

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
EAST GARRISON COMMUNITY SERVICES DISTRICT
MONTEREY COUNTY REDEVELOPMENT AGENCY
MONTEREY COUNTY WATER RESOURCES AGENCY
TUESDAY, APRIL 11, 2006
9:30 AM

9:30 a.m.

S-1 The Pledge of Allegiance
The Pledge of Allegiance was led by Supervisor Armenta.

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 sections 54954.2 of the California Government Code.

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

Please remove the following items:

Under Scheduled matters Closed Session:

- c. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the following public employee position:
 - 1. Natividad Medical Center CEO

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

S-4 CONSENT CALENDAR - EAST GARRISON COMMUNITY SERVICES DISTRICT (See Supplemental Sheet)

S-5 CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES 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 noted:

- 0401.560 1. **Reappointed** Astrid Lang, to the Community Restorative Justice Commission, for a term to end on April 11, 2009. (Supervisor Smith)
- 0804.410 2. **Reappointed** Daniel J. Patterson to the South Monterey County Fire Protection District for a term to end December 12, 2009. (Supervisor Lindley)
- 0804.410 3. **Reappointed** Bruce Dodson to the South Monterey County Fire Protection District for a term to end December 12, 2009. (Supervisor Lindley)
- 0804.410 4. **Appointed** Paul Beckett to the South Monterey County Fire Protection District for a term to end December 12, 2009. (Supervisor Lindley)
- 0401.500 5. **Appointed** Yolanda Salinas Teneyuque to the Commission on the Status of Women for a term to end February 1, 2009. (Supervisor Lindley)
- 0401.500 6. **Appointed** Rocio Gonzalez-Hunt to the Commission on the Status of Women for a term to end February 1, 2009. (Supervisor Lindley)
- 0403.825 7. **Considered** nomination of Patricia L. Herro to the Youth Council of the Monterey County Workforce Investment Board for a term to end April 11, 2008. (Full Board)

OTHER BOARD MATTERS:

- 6300.000 8. Board Comments and Referrals
- a. Supervisor Potter: Advised on his trip this past week to Washington. Supervisor Potter provided an update on their meeting with Senator Feinstein and the support that they are receiving. He wished to congratulate all on a collaborative effort.
 - b. Supervisor Armenta: Also went to Washington last week and wanted to advise further that Chief Probation officer M. Villareal was in attendance as well. Supervisor Armenta also made a referral regarding the Immigration Bill in the Senate. He would like this matter to come back to the Board in 2 weeks and would like a report and analysis from the Legislative Committee on the implications of 4437. He would also like Senator Feinstein's Ag. Worker Amendment supported.
 - c. Supervisor Calcagno: Would like a determination from County Counsel on Wetlands and Sloughs – what are allowable within the Williamson Act. (Covered property within the Williamson Act with Wetlands/Sloughs).
- 6300.000 9. Update on Board Referrals.
There were none.
- 0600.025 10. CAO Comments
There were none. Assistant CAO Rosie Pando in for Dr. Lew Bauman.
- 2050.000 11. Public Comment (Limited to 3 minutes per speaker)
- a. Ron Chesshire: Read from a handout distributed.
 - b. Hans Jungens: Spoke to the immigration issues in support of 4437.
 - c. Janet Benez and fellow High School Students from Alvarez High School spoke out against 4437.
- 2050.000 12. **Resolution No. 06-086: Adopted** a Resolution saluting Veterans of Foreign Wars Sgt. Frank Lillard Post 6747 on its Sixtieth Anniversary. (Supervisor Lindley)

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

~~13. Adopt a Resolution honoring Michael Gaines, Certified Executive Chef as the recipient of the American Culinary Federation, Monterey Bay Chapter, Chef of the Year Award for 2005. (Supervisor Lindley)~~

2050.000 14. **Resolution No. 06-087: Adopted** Resolution commending Clifford O. Winant, Monterey County Sheriff's Office, upon his retirement from public service. (Full Board)

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

2050.000 15. **Resolution No: 06-088: Adopted** a Resolution of the Monterey County Board of Supervisors Proclaiming April 9 through April 15, 2006 as "Public Safety Dispatchers Week" in Monterey County. (Full Board)

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

SCHEDULED MATTERS:

0601.160 S-6 a. **Accepted** and Discuss the Monterey County Operational Area Emergency Communications System Strategic Plan for upgrading and replacing the County-wide local public safety and government communication system; and
b. **Directed** the Information Technology Director to initiate negotiations with the local agencies for adoption of and allocation of the share of costs and responsibilities of implementing the Plan, and to return at a future date with the necessary agreement for approval by the Board.

