

BOARD OF SUPERVISORS

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|-----------------------|---------------------------------------|-------------------------------|
| 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
EAST GARRISON COMMUNITY SERVICES DISTRICT
MOSS LANDING COUNTY SANITATION DISTRICT
TUESDAY, MARCH 14, 2006
9:30 AM**

9:30 a.m.

S-1 The 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.

There were no Additions or Corrections to the Agenda.

6300.000 S-3 CONSENT CALENDAR – REGULAR (See Supplemental Sheet)

6300.000 S-4 CONSENT CALENDAR – RMA MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)

6300.000 S-5 CONSENT CALENDAR – EAST GARRISON COMMUNITY SERVICES DISTRICT (See Supplemental Sheet)

APPOINTMENTS:

Upon motion of supervisor Calcagno, and seconded by Supervisor Potter, and carried (Supervisor Lindley was absent this day), the Board approved the following appointments except as noted:

0401.3000 1. **Appointed** Carolyn Post to the Castroville/Pajaro Redevelopment Project Area Citizens' Advisory Committee for a term to be at the pleasure of the Board. (Supervisor Calcagno)

0803.950 2. **Appointed** Christine Jung to the San Ardo California Water District for a term to end November 30, 2009. (Supervisor Lindley)

- 0803.800 S/A-1 **Appointed** Jim Slaten, Jr. to the Salinas Rural Fire Protection District for a term to end March 1, 2010.
- 0803.8000 S/A-2 **Re-appointed** Frederick (Rick) W. Hughes to the Salinas Rural Fire Protection District for a term to end March 1, 2010.

OTHER BOARD MATTERS:

- 6300.000 3. Board Comments and Referrals
- a. Supervisor Armenta: Inquired whether or not the good news concerning San Jerardo was going to be discussed this morning.
 - b. County Counsel Charles McKee advised that this matter was going to be on next weeks agenda for open discussion.
 - c. CAO Lew Bauman requested Allan Stroh come up and speak regarding the Judges decision on the matter. Dr. Bauman further thanked the Board for the efforts in this matter.
 - d. Allan Stroh: advised that the Judge had ruled that Pajaro Sunny Mesa would be the buyer for the system. Consequently, this will now kick off the funding ability.
- 6300.000 4. Update on Board Referrals
There were none.
- 0600.025 5. CAO Comments
There were additional comments.
- 2050.000 6. Public Comments (Limited to 3 minutes per speaker)
- a. Joe Vera: Spoke with regard to a letter to the editor (in today's Monterey County Herald) that was in response to an editorial regarding the General Plan Initiative.
 - b. Hans Jongens: Spoke with regard to Freedom of Speech.
- 2050.000 7. **Resolution No. 06-053: Adopted** Resolution Recognizing Monterey Civic Club upon Celebrating 100 Years of Community Service. (Supervisor Potter)
BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Armenta, and carried 4/0 (Supervisor Lindley was absent this day).

SCHEDULED MATTERS:

- 6300.000 S-6 Closed Session under Government Code section 54950, relating to the following items:
- a. Pursuant to Government Code section 54956.8, the Board will confer with legal counsel regarding the following existing litigation:
 1. ~~Mari C. Espinosa (WC)~~
 2. ~~Henry Wagner III (WC)~~
 3. ~~Paul Yeaton (WC)~~
 4. Madrigal, et al. vs. The County of Monterey, et al.
 5. Melendez, et al. vs. Board of Supervisors of the County of Monterey, et al.

BOARD ACTION: The Board received and update and no further direction was given.
 - b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding the following Liability Claims:

1. Claim of Gene Forte
2. Claim of Monica Map

BOARD ACTION: The Claim of Gene Forte was denied. The Board approved a settlement on the claim of Monica Map condition upon acceptance by the other side. The documents will be made available for the public through County Counsel's office upon execution of the settlement.

- c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding two items of significant exposure to litigation.

BOARD ACTION: The Board received a status on each item and provided further direction to staff on each item.

- d. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the following public employment position(s):

1. Natividad Medical Center CEO

BOARD ACTION: The Board began the performance evaluation on the CEO and continued the matter to a later Board date.

