

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 WATER RESOURCES AGENCY TUESDAY, AUGUST 29, 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 Board as provided in section 54954.2 of the California Government Code.

Title Correction:

UNDER ORDER FOR ADJOURNMENT: IN MEMORY OF WILLIAM C. TAYLOR FORMER MONTEREY COUNTY AG COMMISSIONER – KING CITY OFFICE.

Under Consent, the following item was pulled from the Agenda:

23. Approve the Monterey County Travel Policy, effective September 1, 2006.

3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

OTHER BOARD MATTERS:

- 6300.000
4. Board Comments and Referrals: There were none.

- 6300.000
5. Update of Board Referrals: There were none.

- 0600.025
6. CAO Comments
The County Administrative Officer, Lew Bauman, introduced Jim Eager as the new Public Defender of Monterey County.

- 2050.000 7. Public Comments (Limited to 3 minutes per speaker)
- a. Hans Jongens: Mr. Jongens spoke to the Board regarding a position being taken by the President of Australia. The President of Australia is asking that all Muslims leave in addition to stating that English will be their one and only language to be spoken. Mr. Jongens states that he wished the President of the United States would take this position.
 - b. Jim Bass: President of the Deputy Sheriff's Association spoke to the Board regarding their ongoing negotiations for a new contract and of his concern that they are presently at an impasse. They will be resuming negotiations next week. Mr. Bass advised the Board of some of the concerns – for example the cost to the county of approximately \$150k in recruitment/hiring and training costs-incurred each time they loose a Deputy Sheriff due to turnover. He asked the Board to stop the Bleeding of this department and treat Law Enforcement as a top priority.
 - c. Mike Kanalakis, Sheriff/Coroner: Conveyed his concerns as well over this issue. He asked the Board for a fair and equitable Contract for this organization. He advised that in so doing ensured safer neighborhoods. He stated that he was disappointed at where the negotiations are at presently going into Mediation. He acknowledges that the process will possibly be helpful but was concerned never the less. Sheriff Kanalakis echoed the issue of recruitment and retention as a number one problem in this county advising that it is difficult being competitive and implores the Board to give appropriate direction to the negotiating team in getting this contract resolved.
 - d. Archie Moore: Patrol Sgt.: Spoke as well to this contract issue advising the Board that without a contract lives are in jeopardy. They place their lives on the line everyday. Without a contract they could loose a co-worker or a good friend can be lost due to crime.

- 6300.000 8. **Considered and amended** the 2006 Board of Supervisor's meeting schedule adopted February 14, 2006, canceling the scheduled meeting of Tuesday September 5, 2006.
BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Armenta, and carried.

- 1900.000 9. **Received** reports and consider recommendations from the Legislative Committee meeting of August 22, 2006; and
- b. **Resolution No. 06-254: Adopted** Resolution stating Monterey County's positions on November 2006 Statewide Ballot Measures; and
 - c. **Authorized** a letter to Congressman Farr requesting introduction of legislation to designate the Castroville Japanese School as a National Historic Landmark.
- BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Armenta, and carried 5/0.**

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. Stott Outdoor Advertising vs. County of Monterey.
 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)
 4. Neuber vs. County of Monterey.

BOARD ACTION: The Board received an update on matters #1 and #3 and provided direction on how to proceed. The Board approved a settlement on matter #2 and both parties have agreed to this settlement. Copies of the Agreement were made available during the afternoon session of today's Board of Supervisors meeting (6300.000/0600.500). Matter #4 has been settled with both parties in agreement. Settlement documents are available through County Counsel's office upon request.

- b. Pursuant to Government Code section 54956.9 (b), the Board will confer with legal counsel regarding the following significant exposure to litigation/liability claims:
1. Claim of Han Kuan Lin
 2. Claim of Yu Pei Feng
 3. Claim of Shih Tzung Chang
 4. Claim of Chung Wen Chang
 5. Claim of Yu Ting Huang

BOARD ACTION: The Board conferred with County Counsel and the request to file late claims has been denied.

- c. 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 to County Counsel.

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

BOARD ACTION: This matter was postponed.

- e. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (Units F, J, X and Y); Keith Honda and Lew Bauman, designated representatives.

