

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
MONTEREY COUNTY REDEVELOPMENT AGENCY
MONTEREY COUNTY WATER RESOURCES AGENCY
TUESDAY, JUNE 13, 2006
9:30 AM**

9:30 a.m.

1. Pledge of Allegiance – Led by Supervisor Potter

- 6300.000
2. Additions and Corrections to the Agenda.

The Clerk of the Board read 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 Potter, and seconded by Supervisor Lindley, and carried 4/0 the Board approved the following additions and corrections: (Supervisor Calcagno was absent from the vote.)

Under Other Board Matters

A/C-1 Consider authorization for Chair to send letter withdrawing the Measure A Local Coastal Plan Amendment certification to the Coastal Commission. The Coastal Commission is scheduled to consider the matter Wednesday June 14, 2006.

A/C-2 Scheduled Time Correction: **Time for 1:30 p.m.**

S-4 Consider adopting an ordinance amending section 2.77.030 of the Monterey County Code relating to special probation enforcement services.

A/C-3 Listed under #34 Consent, should be also listed as a duplicate for Board of Supervisor consent under General Government

A/C-4 Add the following language to S-1
Closed Session under Government Code Section 54950, relating to the following items:

A/C-5 **UNDER ORDER FOR ADJOURNMENT:**

IN MEMORY OF GEORGE E. BOUTONNETT (Supervisor Calcagno)
IN MEMORY OF CHARLES THOMAS TYLER (Supervisor Potter)

3. CONSENT CALENDAR – REGULAR (See Supplemental Sheet)
4. CONSENT CALENDAR – MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)

OTHER BOARD MATTERS:

- 6300.000 5. Board Comments and Referrals
- a. Supervisor Smith comment, received a request from the City of Sand City to support them in their review of an exemption for Critical Habitat for the Snowy Plover Butterfly, recommends staff to come back with a recommendation as to support Sand City or not.
 - b. Supervisor Calcagno will be absent the afternoon session on June 20, 2006.
- 6300.000 6. Update on Board Referrals
No Update on Board Referrals.
- 0600.025 7. CAO Comments: There were no comments from the County Administrative Officer, Lew Bauman.
- 2050.000 8. Public Comments (Limited to 3 minutes per speaker)
- a. Tom Carvey, Executive Director Common Ground Monterey County, June is National Home Ownership Month.
 - b. Ron Cheshire – Freedom of Speech – General Plan
 - c. Joe Vierra – Elections, Gang Task Force
 - d. Hans Jongens – Agenda Minutes, Illegal Alien Issues, Baghdad.
- 6300.000 A/C-1 **Considered** authorization for Chair to send letter withdrawing the Measure A Local Coastal Plan Amendment certification to the Coastal Commission. The Coastal Commission is scheduled to consider the matter Wednesday June 14, 2006.

No Public Comment

Board Comment

- a. **Supervisor Potter** – The withdraw is an appropriate action to take due to the confusion, misunderstandings, and procedural questions on behalf of the public commission, staff, and elected representatives in Sacramento. Larry Parsons of the Herald inaccurately reported in the paper that Ralph Rubio is Supervisor. Potter's alternate as a member of the Coastal Commission, Supervisor. Potter is not involved in any selection of an alternate for himself, and has not had an alternate for almost 18 months. Requests Mr. Parson prints a retraction in the paper.
- b. **Supervisor Smith** concurs with the tremendous amount of confusion, and misunderstanding in regards to the intent of the project. Supports the recommendation to withdraw.

BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Lindley and carried 4/0. Supervisor Calcagno was absent for the vote.