- e. Pursuant to Government Code section 54956.8, the Monterey County Redevelopment Agency Board will confer with real property negotiators regarding the following property:

1. East Garrison portion of the former Fort Ord; Negotiators: Wayne Tanda and Jim Cook for the County of Monterey.

BOARD ACTION: The Board received an update from Wayne Tanda and Jim Cook and provided further direction.

10:30 a.m.

- 2800.000 S-7 **Ordinance No. 5020: Adopted** 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.

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Potter, and carried 4/0 (Supervisor Lindley absent this date).

- 0803.375 S-8 **Ordinance No. 5019; BU 05/06-167: Acted** as the Board of
2800.000 Directors of the Moss Landing County Sanitation District, conduct
0150.145 a public hearing and adopt an ordinance for the Moss Landing County Sanitation District to increase service charges.

BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Armenta, and carried 3/0 (Supervisor Calcagno disqualified himself due to a potential conflict and Supervisor Lindley was absent this date).

- 0600.025 S-9 a. **BU 05/06-170: Accepted** the Monterey County
Five-Year Capital Improvement Program (CIP) report making any additions or changes as appropriate; and
b. **Approved** the recommended list of projects defined as "A" category and instruct the County Administrative Officer (CAO) to include as many of these projects as considered feasible in the Recommended 2006-07 County Budget. Final funding decisions to be made by the Board of Supervisors at the June 2006 Budget Hearings; and
c. **Directed** the CAO to incorporate updates to this initial CIP on an annual basis.

BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Armenta, and carried (Supervisor Lindley absent this date).

The following two items were heard concurrently and voted on in one motion.

0601.525 S-10 BU 05/06-168: Received update:

- a. Natividad Medical Center Budget Action Plan update.
- b. Natividad Medical Center Stabilization Blue Ribbon Committee update.

BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Smith, and carried 4/0 (Supervisor Lindley absent this date).

0601.525 S-11 BU 05/06-171: Received an implementation plan

0150.145 from Natividad Medical Center (NMC) for the NMC Budget Action Plan as per the Board of Supervisors' request.

BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Smith, and carried 4/0 (Supervisor Lindley absent this date).

PUBLIC COMMENTS:

- a. Jill Foley: Spoke with regard to a letter that was forwarded to the Board on March 2, 2006 on the Closure of the Orthopedic section and the concern over it.
- b. Kenneth Isis (? Spelling- no speaker card): He is an Orthopedic Surgeon at NMC and has been since 1990. He spoke to the great program that they have requested that there be reconsideration before closing it.
- c. Don Palm can (? Spelling – no speaker card): He is an Orthopedic Surgeon and has been with NMC for the past 12 years. He also requested reconsideration. In addition he questioned a \$254k figure that was given and advised that there were factors not taken accurately into consideration in arriving at such a conclusion.
- d. Rosie Pando: Advised that she is concerned over the numbers that she has heard in regard to the County Budget situation and revisits the February 28, 2006 Board of Supervisors meeting wherein \$23.9 million was scheduled to NMC. (\$18.7 not to exceed). What she hears today would bring this figure up to \$25 million. There will be a \$17.2 million gap needing to be balanced in 06/07. She requested that NMC provide clarification in addition to timely information to allow for adequate review.

BOARD COMMENTS:

- a. Supervisor Calcagno: The numbers do not match up. Nor are the numbers making the grade. Sooner or later the axe has to come down because there is no money to go around.
- b. Chair Smith: There is improvement yes but not a solution yet.
- c. Supervisor Armenta: When can there be expected an answer to the 4 page letter that was received from the Orthopedic doctors.
Chad Chadwick advised that he was prepared to meet with the Chair to finalize the response.
Supervisor Armenta: That the decision on the response is a total Board decision and he want the matter reviewed by the Board prior as well as public noticing.
- d. Supervisor Potter: Backed Rosie Panda's comments.

12:00 p.m.

Recess to Lunch- Joint Board Sub-Committee Water Resources Agency Leadership Meeting.

1:30 p.m.

- 00.000 S-12 a. **Considered** approval of the response to the Monterey County of Monterey Civil Grand Jury 2005 Final Report; and
- b. **Authorized** the County Administrative Office to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, on or before April 3, 2006.

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Potter, and carried (Supervisor Lindley absent this date).

