

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	

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ACTION MINUTES
MONTEREY COUNTY BOARD OF SUPERVISORS
MONTEREY COUNTY WATER RESOURCES AGENCY
TUESDAY, APRIL 25, 2006
9:30 AM

9:30 a.m.

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

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 Lindley, and seconded by Supervisor Calcagno, and carried (4/0 with Chair Smith absent from today's meeting, the Board approved the following additions and corrections to the Agenda.

Additions:

Adjourn in Memory of Lou Haddad.

ORDER FOR ADJOURNMENT

IN MEMORY OF LOU HADDAD AND JIMMY RODRIGUEZ

Correction to Title:

Consent – Public Works:

30. a. Adopt a resolution amending the Mileage of Maintained County Roads; and
 b. Authorize the Interim Public Works Director to forward the resolution, maps, and tabulations to the California Department of Transportation.

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

S-4 CONSENT CALENDAR – MONTEREY COUNTY WATER RESOURCES AGENCY

APPOINTMENTS:

Upon motion of Supervisor Calcagno and seconded by Supervisor Potter and carried (4/0 with Chair Smith absent from today's meeting, the Board approved the following appointments, except as noted:

- 0402.900 1. **Re-appointed** Roger Soell to the Parks Commission, for a term to end on April 26, 2010. (Supervisor Smith)
- 0400.410 2. **Re-appointed** John Pinio, to the Americans with Disabilities Act Advisory Commission, for a term to expire on December 31, 2009. (Supervisor Smith)
- 0403.770 3. **Re-appointed** James Coldwell, Charlie Eskridge and Jack Stewart, to the Military and Veteran's Affairs Advisory Commission for terms to end January 1, 2009. (Full Board)
- 0802.000 4. **Appointed** Roger Moitoso to the Monterey County Water Resources Board of Directors for a term to end December 31, 2007. (Supervisor Lindley)
- 0401.550 5. **Appointed** Elvia Perez to the Community Action Commission for a term to end July 1, 2008. (Supervisor Lindley)
- 0402.800 6. **Appointed** Bill Wojtkowski, City of Monterey, to the Overall Economic Development Commission, for a term to end June 30, 2009. (Supervisor Potter)
- 0403.770 7. **Appointed** Able Quinones, to the Military Veterans Affairs Committee to fill the unscheduled vacancy of H. Glenn Gilbert, for a term to end on January 1, 2008. (Full Board)
- 0401.650 8. **Appointed** Chris Orman to the Emergency Medical Services Council for a term to end June 31, 2006. (Full Board)
- 0801.200 S/A-1 **Appointed** Yolanda Maturino to the Gonzales Cemetery District for a term to end April 14, 2010.

OTHER BOARD MATTERS:

9. Board Comments and Referrals
Supervisor Calcagno requested that today's meeting also be adjourned in memory of Jimmy Rodriguez. In addition, Supervisor Calcagno made a referral through the CAO for a bronze type of building plaque honoring those veterans of the Bataan Death March. He further requested that the surviving veterans be invited to the dedication of the plaque.
10. Update on Board Referrals
There are none.
11. CAO Comments
CAO Dr. Bauman commented on the recognition Monterey County received in their protection of victims of Child Abuse. Dr. Bauman referenced an article in the news last Wednesday advising that Monterey County outperformed all other counties save one, in their protection of children from abuse and neglect. Dr. Bauman introduced Robert Tanaguchi and his department recognizing and commending him for such results. Dr. Bauman introduced Claudio Valenzuela as the Assistant Registrar of Voters for Monterey County. Further the CEO for ForeFront (who assisted in the November Elections) was also present and introduces.
12. Public Comments (Limited to 3 minutes per speaker)
a. Paula Lotz: Read a letter into the record. The 6 copies provided were then distributed to the Supervisors, CAO and County Counsel.

- b. Hans Jongens: Had 4 hand outs of various articles that he spoke to regarding immigration issues, English as the National Language and the Immigration May 1 march.

2050.000 13. **Resolution No. 06-092: Adopted** a Resolution Commending Ralph Riva for special recognition by The Salinas Valley Water Coalition for his Leadership and Dedication. (Supervisor Lindley)

BOARD ACTION: Upon motion of Supervisor Lindley, and seconded by Supervisor Calcagno, and carried 4/0 with Chair Smith absent from today's meeting, the Board approved the Resolution.