SCHEDULED MATTERS:

- 6300.00 S-1 a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:
1. California Department of Transportation vs. County of Monterey (Rancho San Juan)

2. LandWatch Monterey County, et al. vs. County of Monterey, et al. (Rancho San Juan)
3. John L. McDonnell, Jr., et al. vs. County of Monterey, et al. (Rancho San Juan)
4. Save Our Peninsula Committee vs. County of Monterey, et al. (Rancho San Juan)
5. City of Salinas vs. County of Monterey (Rancho San Juan)
6. H-Y-H Corporation vs. County of Monterey (Rancho San Juan)
7. Henry Bellone, et al. vs. Monterey County Water Resources Agency.

BOARD ACTION: The Board received an update on the above matters and provided direction.

- b. 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 received an update and provided direction.

- c. Pursuant to Government Code section 54956.8, the Board of Directors of the Redevelopment Agency will confer with real property negotiators regarding the following:

1. The Ord Market area of the former Fort Ord; Negotiator: Jim Cook for the County of Monterey.

BOARD ACTION: The Board met with the negotiator for the County of Monterey and provided direction.

10:30 a.m.

- S-2 Continued Budget Hearings for Fiscal Year 06-07, if needed.
Budget Hearings completed on June 12, 2006. No action taken.

- 1350.000 S-3 **Received** an update on the General Plan Update City Consolidation process and scheduling.
a. Staff given direction to move planning commission hearing on General Plan to 10/18/06.

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

- b. Option C, The Board to participate in three separate consultation meetings – one with the Peninsula City councils; a second with the City of Salinas; a third with the Salinas Valley cities south of Salinas and authorized to develop a letter to be forward to each Mayor of the Cities for consultation and public median,; to craft agenda and topics to be discussed to be brought back to board as a referral for format approval

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

- c. Addressing new applicant request to be continued and brought back to the Board
BOARD ACTION: Upon motion of Supervisor Smith, and seconded by Supervisor Armenta, and carried.

Public Comment: Kristine Kemp; Bob Perkins- Executive Director Monterey County Farm Bureau; Sherri Dammon

A/C-2 Scheduled Time Correction: **Time for 1:30 p.m.**

- S-4 Considered adopting an ordinance amending section 2.77.030 of the Monterey County Code relating to special probation enforcement services.
No public comment.

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

12:00 p.m.

Recess to Lunch- Joint Board Water Resources Agency Leadership Meeting

1:30 p.m.

- S-5 **No action** is needed by the Board and this matter will be presented to the Planning Commission on June 14, 2006. Removed from the agenda an appeal of an administrative interpretation regarding the application completion date for the Pajaro Valley Golf Course project located at 967 Salinas Road, Royal Oaks (PLN980571), in accordance with Section 20.88 of Monterey County Code.
BOARD ACTION: Removed No Action Taken will present to Planning Commission

- 0600.200 S-6 a. **Considered** the Negative Declaration adopted by the Planning Commission on October 26, 2005; and
b. **Resolution No. 06-134** Adopted a 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 located at 16770 Blackie Road, Salinas (PETERSON PLN040079), from RDR/B-7 to RDR/10.

No Public Comment

BOARD ACTION: Upon motion of Supervisor Calcagno, and Seconded by Supervisor Lindley and carried 5/0.

- 2800.000 S-7 **Ordinance No. 5037: Considered** extension of an interim ordinance regulating the permitting of outdoor advertising structures. (4/5 vote required) (PD050646)
No public comment.

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

- 0802.500 S-8 a. **Resolution No. 06-135; Ordinance No. 5036 Held** a Public hearing and approved the annexation of APN 125-271-038 and 125-271-061, totaling 44.66 acres into the Monterey County Water Resources Agency Zone 9 as a condition of approval for a minor subdivision (this property is located on King Road in Prunedale); and
b. **Directed** applicant to supply proof of successful application with the State Board of Equalization.

No public comment

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

- 0802.180 S-9 a. **Held** Public hearing to consider adopting Zone 2C assessment charges for the Salinas Valley Water Project; and
b. **Resolution No. 06-200: Adopted** resolution establishing assessment for Zone 2C.
Public Comment: Robert Silacci; Bill Hammond.