CAO Bauman introduced the members of the Grand Jury in addition to the presiding Judges. Dr. Bauman further expressed his thanks to Annette D'Adamo who assisted in drafting the responses to the Grand Jury Report.

Wayne Tanda the RMA Director spoke to the issues brought forward by the Grand Jury report.

PUBLIC COMMENT:

- a. Bill Nye: Spoke to the following: #41 – Inconsistency – there should be none. Recommendation #19 – Adequate Water supply. Recommendation #20 – Regarding Customer Service - advising that he had difficulty speaking to anyone.

STAFF COMMENTS:

- a. CAO: Dr. Bauman advised that he will work with Mr. Tanda regarding the Phone issues. In regard to the language that inconsistency is to be expected he concurred that the language should not be there. The water supply issue has been discussed and it is a complicated issue.
- b. County Counsel Charles McKee: Advised that Title 19 required proof of long term sustainable water prior to an application being completed.
- c. Supervisor Potter: Advised that this is a matter that has been before the Board previously – redundant. Supervisor Potter advised that he would volunteer his time and that of his office to assist in attempting to remedy the issues. Supervisor Potter made reference to the following specific issues: 1. The need for adequate training. 2. Process Outline for projects based upon complexity. 3. Omnibudsman. 4. Area Plans and Complexities – who will handle them and how? Are there back up planners should the primary be out? 5. Consistency of Field operations is a big issue that needs further addressing.
- d. Supervisor Armenta: Perhaps a sub-committee should be formed.
- e. Chair Smith: Advised that he was pleased to here of the Implementation of Information Technology as well as the implementation of a more consistent Training Program. He further advised that it must be recognized that the General Plan puts added burden on everyone and that it is now almost complete as is Code Enforcement. He is pleased that there is a corrective action plan in place that will help to deal with the shortcomings.
- e. Supervisor Calcagno: Advised that he was in agreement with Supervisor Potter. However, he wanted to also clarify that the Planners have been very responsive to his contact efforts. Further, that he believed that the problem was a structural one and not a people on. He advised that the staff is capable but it is the structure that is the problem.

- 0600.050 S-13 **BU 05/06-172: Accepted** and file the Fiscal
0602.250 Operational Audit Report for the Monterey County Probation
0150.145 Department for the fiscal year ending June 30, 2004.

BOARD ACTION: Upon motion of Supervisor Smith, and seconded by Supervisor Potter, and carried (Supervisor Lindley absent this date).

Mike Miller and Dennis Gravelle presented the report and advised the findings were positive. Mr. Gravelle also introduced Ruppia Shaw who assisted him with this matter.

Order for Adjournment

APPROVED:

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Chair

ATTEST:

LEW C. BAUMAN, Clerk of the Board

By: _____
Deputy

(Supplemental Sheet)

CONSENT CALENDAR

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Potter, and carried (Supervisor Lindley was absent this date), the Board approved the following actions unless otherwise noted:

HEALTH AND SOCIAL SERVICES:

- 0601.100 8. **Agreement No. A-10200: Approved and authorized** the Director
0125.000 of Health to sign Amendment 1 to Agreement A-10200 with Edgewood Center for Children and Families for the provision of mental health services for \$322,854 effective July 1, 2005 through June 30, 2006, and \$333,508 effective July 1, 2006 through June 30, 2007 for a total amount not to exceed \$656,362.
- 0601.100 9. **Agreement No. A-10142: Approved and authorized** the Director
0125.000 of Health to sign Amendment No. 1 to Mental Health Services Agreement A-010142 with ODD-Fellow Rebekah Children's Home of California for mental health services for youth in the amount of \$925,727 for the period July 1, 2004 through June 30, 2007.
- 0601.100 10. **2005 CONST 0070:**
0525.000 a. **Directed** the Health Department Facilities Manager to file a Notice of Completion for the project, "Clinic Services Internal Medicine Clinic expansion" Bid No. 9865; and
b. **Directed the Auditor-Controller to make final payment of \$22,995.20 upon approval of the Facilities Manager.**
- 0601.100 11. **Proclaimed** state of local emergency relating to the spread of HIV among injection drug users in Monterey County.
- 0601.100 12. **Approved and authorized** the Director of Health to sign and submit the Monterey County EMS Plan to the California State Emergency Medical Services Authority.
- 0601.100 13. **Agreement No. A-10399: Authorized** the Director of Health to

0125.000 sign an Agreement with Clinica de Salud del Valle de Salinas in the amount of \$80,000 to develop a system to improve patient care and flow to include chronic disease registry, patient education in relation to asthma management and diabetes control for the Steps to a Healthier Salinas Initiative for the period of February 1, 2006 through December 31, 2006.

