

# 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**  
**MONTEREY COUNTY REDEVELOPMENT AGENCY**  
**TUESDAY, NOVEMBER 14, 2006 - 9:30 AM**  
**SPECIAL MEETING 9:00 A.M. TO 9:30 A.M.**

## SPECIAL MEETING:

### 9:00 a.m.:

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 one item of significant exposure to litigation.

**BOARD ACTION: This matter was continued to later today during the Regular meeting closed session times. The Board heard this matter during the closed session hearing during the regular meeting. The Board received an update on the status and provided direction to counsel.**

- b. 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, et al.

**BOARD ACTION: The Board approved the retention of outside counsel, Randall Morrision as Co-Defense Counsel.**

## REGULAR BOARD OF SUPERVISORS MEETING:

### 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.

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

**corrections to the Agenda.****Please remove under Consent:****Health and Social Services:**

14. a. Approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign an agreement for \$27,000 with Conflict Resolution and Mediation Center to provide Alternative Dispute Resolution Services to low-income residents of Monterey County for the period of January 1, 2007 through December 31, 2007; and
- b. Authorize 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.

**Under General Government:**

23. Approve the implementation of a Records Retention Schedule for the Information Technology Department for the storage and/or destruction of County records as set forth by federal and state laws, as well as county codes and policies (4/5th vote required).

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3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
4. CONSENT CALENDAR – MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)

**APPOINTMENTS:**

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

- |          |    |                                                                                                                                              |
|----------|----|----------------------------------------------------------------------------------------------------------------------------------------------|
| 0400.550 | 5. | <b>Appointed</b> Glen Alder to the Assessment Appeal Board as an alternate for a term ending June 1, 2009. (Supervisor Smith)                |
| 0401.550 | 6. | <b>Appointed</b> Luis Saldana-Ruiz to fill a vacancy on the Community Action Commission for a term ending June 1, 2009. (Supervisor Armenta) |

**OTHER BOARD MATTERS:**

- |          |    |                              |
|----------|----|------------------------------|
| 6300.000 | 7. | Board Comments and Referrals |
|----------|----|------------------------------|
- a. Supervisor Armenta: The Supervisor advised that he would be requesting a Resolution to be added for the November 14, 2006 Board meeting. The Resolution would be to honor the out-going Mayor of Salinas, Anna Cabarello. There will be a ceremony on December 1, 2006 in recognition of the Mayor.
  - b. Supervisor Lindley: The Supervisor wished to compliment Supervisor Armenta for his work on the Veteran's Day celebration this last weekend. He complimented Supervisor Armenta for his acquisition of the park in addition to the unveiling of the new POW MIA plaque.
  - c. Supervisor Calcagno: The Supervisor followed up on a referral that he had made approximately 4 weeks ago. The referral was for the creation of a task force to investigate the Granite Ridge water shortage issue. The Supervisor wished to know how he is to go about setting this up. Is this to be created as a District Committee or as a Board Committee? He would like to have this question resolved and this matter brought back in two weeks.  
County Counsel Charles McKee advised the Supervisor that this issue could be determined by the Supervisor. Further that he will forward the information to him

addressing how to create the committee.

- d. Supervisor Smith: The Supervisor wanted to recognize and acknowledge the various celebrations of Veteran's Day around the Monterey Peninsula as well.

- 6300.000 8. Update on Board Referrals  
There were none.
- 0600.025 9. CAO Comments  
There were no comments.
- 2050.000 10. Public Comments (Limited to 3 minutes per speaker)
- a. Mel Mason: Mr. Mason is the President of the Monterey Branch of the NAACP. Mr. Mason wished to present two certificates of appreciation. The first certificate is to Supervisor Smith and the second to Supervisor Armenta. They are in recognition of their ardent defense of the Voting Rights Act. In addition both Supervisors had been awarded the Ralph Atkinson Award.
- b. Hans Jongens: Mr. Jongens addressed the Board regarding the over 100 thousand veterans that are looking for hospital/medical treatment but not receiving it. Mr. Jongens also addressed the Board regarding the Highway 156 traffic problems and why are the cities not charged for road improvements to address such needs when they are building new developments?
- 2050.000 11. **Resolution No. 06-328; Adopted** a Resolution commending the Filipino American Community Club of Monterey Peninsula on the coronation of Miss Filipino American Community. (Supervisor Smith)  
**BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Lindley, and carried.**
- 2050.000 12. **Resolution No. 06-329; Adopted** a Resolution honoring an undisclosed recipient upon his/her retirement from the County of Monterey. (Full Board)  
**BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Lindley, and carried.**
- 2050.000 13. **Resolution No. 06-330; Adopted** a Resolution honoring an undisclosed recipient upon his/her retirement from the County of Monterey. (Full Board)  
**BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Lindley, and carried.**