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

- 0802.190 S-10 a. **Resolution 06-136 (2B) Resolution 06-137 (2Y; 2Z) Held**
0802.185 Public hearing to consider approval of the fiscal year 2006-
0802.175 2007 assessment and water delivery charges for Zone 2B and fiscal year 2006-2007 assessment for Zone 2A (Zones 2Y And 2Z) for the Castroville Seawater Intrusion Project and the Salinas Valley Reclamation Project; and
b. **Adopted** resolutions establishing assessment for Zones 2Y, 2Z, and 2B.
No public comment.

BOARD ACTION: Upon motion of Supervisor Armenta and seconded by Supervisor Lindley and carried 4/0. Supervisor Calcagno recused himself.

- 0802.050 S-11 a. **Held** public hearing to consider approval of the benefit
 - 0802.450 assessment charges for the Monterey County Water Resources
 - 0802.500 Agency Zones 1, 1A, 8, 9, 12, and 17, for fiscal year 2006-07;
 - 0802.650 and
 - 0802.900 b. **Resolution No. 06-201; (1, 1A) Resolution No. 06-202 (8, 9, 12) Resolution No. 06-203 (17): Adopted** benefit assessment resolutions.
- No public comment.

BOARD ACTION: Upon motion of Supervisor Lindley, and seconded by Supervisor Armenta and carried 4/0. Calcagno recused himself.

ORDER FOR ADJOURNMENT

**IN MEMORY OF GEORGE E. BOUTONNET
IN MEMORY OF CHARLES THOMAS TYLER**

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 4/0. Supervisor Calcagno was absent from the vote.

HEALTH AND SOCIAL SERVICES:

- 0602.500 9. a. **Agreement No.: A-10475; Approved and authorized** the
- 0125.000 Director of the Department of Social & Employment Services to sign an agreement with CareAccess Silicon Valley, Inc. for \$10,920 for maintenance of website to access third-party software for the period FY 2006-07 through FY 2007-08, including Mutual Indemnification provision in Exhibit K, Warranties, 7 (i) and (ii); and
- b. **Authorized** the Director of the Department of Social & Employment Services to sign all amendments to the Agreement not exceeding 5% of the contract amount and a three (3) month extension.

- 0602.550 10. a. **BU 05/06-225; Approved and authorized** the Director of the
0150.145 Department of Social and Employment Services, or his designee, to accept a
contribution of \$1,500 from the Monterey Peninsula Sunrise Rotary Club Fund and a
contribution of \$750 from the Rotary Club of Seaside for the Independent Living
Program to purchase suitcases and life skills tool kit items for youth emancipating
from the foster care system; and
b. **Directed** the Auditor-Controller to increase appropriations and estimated revenues of
\$2,250 in Budget Unit 501. (4/5th vote required)
- 0601.100 11. **Agreement No.: A-09851; Approved and authorized** the
0125.000 Director of Health to sign Amendment No. 2 to Agreement A-09851 with Community
Human Services in the annual amount of \$384,940 for FY 2005-06, and FY 2006-07 for
Outpatient Mental Health Services.
- 0601.100 12. **Agreement No.: A-09845; Approved and authorized** the
0125.000 Director of Health to sign Amendment No. 2 to Agreement A-09845 with Kinship Center
for the term of July 1, 2004 to June 30, 2007 in the annual amounts of \$788,523 for FY
2005-06 and \$812,180 for FY 2006-07 for the provision of Medication Support, Mental
Health Services, Therapeutic Behavioral Services, and Case Management to Monterey
County youth.
- 0601.100 13. **Agreement No.: A-10476; Approved and authorized** the
0125.000 Director of Health to sign a FY 2006-07 Mental Health Services Agreement with
Redwood Children's Services, Inc. for mental health services and case management for
Monterey County youth for \$45,000 effective July 1, 2006 through June 30, 2007.
- 0601.100 14. **Resolution No.: 06-138; Adopted** a resolution levying the Paramedic Emergency
Medical Services Special Tax for fiscal year 2006-2007 at the rate of \$12.00 per service
unit.
- 0602.550 15. **Resolution No.: 06-139; Approved** the attached resolution authorizing the Department of
Social and Employment Services to obtain FBI criminal background information for
employment purposes related to staff, volunteers and temporary employees in the Families
and Children's Services Division.
- 0602.550 16. **Approved** request to add the Seaside Fire Department as a "Safe Surrender Site" as
defined in the Penal Code 271.5 (a) (b) and the Health and Safety Code 1255.7 (a).
- 0602.550 17. **Introduced and waived** reading and set for adoption on June 27, 2006 at 10:30 a.m. an
Ordinance Amending Chapter 2.59 of the Monterey County Code relating to the Monterey
County Children and Families Commission.