0600.175 14. **Agreement No. A-10400: Approved and authorized** the Director
0125.000 of Child Support Services to sign a Inter-jurisdictional Employee Exchange Agreement between the California Department of Child Support Services and Monterey County Department of Child Support Services for the period of March 1, 2006 through February 28, 2007.

CRIMINAL JUSTICE:

0602.500 15. **BU 05/06-169: Approved and authorized** the Sheriff and District
0600.775 Attorney to accept a grant award with the State Governor's Office
0150.145 of Emergency Services (OES) for County of Monterey Marijuana Suppression Program for Fiscal Year 2005-06, in the amount of \$193,334, and any future amendments to this grant.

0602.500 16. **BU 05/06-166**
50.145 a. **Amended** the FY 2005-06 Sheriff's Budget Unit 251 to delete one Sr. Corrections Specialist and add one Corrections Specialist; and amend Sheriff's Budget Unit 230 to delete one Sheriff's Records Specialist II and add one Corrections Specialist to Budget Unit 251; and
b. **Directed** the Auditor-Controller to incorporate this change in the FY 2005-06 Sheriff's Budget Unit 251 and 230.

GENERAL GOVERNMENT:

2050.000 17. **Approved** Action Minutes for the meeting of Tuesday
January 10, 2006, copies having been previously distributed to each Board member.

2050.000 18. **Approved** Action Minutes for the meeting of Tuesday
January 24, 2006, copies having previously been distributed to each Board member.

2050.000 19. **Approved** Action Minutes for the meeting of Tuesday
January 31, 2006, copies having previously been distributed to each Board member.

2050.000 20. **Approved** Action Minutes for the meeting of Tuesday
February 7, 2006, copies having been previously distributed to each Board member.

2050.000 21. **Approved** Action Minutes for the meeting of Tuesday
February 14, 2006, copies having previously been distributed to each Board member.

2050.000 22. **Approved** Action Minutes for the meeting of Tuesday
February 21, 2006, copies having been previously distributed to each Board member.

0600.500 23. **Received** informational copies of the responses by the Assessor and Sheriff to the
Monterey County Civil Grand Jury 2005 Final Report.

0600.500 24. **Received** report and update on discussions between Salinas Valley

0601.525 Memorial Healthcare System and Nader Agha regarding alternative organizational structures for Natividad Medical Center toward stabilizing regional healthcare delivery.

RMA - PLANNING AND BUILDING INSPECTION:

- 0602.200 25. a. **Agreement No. A-10401: Approved** a Professional Services Agreement with Resource Design Technology, Inc. to provide staff support services and preparation of an Environmental Impact Report (EIR) for the Chevron Heated Oil Pipe Line EIR Project (PLN030507), not to exceed \$1,399,900 plus a \$196,308 project contingency fee, for a total of \$1,596,208; and
- 0125.000 b. **Agreement No. A-10402: Approved** a Funding Agreement in the amount of \$2,224,394 with Chevron U.S.A., Inc. to reimburse Resource Design Technology, Inc. to provide staff support services and preparation of an EIR for the Chevron Heated Oil Pipeline EIR Project; and
- c. **Authorized** the Planning and Building Inspection Director to execute the Professional Services Agreement, Funding Agreement, and future amendments that do not significantly alter the scope of work or change the approved agreement amounts.

