

# 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

Darlene Drain	Phone: (831) 755-5066
Clerk of the Board	FAX: (831) 755-5888
P. O. Box 1728	Home Page: <a href="http://www.co.monterey.ca.us">www.co.monterey.ca.us</a>
Salinas, CA 93902	

## ACTION MINUTES

### MONTEREY COUNTY BOARD OF SUPERVISORS MONTEREY COUNTY WATER RESOURCES AGENCY TUESDAY, OCTOBER 10, 2006 9:30 AM

#### 9:30 a.m.

1. 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 section 54954.2 of the California Government Code.

#### **Under Scheduled matters please add:**

- S-1 b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding two item of significant exposure to litigation.

#### **Under Consent matters please remove:**

- 26/35. 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.
- 35/26. 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.
32. 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.

-

3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

~~4. CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplemental Sheet)~~

**OTHER BOARD MATTERS:**

- 6300.000 5. Board Comments and Referrals  
 Supervisor Calcagno: The Supervisor advised of a meeting that transpired last week in North County – specifically, Granite Ridge. The meeting was held to discuss the water shortage issues. Curtis Weeks and Allen Stroh gave presentations to approximately 220-240 people who were there. Supervisor Calcagno advised that there needs to be a Task Force created (of those residents) for the purpose of working with the County Staff and the Supervisors to come up with proposed solutions in effort to solve some of the water shortage problems. Supervisor Calcagno made a referral to County Counsel for advice on the proper method to move forward to make this happen. Supervisor Calcagno also advised of a second serious issue for these residents, involving Code Enforcement. The Supervisor advised that there was concern over non enforcement of possible code violations by the Code Enforcement. There are concerns over Housing – more than one house on a lot, tents being set up as housing, camper shells setting on property and used as housing and multiple families living in a single home. The residents are concerned that this will have a negative affect upon their own property values. The Supervisor reminded the Board and County that there was an approval to increase the County Budget to add more Code Enforcement Officers. The Supervisor requested the following information: How many Code Enforcement Officers are there? How many have been added? What is the number of inspections being made? He would like to see the Code Enforcement Officers look into these issues and if they are indeed violations take the corrective action.
- 6300.000 6. Update on Board Referrals  
 There were none.
- 0600.025 7. CAO Comments  
 Assistant CAO Rosie Pando is filling in for County Administrative Officer, Lew Bauman. There were no CAO comments.
- 2050.000 8. Public Comments (Limited to 3 minutes per speaker)  
 a. County Treasurer Lou Solton: Addressed the Board today regarding the Award that was received and discussed during last weeks Board meeting by Mike Miller and Al Friedrich. Mr. Solton was unable to attend last weeks meeting but wanted to address the Board to express the importance of the Award that was received by the County.

**BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Potter and carried 4/0 (Supervisor Armenta was absent.) The Board approved the following Resolutions unless otherwise noted:**

- 2050.000 9. **Resolution No.: 06-290; Adopted** a Resolution proclaiming October as National Domestic Violence Awareness Month. (Supervisor Smith)
- 2050.000 10. **Resolution No.: 06-288; Adopted** a Resolution honoring Chief Michael Klein as a recipient of the “Honoring Those Who Honor Youth Award”. (Supervisor Smith)
- 2050.000 11. **Resolution No.: 06-289; Adopted** a Resolution honoring Jeanne Holmquist as a recipient of the “Honoring Those Who Honor Youth Award”. (Supervisor Smith)
- 2050.000 12. **Resolution No.: 06-287; Adopted** a Resolution honoring Ruthie Watts as a recipient of the “Honoring Those Who Honor Youth Award”. (Supervisor Smith)
- 2050.000 13. **Resolution No.: 06-291; Adopted** a Resolution honoring William “Bill” Barr, Superintendent of Schools, Monterey County Office of Education, as a recipient of the “Honoring Those Who Honor Youth Award”. (Supervisor Lindley)
- 2050.000 14. **Resolution No.: 06-292; Adopted** a Resolution honoring Michelle Noseworthy as a recipient of the “Honoring Those Who Honor Youth Award”. (Supervisor Potter)
- 2050.000 15. **Resolution No.: 026-293; Adopted** a Resolution honoring Richard Pagnillo as a recipient of the “Honoring Those Who Honor Youth Award”. (Supervisor Potter)

**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: Alice M.
3. In re: Brian R.
4. In re: Tracy S.
5. In re: Linda S.
6. In re: Anthony G., et al.
7. In re: Tina P., et al
8. In re Monterey County Initiative Matter (Melendez vs. Board of Supervisors, Madrigal vs. County of Monterey)
9. Rangel and Buell vs. County of Monterey, et al.
10. Rancho San Juan Opposition Coalition vs. Board of Supervisors

