

# BOARD OF SUPERVISORS

Fernando Armenta	1 <sup>st</sup> District	Lew C. Bauman
Louis R. Calcagno	2 <sup>nd</sup> District	County Administrative Officer
W. B. "Butch" Lindley	3 <sup>rd</sup> District	
Jerry Smith	4 <sup>th</sup> District (Chair)	Charles J. McKee
Dave Potter	5 <sup>th</sup> District (Vice Chair)	County Counsel

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Salinas, CA 93902	

## ACTION MINUTES

**MONTEREY COUNTY BOARD OF SUPERVISORS**  
**MONTEREY COUNTY REDEVELOPMENT AGENCY**  
**MONTEREY COUNTY WATER RESOURCES AGENCY**  
**TUESDAY, AUGUST 22, 2006**  
**9:30 AM**

### 9:30 a.m.

1. Pledge of Allegiance  
The Pledge of Allegiance was led this morning 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 Boards as provided in section 54954.2 of the California Government Code.

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

**Title Correction:**

**Under Consent Water Resources Agency:**

### **A/C-1**

33.
  1. Amend Personnel Policies and Practices Resolution No. 98-394 to add the classification of Right of Way Specialist;
  2. Approve reclassification of one Administrative Services Officer to Finance Manager II, one Senior Departmental Information Systems Coordinator to Departmental Information Systems Manager I, and one Right of Way Agent to Right of Way Specialist;
  3. Amend the FY 2006-07 Water Resources Agency Budget Unit 930 to delete one Real Property Specialist and one Program Manager I position, and to add one Right of Way Specialist and one Departmental Information Systems Manager I position;
  4. Amend Personnel Policies and Practices Resolution No. 98-394 to delete the classification of Right of Way Agent; and
  5. Direct the Auditor-Controller to incorporate these changes in the FY 2006-07 Water Resources Agency Budget Unit 930, Fund 201.

**A/C-2****UNDER ORDER FOR ADJOURNMENT:**

IN MEMORY OF RAMONA L. ARMENTA (Full Board)

3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
4. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (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 4/0 with Supervisor Smith absent from the vote, the Board approved the following re-appointments and appointments, except as noted:**

- 0800.200 6. **Re-appointed** Buzz Rainer to the Carmel Highlands Fire Protection District for a term to end June 30, 2010. (Supervisor Potter)
- 0400.410 S/A-1 **Appointed** Jeff Tillery to the Americans with Disabilities Act Advisory Commission, replacing Charlene Wiseman, to serve as the ex officio member. (Full Board)

**OTHER BOARD MATTERS:**

- 6300.000 7. Board Comments and Referrals  
a. Supervisor Calcagno: Supervisor Calcagno again raised the issue over traffic congestion on highway 156 reiterating that this is an ongoing problem each and every weekend.
- 6300.000 8. Update on Board Referrals  
There were none.
- 0600.025 9. CAO Comments  
The County Administrative Officer, Dr. Lew Bauman acknowledged Supervisor Calcagno's referral and advised that it was added last week as #11 on Board Referrals.
- 2050.000 10. Public Comments (Limited to 3 minutes per speaker)  
There was no one from the public who wished to speak.
- 2050.000 11. Adopt a Resolution Proclaiming August 26, 2006 as "Women's Equality Day".  
**BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Lindley, and carried 4/0 with Supervisor Smith absent from the vote.**

**Continued to Tuesday August 29, 2006 for re-consideration.**

12. Consider amending the 2006 Board of Supervisor's meeting schedule adopted February 14, 2006, canceling the scheduled meeting of Tuesday September 5, 2006.

**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. Alfaro, et al. vs. Community Housing & Planning Association, et al.
  2. City of Salinas vs. County of Monterey, et al. (Rancho San Juan)
  3. California Department of Transportation vs. County of Monterey, et al. (Rancho San Juan)

**BOARD ACTION: There was a successful ruling by the Court in favor for the County dismissing the County from the Lawsuit in the first matter, Alfaro, et al vs. Community Housing & Planning Association, et al.**

**The Board received an update on matters 2 and 3 and provided direction to staff.**

- b. 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 approved a settlement of this potential claim and the documents will be made available through County Counsel's office once the settlement has been finalized between the parties.**

- c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding the following significant exposure to litigation/liability claim(s):
1. Claim of Elvira Teran, et al.

