

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
TUESDAY, MAY 02, 2006
9:30 AM

9:30 a.m.

1. The Pledge of Allegiance
The Pledge of Allegiance was led by Supervisor Lindley.
- 6300.000 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.
3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
4. CONSENT CALENDAR – MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)

APPOINTMENTS:

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

- 0400.250 5. **Appointed** Mark C. Sanchez to the Equal Opportunity Advisory Commission for a term to end December 31, 2007. (Supervisor Armenta)
- 0401.750 6. **Appointed** James Bogan to the Fish & Game Advisory Commission for a term to end February 1, 2009. (Supervisor Smith)
- 0402.900 7. **Re-Appointed** Edward O. Fischer to the Parks Commission for a term to end April 26, 2010. (Supervisor Lindley)

OTHER BOARD MATTERS:

- 6300.000 8. Board Comments and Referrals

- a. Supervisor Armenta: Wished to Thank the Board, Staff and Monterey County for the efforts for the Immigration reform.
- b. Supervisor Smith: Echoed Supervisor Armenta's comments further noting that the day was positive and respectful.

6300.000 9. Update on Board Referrals
None

0600.025 10. CAO Comments
Dr. Lew Bauman, County Administrative Officer, announced that today was Job Shadow Day, whereby students from North County High School would be joining the Board this morning and stay until after lunch.

2050.000 11. Public Comment (Limited to 3 minutes per speaker)

- a. Dean Caruthers: V.P. of SEIU Local 817; spoke with regard to a parity study for pay increases. He advised that 3 years ago there had been a promise made to address salary issues and that to date there has been nothing.
- b. Sandra Turiak: With Hazmat – Environmental Health; Also speaking for parity.
- c. Frank Garden: Works as a Public Dispatcher – 911. Also spoke on the parity issues. He requested that the CAO make a request to move the process along. He would also like to review the results of the study.
- d. Maria de Castillo: Also spoke to the parity issue.
- e. Elaine Allred: Also spoke to the parity issue.
- f. Hans Jongens: Eliminate LAFCO and AMBAG.

2050.000 12. **Resolution No. 06-101: Proclaimed** the Week of May 14-20, 2006 as Emergency Medical Services Week in Monterey County.
BOARD ACTION: Upon motion of Supervisor Lindley, seconded by Supervisor Potter, and carried.

2050.000 13. **Resolution No. 06-102: Adopted** a Resolution recognizing the service of Sgt. Kristian Winfield Morrill to his Country and for his recognition as USCENCOM's Junior Service Member of the Year.
BOARD ACTION: Upon motion of Supervisor Lindley, seconded by Supervisor Armenta, and carried.

0601.175 14. **Received** report from the Voting Rights Act Ad Hoc Committee; and

- b. **Considered** approval of letter to Chairman Sensenbrenner, U.S. House of Representatives Committee on the Judiciary, in support of the full reauthorization of the Voting Rights Act with the addition of strengthening language; and
- c. **Directed** the Voting Rights Act Ad Hoc Committee to return to the Board at a future date with a recommendation on the formation of a continuing voting process oversight committee.

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

PUBLIC COMMENT:

- a. Michelle Welsh: Ms. Welsh is with the ACLU. She supports this letter.
- b. Hans Jongens: Advises that he has not seen the letter that is being referenced. He further advises Washington is in the process of making English as the National Language and that should this letter challenge this, they may not wish to send it.

- 1900.000 15. **Considered** recommendation by the Legislative Committee to adopt a Resolution opposing House Resolution (HR) 4437: Border Protection, Anti-Terrorism, and Illegal Immigration Control Act.

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

PUBLIC COMMENT:

- a. Hans Jongens: The House is right in their vote.
- b. Elliott Ruckles: Mr. Ruckles is with the American Civil Liberties Union and Supports the Board’s position.

SCHEDULED MATTERS

- 6300.000 S-1 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. 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)

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

- b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiator(s) (all units); Keith Honda, designated representative.

BOARD ACTION: Mr. Honda was given direction on how to proceed with the negotiations.

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

BOARD ACTION: The Board received a update but there was not action taken.

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

 - ~~1. County Counsel~~~~

- 0600.025 S-2 **Accepted** Mid-Year performance report by Jon McMahon – Monterey County Convention Visitors Bureau.

- 6300.000 S-3 Introduction of the Job Shadow Participants from North Monterey County High School.

Student’s Name:	Assigned to:
Anna Goebel	Supervisor Armenta
Kelly Whiteford	Supervisor Calcagno
Brendan Dawe	Supervisor Lindley
David Hackett	Supervisor Smith
Gillian Murphy	Supervisor Potter
Maricela Salazar	Dr. Lew Bauman, CAO
Alex Rayburn	Charles McKee, County Counsel

10:30 a.m.