**BOARD ACTION: On matters 2, 3, 4, 5, 6, and 7, (all involving Juveniles) the Board authorized County Counsel to retain outside Counsel to handle and in addition to handle any future cases – appellate and writ level.**

**On matters 8, 9, and 10, the Board received and update and gave direction.**

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

**BOARD ACTION: The Board received and update and provided direction.**

- c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding the following liability claim:

- 1. Claim of Charles and Mona Swanston

**BOARD ACTION: The Board authorized Counsel to retain outside Counsel to assist in the defense of this matter.**

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

**BOARD ACTION: This matter should be pulled. No discussion was had.**

**10:30 a.m.**

0125.000 S-2 **Agreement No.: A-10704; Approved** the 2005-2006 Area Agency on Aging Annual Report and authorize the Chair to sign the Annual Report Transmittal Letter.

**BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Lindley, and carried 4/0 (Supervisor Armenta was absent from the meeting).**

-

0601.525 S-3 **Authorized** the Chief Executive Officer of Natividad Medical Center (NMC) to amend the Termination without Cause Provision for NMC Contracted Employee Contracts from 30 days to the previous language of up to 90 days to allow NMC to negotiate termination clauses.

**BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Lindley, and carried 4/0 (Supervisor Armenta was absent from the meeting).**

**12:00 p.m.**

Recess to Lunch – Water Resources Joint Board Leadership meeting.

**1:30 p.m.**

Continue Closed Session, if necessary.

**ORDER FOR ADJOURNMENT**

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 unanimously carried 4/0 (Supervisor Armenta was absent for the vote), the Board approved the following**

**actions, unless otherwise noted:****HEALTH AND SOCIAL SERVICES:**

- 0125.000 16. a. **Agreement No.: A-10701; Approved and authorized** the Director of the Department of Social & Employment Services, or his designee, to sign an agreement with Nelson Landscape, Inc. for \$11,100 for weekly landscape maintenance at 713 LaGuardia Street, Salinas, CA for the period FY 2006-07, including a Mutual Indemnification provision in Exhibit D; and
- b. **Authorized** the Director of the Department of Social & Employment Services, or his designee, to sign all amendments to the Agreement not exceeding 5% of the contract amount and a three (3) month extension.

0601.100

- 0125.000 17. **Agreement No.: A-10201; Approved and authorized** the Director of Health to sign Amendment I to Agreement No. A-10201 with Victor Treatment Centers, Inc. (Victor) for a total amount not to exceed \$366,825. Victor will provide Day Treatment Intensive, Medication Support, Mental Health Services, and other services required in accordance with Individual Treatment Plans and other identified needs.

- 0601.100 18. a. **Approved** the Department of Health's Annual Plan and Budget for Children's Medical Services for Fiscal Year 2006-07; and
- b. **Authorized** the Board Chair to sign the Certification Statements for the Child Health and Disability Prevention and the California Children's Services Programs for Fiscal Year 2006-07.

0602.550

- 0125.000 19. a. **Agreement No.: A-10705; Approved and authorized** the Director of the Department of Social & Employment Services, or his designee, to sign an agreement for \$40,245 with Full Steam Marketing & Design to perform marketing services for the C.A.R.E.S. (Comprehensive Approaches to Raise Educational Standards) Program for the period September 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.

**CRIMINAL JUSTICE:**

- 0125.000  
0150.146 20. a. **Agreement No.: A-10702; Budget Unit No. 06/07-043: Approved and authorized** the Chief Probation Officer to sign a Memorandum of Understanding with the Monterey Peninsula Unified School District for collaborative services at the Community Day School; and
- b. **Directed** the Auditor-Controller to amend Probation Budget Unit 256-Juvenile Institutions and Alternative Programs to increase estimated revenues and appropriations totaling \$58,257 for fiscal year 2006-2007 (4/5ths vote required); and
- c. **Approved** the addition of one (1) new Probation Aide position.

0602.500

- 0125.000 21. **Agreement No.: A-10668; Approved and ratified** an Addendum (Addendum No. 1) to the Memorandum of Understanding between the County of Monterey and City of Salinas for the County of Monterey/City of Salinas Joint Gang Task Force.

