

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
TUESDAY, OCTOBER 03, 2006
9:30 AM

AGENDA

9:30 a.m.

1. Pledge of Allegiance
The Pledge of Allegiance was led by Chair Smith.

- 6300.000
2. Additions and Corrections to the Agenda.

The Clerk of the Board will announce Agenda corrections and proposed additions, which may be acted on by the Board as provided in section 54954.2 of the California Government Code.

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

Correction:

Consider amending the 2006 Board of Supervisor's meeting schedule adopted February 14, 2006 to add a regular meeting on Tuesday November 21, 2006.

3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

OTHER BOARD MATTERS:

- 6300.000
4. Board Comments and Referrals
 - a. Supervisor Calcagno: The Supervisor wished to "Thank" everyone who participated in the ground-breaking ceremony at the Castroville Library last week.
 - b. Supervisor Armenta: The Supervisor wanted to advise that he will probably be absent from next weeks scheduled Board meeting. He will be attending the American Public Transportation Conference being held in San Jose.
- 6300.000
5. Update on Board Referrals
There were none.
- 0600.025
6. CAO Comments

The County Administrative Officer, Dr. Lew Bauman again “Thanked the employees, staff, and the Board for their continued patience during the past several weeks. Dr. Bauman also wished to point out Consent matter number 21 on today’s agenda. This matter is an agreement between the County and the City of Salinas regarding some additional parking.

- 2050.000 7. Public Comments (Limited to 3 minutes per speaker)
The following five (5) individuals spoke regarding concerns arising out of the 911 Dispatch:
- a. Frank Garden – Mr. Garden submitted literature on this matter.
 - b. Becky Gilpas – Ms. Gilpas read to the Board a letter that was authored by former co-worker.
 - c. Robbie Russell – Ms. Russell advised the Board that she resigned last September.
 - d. Lena Valdez: Ms. Valdez is the Interim Deputy Director for SIEU 817. Ms. Valdez read to the Board a letter that was by a former employee who had resigned.
 - e. Harry Gamotan: Mr. Gamotan is the President of Local SEIU 817: Advised the Board that the issues being brought this morning are further supported by a study that had been conducted by the County of Monterey.
 - f. Walter Wagner: Mr. Wagner wished to express his appreciation to the Board for the Castroville Plaza and the new Library. Mr. Wagner also wished to advise the Board that October 1, 2006 through October 7, 2006 was Nuclear Medicine Week.
 - g. Hope D. Dilworth: Addressed the Board on concerns for safe food – re: e-coli 157.
 - h. Julie Engell: Addressed the Board requesting that they call a Special Election now that Padilla was “debunked”.
 - i. Hans Jungens: Addressed the Board concerning problems with the Voting Systems.

The following two (2) individuals spoke in rebuttal to the Public Comments made earlier regarding the 911 Dispatch Department:

- j. Renee Paren: Addressed the Board and requested a private meeting to discuss matters. Ms. Paren advised that matters are being handled appropriately but cannot discuss such matters in a public forum.
- h. John Mount: Also a Supervisor at 911: Mr. Mount also advised the Board that matters are being handled appropriately and they are not in a position to discuss the issues in a public forum.

- 2050.000 8. **Resolution No.: 06-286; Adopted** a Resolution honoring Paul Slocum on his retirement as CEO of the Salinas Valley Fair. (Supervisor Lindley)
BOARD ACTION: Upon motion of Supervisor Lindley, and seconded by Supervisor Calcagno, and carried.

- 1350.000 9. **Updated** on General Plan Schedule.
0602.200
BOARD ACTION: Upon motion of Supervisor Armenta, and seconded by Supervisor Smith, and carried.

- 6300.000 S/A-1 **Considered** and **amended** the 2006 Board of Supervisor’s meeting schedule adopted February 14, 2006, to add a regular meeting on Tuesday November 21, 2006.
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Potter, 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. California Department of Transportation vs. County of Monterey, et al. (Rancho San Juan)
 2. In re: Initiative Matter (Melendez/Madrigal vs. County)
 3. Rangel and Buell vs. County of Monterey, et al.
 4. Rancho San Juan Opposition Coalition, et al. vs. Board of Supervisors, et al.

