

# 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**  
**TUESDAY, OCTOBER 17, 2006**  
**9:30 AM**

**9:30 a.m.**

1. Pledge of Allegiance  
The Pledge of Allegiance was led by Supervisor Calcagno
- 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.

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

**Under Appointments please add:**

A/C-1 Re-appoint Steve Cobb to the Monterey County Resource Conservation District for a term ending on November 30, 2010. (Full Board)

**Under Scheduled please add:**

S-1 f. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (Units Q and V); Keith Honda, designated representative.

**Under Consent, please remove:**

26. 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)

**APPOINTMENTS:**

**Upon motion of Supervisor Calcagno, and seconded by Supervisor Lindley, and carried, the Board approved the following appointments, except as noted:**

- 0400.550 4. **Appointed** Larry Tack to the Assessment Appeals Board as an alternate member filling a vacancy for a term ending June 1, 2007. (Supervisor Potter)
- 0800.450 5. **Appointed** Mary Parades to the Castroville Public Cemetery District filling a vacancy for a term ending March 30, 2008. (Supervisor Calcagno)
- 0403.825 6. **Appointed** Vivian Brennand to the Youth Council of the Monterey County Workforce Investment Board for a term ending October 17, 2008. (Full Board)

**Upon motion of Supervisor Lindley, and seconded by Supervisor Calcagno, and carried, the Board approved the following re-appointments, except**

- 0400.430 7. **Re-appointed** Joy Rosales to the Animal Control Program Advisory Board for a term ending July 1, 2009. (Supervisor Calcagno)
- 0801.975 A/C-1 **Re-appointed** Steve Cobb to the Monterey County Resource Conservation District for a term ending on November 30, 2010. (Full Board)

**OTHER BOARD MATTERS:**

- 6300.000 8. Board Comments and Referrals
- a. Supervisor Armenta: 1. Requested through the CAO, County involvement in a meeting on Friday at 3:30 p.m. – the City of Salinas, Alisal union School District and Alisal Education Foundation for a suitable site for their Marketplace (in support of their Arts/Music programs.) 2. The Supervisor wished to advise that the dedication of the Vietnam Memorial would probably not be until the first part of December. 3. Veterans Day – the POW memorial will be November 11, 2006 at 11:00 a.m.
  - b. Supervisor Calcagno: The Supervisor made a follow up on his referral of last week requesting the County explore the possibility of no building at all in the Granite Ridge area due to the water issues. He requested that this be brought back in a week or two with clarification as to the legalities of this request.
  - c. Supervisor Smith: Made a referral resulting from a letter received from David Armanasco – The Supervisor would like this matter agendized for some date in the future.
- 6300.000 9. Update on Board Referrals  
There were none.
- 0600.025 10. CAO Comments  
There were none.
- 2050.000 11. Public Comments (Limited to 3 minutes per speaker)  
There were no Public Comments.
- 0601.175 12. **Authorized** the presentation of Monterey County flag to U.S. Navy Petty Officer First Class Brenda Villanueva, an employee of the Monterey County Public Works Department, to accompany her on her tour of duty to Kuwait.

**BOARD ACTION: Upon motion of Supervisor Armenta, and seconded by Supervisor Lindley, 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(b), the Board will confer with legal counsel regarding the following liability claim(s):
    1. Claim of Pacific Gas and Electric Company.  
**BOARD ACTION: This claim was denied by the Board.**
  - ~~b. Pursuant to Government Code section 54957, the Board will confer with legal counsel regarding one matter of public employee discipline.~~
  - c. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:
    1. Omni Resources, LLC vs. Monterey County, et al.
    2. Townsend vs. State of California, et al.
    3. In re Monterey County Initiative Matter (Melendez vs. Board of Supervisors, Madrigal vs. County of Monterey)
    4. Rangel and Buell vs. County of Monterey, et al.
    5. Rancho San Juan Opposition Coalition vs. Board of Supervisors**BOARD ACTION: The Board gave direction to Counsel on how to proceed. The Board authorized counsel to extend settlement offers in matters 2 and 3.**
  - d. 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 received updates and provided direction to Counsel.**
  - ~~e. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (Y Unit); Lew Bauman, designated representative.~~
  - f. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (Units Q and V); Keith Honda, designated representative.  
**BOARD ACTION: The Board approved a tentative Agreement, and once ratified by the Labor Union is to be brought back before the Board for final approval.**

**10:30 a.m.**

- 0601.525  
0125.000 S-2
- a. **Agreement No.: A-10706; Authorized** the Chief Executive Officer of Natividad Medical Center, (NMC) to execute a Professional Services Agreement with John L. Kitzmiller, M.D. for the term of August 1, 2005 through June 30, 2007 in an amount not to exceed \$66,125 for obstetrical and gynecology (OB/Gyn) outpatient clinical services at NMC; and
  - b. **Authorized** the Purchasing Manager to issue a Purchase Order in an amount not to exceed \$34,500 to John L. Kitzmiller, M.D. for OB/Gyn outpatient clinical services between July 1, 2006 and June 30, 2007; and
  - c. **Waived** County insurance and indemnification language requirements.
- BOARD ACTION: Upon motion of Supervisor Lindley, and seconded by Supervisor Armenta, and carried.**
- 2050.000 S-3 **Received** semi-annual report from the Monterey County Business Council.  
**BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Lindley, and carried.**

- 0602.350 S-4 a. **Conducted** a public hearing and receive public comments on Unmet Transit Needs in the unincorporated area of Monterey County in preparation for the County's request for FY 2007-08 Local Transportation Funds allocation; and
- b. **Referred** all comments received to the relevant transit operators and the Public Works Department for analysis.

**BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Armenta, and carried. There was no public comment.**

- 0602.250 S-5 **Received** a report on the Monterey County Juvenile Detention Needs Assessment findings conducted by TRG, Incorporated.

**BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Lindley, and carried. The Board received the report and authorized the report to be forward to the California Standards Authority.**

**Supervisor Armenta would like to have various funding options that might be available identified and brought back to the Board for further review. Supervisor Calcagno inquired into the various site locations bringing up Rancho Cielo also as an option.**

**12:00 p.m.**

Recess to Lunch – Fort Ord Committee meeting

**1:30 p.m.**

- 5100.000 S-6 **Endorsed** an approach and direct staff to:
- a. **Revised** the Inclusionary Housing Program Term of Affordability provision for new units to 30 years; and
- b. **Allowed** the children and stepchildren of Inclusionary homeowners to inherit the units regardless of income.

**BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Calcagno, and carried 4/1 (Supervisor Potter was the No vote.)**

The following spoke during Public Comment:

- a. Alfred Diaz Infante: In favor of staff's recommendations.
- b. Martha Rau: In opposition to staff's recommendations- will lose county low income housing without any means of replacing it.
- c. Jennifer James: Provided a brief description of Monterey County Association of Realtor's recommendations for Equity Share.
- d. Juan Uranga: Spoke in support of Staff's recommendations.
- e. Tom Carvey: Spoke in support of Staff's recommendations.
- f. John Delassio: Spoke in favor of perpetuity.
- g. Luis Salado: Requested that all of these documents be provided in Spanish.
- h. Chris Fitz: Echo'd Mr. Delassio.
- i. Brian Finnegan: Spoke in support of Staff's recommendations
- j. Mark Miller: Spoke to advise the Board that Inclusionary Housing was not all under one big umbrella. They do not have all of the same luxuries.

- 5100.000 S-7 **Denied** request to remove the deed restriction from an Inclusionary Housing Unit (Estrada/Roa) located in Castroville.

**BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Potter, and carried 4/1 (Supervisor Armenta was the No vote.)**

The Estrada’s addressed the Board through their son and also submitted documents in support of their position. A brief 5 minute break was taken in order for the Board, County Counsel and staff to review the documents.

County Counsel after having reviewed the documents submitted, recommended approval of Staff’s recommendations to deny the request. The documents that the Estrada’s submitted in addition to the documents from staff both contained the Inclusionary Housing agreement that was signed and recorded on December 30, 1994.

0602.200 S-8 **Considered** Adoption of County Policy Regarding a Contracting Process for the Selection of Consultants to Prepare Environmental Impact Reports.

**BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Calcagno, and carried. The Board approved option #4: RFQ Process establish a master list, obtain proposals from 3 consultants- one of whom is identified by the Applicant. In addition staff was directed to submit a report (under Consent) that clearly delineates the process.**

Public Comment:

- a. Eric Phelps: Is in agreement with option #4 as presented.
- b. Brian Finnegan: In agreement with option #4 but requested that once the proposals were received that the applicant can veto one of the three choices. Mr. Finnegan also requested that the applicant be allowed to review the proposal once the County has received it. Mr. Finnegan requested that the Applicant also be given the right to review the Administrative Draft of the EIR. Lastly, Mr. Finnegan spoke as to the turn around time of the process.

**Supervisor Calcagno: Requested that this procedure not just be adopted for this matter but for all matters to ensure consistency across.**

Staff:

Alana Knaster, Interim Director of Planning and Building: Advised the Board that staff was agreeable to allowing the applicant a veto on one of the three bid proposals. In addition she advised that presently the Applicant does receive the Administrative Draft of the EIR. However, most Applicants opt not too because once they do so it becomes a public document. Lastly, she advised that the department makes every effort to mitigate the turnaround on these projects but that presently it is taking over one year.