0601.350 14. **Resolution No. 06-094**
 a. **Received** report and consider recommendations from the Legislative Committee meeting of March 28, 2006; and
 b. **Adopted** a Resolution in support of Proposition 81: The California Reading and Literacy Improvement and Public Library Construction and Renovation Act of 2006.

BOARD ACTION: Upon motion of Supervisor Armenta, and seconded by Supervisor Potter, and carried 4/0 with Chair Smith absent from today's meeting.

SCHEDULED MATTERS:

S-5 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 items of existing litigation:
 1. County of Monterey vs. City of Salinas (Boronda Crossing Litigation)
 2. California Department of Transportation vs. County of Monterey (Rancho San Juan)
 3. LandWatch Monterey County, et al. vs. County of Monterey, et al. (Rancho San Juan)
 4. John L. McDonnell, Jr., et al. vs. County of Monterey, et al. (Rancho San Juan)
 5. Save Our Peninsula Committee vs. County of Monterey, et al. (Rancho San Juan)
 6. City of Salinas vs. County of Monterey (Rancho San Juan)
 7. H-Y-H Corporation vs. County of Monterey (Rancho San Juan)
 8. Rangel v. County of Monterey
 9. Rancho San Juan Opposition Coalition v. Board of Supervisors
 10. In re Monterey County Assessment Appeals Board Matters of American Eagle, American WestExpress, and SkyWest Airlines.

BOARD ACTION: On matters 1 through 9, no specific direction was given. On matter number 10, the Board approved a settlement agreement. The final documents can be obtained through County Counsel's office.

- 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 received an update and provided direction.

- c. 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 performance evaluation was provided for the Natividad Medical Center CEO. The evaluation is concluded and documents will be presented shortly to the Board.

- d. Pursuant to Government Code sections 54956.9(b) and 54956.9(c), the Board will confer with legal counsel regarding one item of significant exposure to litigation and/or of potential initiation of litigation.

BOARD ACTION: The Board conferred with legal counsel in regard to the Registrar of Voters. No definite action was taken. The Board received a status and direction was provided to staff.

11:30 a.m.

- S-6 Recess to Victims Dedication Ceremony. (Salinas Courthouse Courtyard)

12:00 p.m.

Recess to Lunch- Legislative Committee

1:30 p.m.

- 0125.000 S-7 **Agreement No. A-10448:** Approved and authorized the Purchasing Manager for the County of Monterey to execute an Agreement with Total Repair Express, Inc. for the provision of repair and maintenance of flexible endoscopes and repairs of other surgical instruments as needed in an amount not to exceed \$100,000 for the period of April 13, 2005 through June 30, 2006.

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Lindley, and carried 4/0 with Chair Smith absent for today's meeting, the Board Approved and Authorized.

- 0602.750 S-8 **Resolution No. 06-093** Adopted a Resolution to authorize and approve the borrowing of funds to meet cash flow requirements for Fiscal Year 2006-07; authorize the issuance and sale of a 2006 Tax and Revenue Anticipation note and participation in the California Statewide Communities Development Authority cash flow financing program.

BOARD ACTION: Upon motion of Supervisor Calcagno, an seconded by Supervisor Lindley, and carried 4/0 with Chair Smith absent for today's meeting, the Board Adopted the Resolution.

- S-9 a. **Received** Oral Report from the Legislative Committee meeting of April 25, 2006; and
b. Take appropriate action as necessary on the Legislative Committee Agenda.

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Lindley, and carried 4/0 with Chair Smith absent from today's meeting, the Board Received the Oral Report.

PUBLIC COMMENT:

- a. Barry Allen: Spoke to the issue of alienation.

- 0601.175 S-10 **BU No. 05/06-197**

- 0150.145 a. **Received** an update on San Jerardo Water Service; and
b. **Ratified** County Administrative Officer's decision to provide bottled water to San Jerardo at County expense, pending U.S. District Court decision to require ALCO Water Co. to provide additional bottled water.

