

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 SPECIAL DISTRICTS
MONTEREY COUNTY WATER RESOURCES AGENCY
TUESDAY, MAY 23, 2006
9:30 AM

9:30 a.m.

1. The Pledge of Allegiance lead by Supervisor Potter

- 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.

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

A/C-1 Adopt Resolution Designating the Week of April 23- 29, 2006, as National Crime Victims' Rights Week in Monterey County. (Full Board)

3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
4. CONSENT CALENDAR – MONTEREY COUNTY SPECIAL DISTRICTS (See Supplemental Sheet)
5. CONSENT CALENDAR – MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplemental Sheet)

APPOINTMENTS:

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

- 0400.300 6. **Re-appointed** Ben Jefferson to the Agricultural Advisory Committee for a term to end June 30, 2009. (Supervisor Smith)
- 0400.300 7. **Re-appointed** Jim Manassero to the Agricultural Advisory Committee for a term ending June 30, 2009. (Supervisor Calcagno)
- 0400.300 8. **Re-appointed** Robert Denney to the Agricultural Advisory Committee representing the Monterey County Vintner's & Grower's Association for a term ending June 30, 2009. (Full Board)
- 0400.300 9. **Re-appointed** David Bunn to the Agricultural Advisory Committee representing the Monterey County Farm Bureau for a term ending June 30, 2009. (Full Board)
- 0402.050 10. **Appointed** Glenn Nolte, Acting Public Defender, to the Juvenile Justice Coordinating Council, for an undefined term. (Full Board)
- 0402.050 11. **Appointed** Fred Hardee, President, Monterey County Chief Law Enforcement Officer's Association (MCCLOA), to the Juvenile Justice Coordinating Council, for an undefined term. (Full Board)
- 0402.050 12. **Appointed** Deborah Carrillo, Executive Director, Turning Point of Central California, to the Juvenile Justice Coordinating Council, for an undefined term. (Full Board)
- 0402.050 13. **Appointed** Siobhan Greene, Executive Director, CASA, to the Juvenile Justice Coordinating Council, for an undefined term. (Full Board)

OTHER BOARD MATTERS:

- 6300.000 14. Board Comments and Referrals
- a. Supervisor Armenta wanted to commemorate Memorial Day and would like to invite everyone to the Vietnam Memorial project located on Laurel at 11:00 a.m. In addition, the Supervisor wished to remind everyone of the following events: The Legislative sub-committee meets at Noon in the Monterey Conference Room; Wednesday, May 24 @ 1:30, Voting Rights Ad Hoc Committee of the Board meets 3rd Floor, Esselen Room; and the Mayor Shigeyoshi Ohashi, of Wakuya, Japan will be touring the Government Center on June 2, 2006.
 - b. Supervisor Lindley wanted to advise that the Salinas Valley Fair was a successful event, well attended, however it did rain an inch.
- 6300.000 15. Update on Board Referrals: There were none
- 0600.025 16. CAO Comments – The County Administrative Officer had no comments.
- 2050.000 17. Public Comment (Limited to 3 minutes per speaker)
- a. Ron Cheshire
 - b. Joe Vierra
 - c. Hans Jongens
- The following individuals spoke in favor of a Parity Contract
- d. Julie Filice
 - e. Maria Castillo
 - f. Harry Gamotan

- g. Janice Jones
- h. Peggy Jonson
- i. Jackie Morris-Lopez
- j. Elaine Aures

In addition, post cards from members Local 817 SEIU were submitted.