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### **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 one item of significant exposure to litigation.
- BOARD ACTION: The Board received updates on the status and provided direction to counsel.**

**10:30 a.m.**

0150.146

- 0600.025 S-2 a. **Budget Unit No. 06/07-066: Received** First Quarter Financial Status Report for FY 2006-07 for the major County funds; and

**BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Lindley, and carried 5/0.**

- b. **Budget Unit No. 06/07-067: Received** the Three-Year Financial Forecast Report for the period of FY 2007-08 through FY 2009-10; and
- a. **Approved and authorized** removal of the General Fund from the Hiring Freeze; and
- b. **Approved and authorized** a financing strategy for implementation of the Capital Improvement Program (CIP) for projects funded through the General Fund; and
- c. **Approved and authorized** the creation of a capital designation to be annually budgeted and additionally funded with one-time revenues; and
- d. **Approved and authorized** the County Administrative Office to build the financial capacity for future debt service not to exceed \$3 million annually.

**BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Lindley, and carried 4/1 – Supervisor Calcagno was the dissenting vote.**

2800.000  
1350.350

- S-3 Public Hearing to:
- a. **Ordinance No. 05047: Considered** the Mitigated Negative Declaration filed for the project; and
- b. **Approved** a zoning reclassification to change the zoning designation of the Krasznekewicz property and from the "LDR/B-6-D-S" (Low Density Residential, with Building Site, Design Control and Site Plan Review Overlays) zoning designation to the "LDR/2.5-D-S" (Low Density Residential, 2.5 Acres/Unit, Design Control and Site Plan Review Overlays) zoning designation.

(PLN050193/Krasznekewicz: 8025 Carmel Valley Road, Carmel Valley Carmel Valley Master Plan.)

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

- 0602.200 S-4 Public Hearing to:
- a. **Resolution No. 06-334: Adopted** a Resolution of Intent to amend the land use designation in the Big Sur Land Use Plan from Outdoor Recreation (OR) to Watershed and Scenic Conservation (WSC) and amend Sheet 20-22 of Section 20.08.060 of Title 20 of the Monterey County Code (Monterey County Coastal Implementation Plan) from Open Space Recreation (OR) to Watershed and Scenic Conservation (WSC/40) on a 2.5-acre vacant parcel; and
- b. **Directed** staff to submit the proposed amendment to the California Coastal Commission for certification.

(PD040368: Monterey County/Doud, Big Sur Land Use Plan.)

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

Staff: Carl Holm advised the Board that they had received a request for continuance from one of the neighbors to the project. Carol Fish was contesting notice. The matter was reviewed and it was concluded that proper notice had been given and the Board went forward with the matter.

Public comment:

- a. Michael Cling: Mr. Cling represents the applicant Mr. Doud. They wished to advise that they were in agreement with staff's report and recommendations. Mr. Cling also submitted a copy of the Stipulation for Judgment.

- 0602.200 S-5 **Held** a Public Hearing to take action on year 2007 Agricultural Preserve and Farmland Security Zone applications (actions a, b, and c below):
- Resolution Nos. 06-336; 06-337; 06-338: Approved** applications for three standard Agricultural Preserves contracts; and
  - Resolution Nos. 06-339; 06-340; 06-341; 06-342; 06-343: Approved** applications for five Farmland Security Zone contracts; and
  - Resolution No. 06-332: Denied** application for one Farmland Security Zone contract. (PLN060546 Williamson Act Contracts 2007.)