BOARD ACTION: Upon motion of Supervisor Armenta, and seconded by Supervisor Lindley, and carried 4/0 with Chair Smith absent from today's meeting, the Board Received the Update, Ratified the decision and directed that this matter be brought back in the middle of May for an additional update.

BOARD COMMENTS:

- a. Supervisor Armenta: Inquired if the reports by the Health Department would be made available to the public.
- b. Dr. Stallworth: Advised that they were approximately 1/3rd of the way through the health assessment but that there was not an intention at this time due to privacy issues, to make the reports public.

PUBLIC COMMENT:

- a. Horacio Amezcuita: Thanked everyone for the assistance in keeping this issue moving. He further inquired who was making the water deliveries because a delivery yesterday was too much and he just wanted to ensure that there were not companies out there attempting to take advantage of the matter.
- b. Barry Allen: Spoke to the water issues and abundance of people.
- c. Marc Del Pierro: Thanked Vice Chair Potter for the execution of a letter over this past weekend on this matter.

**ORDER FOR ADJOURNMENT
IN MEMORY OF LOU HADDAD
AND JIM RODRIGUEZ, Sr.**

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 Armenta, and seconded by Supervisor Lindley, and carried 4/0 with Chair Smith absent from today’s meeting, the Board approved the following actions, unless otherwise noted:

HEALTH AND SOCIAL SERVICES:

- | | | |
|----------|-----|---|
| 0602.550 | 15. | Agreement No. A-10119 |
| 0125.000 | | a. Approved and authorized the Director of the Department of Social and Employment Services to sign Amendment #1 to Agreement #A-10119 with KION/KCBA adding \$20,000, and increasing the contract to \$80,000, to provide additional marketing and outreach for the Family-to-Family Initiative for FY 2005-2006; and |

- b. **Authorized** the Director of the Department of Social and Employment Services to sign all future amendments to this Agreement not exceeding 5% of the contract amount and a three (3) month extension.

0602.550
0125.000

16. **Agreement No. A-10172**
a. **Approved and authorized** the Director of the Department of Social and Employment Services to sign Amendment #1 to add \$10,000 to Agreement No. A-10172 with VNA Community Services, Inc. to provide Adult Day Care in support of the Multipurpose Senior Services Program (MSSP) for a total amount not to exceed \$40,000 for the period FY 2005-2006; and
b. **Authorized** the Director of the Department of Social and Employment Services to sign all future amendments to this Agreement not exceeding 5% of the contract amount and three (3) month extension.

0602.550

17. **Approved and authorized** the Director of Social and Employment Services to sign and submit applications for continued funding and sign final funding agreements and amendments from state agencies for designated programs for Fiscal Year 2006-07 and Calendar Year 2007.

0601.100
0150.145

18. **BU No. 05/06-191: Amended** Article I.E. of the Monterey County Master Fee Resolution to adjust fees relating to oversight and services provided by the Health Department's Environmental Health Division pursuant to the Fee Schedule attached.

0601.100
0125.000

19. **Agreement No. A-10314: Approved and authorized** the Director of Health to sign Amendment 1 to Agreement A-10314 with Jana Sczersputowski to assist with Mental Health Awareness events, promotions, outreach activities, and provide ongoing social marketing and communications support for the La Familia Sana/The Healthy Family System of Care Grant for \$115,840 effective November 1, 2005 through June 30, 2006, and \$34,175 effective July 1, 2006 through June 30, 2007 for a total amount not to exceed \$150,015.

0601.100
0125.000

20. **Agreement No. A-10429: Approved and authorized** the Director of Health to sign State Agreement #05-E0002 in the amount of \$100,000 for implementation of a web-based pilot program for pesticide illness reporting and investigation upon authorization through December 31, 2007.

0601.100
0150.145
0125.000

21. **BU No. 05/06-192; Agreement No. A-10430:**
a. **Approved and authorized** the Director of Health to sign Agreement #05-46204 with the California State Department of Health Services in the amount of \$175,000 to provide quality clinical care, reduce asthma morbidity, and reduce/eliminate asthma health disparities in children ages 0-18 in Monterey County for the period of March 1, 2006 through June 30, 2008; and
b. **Approved and amended** the FY 2005-06 Health Department Budget Unit 413 to add a 1.0 FTE Health Education Assistant; and
c. **Directed** the Auditor-Controller to amend the FY 2005-06 Health Department Budget Unit 413 to reflect the change in position count and to increase estimated revenue and appropriations in the amount of \$35,000 (4/5th vote required); and
d. **Directed** the County Administrative Office and the Auditor-Controller's Office to incorporate these actions in the FY 2006-07 Final Budget.