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

6300.000 S-7 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. Worldwide Restaurant Concepts, Inc. vs. River Ranch Foods, et al.
 2. Alfaro, et al. vs. Community Housing and Planning Association, et al.
 3. County of Monterey vs. City of Salinas (Boronda Crossing Litigation)
 4. California Department of Transportation vs. County of Monterey (Rancho San Juan)
 5. LandWatch Monterey County, et al. vs. County of Monterey, et al. (Rancho San Juan)
 6. John L. McDonnell, Jr., et al. vs. County of Monterey, et al. (Rancho San Juan)
 7. Save Our Peninsula Committee vs. County of Monterey, et al. (Rancho San Juan)
 8. City of Salinas vs. County of Monterey (Rancho San Juan)
 9. H-Y-H Corporation vs. County of Monterey (Rancho San Juan)
 10. Madrigal, et al. vs. The County of Monterey, et al.
 11. Melendez, et al. vs. The Board of Supervisors of the County of Monterey, et al.
 12. Rangel vs. County of Monterey, et al.

BOARD ACTION: The Board approved a tentative settlement agreement for matter #1. The Board received an update in matter #2. In matter #3, the Board agreed in concept to a

settlement. In matter #4 the Board received updates regarding the settlement discussions. In matters 10 & 11, the Board received updates and denied injunction. The Board was advised in matter #12 that the District Court had not yet heard the issue.

- ~~b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one item of significant exposure to litigation.~~
- ~~e. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the following public employee position:~~
 - ~~1. Natividad Medical Center CEO~~
- d. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (all units); Keith Honda, designated representative.

BOARD ACTION: The Board received and update and provided direction to labor negotiator Keith Honda.

- 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 and update and provided direction to negotiators Wayne Tanda and Jim Cook.

12:00 p.m.

Recess to Lunch- Joint Board Water Resources Agency Leadership Meeting

1:30 p.m.

- 0601.525 S-8 a. **Agreement No. 10428: Approved** the original Agreement with J.S.B. Landscape Maintenance executed March 18, 2005 in an amount not to exceed \$115,500.00; and
- b. **Approved** Amendment No. 1 to reduce the original Agreement amount to \$44,010; and
- c. **Authorized** the Purchasing Manager to issue a Purchase Order in the amount of \$7,000 to J.S.B. Landscape Maintenance; and
- d. **Authorized** the Auditor-Controller to make final payment to J.S.B. Landscape Maintenance in the amount of \$7,000.

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

- 0601.525 S-9 **Approved and Authorized** the Purchasing Manager of Monterey County to increase the current Master Agreement for Nursing Registry (RFP # 9770) at Natividad Medical Center (NMC) from \$3,800,000 to \$4,800,000 for FY 05/06 and to distribute these funds between all the vendors under the Master Agreement for Nursing Registry (RFP # 9770) to assure that funds are available as needs for services occur.

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

- 0601.525 S-10 **Board Budget Order # 05/06-190. Received** the revised report
0150.145 from the Chief Executive Officer of Natividad Medical Center (NMC) with regard to the financial performance of the Orthopedic Clinic, as well as the regulatory requirement to hold Beilensen Hearings for OP Speech and Occupational Therapy service reductions and modification of the Occupational Medicine Program.

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

0601.525 S-11 **Received** an oral report on the implementation plan from Natividad Medical Center (NMC) for the NMC Budget Action Plan.

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

S-12 **Considered:**

- a. Updated on April 3rd Proposal by Nader Agha for purchase of Natividad Medical Center, Monterey County Jail Facilities, Juvenile Hall, and adjacent lands and provide direction to staff; and
- b. Approval of Memorandum of Understanding between the County and Salinas Valley Memorial Healthcare System establishing terms of agreement related to formation of a proposed Joint Powers Agreement for operation of Natividad Medical Center

BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Calcagno, and carried the Board approved the action and following amendment: 6 j: Labor Representatives shall be included in all Labor negotiations/agreements as needed..

