

# 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 (Chair)	
Jerry Smith	4 <sup>th</sup> District (Vice Chair)	Charles J. McKee
Dave Potter	5 <sup>th</sup> District	County Counsel

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## ACTION MINUTES

**MONTEREY COUNTY BOARD OF SUPERVISORS  
MONTEREY COUNTY REDEVELOPMENT AGENCY  
MONTEREY WATER RESOURCES AGENCY  
TUESDAY, DECEMBER 13, 2005  
9:30 AM**

### 9:30 a.m.

S-1 Pledge of Allegiance. The pledge of Allegiance was led by CAO Lew Bauman

6300.000 S-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 Potter, seconded by Supervisor Armenta, and carried, the Board approved the following additions and corrections to the Agenda.**

Under Scheduled matters:

Please note the following title changes:

- S-6 b.    1. California Department of Transportation vs. County of Monterey (Rancho San Juan)
2. LandWatch Monterey County, et al. vs. County of Monterey, et al. (Rancho San Juan)
3. John L. McDonnell, Jr., et al. vs. County of Monterey, et al. (Rancho San Juan)
4. Save Our Peninsula Committee vs. County of Monterey, et al. (Rancho San Juan)
5. City of Salinas vs. County of Monterey (Rancho San Juan)
6. H-Y-H Corporation vs. County of Monterey (Rancho San Juan)
7. California American Water vs. City of Seaside.
8. Salinas Valley Property Owners for Lawful Assessments vs. County of Monterey, et.al.

Under the Consent Calendar:

Please note the following title changes:

- #26. b. Direct the Auditor-Controller to amend the Sheriff's Budget Unit 230 to increase revenue and expenditures in the amount of \$300,000. (4/5ths Vote Required)
- #45 a. Approve the Bylaws for the Monterey County Deferred Compensation Plan Advisory Committee; and  
 b. delegations of responsibilities to the Plan Administrator to manage the Monterey County Deferred Compensation Plan in accordance with established best practices.
- In addition please note that the last page of the Board Report – entitled “Acceptance and Acknowledgement” was inadvertently included and should be discarded.

Please remove the following consent items:

60. Approve a resolution to grant an appeal and to approve a Combined Development Permit (KEIG; PLN040530) including a Coastal Development Permit to allow the construction of a 3,499 sq. ft. two-story single family dwelling and attached 1,049 sq.ft. garage; a domestic well; grading (640 cu. yd. cut and 640 cu. yd. fill); a Coastal Development Permit to remove nine Monterey pines (12” to 22” dbh) and eight Coast live oak trees (6’ to 9” dbh); and Design Approval. The subject property is located at 100 Crest Road, Carmel Highlands (Assessor’s Parcel Number 241-221-013-000), Coastal Zone

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

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

S-5 CONSENT CALENDAR – MONTEREY WATER RESOURCES AGENCY

#### APPOINTMENTS:

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

- 0601.100 1. **Reappointed** Ronald Fuerstner, M.D., and Julie Edgcomb, to the Central Coast Alliance for Health for terms ending December 31, 2009. (Full Board)
- 0400.435 2. **Reappointed** Robert Petty, Marilyn Bloom, and Marvin Wolf, to the Area Agency on Aging Advisory Council for terms ending January 1, 2008. (Full Board)
- 0400.435 3. **Reappointed** John O'Brien, to the Area Agency on Aging Advisory Council for term ending January 1, 2008. (Full Board)
- 0401.500 4. **Appointed** Caron R. DeSeguirant, to the Commission on the Status of Women for a term ending on February 1, 2008. (Supervisor Smith)

#### OTHER BOARD MATTERS:

- 6300.000 5. Board Comments and Referrals.  
 a. Supervisor Potter made two referrals through the CAO.

1. Big Sur would like to be notified when the State of California is going to be closing parts of 101 affecting the Big Sur territory.
2. The Carmel Valley Road Committee would like a status regarding an Ordinance of proof of access along a private road.

b. Supervisor Smith discussed the numerous local events of the past weekend.

- 6300.000 6. Update on Board Referrals.  
There were none.
- 0600.025 7. CAO Comments:  
Dr. Bauman made reference to there being a number of Resolutions today honoring various individuals on their retirement. Dr. Bauman made specific reference to the Director of Planning and Building Inspection, Mr. Scott Hennessy, who is retiring at the end of this month. Further recognition was given to Mike Lawrence who is the longest serving Public Defender in this State, also retiring this month. CAO Bauman thanked each one for their long standing dedication and service.
- 2050.000 8. Public Comment. (Limited to 3 minutes)  
There was no Public Comment.

**BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Armenta and carried the Board approved items 9, 10, 11, 12 and 13 below.**

- 2050.000 9. **Resolution No. 05-237: Adopted** a Resolution commending Craig T. Pakish, Monterey County Deputy Sheriff, upon his retirement from public service.
- 2050.000 10. **Resolution No. 05-328: Adopted** a Resolution commending Patricia J. Henry, Monterey County Sheriff's Office Correctional Cook, upon her retirement from public service.
- 2050.000 11. **Resolution No. 05-329: Adopted** a Resolution commending Russell Helton, Monterey County Deputy Sheriff, upon his retirement from public service.
- 2050.000 12. **Resolution No. 05-335: Adopted** a Resolution commending Scott Hennessy for his dedicated service as Director of Planning & Building Inspection Department.  
**Supervisor Potter presented Mr. Hennessey with his resolution, reading it aloud. Each of the Supervisors thanked Mr. Hennessey for his 5 years of dedicated service. Mr. Hennessey spoke and received a standing ovation from all who were present.**
- 2050.000 13. **Resolution No. 05-322: Adopted** a Resolution commending Phillip Neal Butler, Ph.D for his service with the Community Action Commission.
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#### **SCHEDULED MATTERS:**

- 6300.000 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 four items of significant exposure to litigation, including the following:
    1. Claim of Ronald Barter
    2. Claim of Rolando Narito, et al.

**BOARD ACTION: The Board denied the Claim of Ronald Barter. The Board approved Counsel to enter into settlement negotiations in the Claim of Rolando Narito, et al. If and**

**when the settlement is executed, copies will be made available to the public upon request.**

b. Pursuant to Government Code section 54956.9 (c), the Board will confer with legal counsel regarding two item of potential initiation of litigation.

**BOARD ACTION: The Board authorized counsel to engage in settlement discussions but refused to decline a waiver of conflict of interest regarding one of the attorney firms. In the first matter the Board offered to accept the settlement. In the second matter the Board gave direction to Counsel.**

c. Pursuant to Government Code section 54957, the Board will provide a performance evaluation on the following public employment position(s):

1. Natividad Medical Center CEO.
2. Monterey County Water Resources Agency General Manager.

**BOARD ACTION: The performance evaluation for the Natividad Medical Center CEO was continued to January.**

**The performance evaluation for the Monterey County Water Resources Agency General Manager was pulled off of the agenda.**

d. 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 (Rancho San Juan)
2. LandWatch Monterey County, et al. vs. County of Monterey (Rancho San Juan)
3. John L. McDonnell, Jr., et al. vs. County of Monterey, et al. (Rancho San Juan)
4. Save Our Peninsula Committee vs. County of Monterey, et al. (Rancho San Juan)
5. City of Salinas vs. County of Monterey (Rancho San Juan)
6. H-Y-H Corporation vs. County of Monterey (Rancho San Juan)
7. California American Water vs. City of Seaside, et al. (Rancho San Juan)
8. ~~LandWatch Monterey County, et al. vs. County of Monterey, et al.~~

**BOARD ACTION: The Board gave direction to counsel regarding the handling of the above 7 referenced matters.**

**10:30 a.m.**

- 0125.000 S-7 **Agreement No. A-10350: Approved and authorized** the Purchasing Manager for the County of Monterey to issue a purchase order in the amount of \$48,880 with Rapid Medical for the provision of Laboratory Courier Services at Natividad Medical Center (NMC) for FY 2005/2006. The term of the Professional Service Agreement is July 1, 2004 through June 30, 2006 for a total amount of \$120,000.  
**BOARD ACTION: Upon motion of Supervisor Armenta, seconded by Supervisor Smith, and carried.**  
**Supervisor Calcagno raised concerns over whether or not there was an escape clause without penalty or within 30-90 days. Supervisor Armenta made the above motion with the condition that it was to be brought back in the Natividad Action Plan to further discuss.**
- 0601.525 S-8 **Agreement No. A-10327: Approved and authorized** the Chief  
0125.000 Executive Officer of Natividad Medical Center, (NMC) to amend the current Professional Services Agreement between NMC and Monterey Anesthesia Professionals (MAP) to provide Anesthesiology services for NMC for the period of January 1, 2006 through December 31, 2006 in the amount not to exceed \$2,119,992 for professional and administrative services.  
**BOARD ACTION: Upon motion of Supervisor Armenta, seconded by Supervisor Smith, and carried.**

**Supervisor Calcagno raised concerns over whether or not there was an escape clause without penalty or within 30-90 days. Supervisor Armenta made the above motion with the condition that it was to be brought back in the Natividad Action Plan to further discuss.**

