

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
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Salinas, CA 93902	

ACTION MINUTES

MONTEREY COUNTY BOARD OF SUPERVISORS
MONTEREY COUNTY REDEVELOPMENT AGENCY
MONTEREY COUNTY WATER RESOURCES AGENCY
TUESDAY, SEPTEMBER 26, 2006
9:30 AM

9:30 a.m.

1. The Pledge of Allegiance.
The Pledge of Allegiance was led 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 sections 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 Calcagno, and seconded by Supervisor Armenta, and carried 5/0, the Board approved the following appointments, except as noted.

- 401.155 5. **Appointed** Xochitl Pasaye to the First 5-Monterey County Commission for term ending September 26, 2009. (Supervisor Smith)
- 401.155 6. **Appointed** Jeanne Hori-Garcia to the First 5 Monterey County Commission for a term ending September 26, 2009. (Supervisor Smith)

BOARD ACTION: Upon motion of Supervisor Lindley, and seconded by Supervisor Armenta, and carried 5/0, the Board approved the following appointments, except as noted.

- 401.560 7. **Re-appointed** Temple Elliott to the Community Restorative Justice Commission for a term ending June 17, 2009. (Supervisor Lindley)

OTHER BOARD MATTERS:

- 6300.000 8. Board Comments and Referrals
- a. Supervisor Potter wished to congratulate the Parks Department on their Anniversary and explain that he was unable to attend yesterday's celebration due to a lengthy Water Board Meeting that he was involved in.
 - b. Supervisor Armenta commented upon the Sheriff's open house that was this past weekend. The Supervisor commented how impressive the function was.
 - c. Supervisor Smith commented on both the Parks Anniversary Celebration in addition to the Sheriff's Open House – they were impressive and informative.
- 6300.000 9. Update on Board Referrals
There were none.
- 0600.025 10. CAO Comments
There were no comments from the County Administrative Officer.
- 2050.000 11. Public Comments (Limited to 3 minutes per speaker)
- a. Ruth Krotzer: A resident on Josslyn Canyon Road. Ms. Krotzer addressed the Board regarding the excessive speed that vehicles travel upon this road and asked the Board for help in efforts to mitigate the dangers that the speeding vehicles impose.
 - b. Julie Engel: Chair of the Rancho San Juan Coalition. Requested that the Board put both the Rancho San Juan referendum and the Community General Plan back on the ballot. Ms. Engel further advised that the recent court decision made this a ministerial duty of the County. Ms. Engel requested a call for a special election and to stop the opposition.
 - c. Hans Jungens: Mr. Jungens agreed with the prior speaker, Julie Engel stating that they have waited long enough to have their voices heard.
- 2050.000 12. **Resolution No. 06-271: Adopted** a Resolution honoring Franklin "Andy" Williams upon his retirement from serving the County of Monterey for thirty-four years.
BOARD ACTION: Upon motion of Supervisor Lindley and seconded by Supervisor Armenta, and carried.
- 6300.000 13. **Considered and amended** the 2006 Board of Supervisor's meeting schedule adopted February 14, 2006, canceling the scheduled meeting of Tuesday November 28, 2006.
BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Armenta, 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. In re: Initiative Matter (Melendez/Madrigal vs. County)
 2. Rangel and Buell vs. County of Monterey, et al.
 3. Rancho San Juan Opposition Coalition, et al. vs. Board of Supervisors, et al.
 4. Water World Resorts, Inc., vs. County of Monterey, et al.
 5. California Department of Transportation vs. County of Monterey, et al. (Rancho San Juan)
- BOARD ACTION: The Board provided direction to Counsel on how to proceed on matters 1, 2, 3, and 5. The Board approved a tentative settlement on matter No. 5.**

Copies of the settlement agreements will be made available through County Counsel's office after the settlement has been finalized and the executed documents received.

b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding three items of significant exposure to litigation.

BOARD ACTION: The Board was provided with a status and in turn gave direction to counsel.

c. 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 Vincent Bruce Hagenbuch
- 2. Claim of Allan Weissnar, M.D.

BOARD ACTION: The Board denied both requests to file a late claim.

d. Pursuant to Government Code section 54957, the Board will confer with legal counsel regarding one item of public employee discipline.

BOARD ACTION: The Board directed counsel to bring this matter back at a future date for review.

e. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (Units A, B, and C); Patricia Covert, designated representative.