BOARD ACTION: A matter was added in based upon the DSA comments made today during public comment. Upon motion of Supervisor Potter and seconded by Supervisor Lindley and carried, Units A, B and C were added in as the Deputy Sheriff and other Sheriff units.

The Board met and conferred with labor negotiators Keith Honda and Lew Bauman and gave direction on how to proceed.

10:30 a.m.

0802.950

S-2 Received Report on Phase II Stormwater Program and Provided Direction to Staff.

BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Lindley, and carried The Board received the report and provided the following direction to staff: Directed Mr. Weeks and the County's staff to work with the other Land Use Agencies and look at a variety of options to leverage existing operations. For example, Environmental Health is out on a number of inspections. They might be able to do multiple functions during those site visits. To look at general program revenue, whether that be general fund or road fund for certain elements of the project to consider appropriate fees and charges where appropriate for a very specific activities and to see where we can leverage our operations with other agencies in terms of public outreach advertising so we are not creating redundant efforts and to work with individuals such as Maia Carroll to see if we can use some of our program time and work with other agencies to bring the appropriate outreach in that form. If so directed we could come back with a comprehensive financing strategy.

- 0602.200 S-3 LS POWER (PLN040520)
- a. Consider whether to grant right to appeal to Conner Everts on LS Power/PLN040520. The property is located at Highway 1 and Dolan Road, Moss Landing; and
BOARD ACTION: Upon motion of Supervisor Potter and seconded by Supervisor Smith and carried, 3/1(Supervisor Lindley was the dissenting vote.) the Board granted the right to appeal.
- b. Should the Board determine to deny the right to appeal, proceed no further with the hearing, and adopt attached Resolution denying right to appeal; and
- c. **Should the Board grant the right to appeal, proceed with the hearing, deny the appeal on the merits, and approve PLN040520 based on the Recommended Findings and Evidence and subject to the Recommended Conditions of Approval.**
- BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Lindley, and carried, the Board granted the right to appeal and denied the appeal on the merits and approved PLN040520 based on the recommended findings and evidence and subject to the recommended conditions of approval (c).**

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12:00 p.m.

Recess to Lunch

1:30 p.m.

- 0600.026 S-4 a. **Received and approved** the 2005 Annual Report of the Commission on Disabilities; and
- b. **Approved and adopted** revisions to Commission on Disabilities Bylaws.
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Potter, and carried 4/0 with Supervisor Lindley absent from this vote.
- 0125.000
0601.525 S-5 a. **Agreement No.: A-10620; Approved** the original Agreement between Pharmedium Services ,LLC and Natividad Medical Center executed January 31, 2006; and
- b. **Authorized** the Purchasing Manager for Monterey County to execute Exhibit F Amendment of the original Agreement with Pharmedium Services, LLC. extending the Agreement to June 30, 2007 in an amount not to exceed \$60,000; and
- c. **Authorized** the Purchasing Manager to issue a Purchase Order in an amount not to exceed \$60,000 to Pharmedium Services LLC to provide compounding pharmaceutical supplies and I.V. solutions for Natividad Medical Center for the period July 1, 2006 to June 30, 2007.
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Potter, and carried 4/0 with Supervisor Lindley absent from this vote.
- 0125.000
0601.525 S-6 **Agreement No.: A-10623; Approved** the Purchasing Manager for the County of Monterey to execute an agreement with Databank IMX, LLC for Medical Records Microfiche Fetal Monitor Strip Services in an amount not to exceed \$28,000 for the period July 1, 2006 through June 30, 2007.
BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Armenta, and carried 4/0 with Supervisor Lindley absent from this vote.
- 0125.000
0601.525 S-7 a. **Agreement No.: A-10621; Approved** and authorized the Chief Executive Officer of Natividad Medical Center, (NMC) to execute a Professional Services Agreement with

Allen B. Radner, M.D. in an amount not to exceed \$86,500 for the term July 1, 2006 through June 30, 2007 for internal medicine and infectious disease services at NMC; and

- b. **Authorized** the Purchasing Manager to issue a Purchase Order in an amount not to exceed \$86,500 to Allen B. Radner, M.D. for services between July 1, 2006 and June 30, 2007.

