

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

Darlene Drain	Phone: (831) 755-5066
Clerk of the Board	FAX: (831) 755-5888
P. O. Box 1728	Home Page: www.co.monterey.ca.us
Salinas, CA 93902	

ACTION MINUTES

MONTEREY COUNTY BOARD OF SUPERVISORS MONTEREY COUNTY REDEVELOPMENT AGENCY MONTEREY COUNTY WATER RESOURCES AGENCY TUESDAY, MARCH 21, 2006 9:30 AM

9:30 a.m.

S-1 The 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.

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 – MONTEREY REDEVELOPMENT AGENCY (See Supplemental Sheet)

APPOINTMENTS:

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

0803.950 1. **Appointed** Robert Tucker to the San Ardo California Water District to fulfill the unexpired term of Salvador Macias for a term to end on November 30, 2007. (Supervisor Lindley)

OTHER BOARD MATTERS:

6300.000 2. Board Comments and Referrals:
a. Supervisor Lindley: Thanked the Board and Staff for covering for him the past 10 days. He went on a 10 day trip to China with the Salinas Valley Chamber of Commerce and the Soledad Chamber of Commerce.

- b. Supervisor Armenta: Wanted to have a matter added onto the 28th agenda during the NMC update. He would like to have the Board if ready, to provide direction to the Blue Ribbon asking for a completed report. In addition, Supervisor Armenta inquired on the General Plan wanting to know if a schedule could be provided onto the website of when we estimate the final decision of adoption of General Plan #4.
- c. Chair Smith echoed Supervisor Armenta's concerns regarding the Blue Ribbon as well.

6300.000 3. Update on Board Referrals
There were none.

0600.025 4. CAO Comments:
CAO Dr. Bauman invited Dale Ellis of Planning and Building up to speak to the General Plan.
Dale Ellis: Announced that after receipt back from the printers that they would be distributing the draft of the General Plan. He then went on to recognized the number of departments and individuals that participated in the completion of the document: Environmental Health, Public Works, Water Resources, County Counsel, Parks Department, Housing & Re-Development, Ag Commissioner, and various individuals from Planning and Building.
Chair Smith acknowledged all of the hard work in addition to that of Mr. Ellis' as well.

2050.000 5. Public Comments (Limited to 3 minutes per speaker):
a. Joe Vierra: Spoke with regard to NMC matters.

BOARD ACTION: Upon motion by Supervisor Calcagno, and seconded by Supervisor Potter, and carried 5/0, the Board approved the following Resolutions except as otherwise noted:

~~6. Adopt a Resolution to honor the recipient for special recognition by the Salinas River Channel Coalition for dedication and ongoing support to the coalition's endeavors. (Supervisor Lindley)~~

2050.000 7. **Resolution No. 06-048: Adopted** a Resolution honoring Robert James Lippi, owner of Bob-the-Printer upon being named Hospitality Professional of the Year 2006 by the Monterey County Hospitality Association. (Supervisor Potter)

2050.000 8. **Resolution No. 06-054: Adopted** a Resolution Acknowledging James L. Hansen, Chief Child Support Attorney for the Department of Child Support Services, upon his retirement (Full Board)

2050.000 9. **Resolution No. 06-055: Adopted** a Resolution commending an undisclosed recipient as the Santa Cruz County Farm Bureau's Al Smith Friend of Agriculture Award for 2006. (Supervisor Calcagno)

2050.000 10. **Resolution No. 06-056: Adopted** a Resolution honoring Fausta Ibarra Hernandez for her outstanding and compassionate work on behalf of the Commission on the Status of Women in our community. (Supervisor Armenta)

2050.000 11. **Resolution No. 06-057: Adopted** a Resolution honoring Sharen Carey upon being recognized as one of ten Outstanding Women of Monterey County in 2006 by the Commission on the Status of Women. (Supervisor Potter)

2050.000 12. **Resolution No. 06-058: Adopted** a Resolution honoring Laura Lee Lienk upon being recognized on one of ten Outstanding Women of Monterey County in 2006 by the

Commission on the Status of Women. (Supervisor Potter)