CRIMINAL JUSTICE:

- 0602.250 18. a. **Agreement No.: A-10477; Approved and authorized** the
0125.000 Purchasing Manager to sign a Professional Services Agreement or \$94,428 with
Turning Point of Central California, Incorporated for Fiscal Year 2006-07 to provide
youth development and employment services, utilizing Juvenile Justice Crime
Prevention Act funds; and
b. **Authorized** the Purchasing Manager to sign any future amendments to this
agreement, not to exceed five percent of the total contract amount, and a three-month
extension.

- 0602.250 19. a. **Agreement No.: A-10478; Approved and authorized** the
0125.000 Purchasing Manager to sign a Professional Services Agreement for \$48,825 with
Community Human Services for Fiscal Year 2006-07 to provide drug and alcohol
services to youth, utilizing Juvenile Justice Crime Prevention Act funds; and
b. **Authorized** the Purchasing Manager to sign all future amendments to this agreement
not exceeding five percent of the total contract amount, and a three-month extension.
- 0602.250 20. a. **Agreement No.: A-10479; Approved and authorized** the
0125.000 Purchasing Manager to sign a Professional Services Agreement for \$25,772 with
Sunrise House for Fiscal Year 2006-07 for the Silver Star Youth Program, utilizing
Juvenile Justice Crime Prevention Act funds; and
b. **Authorized** the Purchasing Manager to sign any future amendments to this
agreement, not to exceed five percent of the total contract amount, and a three-month
extension.
- 0602.500 21. **BU 05/06-226; Approved and authorized** an increase in Fiscal
0150.145 Year 2005-06 appropriations and estimated revenues in Sheriff's Budget Unit 251 by
\$4,170 to purchase thumb drives and printer for the Custody Operations Bureau with a
technology rebate. (4/5th Vote Required)
- 0602.500 22. **BU 05/06-227; Approved and Authorized** the transfer of funds
0150.145 from services and supplies to fixed assets in Sheriff's Budget Unit 251 in the amount of
\$6924 to construct a security door assembly for the main jail area of Custody Operations
Bureau.

GENERAL GOVERNMENT:

- 0602.750 23. **Directed** the Auditor-Controller to amend the FY 2005-06 Short-
0150.145 Term Borrowing Budget Unit 830 to increase estimated revenue in the amount of
\$289,362 and increase estimated appropriations in the amount of \$289,362. (4/5th vote
required).
- 0601.600 24. **Approved** the use of Laguna Seca Recreation Area for a community worship service on
August 6th, in compliance with Monterey County Code 14.12.130.
- 0125.000 25. a. **Agreement No.: A-09507; Approved** Amendment No. 1 to Agreement A-09507 with
the California Coastal Rural Development Corporation to administer all aspects of the
County's Revolving Loan Fund programs; and
b. **Extended** the term of the Agreement from June 30, 2006 to June 30, 2007; and
increase the amount from \$450,000 to an amount not to exceed \$600,000; and
c. **Authorized** the Interim Chief of Intergovernmental Affairs to execute Amendment
No. 1.
- 0601.160 26. a. **Agreement No.: A-10480; Approved and authorized** the
0125.000 Purchasing Manager to execute an Agreement with Internet Security Systems, Inc. for
Information Technology Security Assessment Services in an amount not to exceed
\$32,000; and
b. **Directed** the Auditor / Controller to make payments for services provided under this
agreement upon approval of the Information Technology Department.
- 0601.175 27. a. **Agreement No.: A-10480; Approved** Amendment No. 1 with
0125.000 Matrix Consulting Group, to provide assistance implementing