RMA - PUBLIC WORKS:

- 0602.350 26. **Approved** a finding that there are Unmet Transit Needs that are reasonable to meet in the County unincorporated areas in FY 2006-07.
- 0602.350 27. a. **2006 CONST 0005; Agreement No. A-09169: Approved** Amendment No. 3 in the amount of \$69,250 for a total amount not to exceed \$390,662 and extend the term of the Professional Services Agreement with Dokken Engineering, Inc. to December 31, 2006 to complete additional environmental tasks for the State Route 68 at San Benancio Road Intersection Improvements (Project No. 06-111065); and
- 0525.000 b. **Authorized** the Public Works Director to execute the Amendment and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.
- 0125.000

BOARD ACTION: Supervisor Potter pulled this matter for a separate discussion. Supervisor Potter advised that he was willing to endorse this matter but that there were concerns over conflicting versions regarding the status. Supervisor Potter spoke with Public Works Director Ron Lundquist and further requested to meet with him over the next 48 hours.

- 0602.350 28. a. **2005 CONST 0042; Agreement No. A-09986: Approved** Amendment No. 4 in the amount of \$60,000 to the Professional Services Agreement with the Transportation Agency for Monterey County for the Railroad Grade Crossings Conform Paving Project, Federal Aid Project No. HP21-0448 (001) (Project No. 05-139865); and
- 0525.000 b. **Approved** Amendment No. 5 in the amount of \$12,000 to the Professional Services Agreement with the Transportation Agency for Monterey County for the Railroad Grade Crossing Conform Paving Project, Federal Aid Project No. HP21-0448 (001) (Project No. 05-139865); and
- 0125.000 c. **Approved** the use of \$24,000 in previously allocated federal funds to cover the increased cost of construction management services with the Transportation Agency for Monterey County for the Railroad Grade Crossing Conform Paving Project, Federal Aid Project No. HP21-0448 (001) (Project No. 05-139865); and
- d. **Authorized** the Public Works Director to execute Amendment Nos. 4 and 5 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

- 0602.350 29. a. **2005 CONST 0091; Agreement No. A-10403: Awarded** a contract in the amount of \$112,203 to Apex Fence Company, Inc., the lowest responsible bidder, for construction of the Arroyo Seco Road Metal Beam Guard Railing Project, Federal Project No. STPLH 5944 (070) (Project No. 06-111365); and
- 0525.000 b. **Approved** the performance and payment bonds executed and provided by Apex Fence Company, Inc.; and
- 0125.000 c. **Established** a contingency not to exceed 10% of the contract amount; and
- d. **Authorized** the Public Works Director to execute the contract.
- 0602.350 30. a. **2005 CONST 0092; Agreement No. 10404: Awarded** a contract in the amount of \$34,260 to Apex Fence Company, Inc., the lowest responsible bidder, for construction of the Metz Road Metal Beam Guard Railing Project, Federal Project No. STPLH 5944 (071) (Project No. 06-111465); and
- 0525.000 b. **Approved** the performance and payment bonds executed and provided by the Apex Fence Company, Inc.; and
- 0125.000 c. **Established** a contingency not to exceed 10% of the contract amount; and
- d. **Authorized** the Public Works Director to execute the contract.

RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY

Chair Smith requested that this matter trail until after closed session.

BOARD ACTION: Chair Smith requested that this matter be held over for two weeks. Upon motion of Supervisor Potter and seconded by Supervisor Armenta, and carried (Supervisor Lindley was absent this date), the Board approved the following actions unless otherwise noted:

- 5100.000 31. a. **Accepted** minor wording corrections and clarifications to the Disposition and Development Agreement between the Redevelopment Agency of the County of Monterey and East Garrison Partners I, LLC for the East Garrison Project at the former Fort Ord; and
- b. **Authorized** the Chair to execute the DDA as corrected and clarified.

EAST GARRISON COMMUNITY SERVICES DISTRICTS

Chair Smith requested that this matter trail until after closed session.

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Armenta, and carried (Supervisor Lindley was absent this date), the Board approved the following actions unless otherwise noted:

- 0801.025 32. a. **Resolution No. E/G 06-002: Adopted** a resolution adopting By-Laws for the East Garrison Community Services District (EGCSD); and
- b. **Resolution No. E/G 06-003: Adopted** a resolution electing officers of the Board of Directors of the EGCSD, appointing a General Manager and Clerk and designating the Treasurer; and
- c. **Resolution No. E/G 06-004: Adopted** a resolution adopting Policies governing purchasing and bidding, and personnel; and
- d. **Resolution No. E/G 06-005: Adopted** a resolution adopting a calendar of regular meetings for the EGCSD Board of Directors.