

BOARD OF SUPERVISORS

Fernando Armenta
Louis R. Calcagno
W. B. "Butch" Lindley
Jerry Smith
Dave Potter

1st District
2nd District
3rd District (Chair)
4th District (Vice Chair)
5th District

Lew C. Bauman
County Administrative Officer

Charles J. McKee
County Counsel

Ann D. McElroy
Clerk to the Board
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ACTION MINUTES

MONTEREY COUNTY BOARD OF SUPERVISORS AND MONTEREY COUNTY REDEVELOPMENT AGENCY TUESDAY, MAY 17, 2005 9:30 AM

9:30 a.m.

S-1 Pledge of Allegiance.
The Pledge of Allegiance was led by Sheriff Mike Kanalakis.

6300.000 S-2 Additions and Corrections to the Agenda.
Upon motion of Supervisor Calcagno, seconded by Supervisor Potter, and carried, the Board approved the following additions and corrections to the Agenda:

On the Supplemental Agenda for today's meeting:

A/C-1. Under TITLE CORRECTIONS, S-12 should be S-10.

Under Adjournment:

A/C-2. Adjourn today's meeting in memory of Candia Colangelo, wife of Chief Assistant County Administrative Officer Jim Colangelo.

S-3 CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

S-4 CONSENT CALENDAR - REDEVELOPMENT AGENCY (See Supplemental Sheet)

APPOINTMENTS:

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

- 0402.525 1. Appointed James M. Krossa, representing the City of Gonzales to the Monterey County Commission on Disabilities for a term to end December 31, 2008. (Full Board)
- 0400.774 2. Reappointed Jess Estrada, to the County Service Area 14 Advisory Committee for a term to end March 1, 2007. (Calcagno)

OTHER BOARD MATTERS:

- 6300.000 3. Board Comments and Referrals.

Supervisor Potter spoke to the Board regarding Candia Colangelo, in whose memory the day's meeting was being adjourned.

Supervisor Armenta made a request through the Chair to the CAO office and Assistant County Administrative Officer, Rosie Pando, regarding the budget hearings schedule on Tuesday, June 28, 2005, when the Board is scheduled to make the final decision on the FY 2005-06 budget. He informed the Board that he had scheduled himself two months previous to a National Latino Elected Conference. He said that as the Board generally kept the 4th Tuesday of the month for either special meetings, or no meetings at all, he respectfully requested that the budget be finalized the week prior to Tuesday, June 28, 2005.

Supervisor Calcagno, referred to his comments from the previous week regarding the grass that was growing along the side of the roads in North County and that fact that he felt it needed to be trimmed immediately. He said that crews were already working and the issue was being quickly addressed. He said that he appreciated Public Works for getting on to it right away.

Supervisors Calcagno and Smith also stated their support of Supervisor Potter's words regarding Candia Colangelo.

- 0600.025 4. County Administrative Officer's Comments.

County Administrative Officer, Lew Bauman, also spoke in support of the sentiments expressed by Supervisors Potter, Calcagno, and Smith regarding Candia Colangelo and her family.

Mr. Bauman informed the Board that the Central Coast Chapter of the Association of Government Accountants (AGA) was a recipient of the AGA's 2005 Chapter Education Award for their educational activities. He stated that

he wanted to extend congratulations to the staff who was responsible for the achievement: Outgoing Central Coast Chapter President Al Friedrich, President Elect Karen Forbes, Co-treasurers Julie Osateo and Carol Statham, Secretary Gary Gibboney, Education Chair Dave Kimbrough, Meeting Chair Julia Aguerro, Co-member Chairs Jill Baucom and Deanna Gunn, and Newsletter Editor Dave Riney.

- 6300.000 5. Update on Board Referrals.
- 2050.000 6. Public Comments. (Limited to 3 minutes, or less, at the discretion of the Chair, each speaker.)
- a. Christine Herrick, distributed a picture to the Board of James Dayton, a resident of the Rippling River facility. She told the Board that his parents had arrived in Carmel Valley in a covered wagon. She addressed the Board regarding the disrepair of the buildings and the reduced maintenance.
- 2050.000 7. **Resolution No. 05-092:** Adopted Resolution honoring Dr. Samuel E. Gaskins, Sr., Northern California State Mission President.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Smith, and carried.
- 2050.000 8. **Resolution No. 05-093:** Adopted Resolution honoring Mary Owens on her retirement from Monterey Unified School District.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Smith, and carried.
- 2050.000 9. Adopted resolution honoring Janet Albrich upon her retirement from Monterey County after 11 years of outstanding service.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Smith, and carried.
- 1900.000 10. Received report and consider recommendations from the Legislative Committee meeting of May 3, 2005.
BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Armenta, and carried.
- 6300.000 11. Recessed to the East Wing Conference Room for welcome reception for David Medrano, Monterey County Equal Opportunity Officer.