- 0125.000  
0150.146 22. a. **Agreement No.: A-10703; Budget Unit No. 06/07-044: Approved and authorized** the Chief Probation Officer to sign a Memorandum of Understanding with the Monterey County Office of Education for on-going collaborative services at community schools; and  
b. **Directed** the Auditor-Controller to amend Probation Budget Unit 256-Juvenile Institutions and Alternative Programs to increase estimated revenues and appropriations totaling \$144,457 for fiscal year 2006-2007 (4/5ths vote required); and  
c. **Approved** the addition of one (1) new Probation Officer II position and one (1) new Probation Aide position.
- 0602.500  
0150.146 23. a. **Budget Unit No.: 06/07-046; Approved** an increase in Appropriations and Estimated Revenue by \$84,000 in Sheriff's Budget Unit 230 for the purchase of two additional vehicles with extended warranties (4/5ths vote required); and  
b. **Directed** the Auditor-Controller to transfer funds as directed.
- 0602.250  
0150.146 24. a. **Resolution No.: 06-301; Budget No. 06/07-045: Approved and authorized** the Chief Probation Officer to submit to the Corrections Standards Authority the Title II Formula Grants application for delinquency prevention and intervention programs during fiscal year 2006-2007; and  
b. **Authorized** the Chief Probation Officer to sign the Grant Agreement with the Corrections Standard Authority, and related amendments.
- 0602.500  
0150.146 25. **Budget Unit No.: 06/07-047; Approved and authorized** an increase in Appropriations and Estimated Revenues in the Sheriff's Budget Unit 251, Custody Operations Bureau, by \$31,500 to purchase high resolution video and audio recording equipment and building maintenance equipment to increase inmates' safety and sanitation (4/5ths vote required).

### GENERAL GOVERNMENT:

~~26/35. 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.~~

- ~~27. a. Authorize the County Administrative Office, Human Resource Division to amend Employer-Employee Relations Resolution No. 05-044 to clarify the definition and usage of the "Confidential" designation; and~~
- ~~b. Authorize the County Administrative Office, Human Resource Division to amend Personnel Policies and Practices Resolution No. 98-394 to clarify the definition and usage of the "Confidential" designation.~~

2050.000 S/A-1 **Resolution No.: 06-300; Adopted** a Resolution of Proclamation recognizing California – Mexico Binational Health Week in Monterey County as October 9 through October 17, 2006. (Supervisor Armenta)

### RMA - PLANNING:

- 0602.200 28. **Accepted** an irrevocable offer to dedicate an open space easement (PD060428) executed by Russell P. Redick and Joann P. Redick and authorize the Chair to sign the acceptance for property located at Highway 1 Big Sur area, Monterey County (Assessor's Parcel No. 419-311-032-000 and 419-311-033-000) West of Highway 1, on the south side of Garrapata Creek) Big Sur Area, Coastal Zone.
- 0602.200 29. **Accepted** an irrevocable offer to dedicate an open space easement (PD060429) executed by Sara Ann Roberts and authorize the Chair to sign the acceptance for property located at Highway 1 Big Sur area, Monterey County (Assessor's Parcel No. 243-231-108--000) west of Highway 1, on the south side of Garrapata Creek) Big Sur Area, Coastal Zone.

**This matter was pulled for discussion and voted on separately.**

**BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Lindley and carried, 4/0 (Supervisor Armenta was absent from this vote) the Board adopted this resolution.**

- 0602.200 30. **Resolution No. 06-297: Adopted** a Resolution (PD0501108, Rancho San Juan) issuing the Board of Supervisors' report pursuant to Government Code 65858(d) describing measures taken to alleviate conditions that led to the adoption of Interim Ordinance No. 5009 limiting development on properties designated as part of the Area of Development Concentration in the 1986 Greater Salinas Area Plan outside the boundaries of the revised Rancho San Juan Specific Plan originally adopted by the Board of Supervisors on November 7, 2005.

0602.200

- 0125.000 31. a. **Agreement No.: A-10375; Approved** Amendment No. 3 in the amount of \$25,000 to the Professional Services Agreement with Rincon Consultants, Inc. for a total cost of services not to exceed \$100,000 for contract planning services to the Monterey County Planning Department; and
- b. **Authorized** the Purchasing Manager to execute Amendment No. 3 and future amendments that do not significantly alter the scope of work or change the approved agreement amount.

- ~~32. 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:**

- 0602.350  
0125.000 33. a. **Agreement No.: A09966; Approved** Amendment No. 2 in the amount of \$249,160 for a total amount not to exceed \$373,090 and extend the term of the Professional Services Agreement with Wood Rodgers, Inc. to December 31, 2007 for additional services associated with the development of a Project Report to complete Caltrans

requirements for the Project Approval and Environmental Determination phase for intersection improvements at State Highway 68 and Corral de Tierra Road (Project No. 06-114065); 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      34.    a. **Resolution No.: 06-298; 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      (4/5ths vote required).

**MONTEREY COUNTY WATER RESOURCES AGENCY:**

-

~~35/26. 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.~~

-