- 0125.000 S-9 **Agreement No. A-10351: Approved and authorized** the Purchasing Manager for the County of Monterey to sign an amendment to the current agreement with Elaine Elder for Pharmacy services at Natividad Medical Center (NMC) increasing the amount from \$25,000 to \$85,000. The term of this Agreement is from August 15, 2005 to June 30, 2006.  
**BOARD ACTION: Upon motion of Supervisor Armenta, seconded by Supervisor Smith, and carried.**  
**Supervisor Calcagno raised concerns over whether or not there was an escape clause without penalty or within 30-90 days. Supervisor Armenta made the above motion with the condition that it was to be brought back in the Natividad Action Plan to further discuss.**
- 0601.525 S-10 **Accepted** the Gift of Funds from Natividad Healthcare Alliance Medical Group's ("NHAMG") and approve the Assumption of NHAMG's Potential State Corporate Tax Liability.  
**BOARD ACTION: Upon motion of Supervisor Armenta, seconded by Supervisor Smith, and carried.**
- 0601.175 S-11 a. **Received** oral reports from District Federal and State Legislators, or their representatives, regarding the 2005 legislative session and outlook for 2006; and  
 b. **Accepted** reports from legislative advocates (JEA & Associates and Freshman – Kast, Inc.) regarding the 2005 legislative session.  
 The following individuals provided updates of their activities over 2005:  
 Legislators: a. Larry Cast  
 b. John Arriaga  
 Assemblyman: c. Simon Salinas  
 d. John Laird  
 Senators: e. Jeff Denham  
 f. Abel Maldonado

**12:00 p.m.**

- S-12 Recessed to Lunch – Legislative Workshop between Board of Supervisors, Legislators and Department Heads.

**1:30 p.m.**

- 0601.175 S-13 **Appointed** two members of the Board of Supervisors as an Ad Hoc Committee for oversight of Voting Rights Act Reauthorization.  
 6300.000 **BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Calcagno, and carried the hereby appointed Supervisor Smith and Supervisor Armenta to serve on the committee.**
- 0600.775 S-14 **Received** a presentation on Disaster preparedness.  
 Presented by the OES
- 0601.100 S-15 **Accepted** an oral presentation on Avian Influenza from the Monterey County Health Officer.  
 Presented by Dr. Stallworth.

Public Comment:

Tom Carvey: Thanked Dr. Stallworth for his presentation.

1350.000 S-16 Consideration of various General Plan policies and elements.

**ORDER FOR ADJOURNMENT**

APPROVED:

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Chair

ATTEST:

LEW C. BAUMAN, Clerk of the Board

By: \_\_\_\_\_  
Deputy

(Supplemental Sheet)

CONSENT CALENDAR

**BOARD ACTION:** Upon motion of Supervisor Smith, seconded by Supervisor Calcagno, and unanimously carried, the Board approved the following actions, unless otherwise noted: #58 was pulled for a separate discussion. #47/67 were pulled for separate discussion and voted on separately.

HEALTH AND SOCIAL SERVICES:

- 0601.150 14. a. **Agreement No. A-10338: Approved** agreement with waiver  
0125.000 of standard insurance provisions; and  
b. **Approved and authorized** the Director of Health to sign such Agreement with Heritage Schools Inc. in the annual amounts of \$49,099 for FY 2005-06, and \$38,946 for FY 2006-07 for an agreement total of \$88,045 for the period July 1, 2005 through June 30, 2007 for mental health services.
- 0601.100 15. a. **B.U. 05/06-110: Amended** Health Department Budget Unit 411 to approve reallocation of Senior Accountant Auditor position to Associate Personnel Analyst and  
b. **Directed** Auditor's Office to incorporate change in the FY 2005-2006 Budget.
- 0600.700 16. **Agreement No. A-10340: Approved and authorized** the  
0125.000 Director of Health to sign an Agreement with the Monterey County Office of Education in the amount of \$90,000 to continue the school-based portions of the Community Action Plan for the Steps to a Healthier Salinas Initiative for the period of October 11, 2005 through September 21, 2006.
- 0125.000 17. **Agreement No. A-10343: Approved** and authorized the Director of Health to sign a Memorandum of Understanding with the Monterey County Office of Education in the amount of \$67,411 to provide services that improve the ability of families, schools and communities to prepare children to enter school ready to succeed, for the period of July 1, 2005 through June 30, 2006.
- 0600.925 18. a. **BU 05/06-116: Approved and authorized** the Director of  
0601.150 Health to accept \$707,095 in grant funds from the Substance  
0150.145 Abuse and Mental Health Services Administration Grant No. SM56058-01, which represents a carryover of unspent funds from prior fiscal years; and  
b. **Directed** the Auditor-Controller to amend the FY 2005-06 Health Department's Mental Health Budget Unit 415 to increase estimated revenue and appropriations in the amount of \$707,095; (4/5th vote required)  
c. **Approved** the purchase of fixed assets in the amount of \$78,600.
- 0125.000 19. **Agreement No. A-10344: Approved and authorized** the Director of Health to sign a Memorandum of Understanding between the Monterey County Superintendent of Schools (MCOE) to implement School Readiness Program Initiative 1, 4, Special Needs Project (Account #0547, #0549, #0558) effective July 1, 2005 through June 30, 2006. MCOE is a recipient of a grant from the First 5 California Children and Families Commission. MCOE will pay Monterey County Behavioral Health staff to provide bilingual clinical support at various clinical Centers established by the School Readiness Program an amount not to exceed \$326,651.