SCHEDULED MATTERS:

- 6300.000 S-5 Closed Session under Government Code section 54950, relating to the following items:

- a. Pursuant to Government Code section 54956.8, the Redevelopment Agency will confer with real property negotiators. Property: East Garrison portion of the former Fort Ord; Negotiators: ~~Ron Lundquist~~ Lew Bauman for the County of Monterey, Ian Gillis for East Garrison Partners.
BOARD ACTION: The Board gave direction to the negotiators.
- b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:
 1. ~~Luther Hert (WC)~~
 2. ~~Dorothy Perry (WC)~~
 3. ~~Jose Vargas (WC)~~
 4. California Department of Transportation vs. County of Monterey
BOARD ACTION: The Board received an update and gave direction to staff.
 5. LandWatch Monterey County, et al. vs. County of Monterey
BOARD ACTION: The Board received an update and gave direction to staff.
 6. John L. McDonnell, Jr., et al. vs. County of Monterey, et al.
BOARD ACTION: The Board received an update and gave direction to staff.
 7. Save Our Peninsula Committee vs. County of Monterey, et al.
BOARD ACTION: The Board received an update and gave direction to staff.
 8. City of Salinas vs. County of Monterey
BOARD ACTION: The Board received an update and gave direction to staff.
 9. H-Y-H Corporation vs. County of Monterey
BOARD ACTION: The Board received an update and gave direction to staff.
 10. Patricia Bernardi, et al. vs. County of Monterey
BOARD ACTION: The Board received an update and gave direction to staff.
- c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding the following significant exposure to litigation:

1. Claim of Rolando and Marilyn Narito
BOARD ACTION: The Board denied the claim.

2. Claim of the Heirs of Shirley Booker
BOARD ACTION: The claim was received late and was denied by the Board.

- d. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiator(s) (all units); Keith Honda, designated representative.
BOARD ACTION: Mr. Honda gave the Board an update and received direction regarding negotiations.

10:30 a.m.

- 0601.100 S-6 a. **Continued to Tuesday, June 7, 2005.** Accept an oral presentation from the Monterey County Health Department's Environmental Health Division Director that will provide an overview of the Western Franchise Proposed Residential and Commercial Customer Rates; and
- b. Approve and authorize the Director of Health to adjust garbage rates for USA Waste of California, Inc. dba Carmel Marina Corporation, to reflect increases in disposal fees for garbage service, cost of living adjustments, and Clean Air Act vehicle retrofitting requirements, for commercial and residential customers in the unincorporated areas of Big Sur, Carmel, Carmel Valley, Castroville, Highway 68, Moss Landing, River Road and unincorporated King City.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Smith, and carried, the Board moved to continue the item.

- 2800.000 S-7 Considered an Ordinance adding Section 21.64.320 – Regulations for the Creation of Temporary Truck Parking and Storage Operations and Section 21.64.330 – Regulations for the creation of Truck Parking and Storage Operations to the Monterey County Code (Title 21), in the unincorporated County-wide (Non-Coastal) areas of Monterey County.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Lindley, and carried, the Board directed staff to return on Tuesday, June 7, 2005, with the Ordinance and continue the public hearing until that date.

12:00 p.m. Recess to Lunch

1:30 p.m.

S-8 Approved the amended Natividad Medical Center Board of Trustees Bylaws according to the Governance Plan approved by the Monterey County Board of Supervisors on October 26, 2004.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Potter, and carried, the Board moved to adopt the Natividad Medical Center Board of Trustees by-laws.

S-9 **Agreement No. 10131:** Approved and authorized the Purchasing Manager for the County of Monterey to increase the amount of the purchase services agreement with Ferguson, Harlowe & Associates and Natividad Medical Center from \$95,000 to \$155,000, for additional consulting services during Fiscal Year 2004-05 related to Joint Commission accreditation preparation.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Armenta, and carried.