BOARD ACTION: The Board gave direction to labor negotiator Patricia Covert on how to further proceed.

f. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel concerning one item of potential initiation of litigation.

BOARD ACTION: The Board gave direction to counsel to hold off at this point but also authorized moving forward at a future date.

10:30 a.m.

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S-2

Budget Unit No. 06/07-039

- a. **Held** a Public Hearing to consider Fiscal Year 2006-07 Citizens' Option for Public Safety (COPS) Program funding requests for the District Attorney's and Sheriff's Offices, pursuant to Government Code 30061; and
- b. **Increased** appropriations and estimated revenue by \$140,086 in Budget Unit 224 - District Attorney; \$211,356 in Budget Unit 230 - Sheriff's Office Administration and Enforcement Bureau; and \$140,086 in Budget Unit 251 - Sheriff's Office Custody Operations Bureau. (Requires 4/5th Vote)

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

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S-3

CONTINUED FROM SEPTEMBER 12, 2006:

Adopted Resolution No.: 06-281;

- a. **Reconsidered** the Mitigated Negative Declaration adopted by the Board of Supervisors on March 28, 2006 for a property located northeast of the intersection of Highway 198, at Main Street and Mary Street, San Lucas; and

- b. **Amended** the Combined Development Permit No.PLN060450 for the Valley View affordable housing subdivision. The amendment will revise two conditions of approval to change the affordability restrictions, to be consistent for all 33 units within the project, to a 30-year deed restriction instead of a permanent deed restriction for a property located northeast of the intersection of Highway 198, at Main Street and Mary Street, San Lucas.

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

- 0125.000 S-4 a. **Agreement No.: A-10674; Approved** and **authorized** the Purchasing Manager to sign the Agreement for Advertising Services between the County of Monterey, Natividad Medical Center and Spin Recruitment Advertising for the term September 26, 2006 through June 30, 2008, pursuant to the terms of the Request for Proposal (RFP #9914) Section 3.0 compensation & Payments, in an amount not to exceed \$250,000 per fiscal year; and
- b. **Authorized** the Purchasing Manager to issue a purchase order to Spin Recruitment Advertising for Fiscal Year 2006-2007 in the amount of \$250,000.

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

- 0125.000
0601.525 S-5 a. **Agreement No.: A-10689; Approved** Amendment No. 1 to the current Professional Services Agreement (PO#B960767486) between AORN Management Solutions and Natividad Medical Center (NMC) increasing the Purchase Order (#B960767486) from \$25,000 to an amount not to exceed \$77,000 for interim employment services for Management Oversight of Perioperative Unit and Contingency Recruitment Services at NMC; and
- b. **Authorized** the Purchasing Manager to increase the current Purchase Order (#B960767486) from \$25,000 to \$77,000 between AORN Management Solutions and Natividad Medical Center for interim employment services for Management Oversight of Perioperative Unit and Contingency Recruitment Services from September 26, 2006 through June 30, 2007.

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

- 0125.000
0601.525 S-6 a. **Agreement No.: A-10690; Approved** and **authorized** the Chief Executive Officer of Natividad Medical Center (NMC) to execute Amendment No. 2 to the Agreement (# 20-009) with Salinas Valley Radiologists, Inc. in an amount not to exceed \$72,000 for radiology reading and interpretation services at Natividad Medical Center between July 1, 2006 and June 30, 2007; and
- b. **Authorized** the Purchasing Manager to issue a Purchase Order in an amount not to exceed \$72,000 to Salinas Valley Radiologists, Inc. (Agreement No. 20-009) for radiology reading and interpretation services at Natividad Medical Center between July 1, 2006 and June 30, 2007.

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

- 0125.000
0601.525 S-7 a. **Agreement No.: A-10461; Approved** Amendment No. 3 to the Agreement (No. A-10461) with Jessica Simmons, for Medical staff Consulting Services in an amount not to exceed \$175,000; and

- b. **Authorized** the Purchasing Manager to increase the current Purchase Order (#B960764417) for the period October 1, 2006 to February 28, 2007 in an amount not to exceed \$125,000.