BOARD ACTION: On matter No.1, this was pulled and there was no discussion. On matters No.'s 2, 3, and 4, the Board gave direction to Counsel on how to proceed.
 - b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (Units A, B, C, K, L, X and Y); Patricia Covert and Lew Bauman, designated representatives.

BOARD ACTION: The Board gave labor negotiators Patricia Covert and Lew Bauman direction on how to proceed with the negotiations and directed them to come back before the Board in Open Session.
 - c. 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 received and update and provided direction to Counsel.

10:30 a.m.

- 0600.050 S-2 **Received** a report from the Auditor-Controller regarding the award of the Certificate of Achievement for Excellence in Financial Reporting for the 2004-05 Comprehensive Financial Report.
BOARD ACTION: Upon motion of Supervisor Lindley, and seconded by Supervisor Armenta, and carried.
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- 0600.050 S-3 **Received** an update from the Auditor-Controller regarding the implementation of SB 1096 and AB 2115 (Sales and Use Tax "Triple Flip", VLF Swap, and ERAF III).
1900.000
BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Lindley, and carried.
- 0602.350 S-4 **Ordinance No. 5042: Considered** adoption of an ordinance amending Monterey County Code, Title 12, Chapter 12.44, to add Article VI to apply the provisions of the California Vehicle Code to Rancho San Carlos Road, a private road, in Carmel Valley.
BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Armenta, and carried.
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- 0602.200 S-5 Public Hearing to consider September Ranch combined development permit (PLN050001), Carmel Valley Road, Carmel Valley Master Plan Area.
Consider adoption of a Resolution to:
 - a. Certify the Final Revised Environmental Impact Report; and
 - b. Modify the score of the Citizen's Subdivision Evaluation Committee to a passing score, based on Findings and Evidence; and

- c. Approve the Combined Development Permit for the September Ranch Project located on Carmel Valley Road in the Carmel Valley Master Plan Area consisting of the Reduced Forest Impact with High Inclusionary project alternative (73 market rate and 22 inclusionary units) based on the Findings and Evidence and subject to the recommended conditions of approval; and
- d. Approve the Mitigation Monitoring and Reporting Plan.

12:00 p.m.

Recess to Lunch

1:30 p.m.

Continued to Tuesday November 14, 2006:

S-5 Continued Public Hearing to consider September Ranch combined development permit (PLN050001), Carmel Valley Road, Carmel Valley Master Plan Area.

BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Potter, and carried. This matter was then continued to Tuesday November 14, 2006. It was further motioned that the public will have 10 days from this date or until Friday October 13, 2006 to submit any further written comments. Additionally, the staff will have their documents ready for the public no later than November 7, 2006. Public Comment will be open on November 14, 2006 only if staff presents new findings and conditions.

The applicant's attorney Anthony Lombardo submitted a copy of the following:

1. Page 3-36 – Master Responses to Comments on Draft REIR and Recirculated Draft REIR- September Ranch Subdivision Project (Michael Brandman Associates).
2. Letter from the State Water Resources Control Board date stamped January 22, 1999 addressed to Ms. Patrician C. Bernardi and Ms. Fran Farina.
3. Title Document – Agreement between California- American Water Company and September Ranch Partners, dated August 24, 2000 – referencing page 2, AGREEMENT, paragraphs 1 and 2.

The following spoke during public comment:

In Support of September Ranch	Not in Support of September Ranch
Skip Marquart (Spelling ? – no speaker card)	Ray Grou – Ceded his time to Richard Dunn.
Sarah Witken	Richard Dunn
Alfred Diaz Infante – CHISPA – Submitted a hand out.	Glen Robinson – Submitted a hand out.
Robert Cooper – Submitted a hand out.	Margaret Robbins
Kathy Anderson – Submitted a hand out.	Virginia Dunn
Dr. Lawrence Wallace	Milt Kegley
W.J. Nicholson	Margaret Bates – Submitted a hand out.
John Susou	David Bates – Submitted a hand out.
Tom Carvey	Paula Lotz
Petty Jonas-Baronian	Ken Hinshaw – Submitted a hand out.