S-10 **Agreement No. 09796:** Approved and authorized the Purchasing Manager for the County of Monterey to increase money drawn off of the line of credit currently in place with GE Capital Public Finance, Inc. in order to fund changes to the Meditech system implementation project at Natividad Medical Center from \$3,786,368 (plus interest) to \$4,436,368.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Armenta, and carried.

Moved to Consent Calendar, after No. 16.

S-11 ~~a. Receive the 2005 Homeless Census; and
b. Endorse Monterey County's 10 Year Plan to End Chronically Homelessness as an addendum to the Community Based Homeless Services Plan.~~

S-12 **To be continued to Tuesday, June 28, 2005 at 1:30 p.m.** Public hearing to consider an ordinance amending Chapter 1.20 of the Monterey County Code relative to the enforcement of the Monterey County Code.
BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Calcagno, and carried, the Board moved to continue.

S-13 **Resolution No. 05-107:** Adopted resolution to provide pest or rodent control as an additional type of extended or miscellaneous extended service within County Service Area No. 14 - Castroville.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Smith, and carried.

**ORDER FOR ADJOURNMENT
IN MEMORY OF CANDIA COLANGELO, WIFE OF CHIEF ASSISTANT COUNTY
ADMINISTRATIVE OFFICER JIM COLANGELO**

APPROVED:

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 Smith, and unanimously carried, the Board approved the following actions, unless otherwise noted:

HEALTH AND SOCIAL SERVICES:

12. 0601.100 **Resolution No. 05-098:** Proclaimed state of local emergency relating to the spread of HIV among injection drug users in Monterey County.
13. 0125.000 **Agreement No. A-10118:** Approve and authorize the Director of Health to sign an Agreement with Community Bridges in the amount of \$738,750 to plan and implement initiatives for low-income populations to adopt healthy eating and physical activity lifestyles for the period of January 1, 2005, through September 30, 2007.
14. 0525.0000
 - a. Adopted plans and specifications to expand capacity at existing clinic located at Natividad Medical Center, 1441 Constitution Blvd., Building 151, Suite 16, Salinas, CA 93906 to accommodate internal medicine patients. Bid number 9865. Preliminary estimates indicate that the cost of the project will not exceed \$300,000; and
 - b. Directed the Clerk to the Board to advertise for bids to be received no later than 2:00 p.m. on Thursday, June 2, 2005.
15. 0125.000
 - a. **Agreement No. A-10119:** Approved and authorized the Director of the Department of Social & Employment Services to sign an agreement for \$60,000 with KION/KCBA to provide marketing and outreach for the Family-to-Family Initiative, and The Resource Book.org for the period April 15, 2005 to June 30, 2006; and
 - b. Authorized the Director of the Department of Social & Employment Services to sign all future amendments to this Agreement not exceeding 5% of the contract amount and a three (3) month extension.
16.
 - a. Approved and amended the FY 2004-05 Health Department Budget Unit 411 to reallocate 1.0 FTE Chronic Disease Prevention Specialist II to 1.0 FTE Research Analyst, and 1.0 FTE Management Analyst I to 1.0 FTE Management Analyst II;
 - b. Directed the Auditor-Controller to amend the FY 2004-05 Health Department Budget Unit 411 to reflect the change in position count as outlined in the attached Board Order; and
 - c. Directed the County Administrative Office and Auditor-Controller to incorporate the changes in the attached Board Order into the Fiscal Year 2005-06 final budget and position count.

- S/A-1 0602.550
- a. Received the 2005 Homeless Census; and
 - b. Endorsed Monterey County's 10 Year Plan to End Chronically Homelessness as an addendum to the Community-Based Homeless Services Plan.

CRIMINAL JUSTICE:

17. 0602.250 Approved and Authorized the Chief Probation Officer to submit an application for a two-year grant in the amount of \$200,000 to the U.S. Department of Justice for the Single Jurisdiction Juvenile Drug Court Enhancement Program.
18. 0602.250 Approved the transfer of funds in the amount of \$101,316 from Budget Unit 255-Probation to Budget Unit 256-Institutions and Alternative Programs for expenses related to staffing and mandatory training at Juvenile Hall and Youth Center.
19. 0602.500 **Resolution No. 05-099:** Approved and authorized the Sheriff and District Attorney to sign a grant application with the State Governor's Office of Emergency Services (OES) for County of Monterey Marijuana Suppression Program for Fiscal Year 2005-06 and any future amendments to this grant.
20. 0125.000 **Agreement No. A-10120:** Approved and authorized the Sheriff to sign Agreement No. 200-25 with the U.S. Department of Justice, Federal Drug Enforcement Administration in the amount of \$15,000 for the period of January 1, 2005 through December 31, 2005 to defray costs relating to Cannabis Eradication and Suppression Program.