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

**12:00 p.m.**

Recess to Lunch

**1:30 p.m.**

- 0602.200 S-6 **Continued** public hearing from October 3, 2006 to consider adoption of a Resolution to:
- Certified the Final Revised Environmental Impact Report; and
  - Modified the score of the Citizen's Subdivision Evaluation Committee to a passing score, based on Findings and Evidence; and
  - Approved 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
  - Approved the Mitigation Monitoring and Reporting Plan. (PLN050001/September Ranch, Carmel Valley Road, Carmel Valley Master Plan Area.)

**BOARD ACTION: Taken as the third motion of this matter. Upon motion of Supervisor Lindley and seconded by Supervisor Armenta and carried 4/1(Supervisor Potter was the dissenting vote) the Board approved staff recommendations with the amended changes.**

#### **FIRST MOTION -AMENDED MOTION**

**BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Smith, the Board adopted a resolution of intent from private open space to become part of the park to be managed by the parks but owned by a non-profit. The Board directed staff to bring the resolution of intent back before the Board on December 5, 2006.**

#### **AMENDMENTS:**

Staff: Staff reviewed the changes that the Board requested; The Board further advised staff of a change to Condition 163 with respect to the tree replacement bonding. The Board further advised that for the Condition addressing construction hours/noise, that they want to go with the policy that is in the Carmel Valley Master Plan. The Board also advised staff of a change in Condition 3 with respect to the driveway. The board was agreeable with the affordable housing changes. These changes were voted on with the Staff recommendations.

Staff:

There were two issues with regard to water. 1. Staff recommended that the project have a cap of 57 units – full project number. 2. Staff recommended the restriction of watering of the meadow at the filing of the first parcel map should be reduced to 3 acre feet. Thus the wording in Condition #41 would change from: “the irrigation of pasteur is prohibited” to “the irrigation of Pasteur is restricted on project buildout.”

Condition #45 would read 57.21 acre ft per year for market rate lots, inclusionary units, Pasteur irrigation and the water treatment facility. This incorporates and allows the applicant to continue Pasteur irrigation but then it would cap the water use at the 57.21 (54.21 and 3 for the equestrian center.) Once the project builds out they would have to cease Pasteur irrigation all together. They could ramp it down as the project builds up. There would still be quarterly monitoring of the over all water use.

**BOARD ACTION: SECOND MOTION; Supervisor Potter requested that this issue be voted on separately from the other amended changes. Upon motion of Supervisor Smith and seconded by Supervisor Armenta and carried 4/1 (Supervisor Potter was the dissenting vote).**

Public Comment:

The following individuals spoke in opposition to this item:

- a. Timothy Sanders: - addressed the hydrology report.
- b. Nancy Pratt- CEQA impacts.
- c. Roger Folton- Traffic issues and water supply.
- d. Michael Stamp- the process itself, water process and a 10/13/06 letter from Anthony Lombardo.
- e. Hans Jongens- water issues.
- f. Patricia Bernardi- addressed the hydrology report.

**Applicant:**

Anthony Lombardo represents the applicant. Mr. Lombardo refuted some of the arguments raised during public comment. Mr. Lombardo advised that they have gone over the conditions and worked with the staff and are in agreement with the recommendations and will continue to work with and through the RMA.

0602.200  
6000.000

S-7 Public Hearing to:

**Denied** the property owner's appeal from the Minor Subdivision Committee's denial of the Wang application for a Minor Subdivision Vesting Tentative Parcel Map for the division of a 106 acre parcel into four parcels of 36, 22, 20 and 28 acres respectively. PLN010299/Wang. Tierra Grande Drive, Carmel Valley Master Plan area.