The following spoke at Public Comment:

- a. Reverend Richard Leslie
- b. Jack Herbie
- c. Dr. Mimibeque
- d. Marty Garza
- e. Anna Venturez
- f. Wren Bradley
- g. Dr. Jaimison
- h. Carol Swang
- i. Madeline Clark

Order for Adjournment

APPROVED:

Chair

ATTEST:
LEW C. BAUMAN, Clerk of the Board

By: _____
Deputy

CONSENT CALENDAR

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

HEALTH AND SOCIAL SERVICES:

- 0601.100 16. **Agreement No. A-10218: Approved and authorized** the
0125.000 Director of Health to sign Amendment No. 2 to Health Services Agreement A-10218 with American Medical Transport, Inc. d.b.a. Central Coast Ambulance Services for transportation services for psychiatric or physically disabled clients, adding \$116,750 for Fiscal Year 2005-06, for a new total Agreement amount of \$746,750 for the period July 1, 2005 through June 30, 2008.
- 0601.100 17. a. **BU No. 05/06-186: Approved and amended** the Health
0150.145 Department Clinic Services Budget Unit 413 to add 1.0 FTE Clinic Physician II and 1.0 FTE Physician Assistant/Nurse Practitioner; and
b. **Directed** the Auditor-Controller to amend the FY 2005-2006 Health Department Budget Unit 413 to reflect the change in position counts.
- 0403.310 18. **Agreement No. A-10417: Authorized** the Director of Health to
0601.100 sign an Agreement with Santa Cruz-Monterey Managed Care
0125.000 Commission DBA Central Coast Alliance for Health in the amount of \$38,000 to provide technical assistance in the health care provider channel in the implementation of a chronic disease registry for the Steps to a Healthier Salinas Initiative for the period of March 14, 2006 through December 31, 2006.
- led for separate discussion:**
Requested clarification why this is regularly on the Agenda.
- 0601.100 19. **Proclaimed** state of local emergency relating to the spread of HIV among injection drug
users in Monterey County.
- 0403.825 20. **Concurred** with the Monterey County Work Force Investment Board to accept \$62,500 in
Workforce Investment Act (WIA) 15 Percent High Concentrations of Eligible Youth funds
from the State of California Employment Development Department to provide additional
assistance to local areas that have high concentrations of eligible high-risk youth.
- 0601.100 21. **Agreement No. A-10307: Authorized** the Director of Health to
0125.000 sign Amendment No.1 to the Professional Services Agreement with The Board of
Trustees of the Leland Stanford Junior University to provide oversight and direct data
analysis and evaluation for the Steps to a Healthier Salinas Initiative in the amount of
\$7,531 increasing the total amount of the Agreement to \$351,031 for the period of
October 4, 2005 through September 21, 2008.
- 0602.550 22. a. **Agreement No. A-10435: Approved** and authorized the
0125.000 Director of the Department of Social & Employment Services to sign an agreement for
\$27,000 with Conflict Resolution and Mediation Center to provide Alternative
Dispute Resolution Services to low income residents of Monterey County for the
period January 1, 2006 through December 31, 2006; and
b. **Authorized** the Director of the Department of Social & Employment Services to sign
all future amendments to this agreement not exceeding 5% of the contract amount and
a three (3) month extension.

CE:

- 0602.500 23. **Agreement No. A-10420: Approved and authorized** the Sheriff
0125.000 to sign Agreement No. 2006-27 with U.S. Department of Justice, Federal Drug
Enforcement Administration, in the amount of \$20,000 for the period of January 1, 2006
through December 31, 2006 to defray costs relating to Cannabis Eradication and
Suppression Program.
- 0602.500 24. **Approved** an application and order for destruction of records for the Sheriff's Office.
(4/5th Vote Required)
- 0602.500 25. **BU No. 05/06-189: Approved and authorized** the Sheriff to sign
0150.145 a grant application with the State Governor's Office of Emergency Services (OES) for
County of Monterey Marijuana Suppression Program for Fiscal Year 2006-07.