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

3:30 p.m.

6300.000

1351.450

1353.450

S/A-1 **Held** a Joint meeting of the City Council of the City of Salinas and the County of Monterey Board of Supervisors and **adopted** the Greater Salinas Area Memorandum of Understanding (GSA-MOU). The GSA-MOU will replace the Boronda Area MOU and is intended to assure orderly development in the Greater Salinas Area of the County General Plan and in the City of Salinas.

BOARD ACTION: Upon motion of Supervisor Smith, and seconded by Supervisor Armenta, and carried 3/1. (Supervisor Potter was the dissenting vote. Supervisor Lindley was absent from this vote).

City Council of the City of Salinas:

Upon motion of Council member Maria Giuriato, and seconded by Council member Sergio Sanchez, The City Council of the City of Salinas adopted a resolution approving Greater Salinas Area Memorandum of Understanding by a vote of 5/1. Councilmember Jyl Lutes was the dissenting vote. Councilmember Gloria De La Rosa was absent from the meeting.

Public Comment:

- a. Robert Garcia: Wished to introduce himself to the Board of Supervisors and to the City Council.
- b. Kurt Hunter: Raised an issue in regards to #13 – Reclamation ditch.
- c. Michael Talia: CEO of the Salinas Valley Builders Exchange – expressed support for the MOU>
- d. Tom Carvey: Common Ground Monterey – congratulated the Board and the City Council for their collaborative efforts and expressed support for the MOU.
- e. Chief Michael Urquides: Raised an issue with regard to the Loss of Property Tax Base.
- f. Jan Mitchell: Expressed opposition to the MOU.
- g. Chirs Fitz: LandWatch – Expressed opposition to the MOU. Argues that it violates CEQA.
- h. Brian Finegan: Expressed support for the MOU.
- i. Annemarie Tresch: Expressed opposition to the MOU.
- j. Hans Jongens: Expressed opposition to the MOU.
- k. Robin Lee: Raised an issue regarding LID standards v. 10 year mitigation – expressing concern over flooding off of Rogge Road into Bolsa Knolls.
- l. Chris Orman: New Fire Chief in North County: Expressed support of the MOU.

Staff Comments:

- a. Curtis Weeks: Addressed the issue raised by Robert Garcia over #13.
- b. Dave Mora, City Manager for the City of Salinas and Wayne Tanda, RMA for the County of Monterey, addressed the issue raised by Michael Urquides regarding the loss of property tax base. Advising the concern is a valid one and that they will continue to review this matter.

- c. County Counsel Charles McKee addressed the issue raised by Chris Fitz – that this was in violation of CEQA. County Counsel advised that this was a framework and not a project and thus cannot defer on CEQA. Projects are each outlined in the General Plan and have CEQA review. Further that this is a tentative matter only.
- d. City of Salinas Attorney Vanessa Vallarta echoed County Counsel Charles McKee’s comments adding that the Boronda MOU original complaint does not have a cause of action to the Boronda MOU. The revised complaint does but that document is not public.
- e. City of Salinas Attorney Vanessa Vallarta addressed the issue raised by Robin Lee of the LID standards. City Attorney Vallarta advises that this translates to Low Impact Development Standards that the City is currently in the midst on complying with as new Federal and State requirements.
- f. Resource Management Agency Assistant Deputy Director, Alana Knaster also spoke to the LID standards to advise that the County is not quite as far along in this transition but have in part adopted it for parts of Rancho San Juan.

**ORDER FOR ADJOURNMENT
IN MEMORY OF WILLIAM C. TAYLOR FORMER MONTEREY COUNTY AG
COMMISSIONER – KING CITY OFFICE**

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 Potter, and seconded by Supervisor Armenta and carried, the Board approved the following actions unless otherwise noted:

HEALTH AND SOCIAL SERVICES:

- 0125.000 10. **Agreement No.: A-10624; Approved and authorized** the Director of Health to sign a Memorandum of Understanding between the Monterey County Superintendent of Schools (MCOE) to implement School Readiness Program Initiative 1, 4, Special Needs Project (Account #0547, #0549, and #0558) effective July 1, 2006 through June 30, 2007. MCOE is a recipient of a grant from the First 5 California Children and Families Commission. MCOE will pay Monterey County Behavioral Health staff to provide bilingual clinical support at various clinical Centers established by the School Readiness Program an amount not to exceed \$321,958.
- 0150.146
0601.100 11. a. **B.U. 06/07-027; Amended** Health Department Behavioral Health Division Budget Unit 415 to reallocate one (1) Account Clerk position to one (1) Patient Services Representative II; and
b. **Amended** Health Department Behavioral Health Division Budget Unit 415 to reallocate one (1) Office Assistant II position to one (1) Patient Services Representative II; and
c. **Amended** Health Department Behavioral Health Division Budget Unit 415 to approve one (1) new allocation each of Social Worker III, Patient Account Representative II and Senior Account Clerk; and
d. **Directed** the Auditor-Controller to amend the FY 2006-07 Health Department Behavioral Health Division Budget Unit 415 to reflect the change in position count and to increase estimated revenue and appropriations in the amount of \$220,379. (4/5th vote required)
- 0125.000 12. **Agreement No.: A-10625; Approved and authorized** the Director of Health to sign a Mental Health Services Agreement with Sheila Smith, Marriage and Family Therapist (MFT), in the amount of \$89,650 for Fiscal Years 2006-2007 and 2007-2008 for the provisions of therapeutic counseling services for individuals, couples and families who require mental health services.
- 0125.000 13. **Agreement No.: A-09845; Approved and authorized** the Director of Health to sign Amendment No. 3 to Agreement A-09845 with Kinship Center for an array of mental health services for Monterey County youth and families including services related to the Mental Health Services Act. This amendment will increase the annual amount for Fiscal Year 2006-2007 by \$193,901 for a revised total agreement maximum amount of \$2,320,947 for the period July 1, 2004 through June 30, 2007.
- 0125.000 14. a. **Agreement No: A-10628; Authorized** the Director of Health to sign an agreement with Suzanne Johnson, Dr. of Osteopathy (D.O), for the period September 1, 2006, through August 31, 2007, in the amount of \$142,500; and
b. **Authorized** the Director of Health to sign all future amendments to this agreement provided there is no increase in Net County Cost, the Scope of Work is not significantly changed; no amendment increases the total amount of the agreement by more than 10%; and
c. **Waived** the County standard insurance requirements pertaining to General Liability coverage.
- 0125.000 15. a. **Agreement No.: A-10622I; Approved and authorized** the Director of the Department of Social & Employment Services, or his designee, to sign an agreement with Salinas Union High School District for \$40,000 to provide services to families at risk of child abuse for the period July 1, 2006 through June 30, 2007; and
b. **Authorized** the Director of the Department of Social & Employment Services, or his designee, to sign all future amendments to the agreement not exceeding 5% of the contract amount, and a three (3) month extension.

- 0125.000 16. a. **Agreement No.: A-10631; Approved and authorized** the Director of the Department of Social & Employment Services, or his designee, to sign an agreement for \$148,272 with Salinas Union High School District to provide Interactive Parent Education to Family & Children's Services clients for the period July 1, 2006 through June 30, 2007; 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.

GENERAL GOVERNMENT:

17. **Approved** Action Minutes for the meeting of Tuesday August 15, 2006, copies having been previously distributed to each Board member.
- 0125.000 18. a. **Agreement No.: A-10629; Approved and authorized** the Director of Information Technology to sign an Agreement with Gateway Companies, Inc., establishing the County of Monterey as a Self Maintainer of Gateway Computers for a period of five (5) years, August 29, 2006 through August 29, 2011, with an estimated annual income to the County of \$10,000. This action is taken in accordance with the terms and conditions of RFP 9844; and
- b. **Agreement No.: A-10630; Approved and authorized** the Director of Information Technology to sign a Mutual Non Disclosure Agreement with Gateway Companies, Inc., which will remain in effect for a period of five (5) years, August 29, 2006 through August 29, 2011; and
- c. **Approved and authorized** the Auditor Controller to credit reimbursements received from Gateway under the terms of this Self Maintainer Agreement to the Information Technology Department Line Account #001-193-1930-5899.
- 0500.050
0602.750 19. **Approved** amendments to conflict of interest code of the Treasurer/Tax Collector of Monterey County.
- 0125.000
0601.600 20. a. **Agreement No.: A-10633; 2006 CONST 0016: Awarded** construction contract to the lowest responsible bidder, 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 \$170,776.00 for the base bid for the roadway erosion and culvert repair at Laguna Seca Recreation Area, Bid No. 9883; and
- b. **Authorized** the Chair of the Board to sign the contract; and
- c. **Authorized** the Director of Parks to approve change orders up to 10% of the bid (\$17,077.60); and
- d. **Authorized** the encumbrance of \$187,853.60 in Budget Unit 750, Account 001-750-7516-6780 for the bid and change order contingencies.
- 0401.750 21. **Accepted** the Annual Report for Fiscal Year 2005-2006 from the Monterey County Fish and Game Advisory Commission.