**BOARD ACTION: Upon motion of Supervisor Smith, and seconded by Supervisor Armenta, the Board moved to acknowledge that the application was submitted prior to the passing of Resolution 02-024.**

**Supervisor Potter made a substitute motion to have this matter brought back in order to have staff re-build/create a factual history of this project in order to clarify if this indeed still is the same project, address the due process argument and to see if the Application should be processed for approval based upon its own merits. The motion was seconded by Supervisor Smith. The County Administrative Officer Lew Bauman made a request that the Applicant put together a clear and concise history and submit for review and then an internal discussion over the due process issue/resolution 02-024. There was also request for a date certain to return. Therefore, this matter was continued to Tuesday January 9, 2007.**

Applicant:

Tony Lombardo represents the applicants the Wangs. Mr. Lombardo advised that the applicant's appeal is for a motion to determine that the application is not subject to the resolution 02-024 that prevented subdivisions in Carmel Valley and to direct staff to process the application on its own merits. Mr. Lombardo advised that there had been confusion in that his client had relied on advice from the County in good faith regarding a non access strip. The applicant received a letter in February of 1999 advising that there was no access to the property. The project was listed on

the Board Agenda under Consent for July 13, meeting and then pulled by the CAO at that time. The matter was never placed back on any subsequent agendas. Mr. Lombardo argued that such an occurrence was not legal. Further that on July 21, 2002 a letter was drafted to the Applicant informing him that the County had lost (in litigation) and that they would be processing his application. Then the Applicant was advised that they would not be processing his application because of the moratorium resolution that was passed in the interim. Consequently, the Applicant argues that he was prevented from making an application because he was prevented access to his property.

Public Comment:

The following members of the public spoke in opposition to this project, requesting a denial.

Bill Parkin	Mildred Price
John Meyer	Bob Falkenborl
Paula Lotz	Chris Fitz
Charlie Ludeman	Lonni Trykowski
John Ellison	Jeff Hawkins
Julie Engel	Arthur Price
Nancy Pratt	Bob Rice

- 1350.000 S-8 **(ITEM TO BE HEARD NO EARLIER THAN 3:30 P.M.)**2006 General Plan Update (PLN050045):
- Established** the format and schedule for Board deliberations on the 2006 General Plan Update; and
  - Received** a staff presentation on the draft 2006 General Plan Update, including review of the Planning Commission recommendations; and
  - Received** Public Hearing public testimony regarding all elements of the Draft 2006 General Plan Update, including Planning Commission recommendations, property owner requests and rural center boundaries; and
  - Provided** direction to staff.

**BOARD ACTION: Upon motion of Supervisor Calcagno, and seconded by Supervisor Armenta, and carried 4/0 with Supervisor Potter absent from this vote. Supervisor Armenta also requested that the remaining General Plan schedule be posted for review by the public.**

Public Comment:

- Julie Engell: Requested this matter be placed on the referendum.
- Scott Violini: Submitted a letter from the California Cattlemens Assoc. regarding the "Protected Species".
- Chris Fitz: Requested a calendar of deliberations at the next meeting. Further requested the Board schedule a special election and delay the certification of the EIR until the voters have spoken.
- Bill Carothers: Advised that he does not understand why housing is an issue. Mr. Carothers stated that a reduction in the overall population will help with this issue.
- Stuart Gildred: Requested that his property be given special treatment in recognition of its on going use. Mr. Gidred gave Parizo Hotsprings and Miller's Lodge as examples to support his request to the Board.
- Lynn Mounday: Advised that he was working for Mr. Gildred. Mr. Mounday clarified that they had not yet gone through the formal process. Mr. Mounday also submitted a letter to