- 0600.025 recommendations regarding the Emergency Communications Department (911 Call Center); and
- b. **Extended** the term of the Agreement from January 27, 2006 to June 30, 2007; and increase the amount from \$24,000 to an amount not to exceed \$44,000; and
- c. **Authorized** the Interim Chief of Intergovernmental Affairs to execute Amendment No. 1.
- 0601.175 28. a. **Approved** the nomination of Monterey County programs to the
0600.025 2006 California State Association of Counties (CSAC) Challenge Awards competition; and
- b. **Authorized** the submission of entries by the County Administrative Officer.
- 0600.025 29. **Extended** negotiations until June 27, 2006 relating to 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 or alternative agreement related to operation of Natividad Medical Center.

RMA - PUBLIC WORKS:

- 0602.350 30. a. **Approved** Disadvantaged Business Enterprise Race-Neutral Implementation Agreement; and
b. **Authorized** the RMA Director to sign the Agreement.
- 0602.350 31. a. **Accepted** the River Road Four Lane Project as complete; and
b. **Approved** release of the Faithful Performance Bond issued by the Insurance Company of the West in the amount of \$50,000 for the four-laning of River Road for the Las Palmas Ranch Subdivision, Phase II, Unit XI.
- 0602.350 32. a. **2006 CONST 0013; Approved** Plans and Special Provisions
0525.000 for the Procurement (Delivery and Application) of Asphalt Emulsion - Various Roads for the Seal Coat 2006 Project (Contract No. 07-550715; and
b. **Authorized** the Clerk of the Board to advertise the "Notice to Contractors" in The Californian on June 16 and June 23, 2006.
- 0602.350 33. a. **BU 05/06-229; Received** report for temporary relocation of the
0150.145 Courts to adjacent modular units on the Government Center Campus as well as portions of the West Wing; and
b. **Approved** a change in Scope of Work for the North Wing Renovation Project to include relocation of the Courts to adjacent modular units consistent with Alternative C of Attachment A; and
c. **Approved** the use of resources not to exceed \$3,000,000 within the Capital Project's Master Plan Fund 30 for remodeling of vacant modular units of the Courts; and
d. **Authorized** the Public Works Director to transfer appropriations ~~as needed~~ to accomplish the expeditious Court relocation within Fixed Asset objects in Fund 30 upon the approval of the County Administrative Officer and the Auditor-Controller; and
e. **Referred** to the Budget Committee a request to evaluate budgetary constraints in future years to determine potential debt service and financing capabilities for completion of the Master Plan and other much needed capital improvements identified in the Five Year Capital Improvement Plan.

RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY

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

- 5100.000 34. **Agreement No.: A-10482; Approved and authorized** the Chair to
0125.000 sign an Agreement to Negotiate a Disposition and Development Agreement for the
Rehabilitation of Historic Buildings and Operation of East Garrison Historic/Arts District
among the County, the Redevelopment Agency of the County of Monterey, Artspace
Projects, Inc., Arts Habitat, Inc. and East Garrison Partners I, LLC.
- 5100.000 35. a. **Agreement No.: A-10483; Authorized** execution of the
0125.000 California Cultural & Historical Endowment (CCHE) Grant Agreement in the amount
of \$380,060 for the Castroville Japanese School House Restoration Project; and
b. **Approved** an architectural design service contract with Carey & Co. Inc. in the
amount of \$158,365, for a term beginning April 1, 2006 through December 30, 2008.