FINANCE:

- 0601.600 26. a. **Agreement No. A-10422: Approved** Patrol Services
0125.000 Agreement with the California Highway Patrol for the 2006 Lake San Antonio
Wildflower Festival; and
b. **Authorized** Director of Parks to Execute the Agreement and any amendments not to exceed 5%
of the Agreement Amount.
- 0601.600 27. a. **Agreement No. A-10423: Approved** Rental of School Bus
0125.000 Agreement with the San Antonio School District for the 2006 Wildflower Festival;
and
b. **Authorized** Parks Director to Execute the Agreement and any amendment not to
exceed 5% of the Agreement amount.
- 0601.600 28. a. **Agreement No. A-10424: Approved** Rental of School Bus
0125.000 Agreement with the King City Joint Union High School District for the 2006
Wildflower Festival; and
b. **Authorized** Parks Director to Execute the Agreement and any amendments not to exceed 5% of
the Agreement amount.
- 0601.600 29. a. **2006 CONST 0003; Agreement No. A-10425: Awarded**
0525.000 annual construction contract to Graniterock dba, Pavex
0125.000 Construction, low bidder in the amount not to exceed \$100,000 for Annual
Maintenance of Park Roadways at Laguna Seca Recreation Area, for Calendar Year
2006 (January 1, 2006 through December 31, 2006), Bid No. 9894; and
b. **Authorized** the Chair of the Board to sign the contract; and
c. **Directed** the Auditor-Controller to encumber up to \$100,000 in account 1-750-7516-
6780 for the Bid.
- 0601.600 30. **2002 CONST 0013: Authorized** Acceptance of Work and file
0525.000 Notice of Completion for Boat Launch Area Improvements at Lake Nacimiento, Bid No.
9640.
31. ~~Approve and authorize the County Administrative Officer to execute an amendment to a
Professional Services Agreement with the Law Firm of Liebert, Cassidy, and Whitmore,
A Professional Corporation, to provide labor relations services; extending the term for 6
months and increasing the total cost from \$25,000 to a cost not to exceed \$125,000.~~
- 0600.050 32. a. **BU No. 05/06-187: Approved** the allocation of one Finance
0150.145 Systems Manager position in the Auditor-Controller's Office to focus on the finance-
based systems and serve in key role on implementation of the Countywide Enterprise

Resource System; and

- b. **Directed** the Auditor-Controller to amend Budget Unit 111, Auditor-Controller, position allocation to reflect the change.

- 0600.775 33. **Agreement No. A-10421: Approved** Professional Services
0125.000 Agreement with Castellanos & Associates for pre-employment background investigations in the amount of \$25,000 for FY 2005-06, waiver of standard insurance provisions and authorize the Director of Emergency Communications to execute the Agreement.

Agreement No. A-10426: Approved agreement with
0125.000 Lawrence and Peck for Alternate Defender Office services for an amount not to exceed \$84,000.

- 0601.175 35. a. **Continued** to a date uncertain consideration of an ordinance amending Chapter 1.10 of the Monterey County Code relating to Local Political Campaign Disclosure; and
b. **Referred** to the Board's Legislative Committee investigation of requirements and alternatives for posting Local Political Campaign Disclosure information on the County website.

- 0600.050 S/A-1 **Requested** Assemblyman Simon Salinas to initiate a compliance audit of the Small Communities Grant Project No. SCG-710 through the California Bureau of State Audits.

AND BUILDING INSPECTION:

led for separate discussion:

36. a. Accept report from the Director of Planning and Building Inspection on the preparation of ordinances for the use of private streets in connection with the land use permitting process; and
b. Direct preparation of an initial study; and
c. Refer the Ordinances to the Planning Commission for public hearing and recommendation (PLN060127).

FIION: Upon motion of Supervisor Smith, and seconded by Supervisor Armenta and failed 2/3. Upon motion of Supervisor Potter to continue this matter and create a sub committee to include Supervisor Potter and Calcagno, seconded by Supervisor Armenta and carried 5/0.

- 0602.200 37. **Accepted** report from the Director of Planning and Building Inspection on the status of preparation of regulations for the location and permitting of billboards in Monterey County (PD050646).

DRKS:

- 0602.350 38. **Introduced**, waive the reading, and set May 2, 2006 at 10:30 a.m. for 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 Comunidad Way in Moro Cojo Subdivision, Castroville area.
- 0602.350 39. **Introduced**, waive the reading, and set May 2, 2006 at 10:30 a.m. for adoption of an ordinance amending Monterey County Code, Title 12, Section 12.28.020, to decrease the limits of the existing no parking between 2 a.m. and 5 a.m. restrictions on Merritt Street (State Highway 183) in Castroville.
- 0602.350 40. **Introduced**, waive the reading, and set May 2, 2006 at 10:30 a.m. for 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 Boronda Road, Salinas area.