- staff and to the Board.
- g. Beverly Bryant: Submitted a document to staff. Ms. Bryant was speaking in reference to the need for housing.
- h. David Beech: Addressed the Board comparing some issues in the 1982 draft plan.
- i. Christine Kemp: Addressed the Board on behalf of her client Allan Jefferson. She reviewed a letter that had been sent to the Board.
- j. Allan Jefferson: Addressed the Board on behalf of his property.
- k. Christine Kemp: Addressed the Board on behalf of her two other clients the Strohn' and the Agostini' - both seeking special treatment of their property. Letters were previously sent on this request.
- l. Mrs. Strohn: Mrs. Strohn further addressed the Board in support of their request for their property.
- m. Christine Cromeenes: Read a letter from the Salinas Valley Builders Exchange – to the Board.
- n. Nancy Isaackson: Submitted a letter to staff and the Board.
- o. Chris Bunn Jr.: Wished to thank staff and the Board for the open session format.
- p. Bob Perkins: Wished to thank staff and the Board for the open session format.
- q. Tom Carvey: Read into record a letter that had been authored by Brian Finnegan.
- r. Sherwood Darington: Addressed the Board in general regarding the General Plan.
- s. Hans Jungens: Addressed the Board in general regarding the General Plan.
- t. Aaron Johnson: Wished to thank staff and the Board on behalf of his clients, Dina Sala and Farm Fresh.
- u. John Bridges: Wished to thank staff and the Board. Mr. Bridges also addressed staff and the Board on the following: a. Rural center boundary issues- his clients Tankersly/O'Grady- wants it to remain in rural. 2. Property Owner request – Wanting special treatment in both Carmel Valley Village – the Gardner's and Delfino's properties. Mr. Bridges further requested that the Halton Property that was near the mouth of Carmel Valley be given special treatment regarding affordable housing. AG 147 – Family Homes on large parcels – but that it was limited to Ag Land and he would like it to add Ranch as well. L.U. 9.3 – Pipeline definition requested.
- v. Juan Calzeda, III: Addressed the Board on what he perceived as inconsistencies in the General Plan.
- w. Christina Wyatt: Requested that the Board allow the voters to be heard, brining up the referendum issue.

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**ORDER FOR ADJOURNMENT**

**IN MEMORY OF ROBERT FRANCO**

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 unanimously carried, the Board approved the following actions, unless otherwise noted: Item No. 36 and Item No. 37 were pulled and voted on separately.**

HEALTH AND SOCIAL SERVICES:

14. ~~a. Approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign an agreement for \$27,000 with Conflict Resolution and Mediation Center to provide Alternative Dispute Resolution Services to low-income residents of Monterey County for the period of January 1, 2007 through December 31, 2007; and~~  
~~b. Authorize 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.~~
- 0601.100  
0125.000 15. **Agreement No. A-10634: Approved and authorized** the Director Health to sign Amendment No. 1 to Agreement No. A-10634 with ValueOptions, Inc. for the administration of outpatient specialty mental health services for Medi-Cal eligible youth who are placed out-of-county, increasing the annual amount by \$4,000 each year for FY 2006-07 through FY 2008-09 for a revised total Agreement amount of \$150,000.
- 0601.100 16. **Agreement Nos. A-09683, A-09684, & A-09687: Approved and authorized** the Director of Health to sign all Amendments No. 3 to Agreement No.'s; A-09683, A-09684, and A-09687 to provide Animal Control Services for the Cities of Carmel-by-the-Sea, Greenfield, and Sand City for FY 2006-07.
- 0601.100  
0125.000 17. a. **Agreement No. A-10734: Approved and authorized** the Director of Health to sign a Professional Services Agreement with Access I.V. Inc., in the amount of \$35,000 to provide equipment and prepare necessary medication in an intravenous solution for patients requiring homecare treatment for the period of October 31, 2006 through June 30, 2008; and  
b. **Authorized** the Purchasing Manager to issue a Purchase Order for Access I.V. Inc., in the amount of \$35,000 for FY 2006-07.
- 0601.100 18. **Proclaimed** state of local emergency relating to the spread of HIV among injection drug users in Monterey County.
- 0602.550  
0150.146 19. a. **Budget Unit No. 06/07-072: Approved and amended** the Department of Social & Employment Services position allocation in Budget Unit 501 to add: 4.0 FTE Social Work Supervisor II, 2.0 FTE Social Worker V, 8.0 FTE Social Worker I, 2.0 FTE Secretary, and 1.0 FTE Office Assistant II ; and  
b. **Directed** the Auditor-Controller to amend the FY 2006-07 Department of Social & Employment Services Budget Unit 501 to reflect the increased position allocation, and to increase appropriations and estimated revenue of \$1,196,237 (4/5th Vote Required).