- 2050.000 13. **Resolution No. 06-059: Adopted** a Resolution honoring Tana Marie Misrack upon being recognized as one of ten Outstanding Women of Monterey County in 2006 by the Commission on the Status of Women. (Supervisor Potter)
- 2050.000 14. **Resolution No. 06-060: Adopted** a Resolution honoring Carol Kaplan upon being recognized as one of ten Outstanding Women in Monterey County for the year 2006 by the Commission on the Status of Women. (Supervisor Smith)
- 2050.000 15. **Resolution No. 06-061: Adopted** a Resolution honoring Martha "Marti" Myszak upon being recognized as one of the ten Outstanding Women in Monterey County for the year 2006 by the Commission on the Status of Women. (Supervisor Smith)
- 2050.000 16. **Resolution No. 06-062: Adopted** a Resolution honoring Nancy DeSerpa upon being recognized as one of ten Outstanding Women in Monterey County for the year 2006 by the Commission on the Status of Women. (Supervisor Smith)
- 2050.000 17. **Resolution No. 06-063: Adopted** a Resolution honoring Vicki Rosenberg upon being recognized as one of ten Outstanding Women in Monterey County for the year 2006 by the Commission on the Status of Women. (Supervisor Lindley)
- 2050.000 18. **Resolution No. 06-064: Adopted** a Resolution honoring Angie Lopez upon being recognized as one of ten Outstanding Women in Monterey County for the year 2006 by the Commission on the Status of Women. (Supervisor Lindley)
- 2050.000 19. **Resolution No. 06-065: Adopted** a Resolution honoring Nancy Ausonio upon being recognized as one of ten Outstanding Women in Monterey County for the year 2006 by the Commission on the Status of Women. (Supervisor Calcagno)

SCHEDULED MATTERS:

- 6300.000 S-5 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. Paul Yeaton (WC)
 3. ~~Henry Wagner III (WC)~~
 4. County of Monterey vs. City of Salinas (Boronda Crossing litigation)
 5. California Department of Transportation vs. County of Monterey (Rancho San Juan)
 6. LandWatch Monterey County, et al. vs. County of Monterey, et al. (Rancho San Juan)
 7. John L. McDonnell, Jr., et al. vs. County of Monterey, et al. (Rancho San Juan)
 8. Save Our Peninsula Committee vs. County of Monterey, et al. (Rancho San Juan)
 9. City of Salinas vs. County of Monterey (Rancho San Juan)
 10. H-Y-H Corporation vs. County of Monterey (Rancho San Juan)
 11. Madrigal, et al. vs. The County of Monterey, et al.
 12. Melendez, et al. vs. Board of Supervisors of the County of Monterey, et al.

BOARD ACTION: The Board rejected the Claim of Mari Espinosa (WC) and will decide on litigation. #2. The Board agreed (4/1 – Sup. Potter was the dissenting vote) to authorize a settlement pending acceptance by the other party. Documents will be made available

through County Counsel's office once the settlement has been finalized. #4-10; the Board received updates and provided direction to staff. #11 & 12; the board received updates on the Court Hearing today and gave direction.

- b. 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 was provided a status in both matters and gave direction.

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

BOARD ACTION: The Board did not provide authorization for litigation and requested Staff to work further and bring the matter back if there is still no resolution.

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

1. Monterey County Water Resources Agency General Manager

BOARD ACTION: This was completed and the Monterey County Water Resources Agency General Manager received positive comments.

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

1. Natividad Medical Center CEO

BOARD ACTION: The matter was continued and is still ongoing and will be on the Agenda again next week.

10:30 a.m.

0803.575 S-6 **Received update on the transfer of the ALCO Water System in San Jerardo to the Pajaro Sunny Mesa Community District. (This is only a placeholder for Title to come.)**

BOARD ACTION: Upon motion by Supervisor Potter, and seconded by Supervisor Lindley, and carried 5/0. The Board made the following action and amendments: Accept receipt of the update. Contact the Grantors Re: impacts to the temporary solution and impacts of the funding for long term solutions. Contact Mr. Richardson regarding the continued delivery of Bottled water and whether or not that is in jeopardy on being continued. Clarify whether or not a court order will be necessary to cause continuance of the delivery. Increase the water delivery amount to 25 gallons. Task the Legislative Committee with contacting the Assembly members to simplify the Regulatory process and get funded what needs to be funded. Meet with the community and then a subsequent meeting with Pajaro Sunny Mesa, and Assess the medical situation and if necessary put together a medical team to meet with the residents.