- 0150.145 20. a. **BU 05/06-117: Approved and amended** the Health Department Clinic Services Budget Unit 413 to add 1.0 FTE Ob/Gyn Surgeon and 2.0 FTE General Internists; and  
 b. **Directed** the Auditor-Controller to amend the FY 2005-06 Health Department Budget Unit 413 to reflect the changes in position counts, and transfer \$301,346 from Services and Supplies to Employee Salaries.
- 0601.100 21. **Proclaimed** state of local emergency relating to the spread of HIV among injection drug users in Monterey County.
- 0150.145 22. a. **BU 05/06-118: Amended** Personnel Policies and Practices Resolution No. 98-394 to add the classification of Deputy Director of Behavioral Health; and  
 b. **Amended** Health Department Budget Unit 415 to approve two (2) new allocations of Deputy Director of Behavioral Health; and  
 c. **Directed** Auditor's Office to incorporate change in the Fiscal Year 2005-2006 Budget.
- 0125.000 23. **Agreement No. A-10345: Approved and authorized** the Director of Health to sign a Professional Services Agreement with the Action Council of Monterey County, Inc. for program implementation, community education, and training services in the amount of \$70,000 for the term beginning December 15, 2005 through June 30, 2007.
- 0602.500 24. a. **BU 05/06-119; Resolution No. 05-342: Directed** the Auditor  
 0150.145 Controller to transfer \$54,050 in Appropriations and \$39,115 in Estimated Revenues from Sheriff Coroner Budget Unit 292 to the Health Department's Budget Unit 415; and (4/5<sup>th</sup> Vote Required)  
 b. **Directed** the Auditor-Controller to transfer one full-time equivalent Principal Office Assistant from the Sheriff Coroner Budget Unit 292 to the Health Department's Budget Unit 415, effective February 4, 2006; and  
 c. **Directed** the Auditor-Controller to incorporate change in the FY 2005-2006 Budget; and  
 d. **Concurred** with the Director of Health's appointment of Richard Bishop as Public Administrator effective February 1, 2006.
- 0602.550 25. **Approved and authorized** the Director of the Department of Social and Employment Services to submit a grant application in the amount of \$25,000 to the California Endowment to assist in the design and development of the Family Resource Center services at the Castro Plaza.

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**CRIMINAL JUSTICE:**

- 0602.500 26. a. **BU 05/06-115: Approved and authorized** the Sheriff's Office  
 0150.145 request for a loan from the Productivity Investment Fund, on behalf of the Monterey County Remote Access Network (RAN) Board, for \$300,000 to purchase six Live-Scan fingerprinting machines and associated equipment and warranties; and  
 b. **Directed** the Auditor-Controller to amend the Sheriff's Budget Unit 230 to increase revenue and expenditures in the amount of \$300,000. (4/5<sup>th</sup> Vote Required)
- 0150.145 27. **BU 05/06-111: Approved and authorized** an increase in Fiscal Year 2005-2006 appropriations and estimated revenues in Sheriff's Budget Unit 230 by \$5,000 to establish a reward to be paid with Sheriff's asset forfeiture funds for information leading to the arrest and conviction of suspects in the Monterey Peninsula area in a series of vandalism and arson cases. (4/5<sup>th</sup> Vote Required)



- 0602.500 28. **BU 05/06-122: Approved and authorized** an increase in Fiscal  
0150.145 Year appropriations and estimated revenue in Sheriff's Budget Unit 230 by \$49,928 to  
purchase a CAL-ID Store and Forward server and replace California Law Enforcement  
Telecommunications System (CLETS) routers. (4/5th Vote Required)