0602.550  
0600.050

- 0150.146 20. a. **Budget Unit No. 06/07-070: Approved and amended** the Department of Social and Employment Services (DSES) position allocation in Budget Unit 501 to add: 1.0 FTE Management Analyst III, 2.0 FTE Social Service Aide II, 1.0 FTE Office Assistant III; and
- b. **Directed** the Auditor Controller to amend FY 2006-07 Budget for the Department of Social and Employment Services Budget Unit 501 appropriations; make adjustments to reflect the changes in position count; incorporate the estimated revenue of \$248,695 (4/5th Vote Required).

### CRIMINAL JUSTICE:

- 0602.250  
0125.000 21. **Agreement No. A-10332: Approved and authorized** the Purchasing Manager to sign Amendment No.1 to extend Agreement No. A-10332 with Renaissance Resources – West, to measure and analyze outcomes from the Juvenile Justice Crime Prevention Act programs through April 30, 2007.
- 0602.250 22. **Agreement No. A-10729: Approved and authorized** the Chief Probation Officer to sign a Memorandum of Understanding with the Monterey County Office of Education for the High Risk Youth Education and Public Safety Program - Through and Beyond Program from July 1, 2006 through June 30, 2007.

### GENERAL GOVERNMENT:

23. — ~~Approve the implementation of a Records Retention Schedule for the Information Technology Department for the storage and/or destruction of County records as set forth by federal and state laws, as well as county codes and policies (4/5th vote required).~~
- 0601.160  
0125.000 24. a. **Agreement No. A-10728: Approved and authorized** the Chair of the Board of Supervisors to sign a Master Lease Agreement and Addendum with LEAF Funding, Inc for the lease of Gateway Computer Systems by County of Monterey Departments as prescribed in the Gateway Master Purchase Agreement and RFP No. 9844; and
- b. **Approved and authorized** the Chair of the Board of Supervisors to sign an authorized signature list for lease of personal computers under this Agreement by executing an Incumbency Certificate; and
- c. **Approved and authorized** the Auditor Controller to make payments for personal computers leased under this Agreement upon approval of the Department submitting invoices for payment; and
- d. **Approved** the business necessity of the Master Lease Agreement non-standard provisions that prohibit offsets, limit assignee's liability, institute late fee charges, and utilizes non-binding mediation to address contract issues.
- 0600.027 25. **Accepted** the Monterey County Agricultural Advisory Committee Annual Report covering the period of July 1, 2005 through June 30, 2006.
- 0600.027 26. **Resolution No. 06-331: Amended** Resolution No. 04-20 regarding the Monterey County Agricultural Advisory Committee Resolution and Bylaws to Provide Authority to Review and Make Recommendations Relative to County Development Projects on Agricultural Lands and Extend the Term of the Committee
- 0600.027 27. **Approved** the adoption and implementation of a Records Retention Schedule for the Agricultural Commissioner's Office (4/5 vote required).

- 2050.000 28. **Approved** Action Minutes for the meeting of Tuesday October 24, 2006, copies having been previously distributed to each Board member.
- 2050.000 29. **Approved** Action Minutes for the meeting of Tuesday October 31, 2006, copies having been previously distributed to each Board member.
- 0601.600  
0150.146 30. a. **Budget Unit No. 06/07-071: Authorized** the Director of Parks to file an application with Heritage Preservation for a grant in the amount of \$6,540 for fiscal year 2006-07 to fund a museum conservation assessment; and  
b. **Authorized** the Director of Parks or his authorized agent to coordinate, process and execute all contracts, agreements, amendments and ancillary documents within the scope of the attached application to accept the grant.
- 0601.160  
0125.000 31. a. **Agreement No. A-10735: Approved and authorized** the Purchasing Manager to sign Professional Services Agreements with VOICEPRO for Technical Support of RightFAX Software in an amount not to exceed \$13,219.00 for a period of October 1, 2006 through September 30, 2007; Technical Support of Octel VoiceMail system in an amount not to exceed \$11,008.00 for the period of October 1, 2006 through September 30, 2007; and Technical Support of CallXpress Voicemail System in an amount not to exceed \$36,787.00 for the period of November 1, 2006 through October 31, 2007; and  
b. **Directed** the Auditor-Controller to make payments for services provided under the agreement upon approval of the Information Technology Department.
- 0601.160  
0600.050  
0125.000 32. a. **Agreement No. A-10730: Approved and authorized** the Purchasing Manager to sign a Professional Services Agreement with D & S Communications for Technical Support of Ericsson Telephone System in an amount not to exceed \$93,500.00 for the period of October 1, 2006 through September 30, 2007; and  
b. **Directed** the Auditor-Controller to make payments under the agreement upon approval of the Information Technology Department.
- 1900.000 33. **Adopted** the 2007 Monterey County Legislative Platform and Legislative Priorities.
- 0600.025  
0150.146  
0125.000 34. **Budget Unit No. 06/07-069; Agreement No. A-10731: Approved** the Tentative Agreement between SEIU Local 535 (Unit K Social Service Workers) and the County of Monterey on the limited re-opener for 2006.
- 0601.175 35. **Approved** the grant of Public Easement over a portion of County property known as APN 211-031-003 and APN 211-031-004 to Rancho Cielo for the purpose of providing non-potable water to a portion of the property.