Bob Baronian	Mark Blum
Nancy Rushmer	Timothy Sanders – Submitted a hand out.
Ellen Jackson	Michael Stamp- Submitted 1,694 pages-
	Gillian Taylor
	Patricia Bernardi
	Robert Hale- Submitted a hand out.
	MaryAnn Matthews – Submitted a hand out.

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 Potter, seconded by Supervisor Armenta and unanimously carried 5/0, the Board approved the following actions, unless otherwise noted: #22 was pulled and voted on separately.

HEALTH AND SOCIAL SERVICES:

- 0125.000 10. a. **Agreement No.: A-10695; Approved and authorized** the Director of Health to sign an Agreement with Healthscape, Inc. in the amount of \$100,000 for the provision of Healthscape Services, Health Risk Questionnaire, and Health Report for Employees and Retirees through the County Wellness Program for the period of July 1, 2006 through June 30, 2007; and
- b. **Authorized** the Purchasing Manager to issue a Purchase Order in the amount of \$100,000 for the period of July 1, 2006 through June 30, 2007, fiscal year 2006-07.

0601.100

- 0125.000 11. a. **Agreement No.: A-10700; Approved and authorized** the Director of the Department of Health to sign a Memorandum of Agreement with Central Coast Alliance for

Health to provide reimbursement for healthcare services provided by Clinic Services Division Budget Unit 413; and

- b. **Authorized** the Director of the Department of Health to sign up to three future amendments to this agreement that do not materially change the scope of work or the anticipated revenues.

0602.550

0403.825

12. **Concurred** with the Monterey County Workforce Investment Board (MCWIB) Planning Committee to approve the development and submission of a Rapid Response Special Projects Funding Application for FY 2006-2007 in an amount not to exceed \$225,000.

CRIMINAL JUSTICE:

0125.000

0602.500

13. **Agreement No.: A-10699; Approved and authorized** the Sheriff to sign Amendment No. 1 to Agreement M230612992 with BIO-Key International, Inc., to increase the amount by \$1,999.92 which represents cost increase and sales tax for a total of \$15,102.27 to provide support and maintenance of mobile PC server upgrade, Packet Cluster Patrol Mobile SW and Packet Cluster Patrol Off (10) for the Sheriff's Office Enforcement Operations bureau, Budget Unit 230, Fiscal Year 2006-07.

0125.000

14. **Agreement No.: A-10390; Approved and authorized** the Purchasing Manager to sign Amendment No. 1 to extend Agreement No. A-10390 with Partners for Peace for a mentoring program supporting the Silver Star Gang Prevention and Intervention grant through December 31, 2006.

0602.250

0125.000

15. **Agreement No.: A-10698; Approved and authorized** the Chief Probation Officer to sign a Memorandum of Understanding in the amount of \$9,000 with the Monterey County Office of Education to share the cost of the Children's Council Coordinator position from July 1, 2006 through June 30, 2007.

GENERAL GOVERNMENT:

2050.000

16. **Approved** Action Minutes for the meeting of Tuesday, September 12, 2006, copies having been previously distributed to each Board member.

2050.000

17. **Approved** Action Minutes for the meeting of Tuesday, September 19, 2006, copies having been previously distributed to each Board member.

0601.350

0150.146

18. **Approved and authorized** the Monterey County Free Libraries' (MCFL) participation in the Literacy Campaign for Monterey County, by submitting a \$44,750 grant request, for the period January 1, 2007, through December 31, 2007, to expand MCFL's Adult Literacy Program and Families for Literacy Program to the Soledad Branch Library.

0601.160

0125.000

19. **Agreement No.: A-09921; Approved and authorized** the Purchasing Manager to sign Amendment No. 3 to the Training Services Contract with "OfficeStar Training Center," Agreement No. A-09921, clarifying and updating the existing price structure.

- ~~20. Approve Amendment No. 4 to recreation lease with Water World Resorts, Inc. at Nacimiento Reservoir and authorize Board Chair to execute the amendment on behalf of the County and the Water Resources Agency.~~

0601.175

- 0125.000 21. **Agreement No.: A-10697; Authorized** the Chair of the Board of Supervisors to enter into an Agreement between the County of Monterey and the City of Salinas for County Government Center employee parking.