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

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- S-8 a. **Agreement No.: A-10675; Approved and authorized** the Chief Executive Officer of Natividad Medical Center, (NMC) to execute a Professional Services Agreement with Monterey County Eye Associates, Inc. in an amount not to exceed \$99,200 for the term of May 1, 2006 through June 30, 2007 for ophthalmology professional services and emergency call coverage at NMC; and
- b. **Waived** current County indemnification language; and
- c. **Authorized** the Purchasing Manager to issue a Purchase Order in an amount not to exceed \$85,200 to Monterey County Eye Associates, Inc. for services between July 1, 2006 and June 30, 2007.

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

Interim CEO of Natividad, Andrea Rosenberg advised of an amended amount in paragraph (a). The amended amount changed from \$85,200 to \$99,200 in (a) only.

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- S-9 a. **Agreement No.: A-10691; Approved and authorized** the Chief Executive Officer of Natividad Medical Center, (NMC) to execute a Professional Services Agreement with Mumtaz G. Tabbaa, M.D. not to exceed \$300,000 for the term of July 1, 2005 through June 30, 2007 for gastroenterology professional services and call coverage at NMC; and
- b. **Authorized** the Purchasing Manager to issue a Purchase Order in an amount not to exceed \$150,000 to Mumtaz G. Tabbaa, M.D. for services between July 1, 2006 and June 30, 2007.

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

Read out of closed session occurred prior to the noon recess to lunch.

12:00 p.m.

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

HEALTH AND SOCIAL SERVICES:

- 0125.000 14. a. **Agreement No.: A-10676; Approved and authorized** the Director of the Department of Social & Employment Services, or his designee, to sign an Agreement for \$141,288 with Moss Beach Homes, Inc., dba Aspira to operate the CHERISH Receiving Center for the period of October 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 contract amount, and a 3 month extension.
- 0125.000 15. a. **Agreement No.: A-10330; Approved and authorized** the Director of the Department of Social and Employment Services, or his designee, to sign Amendment No. 2 to Agreement No. A-10330 with Unity Care Group, Inc., adding \$305,694 for the period of October 1, 2006 - December 31, 2006, increasing the contract amount to \$1,834,164, and extending the term through December 31, 2006, to provide intensive SB 163 Wraparound services to eligible Monterey County foster, probation and at-risk youth and their families; and
- b. **Authorized** the Director of the Department of Social and Employment Services, or his designee, to sign all future amendments to the agreement not exceeding 5% of the original contract amount, and a three (3) month extension.
- 0125.000 16. a. **Agreement No.: A-10677; Approved and authorized** the Director of the Department of Social & Employment Services, or his designee, to sign an Agreement for \$150,625 with West Ed to perform evaluation services for the C.A.R.E.S. (Comprehensive Approaches to Raise Educational Standards) Program for the period of 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.
- 0125.000 17. **Agreement No.: A-10678; Approved and authorized** the Director of Health to sign an Agreement with Center for Community Advocacy for mental health outreach and engagement services to unserved Latino adults, children and families for a total maximum amount of \$280,000 for the period of October 1, 2006 through June 30, 2008.

CRIMINAL JUSTICE:

- 0602.500
0150.146 18. **Resolution No.: 06-278; Budget Unit No.: 06/07-040; Approved and authorized** the Sheriff to sign a grant application with the State Governor's Office of Emergency Services (OES) for California Multi-jurisdictional Methamphetamine Enforcement Team (Cal-MMET) Program for Fiscal Year 2006-07, in the amount of \$330,000.

GENERAL GOVERNMENT:

- 0125.000 19. **Agreement No.: A-10679; Authorized** Board Chair to sign a
0600.500 contract with Santa Clara County for their County Counsel's Office to provide legal services to the County of Monterey regarding the proposed incorporation of Carmel Valley in an amount not to exceed \$20,000.