- 2050.000 18. **Resolution No. 06-119: Adopted** a Resolution honoring the Cominos Family for their contributions to the Greek American community and to Monterey County. (Supervisor Smith)
BOARD ACTION: Upon motion by Supervisor Armenta, and seconded by Supervisor Lindley, and carried.
- 2050.000 19. **Resolution No. 06-120: Adopted** a Resolution Honoring the Monterey Rape Crisis Center and the month of April as "Sexual Assault Awareness Month".
BOARD ACTION: Upon motion by Supervisor Armenta, and seconded by Supervisor Lindley, and carried.
- 2050.000 20. **Resolution No. 06-121: Adopted** a Resolution Honoring the Monterey History and Art Association on their 75th Anniversary.
BOARD ACTION: Upon motion by Supervisor Armenta, and seconded by Supervisor Lindley, and carried.
- 2050.000 S/A-1 **Resolution No. 06-122: Adopted** a Resolution Honoring the City of Dubrovnik, Croatia on their visit to the County of Monterey and their partnership with the City of Monterey and Supervisor Dave Potter in the Twinning program of the USAID;
BOARD ACTION: Upon motion by Supervisor Potter, and seconded by Supervisor Smith, and carried.
- 2050.000 A/C-1 **Resolution No. 06-123: Adopted** a Resolution Designating the Week of April 23 - 29, 2006, as National Crime Victims' Rights Week in Monterey County. (Full Board)
BOARD ACTION: Upon motion by Supervisor Calcagno, and seconded by Supervisor Lindley, and carried.

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. Ted Eastman vs. County of Monterey
 - 2. Martin J. Wetherholt vs. County of Monterey, et al.
 - 3. Maria Espinoza (WC)
 - 4. Water World Resorts, Inc. vs. County of Monterey, et al.
 - 5. Lake San Antonio Resorts, Inc. vs. County of Monterey, et al.
 - 6. State Bar Administrative Hearing- Inquiry Number 06-13742**BOARD ACTION: The Board received an update and provided direction to counsel.**
 - b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiator(s) (All Units); Keith Honda, designated representative.
BOARD ACTION: The Board received an update and provided direction to labor negotiator Keith Honda with how to proceed.

10:30 a.m.

0125.000

0601.525

S-2 **Agreement No.: A-10461; Approved and authorized** the Purchasing Manager for the County of Monterey to sign an amendment to the Professional Services Agreement entered into with Jessica Simmons for medical staff coordination services at NMC for the period of April 6, 2006 to June 30, 2006 increasing the amount of the Agreement from \$25,000 to \$50,000.

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

1900.000

S-3 **Received** the oral report and considered recommendations from the Legislative Committee meeting of May 23, 2006.

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

0403.725

S-4 **Received** report from Carl Sedoryk, General Manager and CEO of Monterey/Salinas Transit.

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

0602.200

S-5 **Considered** the refund of appeal fees in the amount of \$4,698.84 in light of withdrawal of the appeal Rancho San Ardo, LLC (PLN030471) - Appeal from Minor Subdivision Committee-located east of Lockwood San Ardo Road & southwest of Dudley Road - South County Area.

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

12:00 p.m.

Recess to Lunch- Legislative Committee Meeting

1:30 p.m.

0601.175

S-6 **Ordinance No. 5030; Considered** adoption of an Ordinance amending Chapter 1.10 of the Monterey County Code relating to Local Political Campaign Disclosure.

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

0125.000

0150.145

0601.175

S-7 **Agreement No. A-10484 / B.U. No. 05/06-230:**

Considered approval of the Revenue Neutrality Agreement

between the County of Monterey and the proposed Town of Carmel Valley.

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

Public Comment:

The following individuals spoke in favor of the Revenue Neutrality Agreement:

- a. George Whistler
- b. Karin Strasser-Kauffman
- c. Ron Kauffman
- d. Mike McMillan
- e. Glenn Robinson

- f. Margaret Robbins
- g. Milt Kegley
- h. Larry Bacon
- i. Sharon Bacon
- j. Max C. Taplin
- k. Ron Mills

The following individuals spoke in opposition to the Revenue Neutrality Agreement:

- l. Franklin J. Lunding
- m. Mel Steckler
- n. Rober SignNotte

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 _Calcagno, and carried, the Board approved the following actions unless otherwise noted:

HEALTH AND SOCIAL SERVICES:

- 0602.550 21. a. **Agreement No.: A-10459; Approved and authorized the**
0125.000 Director of the Department of Social & Employment Services to sign an agreement for \$30,000 with Doctors on Duty for drug testing of Family and Children's Services

clients from May 1, 2006 through June 30, 2007; 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.