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**GENERAL GOVERNMENT:**

- 0125.000 29. **Agreement No. A-09350: Approved** Amendment to Employment Contract with  
County Counsel.
- 0602.750 30. **Agreement No. A-10349; Resolution No. 05-343: Authorized**  
Treasurer - Tax Collector's Revenue Division to renew the Franchise Tax Board Court-  
Ordered debt collection program contract and direct the Chair of the Board to sign the  
memorandum of understanding.
- 2800.000 31. **Ordinance No. 05012: Adopted** an Ordinance amending Title 16 of the Monterey  
County Code establishing regulations to protect public health and safety from unexploded  
ordnance by controlling excavation activities on parcels transferred from the Army at the  
former Fort Ord.
- 2050.000 32. **Approved** Action Minutes for the Meeting of Tuesday July 12, 2005, copies having  
previously been distributed to each Board member.
- 2050.000 33. **Approved** Action Minutes for the meeting of Tuesday, June 28, 2005, copies having  
previously been distributed to each Board member.
- 2050.000 34. **Approved** Action Minutes for the meeting of Tuesday, June 7, 2005, copies having  
previously been distributed to each Board member.
- 2050.000 35. **Approved** Action Minutes for the meeting of Tuesday, June 14, 2005, copies having  
previously been distributed to each Board member.
- 2050.000 36. **Approved** Action Minutes for the meeting of Tuesday, October 18, 2005, copies having  
previously been distributed to each Board member.
- 0125.000 37. **Agreement No. A-08150: Accepted** recommendation allowing the Sports Car Racing  
Association of the Monterey Peninsula (SCRAMP) to enter into an additional agreement  
with Mazda Motor of America (Mazda) as the Exclusive Title Sponsor of Laguna Seca  
Raceway for an additional period of five (5) years; Authorize the Parks Director to  
approve the final agreement between SCRAMP and Mazda; and Authorize the Parks  
Director to negotiate and execute an amendment to the Master Concession agreement with  
SCRAMP regarding the restriction of the use of the SCRAMP/Mazda agreement income  
for capital improvements, and regarding the Mazda track days .
- 0525.000 38. a. **2005 CONST 0090: Awarded** construction contract to Blanchard Construction in the  
amount of \$35,764, for installation of play equipment and wood fibers at various  
Monterey County Parks facilities, Bid No. 9890; and  
b. **Authorized** the Chair of the Board to sign the contract; and

- c. **Authorized** the Director of Parks to approve change orders to up 10% of the bid; and  
d. **Directed** the Auditor-Controller to encumber \$13,113.46 in Account No. 001-755-7550-6773-1114, \$13,113.47 in Account No. 001-755-7550-6776-1115 and \$13,113.47 in Account No. 001-755-7550-6777-1117 for the bid and change order contingencies.
- 0525.000 39. a. **2001 CONST 0005: Directed** the Facilities Manager to file Notice of Completion for the project "Add Emergency Lights, Elevators and Wheelchair Lifts to Emergency Generator and make Emergency Repairs and Modifications to the Emergency Lighting in the North, East and West Wings of the Salinas Courthouse;" and  
b. **Directed** the Auditor-Controller to make final payment in the amount of \$28,525 upon approval of the Facilities Manager.
- 0525.000 40. a. **2005 CONST 0074: Authorized** the Facilities Manager to file Notice of Completion for the "Laurel Yard Carwash Plumbing and Canopy;" and  
b. **Authorized** release of retention 35 days following the filing of Notice of Completion and upon the approval of the Facilities Manager.
- 0602.750 41. a. **Resolution No. 05-336 / B.U. 05/06-112: Amended** Personnel Policies and Practices No. 98-394, Section A.1.11.2 Increases Within Salary Range, to add language to clarify step eligible dates for elected officials; and  
0150.145 b. **Adjusted** the Step Eligible date for Lou Solton, Treasurer-Tax Collector to January 6, 2006; and  
c. **Directed** the Auditor-Controller to adjust the step eligible date.
- 0602.500 42. a. **Declared** an Emergency and Waive Normal Bidding Requirements to make emergency repairs and modifications to the Sheriff's Department roll up door at 1414 Natividad Rd., Salinas at a cost not to exceed \$15,000; and  
b. **Authorized** the Purchasing Agent to issue Purchase Order Contracts to accomplish the required work. (4/5<sup>th</sup> Vote Required)
- 0525.000 43. a. **2003 CONST 0036: Authorized** the Facilities Manager to file Notice of Completion for the project "Repair Cabinet Fans and Replace Ventilation and Heating Unit at Natividad Juvenile Hall;" and  
b. **Authorized** the Auditor-Controller to make final payment in the amount of \$34,080 upon approval of the Facilities Manager.
- 0525.000 44. a. **2005 CONST 0094: Declared** an Emergency and Waive Normal Bidding Requirements to make emergency repairs and modifications to the Youth Center Education Facility at 970 Circle Drive, Salinas; and  
b. **Authorized** the Purchasing Agent to issue Purchase Order Contracts to accomplish the required work. (4/5<sup>th</sup> Vote Required)
- 0401.610 45. a. **Approved** the Bylaws for the Monterey County Deferred Compensation Plan Advisory Committee; and  
b. **Delegated** to the Plan Administrator the responsibilities to manage the Monterey County Deferred Compensation Plan in accordance with established best practices.
- 0600.850 46. **BU 05/06-123; BU 05/06-110: Amended** General Services Budget Unit 106 to:  
a. Deleted (1) Secretary; and  
b. Added (1) Courier.