- 5100.000 20. **Approved** a resolution accepting ownership of land and completed public facilities for Phase 1 of the Castro Plaza Project, community of Castroville.
- 0125.000 21. a. **Agreement No.: A-10680; Budget Unit No. 06/07-042:**
 0150.146 **Approved** and **authorized** the Parks Director to accept and
 0601.600 execute a Standard State Grant Agreement with the Department of Boating and Waterways to facilitate funding of a patrol boat and trailer for use at Lake San Antonio and Lake Nacimiento; and
 b. **Amended** Budget Unit 755, Parks Grant Program and Direct the Auditor-Controller to: increase estimated revenue in Fund 001, Budget Unit 755, Account 4817 by the \$65,000 State grant, and appropriate \$65,000 to the following account: 001-755-7550-6777-1718, Lake San Antonio, South Shore Patrol Boat, \$65,000 (4/5 vote).
- 5100.000 22. **Resolution No.: 06-273; Approved** a resolution accepting and authorizing the Chair of
 1350.775 the Board to sign a Quitclaim Deed transferring ownership of land on the former Fort Ord designated as Parcels E2e.2, L20.9, L20.10.1.1, L20.10.3, and L32.4.2, (Reservation Road and other Roadway Parcels) from the Fort Ord Reuse Authority to the County of Monterey, and accepting Parcels E2e.2 and L32.4.2 into the County-maintained road system.
- 0700.000 23. **Resolution No.: 06-274; Approved** a resolution accepting and authorizing the Chair of
 5100.000 the Board to sign a Quitclaim Deed transferring ownership of land on the former Fort Ord designated as Parcels L20.14.1.1 and L20.14.2 (Intergarrison Road between Abrams Drive and West Camp Street) from the Fort Ord Reuse Authority to the County of Monterey and accepting the road into the County-maintained road system.
- 5100.000 24. **Resolution No.: 06-275; Approved** a resolution accepting and authorizing the Chair of
 1350.775 the Board to sign a Quitclaim Deed transferring ownership of land on the former Fort Ord designated as Parcel L20.6 (Laguna Seca Annex) from the Fort Ord Reuse Authority to the County of Monterey.
- 0125.000 25. a. **Approved** the Overall Economic Development Commission's recommendations
 for FY 2006/07 Development Set-Aside Marketing Plans and Budgets, as submitted by the Monterey County Convention and Visitor's Bureau (MCCVB), the Arts Council for Monterey County (ACMC), and the Monterey County Film Commission (MCFC); and
 b. **Agreement No.: A-10682; Authorized** the Purchasing Manager to execute an Agreement with the MCCVB for \$895,000; and
 c. **Agreement No.: A-10682; Authorized** the Purchasing Manager to execute an Agreement with the ACMC for \$120,000; and
 d. **Agreement No.: A-10683; Authorized** the Purchasing Manager to execute an Agreement with the MCFC for \$95,000.
- 0125.000 26. a. **Agreement No.: A-10694; Approved** Amendment No. 1 to Professional Services Agreement with eCivis, Inc., to provide online Grants Locator service and onsite training; and

- b. **Extended** the term of the Agreement from October 1, 2006 to October 1, 2007; and increase the amount from \$24,000 to an amount not to exceed \$52,420; and
- c. **Authorized** the County Administrator or his designee, to execute Amendment No. 1.

- 0125.000 27. a. **Agreement No.: A-10684; Approved** a Professional Services Agreement (PSA) with Wald, Ruhnke & Dost Architects, LLP in the amount of \$112,500, for the term of October 1, 2006 through May 1, 2008 for development of plans and specifications, bidding assistance, and construction administration services for the \$1,365,000 Lake Nacimiento Existing Parking Lot Improvement Project; and
- b. **Authorized** the Purchasing Manager to execute the PSA in the amount of \$112,500.

- 0600.025
0150.146 28. **Resolution No.: 06-279; Budget Unit No.: 06/07-037;**
- a. Effective September 30, 2006, create a new classification of Principal Compliance Analyst; and
 - b. **Reallocated** (1.0) FTE in Budget Unit 125 from Principal Personnel Analyst to Principal Compliance Analyst; and
 - c. **Directed** the Auditor-Controller to transfer appropriations in the FY 2006-07 budget to fund the position (4/5 Vote required).

- 0125.000
0600.500 29. **Agreement No.: A-09350; Approved** Amendment No. 2 to the employment contract to reappoint County Counsel.

- 0600.500 30. **Agreement No.:A-10117; Approved** Amendment No. 1 to the employment contract for the Equal Opportunity Employment Officer to change the salary to step 4.

- 0125.000
0601.175 31. **Agreement No.: A-10685; Approved** and **authorized** the County Administrative Officer or his designee to sign a Professional Services Agreement with JEA & Associates for the purpose of providing California legislative advocacy services in the amount of \$106,500 for the period of October 1, 2006 through June 30, 2007, County Administrative Office, Budget Unit 105.