GENERAL GOVERNMENT:

21. 2050.000 Approved Action Minutes for the meeting of Tuesday, April 12, 2005.
22. 0525.000
- a. Awarded the contract to Granite Construction Company for the "Parking Lot Improvements Agricultural Commissioner's offices – 1428 Abbott Street, Salinas and 522 N. 2nd Street, King City" (Bid Number 9838), in the amount of \$49,047, plus \$4,905 in change order contingencies for a total of \$53,952; and
 - b. Directed the Auditor-Controller to make payments upon approval of the General Services Facilities Manager in the amount of \$49,047, plus \$4,905 in contingencies, for a total amount of \$53,952.
23. 0525.000
- a. Awarded the contract to Granite Construction Company for the "Parking Lot Improvements Probation Administration Building"

- (Bid Number 9849), in the amount of \$29,739 plus \$2,974 in change order contingencies for a total of \$32,713; and
- b. Directed the Auditor-Controller to make payments upon approval of the General Services Facilities Manager in the amount of \$29,739, plus \$2,974 in contingencies, for a total amount of \$32,713.
24. 0125.000 **Agreement No. A-10121:** Approved and authorized the County Administrative Officer to sign an agreement with Freshman Kast, Inc. for the purpose of providing federal legislative advocacy services in the amount of \$102,500 for the period of July 1, 2005 through June 30, 2006.
25. 0125.000 **Agreement No. A-10122:** Approved a \$15,000 County contract with Freitas + Freitas Engineering and Planning Consultants, Inc. for consulting services in connection with County Affordable Housing Programs and Projects.
26. 0525.000
- a. Rejected (8) all previous bids for the project "Monterey County Government Center, North Wing Courthouse Renovation;
- b. Adopted the revised Plans and Specifications for the project dated May 6, 2005; and
- c. Authorized (8) corresponding bids to be received per the attached bid schedule.
27. 0125.000
- a. **Agreement No. A-10123:** Approved the Agreement with Wald Ruhnke & Dost Architects in the amount of \$46,840 to provide architectural design services for the "Modular Building 3 Interior Remodel Project", 230 Church Street, Building 3, Salinas; and
- b. Authorized the Auditor-Controller to make payments upon approval of Capital Projects Management of the award amount.
28. 0525.000
- a. Authorized Capital Projects Management to approve additional change orders totaling up to \$87,375 for the project, "Custom & Finish Carpentry/Casework - BP #9758-14" at the County of Monterey Government Center Administration Building in Salinas; and
- b. Authorized the Auditor-Controller to make payments in an amount not-to-exceed \$825,475 to Amberwood Installation.
29. 0125.000 **Agreement No. A-*****:** Approve amendment to Professional Services Agreement with RJA Management Services, Inc. to increase the amount by \$1,720 for a total of \$26,720 to conduct an executive search for the position of Equal Opportunity Officer for Monterey County.
30. Approve Employment Agreement for Equal Opportunity Officer for Monterey County.

31. 0525.000 a. Authorized Capital Projects Management to approve additional change orders totaling up to \$67,100 for the project, "Painting Supply & Install - BP #9758-11" at the County of Monterey Government Center Administration Building in Salinas; and
- b. Authorized the Auditor-Controller to make payments in an amount not-to-exceed \$440,000 to George E. Masker, Inc.
32. 0125.000 **Agreement No. A-10124:** Authorized the Chair to sign Agreement not to exceed \$50,000 with the firm of Shute, Mihaly, and Weinberger, LLP, to provide specialized legal advice and recommendations in connection with the completion of the General Plan Update.
33. 0125.000 **Agreement No. A-10125:** Approved a proposal from Bartig, Basler & Ray CPAs, Inc to perform the 2004-05 Independent and Single Audits in an amount not to exceed \$106,205 and authorize the Board Chair to sign the agreement.
34. 0525.000 a. Directed the Facilities Manager to file Notice of Completion for the project, "Structural Framing Restoration of Sheriff's Adult Rehabilitation Facility;" and
- b. Directed the Auditor-Controller to make final payment of \$18,570 upon approval of the Facilities Manager.
35. 0600.025 a. Approved renaming the General Reserve Designation, account 3000, to Strategic Reserve Designation;
- b. Directed the Auditor-Controller to establish a General Fund Automation Designation account;
- c. Approved the transfer of \$27,291,395 from the General Fund Designation, account 3810, to the Strategic Reserve Designation, account 3000;
- d. Approved the transfer of \$3,000,000 from the General Fund Designation, account 3810, to the Automation Designation account;
- e. Rescinded the Board Order dated April 5th, 2005 directing the transfer of \$5.9 million of one-time only FY 2004-05 revenues to the Core Financial, Budget Preparation and Payroll System Replacement Fund; and
- f. Directed the Auditor-Controller to transfer \$5.9 million of one-time only FY 2004-05 revenues to the General Fund Automation Designation, rather than to the Core Financial, Budget Preparation and Payroll System Replacement Fund.
- S/A-3. 0600.050 Received the 2005-06 Appropriation Limits pursuant to Article XIII B of the California Constitution and set June 13, 2005 At 9:50 A.M. as the date to establish these limits.