### 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, the Board approved the following actions, unless otherwise noted:**

**HEALTH AND SOCIAL SERVICES:**

- 0601.100  
0125.000 13. a. **Agreement No.: A-10708; Approved and authorized** the Director of Health to sign Amendment No. 1 to the Professional Services Agreement with Comforce Technical Services, Inc. in an amount not to exceed \$70,000 for temporary personnel services from July 1, 2006 through June 30, 2007; and  
b. **Authorized** the Purchasing Manager to increase the current Purchase Order from \$24,900 to \$70,000 for Comforce Technical Services, Inc. for temporary personnel services from July 1, 2006 through June 30, 2007.
- 0125.000 14. a. **Agreement No.: A-10707; Approved and authorized** the Director of Health to sign an Agreement with Breathe California Central Coast in the amount of \$81,000 to provide education and trainings on asthma diagnosis, treatment and management, specifically targeting teens, for the Steps to a Healthier Salinas Initiative for the period of October 17, 2006 through September 30, 2007; and  
b. **Authorized** the Purchasing Manager to issue a Purchase Order in the amount of \$81,000 for the period of October 17, 2006 through June 30, 2007, FY 2006-07.
- 0601.100 15. **Proclaimed** state of local emergency relating to the spread of HIV among injection drug users in Monterey County.
- 0602.550 16. **Concurred** with the Monterey County Workforce Investment Board to approve the development and submission of a Veterans Employment-Related Assistance Program application for an amount up to \$500,000.
- 0602.550  
0403.825 17. **Concurred** with the Monterey County Workforce Investment Board to approve the creation and submission of a grant application for 15% Governor's Discretionary funds for "Industries with a Statewide Need" in an amount up to \$600,000.
- 0403.825  
0602.550 18. **Concurred** with the Monterey County Workforce Investment Board to approve the creation and submission of a grant application for Fiscal Year (FY) 2006-07 High Concentration of Eligible Youth Additional Assistance funds in an amount not to exceed \$75,000.
- 0602.550  
0403.825 19. **Concurred** with the Monterey County Workforce Investment Board to approve the creation and submission of a grant application for 15% Governor's discretionary funds for "Advancing Workers with Barriers to Employment" in an amount up to \$500,000.
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**CRIMINAL JUSTICE:**

- 0602.500  
0150.146 20. **Budget Unit No.: 06/07-048; Approved** an increase in appropriations and Estimated Revenue by \$98,020 in Sheriff's Budget Unit 251, Custody Operations Bureau, for the Standards and Training for Corrections program (4/5th Vote Required).

0602.500

- 0150.146 21. **Budget Unit No.: 06/07-050; Accepted** the Inmate Welfare Trust Fund Annual Report for the Fiscal Year (FY) 2005-06.

**GENERAL GOVERNMENT:**

- 0600.025  
0601.175 22. **Resolution No.: 06-306; Approved** Property Tax Transfer for the Proposed "Valley View Subdivision Annexation" to South Monterey County Fire Protection District.
- 0601.160  
0125.000 23. a. **Agreement No.: A-08080; Approved and authorized** the Director of Information Technology to execute an extension to the Authorization to Order Under State Agreement which was originally executed on November 12, 1999, to continue the Authorization through December 3, 2008, or until the CALNET II Agreement is in place; and  
b. **Directed** the Auditor-Controller to make payments for services provided under the extended Agreement upon approval of the Information Technology Department (ITD) or Department requesting service.
- 0600.025  
0150.146 24. **Resolution No.: 06-307; Budget Unit No.: 06/07-049;**  
a. **Amended** Personnel Policies and Practices Resolution No. 98-394 to retitle, add and delete classifications in the accounting and financial series; and  
b. **Amended** Countywide Budget Units to Approve retitling, reallocations and reclassifications in the accounting and financial series; and  
c. **Directed** the Auditor-Controller to amend Countywide Budget Units Position Allocation to reflect the changes.

**RMA - PLANNING:**

- 0700.000  
0602.200 25. a. **Resolution No.: 06-308; Accepted** the Conservation and Restoration Easement Deed and Habitat Restoration Agreement for Gozzi property located at 31549 Highway 1, near the end of Victorine Ranch Road Big Sur Area Coastal Zone (Assessor's Parcel No.: 243-221-027-000); and  
b. **Authorized** the Chair of the Board of Supervisors to sign the Conservation and Restoration Easement Deed and Habitat Restoration Agreement; and  
c. **Authorized** the Clerk of the Board to submit the Conservation and Restoration Easement Deed and Habitat Restoration Agreement to the County Recorder for filing.
- 0602.200 S/A-1 a. **Acknowledged and Consented** to Recordation of Irrevocable Offer to Dedicate a Trail Easement for the Gozzi property located at 31549 Highway 1, (Assessor's Parcel No.: 243-221-027-000) near the end of Victorine Ranch Road, Big Sur Area, Coastal Zone; and  
b. **Authorized** the Chair of the Board of Supervisors to sign the Acknowledgement and Consent to Recordation contained in the Irrevocable Offer to Dedicate A Trail Easement; and  
c. **Authorized** the Clerk of the Board to submit the Irrevocable Offer to Dedicate a Trail Easement to the County Recorder for filing/recordation.

- ~~26. 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~~
- ~~e. 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:

~~0250.000~~

0125.000

27. a. **Agreement No.: A-10709; Approved** an Agreement with City of Salinas to provide for an in-pavement lighted pedestrian crosswalk at Alisal and Cayuga Street Intersection; and
- b. **Granted** an easement to the City of Salinas necessary for installation, operation, and maintenance of the electrical equipment to operate the in-pavement lighted pedestrian crosswalk; and
- c. **Authorized** the Chair to the Monterey County Board of Supervisors to execute the Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.