RMA - PLANNING:

- 0125.000 32. a. **Agreement No.: A-10686; Approved** a Professional Services Agreement with EcoSystems West Consulting Group for 2006 Piperia Plan Studies for The Pebble Beach Company's Del Monte Forest Preservation and Development Plan (PLN010254) at Del Monte Forest, in an amount not to exceed \$157,065.50 plus a \$23,560 contingency fee, for a total of \$180,625.50; and
- b. **Agreement No.: A-10687; Approved** a Reimbursement Agreement in the amount of \$188,478.78 with The Pebble Beach Company to reimburse EcoSystems West Consulting Group for 2006 Piperia Plan Studies for The Pebble Beach Company's Del Monte Forest Preservation and Development Plan (PLN010254) at Del Monte Forest; and
- c. **Authorized** the Interim Director of Planning to execute the Professional Services Agreement, the Reimbursement Agreement, and future amendments that do not significantly alter the scope of work or change the approved Agreement amounts.

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- 0602.200 33. a. **Agreement No.: A-10693; Approved** Amendment No. 1 in the amount of \$25,000 to the Professional Services Agreement with Pacific Municipal Consultants for a total cost of services not to exceed \$50,000 for contract planning services to the Monterey County Planning Department; and
- b. **Authorized** the Interim Director of Planning to execute Amendment No. 1 and future amendments that do not significantly alter the scope of work or change the approved agreement amount.

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RMA - PUBLIC WORKS:

- 0602.350 34. **Authorized** the Chair of the Board of Supervisors to promulgate an annual thank you letter and appropriate news release for the participants of the County of Monterey Adopt-A-Roadway Program in recognition of their efforts.
- 0125.000
0525.000 35. a. **Agreement No.: A-10693; 2005-CONST-0046: Approved** Amendment No. 1 in the amount of \$13,375 for a total amount not to exceed \$39,450 and extend the term of the Professional Services Agreement with Tarvin & Associates to July 31, 2007 for additional tasks relating to the revision and update of the right-of-way appraisal and property acquisition services for the Schulte Road Bridge (Co. No. 501) at Carmel River, Project No. 06-382065, Federal Aid Project No. BRLO-5944 (010); 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
0150.146 36. **Resolution No.: 06-280; Budget Unit No.: 06/07-038:**
- a. **Amended** the Personnel Policies and Practices Resolution No. 98- 394 to add the job classes of Architectural Services Manager and Assistant Architectural Services Manager; and
- b. **Amended** the Personnel Policies and Practices Resolution No. 98-394 to delete the job classes of Capital Projects Director, Capital Projects Manager, Assistant Capital Projects Manager; and
- c. **Amended** the FY 2006-07 Capital Improvements Management (Fund 001, Budget Unit 165) to delete one (1) Capital Projects Director and (1) Assistant Capital Projects Manager; and add one (1) Architectural Services Manager and one (1) Assistant Architectural Services Manager; and
- d. **Directed** the Auditor - Controller to Amend FY 2006-07 Capital Improvements Management (Fund 001, Budget Unit 165) to reflect the changes.
- 5100.000
0125.000 37. a. **Agreement No.: A-10688; 2006-CONST-0012: Awarded** a contract in the amount of \$626,946 to Don Chapin Company, Inc., the lowest responsible bidder, for the Rio Road and Carmel Rancho Boulevard Overlay Project, Project No. 06-550610; and
- b. **Approved** the performance and payment bonds executed and provided by Don Chapin Company, Inc.; and
- c. **Established** a contingency not to exceed 10% of the contract amount; and
- d. **Authorized** the Public Works Director to execute the contract.
- 0602.350 38. **Resolution No.: 06-276;**
- a. **Adopted** a resolution finding that the closure of the North Wing of the Monterey County Courthouse continues to pose an emergency requiring immediate action; and

- b. **Adopted** a resolution ratifying the execution of emergency contracts and emergency actions taken by the Public Works Director or his designee to respond to the emergency. (4/5th vote required)

RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY

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

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39. **Agreement No.: A-09669; Approved and authorized** the Chair of the Board of Directors of the Redevelopment Agency of the County of Monterey to sign Amendment No. 4 to Agreement No. A-09669 with The Paul Davis Partnership in the amount of \$28,529 for additional services related to the restoration of architectural and landscaping enhancements to the Castro Plaza Project in Castroville, for a total cost not to exceed \$749,301 and extend the term of the Agreement to July 31, 2007.

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