**RMA - PLANNING:**

**This matter was pulled at the request of Supervisor Calcagno who recused himself due to a potential conflict of interest. This matter was also pulled by a member of the public for question.**

**BOARD ACTION: Upon motion of Supervisor Potter, and seconded by Supervisor Lindley and carried 4/0.**

- 0602.200 36. a. **Accepted** the Parcel Map for the Minor Subdivision of one existing 19.6 acre lot of record into three parcels of 7.9, 5.5 and 6.1 acres, Conservation and Scenic Easement Deed, Tax Report from the Tax Collector, Parcel Map Guarantee, Road and Drainage Agreement, Deed Restriction and Covenants, and Deed of Trust and Assignment of Rents; and
- b. **Directed** the Chair to sign the Conservation and Scenic Easement Deed and Road and Drainage Agreement; and
- c. **Directed** the Clerk of the Board to submit the Parcel Map, Conservation and Scenic Easement Deed, Deed Restriction and Covenants, Deed of Trust and Assignments of Rents, and Road and Drainage Agreement to the County Recorder for filing; and
- d. **Directed** the Parks Department to deposit the recreation in Lieu Fee of \$2,691.00 into the Recreation-In-Lieu Fee Trust Account No. 080-3473 to be used for financing parks and recreation programs and facilities in Toro Park.  
(Mark Bordonaro - Northerly of San Benancio Road and north of Ridgeback Lane, Toro Area plan.)

**Public Comment:**

- a. **Hans Jungens: Mr. Jungens inquired why this does not come before the Board as a scheduled matter because it appears to be an automatic approval of a development.**
- b. **Anthony Lombardo: Representing the Applicant – Advised that this matter had gone through the normal process of the public hearing and had been approved.**

**Staff:**

**County Administrative Officer, Lew Bauman, advised that this was a ministerial matter which had already gone through the discretionary process.**

**This matter was pulled for a question and voted on separately.**

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

6000.500  
0602.200

37. a. **Accepted** the Parcel Map for the Minor Subdivision of a 40 acre parcel into four parcels of approximately 10 acres each, Conservation and Scenic Easement Deed, Tax Report from the Tax Collector, Parcel Map Guarantee, Road and Drainage Agreement, Deed of Trust and Assignment of Rents, and Permit Approval Notice; and
- b. **Directed** the Chair to sign the Conservation and Scenic Easement Deed and Road and Drainage Agreement; and
- c. **Directed** the Clerk of the Board to submit the Parcel Map, Conservation and Scenic Easement Deed, Road and Drainage Agreement, Deed of Trust and Assignments of Rents, and Permit Approval Notice to the County Recorder for filing; and
- d. **Directed** the Parks Department to deposit the recreation in Lieu Fee of \$414.00 into the Recreation-In-Lieu Fee Trust Account No. 080-3473 to be used for financing parks and recreation programs and facilities in the area.  
(PLN980372/Rauber: The property is located on the east side of Carmel Valley Road, north of Arroyo Seco Road in the Arroyo Seco Area.)