RMA - PLANNING:

Pulled and voted on separately.

- 0125.000 22. a. **Agreement No.: A-10358; Approved** Amendment No. 3 in the amount of \$25,000 to the Professional Services Agreement with Denise Duffy & Associates, Inc. for a total cost of services not to exceed \$125,000 for contract planning services to the Monterey County Planning Department; and
- b. **Authorized** the Interim Director of Planning to execute Amendment No. 3 and future amendments that do not significantly alter the scope of work or change the approved agreement amount.

BOARD ACTION: Upon motion of Supervisor Armenta, and seconded by Supervisor Calcagno and unanimously carried 4/0. Supervisor Potter had recused himself due to a possible perceived conflict as his son works for Duffy & Associates.

- ~~23. a. Approve a Professional Services Agreement with LSA Associates, Inc. for completion of a Final Environmental Impact Report (FEIR) for the Corral de Tierra Neighborhood Retail Village Subdivision (PLN030344) at the southeast corner of State Highway 68 / Corral de Tierra Road intersection in the Corral de Tierra / San Benancio area, not to exceed \$212,632 plus a \$31,895 contingency fee, for a total of \$244,527; and~~
- ~~b. Approve a Funding Agreement No. 2 in the amount of \$346,590 with Omni Resources, LLC to reimburse LSA Associates, Inc. for completion of a FEIR for the Corral de Tierra Neighborhood Retail Village Subdivision; and~~
- ~~c. Authorize the Interim Director of Planning to execute the Professional Services Agreement, Funding Agreement No. 2, and future amendments that do not significantly alter the scope of work or change the approved agreement amounts.~~

RMA - PUBLIC WORKS:

- 0125.000 24. a. **Agreement No.: A-10696; Approved** negotiated contract price and award contract in the amount of \$508,587 to ISI*MCS, for construction of the North Wing Renovation Project Detention Systems - Negotiated Bid, Project No. 9781-10; and
- b. **Approved** the performance and payment bonds executed and provided by ISI*MCS; and
- c. **Established** a contingency not to exceed 15% of the contract amount; and
- d. **Authorized** the Public Works Director to execute the contract.

0602.350

- 0525.000 25. a. **2006 CONST 0020: Approved** Plans and Special Provisions for the Pajaro Tank Removal Project, 53 Porter Drive, Pajaro, Project No. 04-127; and
- b. **Authorized** the Clerk of the Board to advertise the "Notice to Contractors" in The Californian on October 6 and October 13, 2006.

- 0602.350 26. a. **Set** a public hearing for unmet transit needs in the unincorporated area of Monterey County on October 17, 2006 at 10:30 a.m. in preparation for Fiscal Year 2007-2008 Local Transportation Fund allocations; and
b. **Directed** the Clerk of the Board to publish a Notice of Public Hearing 10 days prior to the hearing in The Californian, Monterey County Herald, and King City Rustler.
- 2800.000
0602.350 27. **Introduced**, waive the reading, and set October 24, 2006 at 10:30 a.m. to consider adoption of an ordinance amending Monterey County Code, Title 12, Section 12.28.012, to establish no parking at any time for commercial vehicles for the entire length of Campo de Casa Drive, Comunidad Way, Cortez Lane, Esperanza Circle, Los Arboles Circle, Los Ninos Place, and Viva Lane in the subdivision of Moro Cojo, Castroville area.
- 0602.350 28. **Introduced**, waive the reading, and set October 24, 2006 at 10:30 a.m. to consider adoption of an ordinance amending Monterey County Code, Title 12, Section 12.24.020 to establish a stop intersection at Boronda Road and Brooks Road (a private road). Stop required on Boronda Road at the eastbound entrance to the intersection, Salinas area.
- 0602.350
2800.000 29. **Introduced**, waive the reading, and set October 24, 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 both sides of Creekside Terrace from a point 580 feet west of the centerline of Portola Drive, westerly for a distance of 120 feet, in Toro Park.

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