- 0601.100 22. **Agreement No.: A-10194; Approved and authorized** the
0125.000 Director of Health to sign Amendment No.1 to the Agreement with Public Health Foundation Enterprises, Inc., dba PHFE Management Solutions extending the term one year, from July 1, 2005 through June 30, 2008, and increasing the amount of the Agreement by \$705,000 for a total of \$1,205,000. The existing scope of services, which provide Request for Proposals and the selection of Subcontractors on behalf of the Monterey County Health Department, is amended to provide services to include San Benito County.
- 0601.100 23. a. **BU 05/06-210; Approved** and amend the Health Department
0150.145 Clinic Services Budget Unit 413 to reallocate a Clinic Nurse position to a Medical Assistant position and reallocate a Clinic Nurse position to an Administrative Services Officer; and
b. **Directed** the Auditor-Controller to amend the FY 2005-2006 Health Department Budget Unit 413 to reflect the change in position counts; and
c. **Directed** the County Administrative Office and the Auditor-Controller's Office to incorporate these actions in the FY 2006-07 Final Budget.
- 0601.100 24. a. **BU 05/06-211; Approved** the Health Department Clinic
0150.145 Services Budget Unit 413 to add 4.0 FTE Pediatricians; and
b. **Approved** the Health Department Clinic Services Budget Unit 413 to increase FY 2006-2007 estimated revenue and appropriations in the amount of \$750,586; and
c. **Directed** the County Administrative Office and the Auditor-Controller's Office to incorporate these actions in the FY 2006-07 Final Budget. (4/5th vote required)

CRIMINAL JUSTICE:

- 0801.900 25. **Agreement No.: A-10460; Approved and authorized** the Sheriff
0125.000 to apply for a grant in the amount of \$198,526 with the Monterey
0602.500 Bay Unified Air Pollution Control District for the Assembly Bill (AB) 2766 to purchase a compressed natural gas (CNG) Jail bus.
- 0602.500 26. **Agreement No.: A-10265; Approved and authorized** the Sheriff
0125.000 to sign Amendment No. 1 to Agreement A-10265 with First Alarm Security & Patrol, to increase the amount by \$25,000 for a total of \$90,000 to provide unarmed and armed uniformed guard services of inmates at medical facilities for the Monterey County Sheriff's Office, Budget Unit 251, Fiscal Year 2005-2006.

GENERAL GOVERNMENT:

- 0150.145 27. a. **BU 05/06-212; Approved** increased in estimated revenues
0600.027 and appropriations by \$600,000 for Agricultural
0600.125 Commissioner Budget Unit 281 (4/5th Vote Required); and
0600.850 b. **Approved** fixed asset purchase of various vehicles
0802.950 totaling \$143,100 in Budget Unit 281; and
c. **Approved** increase in estimated revenue and appropriations by \$385,000 in Facilities Project Fund 009, Budget Unit 166, for identified project and building repairs (4/5th Vote Required); and

- d. **Approved** increase in estimated revenue and appropriations by \$100,000 in Water Resources Agency Fund 279, Budget Unit 931, for Pesticide Reduction Project (4/5th Vote Required); and
- e. **Approved** increase in estimated revenue and appropriations by \$671,900 in Capital Projects Management Fund 010, Budget Unit 165, for existing Master Plan Capital Improvement Project for Agricultural Center facilities (4/5th Vote Required); and
- f. **Directed** the Auditor-Controller to amend the FY 2005-06 Budget to reflect these actions.

- 0601.600 28. **Acknowledged** that the AIDS/Life Cycle will travel through Monterey County on June 5 and June 6, 2006.
- 0600.500 29. **Agreement No.: A-09730; Approved** amendment to legal
0125.000 services contract with Fresno County Civil Service Commission to increase travel allowance paid to Monterey County.
- 0600.050 30. **Received** the 2006-07 Appropriation Limits pursuant to Article XIII B of the California Constitution and set June 12, 2006 At 9:50 a.m. as the date to establish these Limits.
- 0600.775 31. **Resolution No. 06-210: Adopted** a Resolution designating County staff positions to authorize and execute documents and applications for the purposes of obtaining financial assistance with the Fiscal Year 2006 Homeland Security Grant Program.
- 6300.000 32. **Considered** adoption of standards, policies and procedures governing the issuance of ceremonial documents by the Board of Supervisors.
- 0150.145 33. a. **BU 05/06-218; Received** an update on San Jerardo
0402.100 water service; and
0803.575 b. **Authorized** a letter to the Local Agency Formation Commission (LAFCO) in support of a waiver of fees related to the annexation of Alisal Water Company (ALCO) systems into Pajaro / Sunny Mesa Community Services District (PSMCSD); and
c. **Authorized** the Chair of the Board to enter into any necessary agreements to facilitate installation and operation of a temporary water filtration system for San Jerardo in an amount not to exceed \$500,000.