**BOARD ACTION: The Board denied this claim.**

- ~~d. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the following public employment position:~~
- ~~1. County Counsel~~

- e. Pursuant to Government Code section 54947.6, the Board will confer with labor negotiators (Units A,B,C,M,N,Q,V, and K); Keith Honda, designated representative.

**BOARD ACTION: The Board received and update and provided direction to designated representative Keith Honda on how to conclude.**

**10:30 a.m.**

0601.175 S-2 **Ordinance No.: 5038; Adopted** an ordinance repealing Chapter 5.38 of the Monterey County Code relating to the Natividad Medical Center Transactions and Use Tax.  
**BOARD ACTION: Upon motion of Supervisor Lindley, and seconded by Supervisor Armenta, and carried 4/0 with Supervisor Smith absent from this vote.**

0125.000  
5100.000

- S-3 a. **Agreement No.: A-10612; Adopted** the proposed Mitigated Negative Declaration (Exhibit A); and
- b. **Approved and authorized** the Chair of the Board of Directors of the Redevelopment Agency to sign a 20-year lease with a minimum monthly rent of \$2,850 for the Ord Market based on the Findings and Evidence (Exhibit B) and subject to the proposed Mitigation Monitoring Reporting Plan for the Ord Market (Exhibit C).

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

0600.025 S-4 **Received** Cooperative Extension 2005-06 "Impacting the County" report.

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

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0601.525

- S-5 a. **Agreement No.: A-10613; Approved and authorized** the Chief Executive Officer (CEO) of Natividad Medical Center to execute a Professional Services Agreement between the County of Monterey and Pinnacle Medical Group, Inc. for occupational medicine and employee health services at Natividad Medical Center in an amount not to exceed \$100,000 for the period July 1, 2006 to September 23, 2006; and
- b. **Authorized** the Purchasing Manager to issue a Purchase Order in an amount not to exceed \$100,000 to Pinnacle Medical Group, Inc. for FY 2006-07; and
- c. **Approved and authorized** payment to Pinnacle Medical Group for services rendered between July 1, 2006 and September 23, 2006 once final invoice has been submitted and approved; and
- d. **Approved and authorized** the Chief Executive Officer (CEO) of NMC to terminate the Professional Service Agreement with Pinnacle Medical Group, Inc. effective September 23, 2006.

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

0601.525

- S-6 **Approved and authorized** the Purchasing Manager for Monterey County to issue a Request for Proposal (RFP) # 9976 to provide management services for Natividad Medical Center.

**BOARD ACTION: Upon motion of Supervisor Lindley, and seconded by Supervisor Calcagno, and carried 4/0 with Supervisor Smith absent from this vote.**

**BOARD ACTION: Prior to breaking for the Lunch recess, County Counsel Read out of Closed Session. The Board then also delegated authority to the Legislative Sub-Committee to take appropriate action during today’s Legislative meeting and then report back at next Tuesday’s August 29, 2006 meeting. The meeting was then adjourned.**

**12:00 p.m.**

Recess to Lunch- Legislative Committee Meeting

**1:30 p.m.**

**BOARD ACTION: This matter was continued to next Tuesday August 29, 2006. The Board delegated authority to the sub committee to take appropriate action during today’s legislative meeting and report back at next weeks meeting.**

- S-7 Receive report and consider recommendations from the Legislative Committee Meeting.