CRIMINAL JUSTICE:

0602.500

22. **Introduced**, waive the reading and set for adoption on

May 2, 2006, an ordinance amending Chapter 11.08 of the Monterey County Code relating to false alarms.

- 0602.250 23. **Agreement No. A-10431: Approved and authorized** the
0125.000 Purchasing Manager to sign a Professional Services Agreement with Hartnell College in the amount of \$89,022, for the period March 15, 2006 through April 30, 2007, for the Seven Challenges substance abuse training program for adolescents.
- 0602.250 24. **BU No. 05/06-193; Agreement No. A-10432:**
0150.145 a. **Approved and authorized** the Chief Probation Officer to sign
0125.000 and agreement in the amount of \$89,022 with the Superior Courts of California for the Collaborative Justice Substance Abuse Focus Grant from March 15, 2006 through June 30, 2006; and
b. **Amended** the Budget Unit 255 – Probation to increase Fiscal Year 2005-06 estimated revenues and appropriations by \$66,767 (4/5th vote required).
- 0602.250 25. **Resolution No. 06-095: Approved and authorized** the Chief Probation Officer to sign and submit the Monterey County Comprehensive Multi-agency Juvenile Justice Plan to the California Corrections Standards Authority for programs funded by the Juvenile Justice Crime Prevention Act (JJCPA) during Fiscal Year 2006-07.

GENERAL GOVERNMENT:

- 0601.600 26. **Approved** the use of San Lorenzo Park for two functions by Grace Lutheran Church in compliance with Monterey County Code 14.12.130.
- 0602.750 27. **Accepted** Treasurer's Report of Investments for the quarter ending March 31, 2006.
- 0601.600 28. a. **Approved** the submission of an application for grant funds through the Transportation Agency for Monterey County (TAMC) for a grant in the amount of \$100,000 towards the acquisition of the Marks Ranch property; and
b. **Authorized** the Director of Parks or his authorized deputy as the agent to coordinate, process, and execute all contracts, agreements, amendments and ancillary documents within the scope of the attached application to accept the Grant.
- 0600.050 29. **BU No. 05/06-194:**
0150.145 a. **Approved** the reallocation of an Administrative Secretary to a Management Analyst II; and
b. **Directed** the Auditor-Controller to amend Budget Unit 117 Position Allocation to reflect the change; and
c. **Directed** the County Administrative Office and the Auditor-Controller's Office to incorporate these actions in the FY 2006-07 Final Budget.
- 0600.050 30. **BU No. 05/06-195:**
0150.145 a. **Approved** Productivity Investment Fund Loan to the Auditor-Controller's Department in the amount of \$219,582 to fund two (2) additional, new Senior Accountant-Auditor positions within the Internal Audit Division of the Department as of July 1, 2006; and
b. **Approved** repayment schedule that will utilize increased revenues identified as a result of increased Transient Occupancy Tax audits, Fiscal/Operational Audits and other audit assignments performed by the additional staff. Payments will be made to the Productivity Fund over a two-year period as follows:
FY 2006-2007: \$109,791
FY 2007-2008: \$109,791

- c. **Directed** the County Administrative Officer and the Auditor-Controller's Office to incorporate these actions in the FY 06/07 Final Budget.

RMA - PLANNING AND BUILDING INSPECTION:

This item was pulled to advise of an amendment but voted on collectively.

31. ~~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); 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.~~

- 0602.200 32. **Resolution No. 06-096: Adopted** Resolution approving an application by the Monterey County Agricultural and Historical Land Conservancy for grant funds from the California Department of Conservation's Farmland Conservation Program for the DeSerpa Ranch Easement.