- 0602.350 41. **Introduced**, waive the reading, and set May 2, 2006 at 10:30 a.m. for adoption of an ordinance amending Monterey County Code, Title 12, Section 12.24.020, to establish a stop intersection at Moranda Road and the northbound on-ramp/off-ramp for State Highway 101, Soledad area.
- 0602.350 42. **Introduced**, waive the reading, and set May 2, 2006 at 10:30 a.m. for 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 Prunedale South Road in Prunedale.
- 0602.350 43. a. **2005 CONST 0095; BU No. 05/06-188: Awarded** a contract
0525.000 in the amount of \$7,095,631 to MCM Construction, Inc., the
0125.000 lowest responsible bidder, for construction of the Arroyo Seco Road Bridge No. 311 Replacement Project, Federal Project No. BRLSZD 5944 (046) (Project No. 06-220665); and
b. **Approved** the performance and payment bonds executed and provided by MCM Construction, Inc.; and
c. **Established** a contingency not to exceed 10% of the contract amount; and
d. **Authorized** the Interim Public Works Director to execute the contract.
- 0602.350 44. **BU No. 05/06-185**
0800.500 a. **Approved** the transfer of ownership of the sanitation and
0150.145 storm drainage systems and related responsibilities, assets, and related funding from County Service Area 14 - Castroville, to the Castroville Water District; and
b. **Approved** the transfer of funds from Designations Account (Fund 114, Account 3810) to Available Fund Balance (Fund 114, Available Fund Balance 3800) in the amount of \$4,499,315; and
c. **Increased** budgeted appropriations for Fund 114, Budget Unit 910, Account 6680 (Contributions to Other Agencies) in the amount of \$4,499,315 for the period July 1, 2005 through June 30, 2006; and
d. **Approved** initial payment of \$4,250,000 to the Castroville Water District.

ARRISON COMMUNITY SERVICES DISTRICT

Upon motion of Supervisor Potter, and seconded by Supervisor Armenta, and unanimously carried, the Board approved the following actions, unless otherwise noted:

Resolution No. E/G 06-007

Adopted a Resolution:

- Accepted** a request from East Garrison Partners to form a Mello-Roos Community Facilities District; and
- Determined** to initiate and conduct proceedings necessary to form a Mello-Roos Community Facilities District for the East Garrison community; and
- Approved** a Deposit and Reimbursement Agreement between the East Garrison Public Financing Authority and East Garrison Partners I, LLC; and
- Authorized** the Chair of the Board to execute the Deposit and Reimbursement Agreement.

Resolution Nos. E/G 06-008; E/G 06-009; E/G 06-010:

Adopted resolutions approving:

- East Garrison Public Finance Authority By-Laws; and
- East Garrison Public Finance Authority Boundary Map; and

- c. Mello-Roos Community Facilities District financing local goals and policies.

NTY WATER RESOURCES AGENCY

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

- 0802.000 47. **Agreement No. A-10427: Approved** Employment Agreement
0125.000 with the General Manager of the Monterey County Water Resources Agency
- 0802.100 48. **BU No. 05/06-184: Approved** a budget revision to County
0150.145 General Fund 001, Budget Unit 270, Nacimiento Hydroelectric Project and Monterey
County Water Resources Agency's (MCWRA) Nacimiento Hydroelectric Operations
Fund 260 to recognize increased estimated revenue and appropriations of \$1,232,258 by
taking the following actions:
1. **Transferred** the Water Resources Agency's \$282,258 portion of the reserve in Nacimiento Hydroelectric Project General Fund 001 to the Agency's Hydroelectric Operations Fund 260 (4/5th vote required); and
 2. **Recognized** \$950,000 in additional estimated hydroelectric sales revenue in the Nacimiento Hydroelectric Project General Fund 001, Budget Unit 270, and transfer the \$950,000 to MCWRA Fund 260 (4/5th vote required); and
 3. **Appropriated** the \$282,258 plus \$950,000 in the MCWRA Fund 260 for legal and settlement costs (4/5th vote required); and, 4. Reduce Hydroelectric Operating Fund 260, Fixed Assets, by \$158,000 and increase Other Departmental Expenses by the same amount for legal and settlement costs.