**Pulled for separate discussion and vote:**

- 0125.000 47/67 a. **Agreement No. A-10347: Approved** the Monterey County and Monterey County Water Resources Agency 457 Deferred Compensation Adoption Agreement and plan in substantially the form presented; and
- b. **Delegated** to the Assistant County Administrative Officer and Human Resources, the authority to make appropriate or necessary modifications and execute final documents on or before December 31, 2005.

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

**Pulled for discussion and approved with the following revision:**

- a. **Approved recommendations in BOS Board Reports for Consent items #47 and 67.**
- b. **Motion of approval to include the following language:**  
**In addition to any other audits that the Plan Administrator, Trustee, if any, and/or Great West deems necessary, appropriate, or prudent to undertake with respect to the plan and/or the fulfillment of their separate and respective public accountant retained by the Auditor/Controller in cooperation with the Monterey County Deferred Compensation Advisory Committee.**

- 1225.000 48. **Approved** Memorandum of Understanding between Bureau of Land Management (BLM), U.S. Army, Fort Ord Reuse Authority (FOR A), Monterey Peninsula College (MPC) and the County of Monterey to clarify terms and conditions of previously approved East Garrison-Parker Flats land use modifications at the former Fort Ord.
- 0125.000 49. **Agreement No. A-10348 / B.U. 05/06-113: Approved** the L Unit  
0150.145 (Probation Managers Association) Tentative Agreement.
- 1150.000 50. **BU 05/06-120: Approved** the transfer of \$15,000 from General Fund Contingency to the Fish and Game Propagation, Budget Unit 297, Fund 006. (4/5<sup>th</sup> Vote Required)
- 0125.000 51. **Agreement No. A-10342: Approved** agreement with Willoughby, Stuart & Benning for legal services related to HYH v. County of Monterey in an amount not to exceed \$50,000.00.
- 0125.000 52. **Agreement No. A-10341: Approved** agreement with Willoughby, Stuart & Benning for legal services related to insurance coverage in an amount not to exceed \$25,000.00.
- 0600.050 S/A-4 **BU 05/06-129: Authorized** additional funding of \$150,000 for  
0150.145 accounting, financial, appraisal and other fiscal related services for the purposes of fiscal and strategic planning, financial forecasting and financial reporting.

**RMA - PLANNING AND BUILDING INSPECTION:**

53. a. **Resolution No. 05-347: Adopted** a Resolution to approve a Lot Line Adjustment between four separate parcels (ECHENIQUE RANCH; PLN040006); and
- b. **Authorized** the Chair of the Board to execute a new or amended Williamson Act Land Conservation Contracts, rescinding a portion of Land Conservation Contract No. 69-012 (with Amendment to description of the property as recorded on October 29, 1969) for the Echenique Ranch to reflect the newly reconfigured parcels and simultaneously execute a new or amended Land Conservation Contract (No. 69-012a) between the County of Monterey and Echenique Ranch owners, to incorporate new legal descriptions, based on the reconfigured parcels, to reflect ownership interests, and incorporate any legislative changes to the State Williamson Act provisions and current Agricultural Preserve Policies or Procedures. The project is located at and around 58608 Lockwood-San Lucas Road, San Lucas (Assessor's Parcel Numbers

233-031-003-000, 233-051-001-000, 233-051-002-000, 233-051-003-000, 421-121-058-000 and 421-121-059-000), approximately 1.5 miles southeast of the intersection of Highway 101 and Lockwood-San Lucas Road, South County Area Plan.