- S/A-2 a. Amend the Personnel Policies and Practices Resolution No. 98-394 to add the job classes of Deputy Director Resource Management Agency, Director of Planning and Director of Building Services; and
- b. Amend the Personnel Policies and Practices Resolution No. 98-394 to delete the job classes of Director of Planning & Building Inspection and Chief Assistant Director of Planning/Building Inspection; and
- c. Amend the FY 2005-06 Planning Department Budget Unit 293 to delete one (1) Director Planning & Building Inspection, one (1) Assistant Director of Planning and one (1) Associate Planner; and add one (1) Director of Planning and one (1) Director of Building Services; and
- d. Amend the FY 2005-06 Planning Department Budget Unit 293 to delete one (1) Chief Assistant Director of Planning/Building Inspection and transfer \$28,280 from Planning Department Budget Unit 293 to Resource Management Agency Budget Unit 194; and
- e. Amend the FY 2005-06 Resource Management Agency Budget Unit 194 to add one (1) Deputy Director Resource Management Agency; and
- f. Reclassify one (1) Chief Assistant Director of Planning/Building Inspection to one (1) Deputy Director Resource Management Agency; and
- g. Direct the County Administrative Office and the Auditor-Controller's Office to incorporate these actions in the FY 2006-07 Final Budget for Planning Department Budget Unit 293 and Resource Management Agency Budget Unit 194.

- S/A-3 Introduce, waive the reading, and set for adoption on May 2, 2006 at 10:30 a.m. the attached ordinance generally amending the Monterey County Code relating to the

Resource Management Agency, Director of Planning, and Director of Building Services.

RMA - PUBLIC WORKS:

- 0602.350 33. **Resolution No. 06-097**
 a. **Adopted** a resolution amending the Mileage of Maintained County Roads; and
 b. **Authorized** the Interim Public Works Director to forward the resolution, maps, and tabulations to the California Department of Transportation.
- 0602.350 34. **2006 CONST 0001; Agreement No. 10433:**
 0525.000 a. **Awarded** a contract in the amount of \$59,192 to Monterey
 0125.000 Peninsula Engineering, Inc., the lowest responsible bidder, for construction of the Realignment of Right-Turn Lane on Carmel Valley Road at Doris Drive (Project No. 06-134265); and
 b. **Approved** the performance and payment bonds executed and provided by Monterey Peninsula Engineering, Inc.; and
 c. **Established** a contingency not to exceed 15% of the contract amount; and
 d. **Authorized** the Interim Public Works Director to execute the contract.
- 0602.350 35. a. Set a public hearing to consider a request for abandonment of a portion of Reservation Road, at the East Garrison Gate, for May 16, 2006, at 10:30 a.m.;
 b. **Directed** the Clerk of the Board of Supervisors to publish a Notice of Public Hearing in the Californian, and the Monterey County Herald, once a week for two successive weeks; and
 c. **Directed** the Public Works Department to post Public Hearing notices in the area proposed for abandonment.
- 0602.350 36. **2005 CONST 0095; Agreement No. A-10434**
 0525.000 a. **Approved** a Professional Services Agreement with MNS
 0125.000 Engineers, Inc., in an amount not to exceed \$1,215,480 to provide construction management and inspection services for the Arroyo Seco Road Bridge (Co. No. 311) at Arroyo Seco River, Federal Aid Project No. BRLSZD-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 37. a. **Approved** submittal of three 2% Transportation Development Act Grant Applications to the Transportation Agency for Monterey County in the total amount of \$1,316,381; and
 b. **Approved** submittal of a Transportation Enhancement Grant Application to the Transportation Agency for Monterey County in the total amount of \$282,837;
 c. **Approved** submittal of five Regional Surface Transportation Program Grant Applications to the Transportation Agency for Monterey County in the total amount of \$3,042,057; and
 d. **Authorized** the Interim Public Works Director or his designee to act as agent for the County in processing and signing all documentation to secure these funds.
- 0802.000 38/40. a. **Adopted** the Fishery Network of the Central California Coastal Counties' manual, Guidelines for Protecting Aquatic Habitat and Salmon Fisheries for County Road Maintenance; and
 b. **Authorized** the Interim Public Works Director and the Water Resources Agency General Manager to implement the manual as a guideline for specific routine