The following spoke at Public Comment:

- a. Sally Torres
- b. Mary Castillo
- c. (Speaker Unknown – name not provided)
- d. Juan Martinez
- e. Marc Del Pierro

~~S-7 Approve and authorize the Chief Executive Officer of Natividad Medical Center (NMC) to execute a Professional Services Agreement between NMC and Mark Fritz to provide consulting services to NMC, such services to include acting as interim Chief Financial Officer (CFO), advising the CEO and the Board of Trustees in better defining the CFO position and providing professional stewardship of budgetary funds and financial management operations at NMC. This agreement will be for the period of March 27, 2006 to December 31, 2006 in an amount not to exceed \$150,000.~~

12:00 p.m.

Recess to Lunch- Fort Ord Committee Meeting

1:30 p.m.

ORDER FOR ADJOURNMENT

APPROVED:

-

Chair

ATTEST:

LEW C. BAUMAN, Clerk of the Board

By: _____
Deputy

(Supplemental Sheet)

CONSENT CALENDAR

BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Lindley, and carried, the Board approved the following actions, unless otherwise noted: Items 26, 27 a, b & c, and 31 were pulled for separate vote.

HEALTH AND SOCIAL SERVICES:

- 0601.100 20. **Agreement No. A-10406: Approved and authorized** the Director
0125.000 of Health to sign a Behavioral Health Services Agreement with Star*t @ Monterey Bay, Inc. for \$23,388 effective March 16, 2006 through June 30, 2006, and for \$56,100 effective July 1, 2006 through June 30, 2007 for transitions services and experiences to at risk youth.

- 0602.550 21. **Agreement Nos. A-09874; A-10165; A-10279; A-10297**
0125.000 a. **Approved and authorized** the Director of the Department of Social & Employment Services to sign the following contract amendments related to the implementation of the Differential Response Pilot for referrals of child abuse:
 - 1. **To the agreement, A-10279, with ACTION Council of Monterey County, adding \$27,000 for a total of \$67,000 and extending the term by three months to the period ending September 30, 2006 to provide project leadership and coordination.**
 - 2. **To the agreement, A-09874, with Alisal Community Healthy Start, adding \$23,778 for a total of \$247,407 to provide pilot implementation, supervision and evaluation in the community of Salinas 93905 for the contract period ending June 30, 2006.**
 - 3. **To the agreement, A-10165, with Community Human Services adding \$41,271 for a total of \$116,384, to provide pilot implementation, supervision and evaluation in the communities of Salinas 93905 and Seaside for the contract period ending June 30, 2006.**
 - 4. **To the Agreement, A-10297, with Door to Hope, Inc., adding \$20,010 for a total of \$317,314 to provide pilot implementation, supervision and evaluation in the communities in Salinas and on the Monterey Peninsula for the contract period ending June 30, 2006.**
- b. **Authorized** the Director of the Department of Social & Employment Services to sign all future amendments to these Agreements not exceeding 5% of the contract amount

and a three (3) month extension.

CRIMINAL JUSTICE:

- 0602.500 22. **Approved** an application and order for destruction of records for the Sheriff's Office. (4/5th Vote Required).

GENERAL GOVERNMENT:

- 0600.025 23. **BU 05/06-173; Agreement No. A-10348: Approved** the L Unit
0602.250 (Probation Managers' Association) final contract, effective
0150.145 March 21, 2006, covering the period November 1, 2005 through
0125.000 October 31, 2006.
- 0600.025 24. **BU 05/06-174; Agreement No. 10409: Approved** the A/B
0602.500 (General Safety/Safety Supervisor) and C (Safety Management)
0150.145 Units integrated contract, effective March 21, 2006, covering the
0125.000 period July 1, 2001 through June 30, 2006.
- 6300.000 25. **Appointed** Chair Smith to the Water Master as a representative of Monterey County and Curtis Weeks as the alternate.

RMA - PLANNING AND BUILDING INSPECTION:

BOARD ACTION: This matter was pulled at the request of Attorney Michael Cling to be continued to a date certain April 25, 2006 (under the Consent Calendar.) There was no objection from County Counsel or Planning and Building. Upon motion of Supervisor Potter, and seconded by Supervisor Armenta and carried 5/0 this matter is continued.