54. a. **Resolution No. 05-344: Adopted** a Resolution to approve a Lot Line Adjustment between two separate parcels (SANDERS; PLN040545); and  
 b. **Authorized** the Chair of the Board to execute amended Williamson Act Land Conservation Contracts, rescinding a portion of Land Conservation Contract Nos. 97-004 and 90-002 for Gregrey and Carrie Sanders Trust to reflect the newly reconfigured parcels and simultaneously execute new Land Conservation Contracts (Nos. 97-004a and 90-002a) between the County of Monterey and Gregrey and Carrie Sanders, to incorporate new legal descriptions, based on the reconfigured parcels, to reflect ownership interests, and incorporate any legislative changes to the State Williamson Act provisions and current Agricultural Preserve Policies or Procedures. The properties are located on Jolon Road, King City (Assessor's Parcel Numbers 421-301-001-000 [Parcel B] and 421-301-003-000 [Parcel A]), north of the Jolon Road and Sulphur Springs intersection, South County Area.
55. a. **Resolution No. 05-337: Adopted** a resolution to approve a Lot Line adjustment (San Bernabe Vineyards, LLC; PLN050188) between four separate parcels under Land Conservation Contract nos. 69-009 and 72-044, with no net decrease in acreage under Williamson Act contract; and  
 b. **Adopted** a resolution to authorize the Chair to execute new or amended Land Conservation Contracts in order to rescind a portion of Land Conservation Contract nos. 69-009 and 72-044 as they apply to the reconfigured, contracted parcels only, and to simultaneously execute new or amended Land Conservation Contracts nos. 69-009a and 72-004a reflecting new ownership interests. The properties are located at 55580 Lock wood San Lucas Road, San Lucas (Assessor Parcel Numbers 231-051-008, 420-081-011, 421-111-013, 421-111-014), west of San Lucas, Highway 101 and the banks of the Salinas River, fronting northerly on Oasis Road, Central Salinas Valley Area.
56. a. **Resolution No. 05-345: Adopted** a Resolution to approve a Lot Line Adjustment between two separate parcels (Bengard Family Trust; PLN040635); and  
 b. **Authorized** the Chair of the Board to execute a new or amended Williamson Act Land Conservation Contract, rescinding a portion of Land Conservation Contract No. 68-95 to reflect the newly reconfigured parcels and simultaneously execute a new or amended Land Conservation Contract (No. 68-95a) between the County of Monterey and the Bengard Family Trust, to incorporate the new legal description, based on the reconfigured parcels, to reflect ownership interests, and incorporate any legislative changes to the State Williamson Act provisions and current Agricultural Preserve Policies or Procedures. The properties are located on 959 Old Stage Road, Salinas (Parcel 1: APN 107-041-021-000, Parcel 2: 107-041-022-000), east of the Old Stage Road and Williams Road intersection, Greater Salinas Planning Area.
- 0602.200  
0150.145 57. **B.U. 05/06-114: Authorized** the purchase of specialized lobby management equipment in the amount of \$35,849 with available appropriations from Budget Unit 293, Planning and Building Inspection, Fixed Assets-Equipment, to facilitate improved customer service.
58. **Resolution No. 05-346: Adopted** a resolution certifying a revised Statement of Overriding Considerations (GPZ050005) for the Rancho San Juan Revised Specific Plan (EIR No. 04-01).

- 0125.000 59. a. **Agreement No. A-10353: Approved** Professional Services Agreement with EcoSystems West Consulting Group for preparation of the Final Piperia Plan for The Pebble Beach Company's Del Monte Forest Preservation and Development Plan, not to exceed \$147,527 plus a \$22,129 contingency fee, for a total of \$169,656; and
- b. **Agreement No. A-01354: Approved** Reimbursement Agreement in the amount of \$169,656 with The Pebble Beach Company to reimburse EcoSystems West Consulting Group for preparation of the Final Piperia Plan for The Pebble Beach Company's Del Monte Forest Preservation and Development Plan; and
- c. **Authorized** the Planning and Building Inspection Director to execute the Professional Services Agreement and Reimbursement Agreement and future amendments that do not significantly alter the scope of work or change the approved agreement amount.

**Continued to January 10, 2005:**

- ~~60. Approve a resolution to grant an appeal and to approve a Combined Development Permit (KEIG; PLN040530) including a Coastal Development Permit to allow the construction of a 3,499 sq. ft. two-story single family dwelling and attached 1,049 sq.ft. garage; a domestic well; grading (640 cu. yd. cut and 640 cu. yd. fill); a Coastal Development Permit to remove nine Monterey pines (12" to 22" dbh) and eight Coast live oak trees (6' to 9" dbh); and Design Approval. The subject property is located at 100 Crest Road, Carmel Highlands (Assessor's Parcel Number 241-221-013-000), Coastal Zone.~~