RMA - PLANNING AND BUILDING INSPECTION:

- 0602.200 34. a. **Accepted** the Minor Subdivision (Dahlstrom - PLN050204)
6000.500 Final Parcel Map to divide a 5.288 acre parcel into two parcels of 2.5 acres and 2.79 acres, for the property located at 16821 Blackie Road, north of Blackie Road, Prunedale, (Assessor's Parcel Number 133-041-021-000), North County Area; and
b. **Authorized** the Clerk to sign the Final Parcel Map; and
c. **Directed** the Clerk of the Board to submit the Final Parcel Map for recordation; and
d. **Accepted** Tax Report, Subdivision Title Guarantee and County Recording Fees.
- 0602.200 35. a. **Accepted** Minor Subdivision (Tankersley - PLN040140) Parcel
6000.500 Map to divide a 160-acre parcel into four 40-acre parcels each. The parcel is located immediately southeast of the intersection of Bradley and Lockwood Road (Assessor's Parcel Number 423-071-075-000), South County Area; and
b. **Authorized** the Clerk to sign the Final Parcel Map; and

- c. **Directed** the Clerk to Board to submit the Final Parcel Map and Notice of Water and Conservation Requirements, and Landscaping Requirements for filing; and
 - d. **Accepted** Tax Report, Subdivision Title Guarantee and County Recording Fees.
36. **Received** a report-describing the measures taken to alleviate the conditions that led to the adoption of the interim ordinance regulating the permitting of outdoor advertising structures. (PD050646)

RMA - PUBLIC WORKS:

- 0602.350 37. a. **BU 05/06-216; Amended** the FY 2005-2006 Public Works
0150.145 Budget Unit 300 to delete one (1) Management Analyst I and add one (1) Administrative Secretary; and
- b. **Directed** the County Administrative Officer and the Auditor Controller's Office to incorporate these actions in the FY 2006-07 Final Budget for Resource Management Agency Department Budget Unit 194.
- 0602.350 38. a. **2005 CONST 0077; Accepted** the work for Modular Building
0525.000 3 – District Attorney's Office (Bid Package No. 9864 Rebid 2); and
- b. **Authorized** the Public Works Director to execute and record the Notice of Completion; and
- c. **Authorized** the release of retention 35 days following the filing of the Notice of Completion and upon approval of the Public Works Director.
- 0602.350 39. a. **Agreement No.: A-09381; Approved** Amendment No. 1 in
0125.000 the amount of \$250,000 for a total amount not to exceed \$375,000 and extend the term of the Professional Services agreement with Gerald W. Williams to June 30, 2008 for additional professional construction management services as requested by Public Works; and
- b. **Authorized** the Purchasing Manager to execute the Amendment and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.
- 0602.350 40. a. **Agreement No.: A-09382; Approved** Amendment No. 1 in
0125.000 the amount of \$250,000 for a total amount not to exceed \$375,000 and extend the term of the Professional Services Agreement with Tony Mitre to June 30, 2008 for additional professional construction management services, as requested by Public Works; and
- b. **Authorized** the Purchasing Manager to execute the Amendment and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.
- 0602.350 41. a. **2006 CONST 0012; Approved** Plans and Special Provisions
0525.000 for Rio Road and Carmel Rancho Boulevard Overlay Project (Project No. 06-550610); and
- b. **Authorized** the Clerk of the Board to advertise the "Notice to Contractors" in The Californian on May 26 and June 6, 2006.
- 0602.350 42. **Introduced** and **waived** the reading, and set June 20, 2006 at
0525.000 10:30 a.m. for adoption of an ordinance amending Monterey County Code, Title 12, Section 12.28.010 and 12.68.010, to establish additional no parking at any time restrictions and a mid-block crosswalk on Sandholdt Road in Moss Landing.