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**ORDER FOR ADJOURNMENT**

**IN MEMORY OF RAMONA L. ARMENTA**

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, and seconded by Supervisor Calcagno, and unanimously carried 4/0 with Supervisor Smith absent from this vote, the Board approved the following actions, unless otherwise noted:

NATIVIDAD MEDICAL CENTER:

0601.525      13.      **Approved and authorized** the Chief Executive Officer (CEO) of Natividad Medical Center to sign the authorization(s) to destroy the attached list of records now held at County Records Retention. (4/5ths vote required)

HEALTH AND SOCIAL SERVICES:

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0602.550      14.      a. **Agreement No.: A-10605; Approved and authorized** the Director of the Department of Social & Employment Services, or his designee, to sign an agreement for \$55,000 with James E. Fisher to complete Investigations for Stepparent Adoptions and Termination of Parental Rights for the period July 1, 2006 through June 30, 2009; and  
                              b. **Authorized** the Director of the Department of Social & Employment Services, or his designee, to sign all future amendments to this Agreement not exceeding 5% of the contract amount, and a three (3) month extension.

0125.000

- 0602.550 15. a. **Agreement No.'s: A-10614 & A-10615; Approved** and **authorized** the Director of the Department of Social and Employment Services, or his designee, to accept funding, and sign an agreement, with First 5 Monterey County for \$32,975 for the period July 1, 2006 through June 30, 2007 to provide matching funds required for the Department's Perinatal Substance Abuse/HIV Infant allocation to Door to Hope's McStart Program; and
- b. **Approved** and **authorized** the Director of the Department of Social and Employment Services, or his designee, to sign an agreement with Door to Hope, Inc. for \$297,304 for the period July 1, 2006 through June 30, 2007 for the provision of perinatal substance abuse prevention and intervention services to Monterey County children and their families; and
- c. **Authorized** the Director of the Department of Social and Employment Services, or his designee, to sign all future amendments to the First 5 Monterey County and Door to Hope agreements not exceeding 5% of the contract amounts, and three (3) month extensions.
- 0125.000  
0602.550 16. a. **Agreement No.: A-10606; Approved** and **authorized** the Director of the Department of Social and Employment Services, or his designee, to sign a professional services agreement in the amount of \$48,800 with Melvin Smith Learning Center to provide learning disability and attention deficit hyperactivity disorder (ADHD) evaluations for CalWORKs customers for the period July 1, 2006 through June 30, 2007; and
- b. **Authorized** the Director of the Department of Social and Employment Services, or his designee, to sign all future amendments to this agreement not exceeding 5% of the contract amount and a three (3) month extension.

### **GENERAL GOVERNMENT:**

- 0600.500 17. **Resolution No.: 06-251; Adopted** a Resolution approving settlement and authorizing the Chair of the Board to execute the Stipulation and Judgment attached to the Resolution, in McDonnell Jr, Trustee of Jarvis Replacement Administrative Trust v. County of Monterey, et al. (Case No. M 72965); Rancho San Juan Specific Plan.
- 0600.850 18. a. **Adopted** plans and specifications to build an aerial communication tower at the Agricultural Commissioner Office-King City Facility located at 522 N. 2nd St., King City, CA, as requested by Monterey County Departments of Information Technology (IT) and Emergency Services; and
- b. **Directed** the Clerk of the Board to advertise for bids to be received no later than 2:00 p.m. on Wednesday, September 20, 2006.
- 0525.000 19. a. **2006 CONST 0015; Awarded** the contract to lowest responsible bidder, Monterey Peninsula Engineering, Inc. of Monterey, CA, for Project No. 05-150 to construct a 130 unit parking lot at the County Facility located at 855 E. Laurel Drive, Salinas, CA; and
- b. **Authorized** the County Purchasing Manager to execute the contract on behalf of the County; and
- c. **Directed** the Auditor-Controller to make payments upon approval of the General Services Facilities Projects Manager in the amount of \$323,000, plus \$32,300 in contingencies, for a total amount of \$355,300; and
- d. **Directed** the Auditor-Controller to transfer appropriations from expenditure line item 6310 (Maintenance-Facilities & Construction) to fixed asset line item 6715 (Grounds & Buildings Laurel Drive) in the amount of \$355,300; and
- e. **Rejected** all other bids.