- S/A-5. 0139.000 Introduced, waived reading and set hearing for June 7, 2005 on an
5900.000 Ordinance amending Section 2.40.70 of the Monterey County Code relating to compensation for members and alternates of the Assessment Appeals Board.

PLANNING AND BUILDING INSPECTION:

The following item was removed from the Consent Calendar and voted upon separately:

36. 0125.000 a. **Agreement No. A-10126:** Approved a Professional Services Agreement with Project Design Consultants (PDC) in an amount not to exceed \$325,000 to provide independent consultant support for the Amended Specific Plan and Environmental Impact Report Addenda for the Rancho San Juan project; and
- b. Authorized the Planning and Building Inspection Director to execute the Agreement 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, seconded by Supervisor Smith, and carried, with Supervisors Calcagno and Potter voting no.

37. ~~a. Approve Amendment No. 2 to extend the term of the Professional Services Agreement with Michael Brandman Associates, Inc. for preparation of the Environmental Impact Report (EIR) for the September Ranch Subdivision Proposal;~~
- ~~b. Approve Amendment No. 2 to extend the term of the Reimbursement Agreement with September Ranch Partners to reimburse Michael Brandman Associates, Inc. for preparation of the September Ranch Subdivision EIR; and~~
- ~~c. Authorize the Planning and Building Inspection Director to execute the amendment and future amendments that do not significantly alter the scope of work or change the approved agreement amount.~~

PUBLIC WORKS:

38. 0525.000 a. Accepted the Certificate of Completion for the construction of Raised Pavement Markers Project - Various Roads 2005 (Contract No. 05-550507); and
- b. Authorized the Public Works Director to execute and record the Notice of Completion.

BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Potter, the Board continued item 39 to Tuesday, June 7, 2005:

39. 0602.350 Approved transfer of appropriations within Castroville County Service
0650.014 Area No. 14 from Fund 114, Budget 910, to Fund 114, Budget 911, in the

amount of \$100,000 to pay for needed sanitation services, for the Fiscal Year Ended June 30, 2005.

40. 0525000 a. Approved Plans and Special Provisions for construction of San Miguel Canyon Road/Hall Road Intersection Improvements, (Project No. 05-152065); and
- b. Authorized the Clerk to the Board to advertise the "Notice to Contractors" in the Californian on May 20 and May 27, 2005.
- S/A-4. 0602.350 a. Approved a grant application to be submitted to the Monterey Bay
0801.900 Unified Air Pollution Control District (MBUAPCD), in the amount of \$200,000 for South Monterey County Transit Service; and
- b. Authorized the Public Works Director to submit and execute all documentation to secure these funds.

MONTEREY COUNTY REDEVELOPMENT AGENCY:

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

41. Approve a \$50,000 Redevelopment contract with Freitas + Freitas Engineering and Planning Consultants, Inc. for consulting services in connection with Redevelopment Affordable Housing Programs and Projects.
42. Approve Contract for \$50,000 with Law Offices of Kathryn Reimann for Specialized Legal Services for the County Redevelopment Agency.
- S/A-2. a. Approve an Agreement with Pacific Municipal Consultants in the amount of \$156,473 to prepare the Environmental Impact Report (EIR) for the Castroville Community Plan; and
- b. Authorize the Chief Assistant County Administrative Officer or designee to execute the Agreement.