- 2800.000 43. **Introduced** and **waived** the reading, and set June 20, 2006 at 10:30 a.m. for adoption of an ordinance amending Monterey County Code, Title 12, Section 12.28.010, to modify existing no parking at any time restrictions on the north side of San Juan Road between Gonda and Susan Streets in Pajaro.
- 2800.000 44. **Introduced** and **waived** the reading, and set June 20, 2006 at 10:30 a.m. for adoption of an ordinance amending Monterey County Code, Section 12.68.010, to establish a mid-block crosswalk on Blackie Road, 155 feet east of the centerline of Del Monte Avenue in Castroville.

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SPECIAL DISTRICTS

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

- 0800.325 45. a. **Set** for Public Hearing on June 6, 2006 at 10:30 a.m. to consider approval of the dissolution of Carmel Valley County Sanitation District - Zones 1, 2, and 3 and a resolution to enact a zero property tax transfer; and
- b. **Directed** the Clerk of the Board to publish a Notice of Public Hearing for said consideration no later than May 26, 2006 in the Californian and The Monterey County Herald.

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MONTEREY COUNTY WATER RESOURCES AGENCY

BOARD ACTION: upon motion of Supervisor Calcagno, seconded by Supervisor __Lindley, and carried the Board approved the following actions unless otherwise noted:

- 0802.500 46. **Set** a public hearing on June 13, 2006 at 1:00 p.m., direct the Clerk of the Board to post a public notice, and recommend that the Board of Supervisors approve annexation of APN 125-271-038 and 25-271-061, totaling 44.66 acres into the Monterey County Water Resources Agency Zone 9 as a condition of approval for a minor subdivision; and direct applicant to supply proof of successful application with the State Board of Equalization.
- 0802.000 47. **BU 05/06-217; Approved** a budget adjustment for FY 2006-2007
0150.145 in Monterey County Water Resources Agency Budget Unit 930,
0150.146 Fund 217 in the amount of \$88,000 in order to assist in the purchase of fixed assets for the Castroville Pump Station by:
- a. Reducing expenditures in Fund 217, Budget Unit 930, Account 6499, Other Special Departmental Expenses by \$88,000; and
- b. Increasing expenditures in Fund 217, Budget Unit 930, Account 6890, Fixed Assets by \$88,000; and
- c. Directing the County Administrative Office and the Auditor-Controller's Office to incorporate these actions in the FY 2006-2007 Final Budget. (4/5th Vote Required)
- 0802.180 48. a. **Set** for public hearing on June 13, 2006 at 1:00 P.M. to approve the Fiscal Year (FY) 2006-2007 assessments and water delivery charges for Zone 2B and FY 2006-2007 assessment for Zones 2Y and 2Z for the Castroville Seawater Intrusion Project and the Salinas Valley Reclamation Project; and

- b. **Directed** the Clerk of the Board to publish a hearing notice in the SALINAS CALIFORNIAN and the KING CITY RUSTLER.

- 0802.180 49. a. **Set** a Public Hearing for June 13, 2006, at 1:00 P.M. to Adopt Zone 2C Assessment Charges for the Salinas Valley Water Project; and
b. **Directed** the Clerk of the Board to publish a hearing notice in the SALINAS CALIFORNIAN and the KING CITY RUSTLER at least seven days prior to the date set for the hearing.

- 0802.450 50. a. **Set** a public hearing on June 13, 2006 at 1:00 PM to adopt
0802.500 the Fiscal Year 2006-2007 benefit assessment for Zones
0802.650 1, 1A, 8, 9, 12, and 17; and
0802.900 b. **Directed** the Clerk of the Board to publish a hearing notice
in the SALINAS CALIFORNIAN, THE SOLEDAD BEE, THE PAJARONIAN and
the KING CITY RUSTLER.

- 0125.000 S/A-2 **Agreement No. A-10455: Approved** and authorized the General Manager of the Monterey County Water Resources Agency to sign the attached Lake San Antonio Limited Term Use Agreement between Landlord Monterey County Water Resources Agency and Tenant Del Sala.