26. a. Approve a lot line adjustment (VIOLINI PLN050079) between four existing legal parcels of 1,058 acres (Parcel 1), 30.57 acres (Parcel 2), 123.27 acres (Parcel 3) and 120 acres (Parcel 4) under Williamson Act Land Conservation Contract No.93-006 resulting in four Parcels of 1,211.84 acres (Parcel A), 40 acres (Parcel B), 40 acres (Parcel C), and 40 acres (Parcel D) acres; and
- b. Authorize the Chair to execute a new or amended Land Conservation Contract in order to rescind a portion of Land Conservation Contract No. 93-006 as it applies to the reconfigured, contracted parcels only, and simultaneously execute a new or amended Land Conservation Contract No. 93.006.A. The new or amended Contract shall incorporate the new legal description to reflect new ownership interests and incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures. The properties are located at 620 River Road, (Assessor's Parcel Numbers 167-031-001-000 167-031-002-000 and 416-441-011-000) fronting on River Road, in the River Road area Toro Area Plan; and
- c. Direct the Clerk of the Board to record the new or amended Contract No. 93-006.A.

BOARD ACTION: This matter was pulled at the request of Attorney Michael Kling to be continued to a date certain April 25, 2006 (under the Consent Calendar). There was no objection from either County Counsel or Planning and Building. Supervisor Potter removed himself from this vote due to what could have been a perceptual conflict of interest because his son works for D. Duffy. Upon motion of Supervisor Lindley, and seconded by Supervisor Armenta and carried 4/0, this matter is continued.

27. a. Approve a Professional Services Agreement with Denise Duffy & Associates, Inc. for completion of a Final Environmental Impact Report (FEIR) for the Morisoli-Amaral Subdivision (PLN020016), not to exceed \$27,384 plus a \$4,108 contingency fee, for a total of \$31,492; and

- b. Approve a Reimbursement Agreement in the amount of \$35,600 with Albin Morisoli to reimburse Denise Duffy & Associates, Inc. for completion of a FEIR for the Morisoli-Amaral Subdivision; and
- c. Authorize 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.

RMA - PUBLIC WORKS:

- 0602.350 28. **2006 CONST 0006:**
0525.000
- a. **Amended** Monterey County Bike Plan to include Class II Bike Lanes on Moss Landing Road from Potrero Road to Moro Cojo Slough and a portion of Sandholdt Road from Moss Landing Road to the new Sandholdt Road Bridge No. 112 (Project No. 06-156565) into the 2001 Monterey County General Bikeways Plan; and
 - b. **Authorized** submission of the grant applications to the Monterey Bay Unified Air Pollution Control District and Transportation Agency for Monterey County for design and construction of the new bike lanes on Moss Landing Road and Sandholdt Road; and
 - c. **Authorized** the Interim Public Works Director or his designee to act as the agent for the County in submitting, processing and executing all grant documentation.
- 0602.350 29. a. **Approved** FY 2006-07 Local Transportation Fund application in the amount of \$2,439,586 for County contributions to various transportation programs; and
b. **Authorized** the Interim Public Works Director to execute and submit the FY 2006-07 Local Transportation Fund application to the Transportation Agency for Monterey County.
- 0602.350 30. **2006 CONST 0007; Agreement No. A-10407:**
0525.000 a. **Awarded** a contract in the amount of \$321,900 to California
0125.000 Commercial Interiors, the lowest responsible bidder, for Laboratory Modular Furnishings Bid Package No. 9873; and
b. **Established** a contingency not to exceed 10% of the contract amount; and
c. **Authorized** the Interim Public Works Director to execute the Agreement.

BOARD ACTION: Upon motion by Supervisor Lindley, and seconded by Supervisor Armenta, and carried 4/0. Supervisor Potter removed himself from the vote due to a possible perceptual conflict of interest because his son works at Duffy & Associates.

- 0602.350 31. **2006 CONST 0008; Agreement No. A-10408**
0525.000 a. **Approved** a Professional Services Agreement with Denise
0125.000 Duffy & Associates, Inc., in an amount not to exceed \$79,776 to provide environmental and monitoring services for the construction of Arroyo Seco Road Bridge (Co. No. 311) at Arroyo Seco River, Federal Aid Project No. BRLSZA-5944 (046) (Project No. 06-220665); and
b. **Authorized** the Purchasing Manager to execute the Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.
- 0602.350 32. **Resolution No. 06-052: Approved** initial listing of extended
0650.000 services and miscellaneous extended services for County Service Areas for FY 2006-07.

RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY

BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Lindley, and carried, the Board approved the following actions, unless otherwise noted:

5100.000
0150.145

33. **BU 05/06-175: Approved** Increase of \$915,337, in Revenues and Appropriations in Fund 020 (Castroville Pajaro Debt Service), Budget Units 941 and 942 and Fund 400 (Castroville Pajaro) Budget Unit 943 in order to expend Estimated Tax Increment Revenues. (4/5th Vote Required)