- 0125.000 20. a. **Agreement No.: A-10607; Approved and authorized** the Purchasing Manager to sign an agreement with P. Murphy & Associates, Inc. for the supply of Database Administrator Support Services for a period of one (1) year, with an aggregate value not to exceed \$280,000 annually, in accordance with the terms and conditions of RFP#9942; and
- b. **Approved and authorized** the Purchasing Manager to sign options to extend the agreement for three (3) additional one (1) year periods, with the approval of the Director of Information Technology, with an aggregate value not to exceed \$280,000 annually; and
- c. **Directed** the Auditor-Controller to make payments for services provided under this agreement upon approval of the Information Technology Department.
- 0125.000 21. a. **Agreement No.: A-10616; Approved and authorized** the Purchasing Manager to execute a Professional Services Agreement for the period of January 1, 2006 - October 31, 2006 with Paetec Software Corporation to provide consulting and training services necessary to complete implementation of the Pinnacle Call Accounting System in an amount not to exceed \$24,750.00; and
- b. **Approved** Non-Standard County Liability and Indemnification Provisions as recommended by the Director of Information Technology; and
- c. **Approved and authorized** the Auditor-Controller to make payments for services provided under the agreement upon approval of the Information Technology Department.
- 0125.000 22. a. **Agreement No.: A-10608; Approved and authorized** the Director of Information Technology to sign a Product License Agreement with Connectivity Systems Incorporated for TCP / IP Software for the County Mainframe System in an amount not to exceed \$9,834.00 per year; and
- b. **Accepted** Non-Standard County Liability and Indemnification Provisions as recommended by the Director of Information Technology; and
- c. **Approved and authorized** the Auditor-Controller to make payments for software provided under the agreement upon approval of the Information Technology Department.
- 0125.000  
0401.610 23. **Agreement No.: A-10617; Approved and authorized** the Assistant County Administrative Officer to sign a Professional Services Agreement (PSA) with Arnerich Massena & Associates, Inc. to support the Monterey County Deferred Compensation Plan (DCP) in issuance of a Request for Proposal (RFP), for the period of August 1, 2006 through March 31, 2008, in the amount of \$48,000.
- 0600.850 24. **Resolution No.: 06-245; Adopted** a Resolution of Proclamation commending Ester Castro, Mailroom Clerk in the Monterey County Department of General Services, Printing Services and Mail Operations Division, upon her retirement.
25. **Approved** Action Minutes for the meeting of Tuesday May 16, 2006, copies having previously been distributed to each Board member.
- 0125.000 S/A-2 **Approved and authorized** contracts with the following individuals for professional services at Natividad Medical Center:
- a. **Agreement No.: A-10609; Contracted** with Charles R. Jervis for professional consulting services for period not to exceed six months, or until such time as a new management services contract is entered into and takes effect, whichever occurs first, at a cost not to exceed \$180,000;

- b. **Agreement No.: A-10610; Contracted** with Mark Fritz for Chief Financial Officer professional services for a period not to exceed six months, or until such time as a new management services contract is entered into and takes effect, whichever occurs first, at a cost not to exceed \$170,000; and
- c. **Agreement No.: A-10611; Contracted** with Andrea Rosenberg for interim Chief Executive Officer professional services for a period not to exceed six months, or until a new management services contract is entered into and takes effect, whichever occurs first, at a cost not to exceed \$88,000.

### RMA - PUBLIC WORKS:

0602.350

2800.000

- 26. Introduced, and waived the reading, and set September 12, 2006 at 10:30 a.m. to consider adoption of an ordinance amending Monterey County Code, Title 12, Section 12.24.020, to establish two stop intersections at Morse Drive, Flanders Drive and Flanders Place (stops required on Flanders Drive and Flanders Place) and a stop intersection at Morse Drive and South Carmel Hills Drive (stop required on northbound South Carmel Hills Drive) in the South Carmel Hills area.

0602.350

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- 27. Introduced, and waived the reading, and set September 12, 2006 at 10:30 a.m. to consider adoption of an ordinance amending Monterey County Code, Title 12, Section 12.28.010, to establish no parking at any time on portions of Castroville Boulevard, Castroville area.