- 0602.200 S-4 **Continued to ~~a-date uncertain~~ June 13, 2006:** Consider Resolution of Intent to amend Sheet 20-4 of Section 20.08.060 of Title 20 of the Monterey County Code (Monterey County Coastal Implementation Plan) to rezone a 23-acre parcel (APN: 133-014-020-000) from RDR/B-7 to RDR/10 (PLN040079/PETERSEN). The property is located at 16770 Blackie Road, Salinas (APN: 133-014-020-000), Coastal Zone.
BOARD ACTION: Upon motion of Supervisor Lindley, and seconded by Supervisor Potter and carried 5/0.
- 2800.000 S-5 **Ordinance No. 05026: Adopted** 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.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Potter, and carried 5/0.
- 2800.000 S-6 **Ordinance No. 05024: Adopted** 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.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Potter, and carried 5/0.
- 2800.000 S-7 **Ordinance No. 05027: Adopted** 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.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Potter, and carried 5/0.
- 2800.000 S-8 **Ordinance No. 05023: Adopted** 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.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Potter, and carried 5/0.
- 2800.000 S-9 **Ordinance No. 05028: Adopted** 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.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Potter, and carried 5/0.
- 2800.000 S-10 **Ordinance No. 05025: Considered** adopting the attached ordinance amending Monterey County Code relating to the Resource Management Agency, Director of Planning and Director of Building Services.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Potter, and carried 5/0.
- 2800.000 S-11 **Ordinance No. 05029: Adopted** an ordinance amending Chapter 11.08 of the Monterey County Code relating to false alarms.

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

12:00 p.m.

Recess to Lunch

1:30 p.m.

- 5100.000 S-12 a. **Approved** a Regulatory Agreement with Housing Authority of Monterey County for Community Development Block Grant (CDBG) and HOME Investment Partnership funding for the rehabilitation of Rippling River in the amount of \$1,262,500; and
- b. **Approved** Amendment of the CDBG and HOME sub recipient Agreements; and
- c. **Approved** a Subordination Agreement with the Housing Authority; and
- d. **Authorized** the Housing and Redevelopment Office Director or designee to execute the Regulatory, Amended Sub recipient, Subordination Agreements and related documents.

BOARD ACTION: Upon motion of Supervisor Potter with the amendment (Errata submitted at the BOS meeting), seconded by Supervisor Lindley, and carried.

PUBLIC COMMENT:

- a. Helen Clark: Expressed concerns over the cost vs. the fixed incomes.
- b. John Heric: Went over the changes that were made during yesterday’s meeting and advised he thought that they were good changes.
- c. (inaudible): Distributed a handout and advised how disappointed that she was in the U.S and in Carmel over such a matter.
- d. Kristine Heric: Thanked the Board for the diligent efforts.

6300.000 S-13 Continue Closed Session.

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 Lindley, seconded by Supervisor Potter, and unanimously carried 5/0, the Board approved the following actions, unless otherwise noted:

HEALTH AND SOCIAL SERVICES:

- 0601.100 16. **BU No. 05/06-198**
0150.145
- a. **Approved and authorized** the Director of Health to use Substance Abuse and Mental Health Services Administration grant funds to purchase fixed assets in the amount of \$40,168; and
 - b. **Directed** the Auditor-Controller to amend the FY 2005-06 Health Department's Mental Health Budget Unit 415 to increase estimated revenue and appropriations in the amount of \$40,168 (4/5th vote required).
- 0600.150 17. **BU No. 05/06-199**
0150.145
- a. **Approved** the reallocation of one (1) vacant Management Analyst III position, one (1) vacant Administrative Services Officer position, and one (1) vacant Associate Accountant Auditor position to three (3) Management Analyst II classifications in the Office for Employment Training; and
 - b. **Directed** the Auditor-Controller to amend the FY 2005-2006 Budget Unit 565 Position Allocation to reflect the changes.

CRIMINAL JUSTICE:

- 0600.600 18. **Agreement No. A-10437: Approved and authorized** the District
0125.000 Attorney to sign a contract with Visiting Nurses Association Community Services, Inc. (VNACS) in the amount of \$200,000, for the continuation of the Sexual Assault Response Team (SART) Program for Fiscal Year 2006-07.
- 0600.600 19. **Approved and authorized** the District Attorney to sign and submit applications for
continued funding from various state agencies for designated programs in FY 2006-07.
- 0602.500 20. **BU No. 05/06-200**
0150.145
- a. **Approved** an increase in appropriations and estimated revenues by \$106,262 in Sheriff's Budget Unit 230 for the purchase of three vehicles, eight Mobile Data Systems with licenses, a computer, and a LCD projector (4/5th vote required); and
 - b. **Directed** Auditor-Controller to transfer the funds and to increase appropriations and estimated revenues in Sheriff's Budget Unit 230.
- 0602.500 21. **Agreement No. A-10438: Approved and authorized** the Board
0125.000 of Supervisors Chair and the Sheriff to sign Cooperative Law Enforcement Agreement No. 06-LE-1105-1360-024, with accompanying financial and operating plans, between the Monterey County Sheriff's Office and United States Department of Agriculture, Forest Service, Los Padres National Forest, for the period beginning October 1, 2005 through September 30, 2010, in the amount of \$11,000 per year for patrol services and \$8,000 per year in support of operations to suppress manufacturing and trafficking of controlled substances in National Forest System lands.
- 0602.500 22. **BU No. 05/06-201; Agreement No. A-10443**
0150.145
0125.000
- a. **Approved and authorized** the Sheriff to enter into a Memorandum of Understanding with the Monterey County Chief Law Enforcement Officers' Association, Proposition 69 DNA Collection Protocol; and
 - b. **Directed** the Auditor-Controller to distribute funds collected through December 2005 per Proposition 69 DNA Collection Protocol as detailed on Attachment A and the attached Board Order; and
 - c. **Increased** appropriations and estimated revenue by \$41,142.64 in Sheriff's Budget Unit 251 and by \$2,400.34 in Probation Budget Unit 255 (4/5th vote required).

- 0602.500 23. **BU No. 05/06-202; Agreement No. A-10439: Approved and authorized** the Sheriff to sign the Memorandum of Understanding between the Superior Court of California and the Monterey County Sheriff's Office for court security services pursuant to Government Code section 77003 and 69920, et seq. the Memorandum is to cover a time period of July 1, 2005 through June 30, 2007.
- 0150.145
- 0125.000

GENERAL GOVERNMENT:

- 0801.450 24. **Approved** a Request from the Greenfield Memorial District for an "ongoing" Exemption to the Annual Audit Required by Government Code Section 26909 and Authorize Preparation of a Biennial Audit covering the Fiscal Years of 2005-06 and each year thereafter. (Unanimous vote required).
- 0600.050
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- 0401.750 25. a. **Accepted** the recommendation of the County Fish and Game Commission; and
- 0601.600 b. **Approved** the distribution of Fish and Game grant funds in the amount of \$20,000 for specified grant projects for Fiscal Year 2005-2006.
- 0601.600 26. **2006 CONST 0008; Agreement No. A-10440**
- 0525.000 a. **Awarded** construction contract to Granite Rock Company, dba Pavex Construction, based on the unit price total which represents the actual expected cost of the project in the amount of \$191,432.17 for the base bid for walkway and drainage improvements; and
- 0125.000 b. **Authorized** the Chair of the Board to sign the contract; and
- c. **Authorized** the Director of Parks to approve change orders up to 5% of the bid; and
- d. **Authorized** the encumbrance of \$201,003.58 in Budget Unit 750 for the bid and change order contingencies.
- 0601.600 27. **2006 CONST 0009;BU No. 05/06-203;Agreement No. A-10441**
- 0525.000 a. **Awarded** construction contract to Granite Rock Company,
- 0150.145 dba Pavex construction, based on the corrected unit price total
- 0125.000 which represents the actual expected cost of the project in the amount of \$944,729.53 for the base bid and \$149,103.96 for the alternate bid #1, #2, and #3 for race track safety improvements and resurfacing at Laguna Seca Recreation Area, Bid No. 9930;
- b. **Authorized** the Chair of the Board to sign the contract; and
- c. **Authorized** the Director of Parks to approve change orders up to 5% of the bid; and
- d. **Directed** the Auditor-Controller to transfer \$1,148,525.17 from Restricted Revenue Fund Account No. 080-3471 to budget Unit 001-750-7516-6780 for the bid and change order contingencies; and
- e. **Increased** estimated revenue and appropriations by \$1,148,525.17 in Budget Unit 750 (4/5th vote required).

RMA - PLANNING AND BUILDING INSPECTION:

- 6000.500 28. a. **Accepted** Parcel Map for a Minor Subdivision of a 319-acre parcel into five parcels of 40 acres each and two parcels of 54 acres each for agricultural purposes and one remainder commercial parcel of 11 acres; and
- b. **Directed** the Clerk of the Board of Supervisors to sign the Parcel Map; and
- c. **Directed** the Clerk of the Board to submit the Parcel Map to the County Recorder for filing; and
- d. **Directed** the Clerk of the Board to submit the Floodplain Recordation Notice to the County Recorder for recording (Dedini, PLN030551), 50219 Lockwood Road, South County Area Plan.

RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY

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

- 5100.000 29. **Agreement No. A-10442: Approved and authorized** the Chair to
0125.000 sign a Professional Services Agreement in the amount of \$150,000 with Keyser Marston Associates, Inc. to provide continued fiscal, financial, negotiating, and processing services for implementation of the East Garrison Development Project financing program for a term ending June 30, 2007.

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