- 0125.000 22. a. **Agreement No.: A-10632: Approved** Phase II Lake Nacimiento Boat Launching Facility Improvement contract totaling \$1,048,000 with the State Department of Boating and Waterways; and
- b. **Authorized** the Board Chair to sign the contract.

THIS ITEM WAS PULLED FROM THE AGENDA.

~~23. Approve the Monterey County Travel Policy, effective September 1, 2006.~~

RMA - PLANNING AND BUILDING INSPECTION:

- 6000.500 24. a. **Resolution No.: 06-255: Adopted** a Resolution (Exhibit "C") finding substantial compliance for Phase IV of the Cañada Woods (a.k.a. Teháma) Standard Subdivision (PC95065), located on the north side of Carmel Valley Road adjacent to and southerly of the Cañada Woods North Subdivision (a.k.a. Teháma), Mid-Carmel Valley area (Assessor's Parcel Numbers 169-421-029-000 & 169-421-044-000); and
- b. **Accepted** the Final Map, Subdivision Title Guarantee, Tax Clearance Letter, Conservation and Scenic Easement Deed, Deed Restriction for Lot 18, Subdivision Improvement Agreement, Flood Control and Drainage System Agreement, Declaration of Annexation, Subordinated Deed of Trust, Mitigation Monitoring Agreement/Program and Recording Fees for Phase IV; and
- c. **Authorized** the Chair of the Board of Supervisors to sign the Conservation and Scenic Easement Deed, Subdivision Improvement Agreement, and the Flood Control and Drainage System Agreement; and
- d. **Authorized** the Clerk of the Board to submit the Final Map, Conservation and Scenic Easement Deed, Deed Restriction for Lot 18, Subdivision Improvement Agreement, Flood Control and Drainage System Agreement, Declaration of Annexation, Subordinated Deed of Trust, and the Mitigation Monitoring Agreement/Program to the County Recorder for filing.
- 0602.200
3700.000 25. a. **Resolution No.: 06-253; Adopted** a Resolution granting an appeal by Floyd and Katherine Wenglikowski from the Zoning Administrator's denial of a variance (Wenglikowski/PLN050624) located at 138 Carmel Riviera Dr., Carmel, Carmel Highlands Area; and
- b. **Approved** a variance for an increase in site coverage of single-family home from the maximum allowed 15 percent to 17 percent and a Design Approval Allowing a 332 sq. ft. first floor addition with deck and window seat to an existing two-story single-family dwelling.

RMA - PUBLIC WORKS:

- 0602.350 26. a. **Approved** Amendment No. 1 to the FY 2006-07 Local Transportation Fund application in the amount of \$10,000 as County contribution toward bikeway maintenance; and
- b. **Authorized** the Public Works Director to execute and submit Amendment No.1 to the Transportation Agency for Monterey County.
- 0525.000 27. a. **2006 CONST 0014; Awarded** a contract in the total amount of \$3,320,595 to Granite Construction Company, the lowest responsible bidder, for construction of the Hall Road Pavement Rehabilitation and Overlay Project (Project No. 07-142065); and
- b. **Approved** the performance and payment bonds executed and provided by Granite Construction Company; and
- c. **Established** a contingency not to exceed 10% of the contract amount; and
- d. **Authorized** the Public Works Director to execute the contract.

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