0602.350

- 28. **Approved** changes to the County's Policy for Installation of Directional Signing to Bonded Wineries on County Roads.

5900.000

0602.350

- 29.
  - a. **Accepted** the Hidden Woods Subdivision Improvements as completed; and
  - b. **Approved** release of the Faithful Performance Security issued by Community Bank in the form of a set-aside letter for infrastructure improvements for the Hidden Woods Subdivision.

0602.350

- 30.
  - a. **2005 CONST 0050; Resolution No.: 06-248; Accepted** the Certificate of Completion for construction of the Public Works Material Testing Laboratory Relocation Project, Project No. 9881; and
  - b. **Authorized** the Public Works Director to execute and record the Notice of Completion.

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- 31.
  - a. **2006 CONST 0013; Agreement No.: A-10619; Awarded** a contract in the amount of \$463,622 to Valley Slurry Seal dba VSS Emultech, the lowest responsible bidder, for the Procurement (Delivery and Application) of Asphalt Emulsion - Various Roads for the Seal Coat 2006 Project (Contract No. 07-550715); and
  - b. **Approved** the performance and payment bonds executed and provided by VSS Emultech; and
  - c. **Increased** contract amount by 17% to fund accessorial charges; and
  - d. **Established** a contingency not to exceed 10% of the contract amount; and
  - e. **Authorized** the Public Works Director to execute the contract.

### RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY

**BOARD ACTION:** Upon motion of Supervisor Lindley, and seconded by Supervisor Calcagno, and unanimously carried 4/0 with Supervisor Smith absent from this vote, the Board approved the following actions, unless otherwise noted:



1350.775

5100.000

32. a. **Resolution No.: 06-246; Approved** a resolution accepting and authorizing the Chair of the Board of Directors of the Redevelopment Agency to sign a Quitclaim Deed transferring ownership of land on the former Fort Ord designated as Parcels E8a.1.2 and E8a.1.3 (Landfill Border Parcels) from the Fort Ord Reuse Authority to the Redevelopment Agency of the County of Monterey; and
- b. **Resolution No. 06-247; Approved** a resolution accepting and authorizing the Chair of the Board of Directors of the Redevelopment Agency to sign a Quitclaim Deed transferring ownership of land on the former Fort Ord designated as Parcel E4.6.2 (Imjin Parkway Widening Area) from the Fort Ord Reuse Authority to the Redevelopment Agency of the County of Monterey.

**MONTEREY COUNTY WATER RESOURCES AGENCY**

**BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Lindley, and unanimously carried 4/0 with Supervisor Smith absent from this vote, the Board approved the following actions, unless otherwise noted:**

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0802.000

33. a. **B.U. 06/07-026 / Resolution No. 06-252: Amended** Personnel Policies and Practices Resolution No. 98-394 to add the classification of Right of Way Specialist; and
- b. **Approved** reclassification of one Administrative Services Officer to Finance Manager II, one Senior Departmental Information Systems Coordinator to Departmental Information Systems Manager I, and one Right of Way Agent to Right of Way Specialist; and
- c. **Amended** the FY 2006-07 Water Resources Agency Budget Unit 930 to delete on Real Property Specialist and one Program Manager I position, and to add one Right of Way Specialist and one Departmental Information Systems Manager I position;
- d. **Amended** Personnel Policies and Practices Resolution No. 98-394 to delete the classification of Right of Way Agent; and
- e. **Directed** the Auditor-Controller to incorporate these changes in the FY 2006-07 Water Resources Agency Budget Unit 930, Fund 201.

0150.146

5400.000

34. **B.U. 06/07-022; Resolution No.: 06-249;** Effective August 19, 2006, **Authorized** the placement of Charles R. Meyer, at Step 3 of the Monterey County Water Resources Agency Assistant General Manager/Engineer (12C32) salary range in accordance with Personnel Policies and Practices Resolution #98-394, Section A.1.11 .1