**RMA -PUBLIC WORKS:**

- 0400.775 61. **B.U. 05/06.125: Approved** transfer of appropriations within Serra  
0150.145 Village and Toro Park, County Service Area No. 15 from Fund 115, Budget 910, to Fund 115, Budget 920, in the amount of \$30,000 for the Fiscal Year Ended June 30, 2006 to pay for needed landscaping and playground equipment maintenance services.
- 0525.000 62. a. **2005 CONST 0093: Approved** Plans and Special Provisions and advertise for bids for the Aboveground Emulsion Storage Tanks Removal Project, (Project No. 06-040902); and
- b. **Authorized** the Clerk of the Board to advertise the "Notice to Contractors" in the Californian on December 16 and December 23, 2005.
- 0525.000 63. a. **2005 CONST 0095: Approved** a Professional Services Agreement with Boyle Engineering Corporation in an amount not to exceed \$73,864 to provide constructability review, revised specifications and engineer's cost opinion for the Arroyo Seco Road Bridge (Co. No. 311) at Arroyo Seco River, Federal Aid Project No. BRLSZD-5944 (046) (Project No. 06-220665); and
- b. **Authorized** the Public Works Director to execute the Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.
- 0525.000 64. a. **BU No. 05/06-121; 2005 CONST 0077: Approved and authorized** the Chair to execute an Agreement with William A. Thayer Construction for Bid Package #9864 (Rebid 2) for the Modular Building 3-District Attorney's Office Improvement in the amount of \$444,750; and
- b. **Approved** the Performance and Payment Bonds executed and provided by William A. Thayer Construction; and
- c. **Transferred** \$19,000 from Fund 001, BU 224 - District 172, Fixed Asset Account 6760 Master Plan Temporary Improvements; and
- d. **Directed** Auditor Controller to re-budget \$19,000 from Fund 001, BU 224 - District Attorney, Account 6469 to BU 172 Fixed Asset Account 6760 Master Plan Temporary

## Improvements.

- 0602.350 65. a. **Accepted** annual evaluation report of Traffic on Carmel Valley Road, Rio Road, and Carmel Rancho Boulevard, pursuant to Carmel Valley Master Plan Policy 39.3.2.1(b); and  
 b. **Set January 10, 2006, at 2:30 p.m.** for a public hearing on the traffic volumes on Carmel Valley Road in Segment 7 pursuant to Carmel Valley Master Plan Policy 39.3.2.1(c); Carmel Valley area.
- 0525.000 S/A-1 a. **2005 CONST 0040 / Agreement No. A-10346: Awarded** an  
 0125.000 Agreement with Arrow Acoustics in an amount not to exceed \$416,687 for Acoustical Ceiling/Fabric Wall Panel – Project Bid 9781-20, Monterey County Government Center, North Wing Renovation, Salinas, California; and  
 b. **Authorized** the Chair to execute the negotiated Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.
- 0125.000 S/A-2 a. **Agreement No. A-10339; 2005 CONST 0038: Awarded** the Agreement with  
 Honeywell International Inc. in the amount of \$268,625 for Direct Digital Controls – Project Bid 9781-14, Monterey County Government Center, North Wing Renovation, Salinas, California; and  
 b. **Authorized** the Chair to execute the negotiated Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.
- 0150.145 S/A-3 a. **Agreement No. A-10123 / B.U. 05/06.123: Approved** and  
 0125.000 authorized the Purchasing Manager to execute Amendment No.1 to the Professional Services Agreement No. A-10123 with Wald, Ruhnke & Dost Architects, LLP in an amount of \$12,700 for a total amount not to exceed \$59,940. This Amendment amends the term of the Agreement through December 31, 2006; and  
 b. **Decreased** appropriations in Fund 030, BU 172, Fixed Asset Account 6760 Master Plan Temporary Improvements in an amount not to exceed \$12,700.

**RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY**

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

- 5100.000 66. **Approved** 2004-05 Annual Report of the Redevelopment Agency of the County of Monterey

**MONTEREY COUNTY WATER RESOURCES AGENCY****Pulled for separate discussion and vote:****Pulled for separate discussion and vote:**

- 0125.000 47/67. a. **Agreement No. A-10347: Approved** the Monterey County and Monterey County Water Resources Agency 457 Deferred Compensation Adoption Agreement and plan in substantially the form presented; and

- b. **Delegated** to the Assistant County Administrative Officer and Human Resources, the authority to make appropriate or necessary modifications and execute final document on or before December 31, 2005.

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

- a. **Approved recommendations in BOS Board Reports for Consent items #47 and 67.**
- b. **Motion of approval to include the following language:**  
**In addition to any other audits that the Plan Administrator, Trustee, if any, and/or Great West deems necessary, appropriate, or prudent to undertake with respect to the plan and/or the fulfillment of their separate and respective fiduciary duties, a financial attestation audit of the plan will be conducted annually by an independent, outside, certified public accountant retained by the Auditor/Controller in cooperation with the Monterey County Deferred Compensation Advisory Committee.**