Combined Development Permit consisting of: 1) General Plan Amendment to amend the property's land use designation from Rural Grazing (10 - 160 Acre Minimum Lot Size) and Permanent Grazing (40 Acre Minimum Lot Size) to Low Density Residential (5 - 1 Acres Per Unit Minimum Lot Size) and Medium Density Residential (1-5 Units Per Acre Minimum Lot Size); 2) Zoning Reclassification to change the zoning designations of the subject site from PG/40, RG/20, LDR/1, and RG/40 to LDR/B-6, LDR/B-6-VS, MDR/1, MDR/1 (24) and O zoning designations; 3) Vesting Tentative Map for the subdivision of 402 acres into 319 residential lots including 48 lots for development of Inclusionary Housing Units, and 9 Open Space areas containing approximately 225 Acres and including 5.5 acres of improved parkland; 4) Use Permit to allow development on slopes in excess of 30%; 5) Use Permit to allow removal of approximately 730 protected Oak trees; 6) Use Permit to allow expansion of a sewage treatment facility; and 7) Grading (Approximately 700,000 cubic yards of cut and 630,000 cubic yards of fill). The project site is located in the vicinity of Pine Canyon Road & Jolon Road, approximately two miles west of the City of King.

BOARD ACTION: Upon motion by Supervisor Armenta, and seconded by Supervisor Lindley, and passed by a 4/1 vote. Supervisor Potter was the No vote. The Board amended the motion to add a 5 % Affordable & Workforce component to the overriding condition.

PUBLIC COMMENTS:

- a. Anthony Lombardo: Representing the Applicant – the have reviewed the conditions which are acceptable and the access issue has been resolved as well.
- b. Allen Stroh: Spoke with regard to the Little Bear Plant
- c. Mike Nunnley: Mr. Nunnley is an Engineer working with King City on the **water water** capacity. Mr. Nunnley spoke in support of King City as the **Water Water** Plant.
- d. Tom Kukol: Mr. Kukol is a staff engineer with Cal Am Regional Control Board. Mr. Kukol was in opposition to staff recommendations. Mr. Kukol advised that he took issue with the EIR disputing the findings that Little Bear was superior to King City.
- e. Don Reynolds: A resident of the community. Urged the support of staff recommendations.

REBUTTAL:

- a. Norm Hanshey: Prepared the Waste Water Section of the EIR. He advised that there was no such conclusion such as represented by Mr. Kukol. He advised that the EIR did not conclude the proposed upgrade of Little Bear was environmentally superior to King City. It was a draw. They could not distinguish one as being superior over another. Further, Mr. Hanshey advised that they made their evaluation based upon the most current of information. However, they have now just been made aware of a new

Engineering Company for the City of King. Mr. Hanshey advised that this information just came up today.

- b. Supervisor Potter inquired whether such information would alter their conclusion in anyway.
- c. Mr. Hanshey advised that their evaluation was based upon the most current information and that they were only just today made aware of the new Engineering Company.
- d. Supervisor Potter: Stated that he believed that the EIR was inadequate due to the fact that there might be additional information not previously factored but that the consultant was not sure. Advised that he does not believe this to be appropriate to approve today.
- e. Supervisor Armenta: Clarified that there was indeed a Waste Water treatment solution to which staff advised there was.
- f. Supervisor Smith: Advised that he was in support of Staff recommendations. However, that he was not thrilled with the current threshold of affordability. He inquired if it would be possible to include and adjustment of 5% to affordability and workforce component.
- g. Anthony Lombardo: Advised his client's would have not objection to the recommended amendment.

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**ORDER FOR ADJOURNMENT
IN MEMORY OF MARGARET RUTH WOOD**

**IN MEMORY OF RICHARD CHAMBERLIN, LONGTIME COACH AND
TEACHER AT PACIFIC GROVE HIGH SCHOOL**

**IN MEMORY OF TIM HANDLEY, WATER RESOURCES AGENCY VICE
CHAIRMAN**

APPROVED:

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Chair

ATTEST:

LEW C. BAUMAN, Clerk of the Board

By: _____
Deputy

(Supplemental Sheet)

CONSENT CALENDAR**HEALTH AND SOCIAL SERVICES:**

- 0403.310 17. **Accepted** 2005 Annual Report of the Santa Cruz-Monterey Managed Medical Care Commission, also known as the Central Coast Alliance for Health.
- 0601.100 18. **Agreement No. A-10259: Approved and authorized** the Director
0125.000 of Health to sign Amendment No.1 to Agreement A-10259 with Merced Manor, Inc. d.b.a. Merced Behavioral Health Center for services to adults with severe psychiatric disabilities, adding \$221,147 and increasing the total contract amount to \$927,806 for the period July 1, 2005 through June 30, 2008.
- 0601.100 19. **Agreement No. A-10389: Authorized** the Director of Health to
0125.000 sign a Joint Powers Agreement with the County of Santa Clara for membership in the Bay Area Regional Immunization Registry for the period of December 13, 2005 through January 13, 2007.

CRIMINAL JUSTICE:

- 0602.250 20. **BU 05/06-149:**
0150.145 a. **Approved** reallocation and transfer of one vacant Probation Officer III position in Budget Unit 255-Probation to a Probation Services Manager position in Budget Unit 256-Institutions and Alternative Programs; and
b. **Directed** the Auditor-Controller to amend Budget Unit 255 and Budget Unit 256 to reflect changes in allocated positions.

GENERAL GOVERNMENT:

- ~~21. Approve Action Minutes for the meeting of Tuesday, January 10, 2006, copies having previously been distributed to each Board member.~~
- 0600.750 22. **Resolution No. 06-035: Authorized** the Registrar of Voters to submit an application for funds under the HAVA Section 301 Voting Systems Program of the Help America Vote Act of 2002.

RMA-PUBLIC WORKS:

- 0400.775 23. **BU 05/03-150: Approved** transfer of appropriations within Serra
0150.145 Village and Toro Park, County Service Area No. 15 from Fund 115, Budget 910, to Fund 115, Budget 920, in the amount of \$20,000 for Fiscal Year 2005-06 to pay for needed irrigation and playground fencing installation and repairs.
- 0525.000 24. **2006 CONST 004:**
a. **Approved** Plans and Special Provisions for construction of the Arroyo Seco Road Bridge No. 311, Federal Project No. BRLSZD 5944 (046) (Project No. 06-220665); and
b. **Authorized** the Clerk of the Board to advertise the "Notice to Contractors" in the Californian on February 17 and February 23, 2006.
- 0602.350 25. **Resolution No. 06-033; BU 05/06-152**
0150.145 a. **Approved** submittal of a grant application to the State of California, Office of California Cultural and Historical Endowment, in the amount of \$100,000 for building stabilization and mothballing of the Old County Jail located at 142 West Alisal Street, Salinas; 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 California Cultural and Historical Endowment.

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