**Public Comment:**

**Hans Jungens: Mr. Jungens raised the same issue as in item 36. The response also being the same.**

**RMA - PUBLIC WORKS:**

0602.350  
0125.000

38. a. **Agreement No. A-10733: Approved** Amendment No. 2 in the amount of \$50,500 for a total amount not to exceed \$75,000 to the Professional Services Agreement with The

Twining Laboratories, Inc. for additional services associated with on-site laboratory construction materials testing for various construction projects; 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

0525.000

39. a. **2005 CONST 0042; Resolution No. 06-333: Accepted** the Certificate of Completion for construction of the Railroad Crossing Upgrades for Union Pacific Railroad and Transportation Agency for Monterey County, Project No. 05-139865, Federal-Aid Project No. HP21-0448 (001); and
- b. **Authorized** the Public Works Director to execute and record the Notice of Completion.

0125.000

40. a. **Agreement No. A-10732: Approved** a Professional Services Agreement with Parikh Consultants, Inc., in an amount not to exceed \$87,932 to provide geotechnical investigation services for the Davis Road Bridge Replacement Project (County No. 208) at Salinas River, Federal Aid Project No. BRLS-5944 (068), Project No. 06-36065, including the widening of Davis Road to four lanes between Blanco Road and Reservation Road in Monterey County; and
- b. **Authorized** the Purchasing Manager to execute the Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

0602.350

0150.146

41. **Budget Unit No. 06/07-073: Approved** Fiscal Year 2006-07 Adjusted Final Work Program for Public Works (Fund 002, Budget Unit 300) and related adjustments to decrease budgeted revenues and appropriations in the amount of \$1,115,323 (4/5th Vote Required).

0602.350

0525.000

42. a. **2006 CONST 0021: Approved** Plans and Special Provisions for the maintenance and repair of Coast Road, Mile Post 4.1, Big Sur area; and
- b. **Approved** a Right of Entry Agreement for the maintenance and repair of Coast Road; and
- c. **Authorized** the Public Works Director to execute the Right of Entry Agreement.

0602.350

0525.000

43. a. **2005 CONST 0037: Approved** the termination of performance of Cupertino Electric, Inc., for the North Wing Renovation Project pursuant to the Contract documents, General Conditions, Section 31.05; and
- b. **Approved** re-bidding the electrical scope of work for the North Wing Renovation Project; and
- c. **Authorized** the Auditor Controller to pay the outstanding costs submitted to date in the amount of \$191,429.80.

0601.175

0600.050

0150.146

44. a. **Budget Unit No. 06/07-068: Amended** the FY 2006-07 Planning & Building Inspection Department, Budget Unit 293, to delete one (1) Senior Planner and transfer \$50,128 from Planning & Building Inspection Budget Unit 293 to Resource Management Agency Budget Unit 194; and
- b. **Amended** the FY 2006-07 General Services Agency, Budget Unit 106, to delete one (1) Personnel Technician-Confidential and transfer \$31,933 from General Services

- Agency, Budget Unit 106 to Resource Management Agency, Budget Unit 194; and
- c. **Amended** the FY 2006-07 Resource Management Agency, Budget Unit 194 to add one (1) Departmental Information Systems Manager II and one (1) Departmental Information Systems Coordinator; and
  - d. **Directed** the Auditor Controller to amend FY 2006-07, Planning & Building Inspection Budget Unit 293, General Services Agency Budget Unit 106, and Resource Management Agency Budget Unit 194 to reflect the changes in position count; and make adjustments in the affected budget (4/5th vote required).

**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:**

5100.000

0525.000

45.
  - a. **2005 CONST 0001: Authorized** acceptance of work for Project No. 9820-01, Hazardous Material Removal, for the Castro Plaza Project, community of Castroville; and
  - b. **Authorized** the Director of Housing and Redevelopment to execute and record the Notice of Completion; and
  - c. **Authorized** the release of retention 35 days following the filing of the Notice of Completion and upon approval of the Director of Housing and Redevelopment Office.