

A C T I O N M I N U T E S**MONTEREY COUNTY BOARD OF SUPERVISORS,
THE MONTEREY COUNTY WATER RESOURCES AGENCY AND
THE MONTEREY COUNTY REDEVELOPMENT AGENCY****Tuesday, January 28, 2003 At 9:30 a.m.****9:30 a.m.**

S-1 Additions and corrections to Agenda

Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, the Board approved the following additions and corrections to the Agenda:

Upon the request of the Capital Projects Manager, removed from Consent, and took no action on Consent No. 12, to approve an Agreement with ATC Associates, Inc., to provide a hazardous material survey and related professional services for the Monterey County Government Center Project.

Upon the request of Supervisor Potter, added under "Other Board Matters," adopt Resolution honoring Doctor Hisashi Kajikuri upon his being named "Physician of the Year" by the Monterey County Medical Society.

The Board is asked by County Counsel to add to the closed session agenda the following:

- a. Pursuant to Government Code Section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:
 - 1. Bombela-Rome v. County of Monterey
 - 2. Camacho v. County of Monterey
- b. Pursuant to Government Code Section 54956.9(b), the Board will confer with legal counsel regarding the following potential litigation:
 - 1. Claims (2) of George Peterson
 - 2. Claim of William and Arlene Yaley
 - 3. Claim of John Knight

S-2 CONSENT CALENDAR - REGULAR (See Yellow [Supplementary Sheet](#) attached)

S-3 CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY

S-4 CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY

2050.000 S-5 PUBLIC COMMENT PERIOD:

- a. John Suwada, resident of Carmel Valley, requested the Board take action on his appeal, filed in May, 1999, from the decision of the Planning Commission approving an application by the Coastal Cypress Corporation (Chateau Julien - No. 965157 ZA), for an Administrative Interpretation regarding whether the use of public assemblages is allowed as an accessory use to a wine storage building approved the Planning Commission on April 30, 1997. The County Administrative Officer and Interim County Counsel indicated they would investigate the matter, and determine appropriate action, if necessary.
- b. Joseph Vierra addressed the Board concerning indigent health care.
- c. Paul Johnston, representing the Citizenship Project and Sociologist with the University of Santa Cruz, addressed the Board in support of medical care for people of all walks of life.
- d. Jim Bogart, President & General Counsel of the Grower-Shipper Association, urged the Board to not expect the agricultural industry to pay impact fees where services are not received, or expected to pay more than its fair share of the cost of infrastructure and services.

APPOINTMENTS:

Upon motion of Supervisor Calcagno, seconded by Supervisor Johnsen, and unanimously carried, the Board approved the following appointments:

- 0400.410 1. **Reappointed** Alma Almanza, to the Americans with Disabilities Act Advisory Commission, for a term to end on December 31, 2006. (Calcagno)
- 0400.250 2. **Appointed** Lew Bauman, Public Works Director, to the Equal Opportunity Advisory Commission, representing the Department Heads Council, for a term to end on December 31, 2006. (Full Board)
- 0403.310 3. **Reappointed** Elsa Quezada, to the Central Coast Alliance for Health Commission, to serve a term to end on December 31, 2002. (Full Board)

OTHER BOARD MATTERS:

- 6300.000 4. Board comments and referrals:
- a. Supervisor Johnsen reported on the CSAC Executive Board meeting held on Thursday, January 16, 2003. At that session, Steve Pease, Chief Financial Officer of the State of California, addressed that body concerning the

allocation of Vehicle License Fees (VLF), and State budget restructuring.

- b. Upon the request of Supervisor Calcagno, the Board directed Lew Bauman, Public Works Director, to meet with Caltrans to resolve their concerns with the proposed Rancho San Juan Project.
- c. Upon the request of Supervisor Johnsen, the Board referred a letter from the Salinas Union High School regarding the draft Environmental Impact Report for the Rancho San Juan Project, through the County Administrative Office, to the appropriate County staff, as well as to the Monterey County Office of Education.

0600.025 5. County Administrative Officer's comments and reports: Sally R. Reed, County Administrative Officer, commended Stephen H. Kennedy, Director of the Monterey County Child Support Services Department, and his staff for an outstanding job in collecting the payments due to children from absent parents. The Department achieved an 8% increase last year, totaling almost \$34 million. Over 70% of that money, or \$23 million, goes directly to the families who are trying to make ends meet during these difficult economic times.

Secondly, Ms. Reed announced the appointment of Richard Garza, currently the Veterans Affairs Officer in Sonoma County, to fill the vacancy created by the retirement of Jack Stewart. He has accepted the appointment to the position of Director of Military and Veterans Affairs in Monterey County, and he will begin his new position on February 24, 2003.

2050.000 6. **Resolution No. 03-031: Adopted** Resolution honoring Lee Yarborough for outstanding service to the Transportation Agency of Monterey County, in his capacity as TAMC Executive Director. (Calcagno)
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Lindley, and unanimously carried.

2050.000 NA/1 **Resolution No. 03-030: Adopted** Resolution honoring Doctor Hisashi Kajikuri upon his being named "Physician of the Year" by the Monterey County Medical Society. (Potter)
BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Johnsen, and unanimously carried.

SCHEDULED MATTERS

10:00 a.m.

3300.000 S-6 Uphold the appeal and deny the AT&T Wireless Telecommunication Design Approval applications to allow three cell sites along Highway One. Site 1) Design Approval

(DA020478) to allow for a two-foot antenna attachment to an existing telephone pole and a new equipment box. The property is located west of intersection of State Highway One and Ribera Road intersection, Carmel Highlands Area, Coastal Zone. Site 2) Design Approval to allow for (DA020480) a nine foot eleven inch extension and a two foot panel antenna attachment to an existing telephone pole. The property is located approximately 1.2 miles south of the Ribera Road site, State Highway One and Riley Ranch Road intersection, Carmel Highlands Area, Coastal Zone. Site 3) Design Approval (DA020483) to allow a nine foot eleven inch extension and two foot panel antenna attachment to an existing telephone pole and one radio ground equipment box. The proposed site is located across from the State Highway One and Yankee Point Drive intersection, Carmel Highlands Area, Coastal Zone.

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, the Board continued this matter, open, to Tuesday, February 25, 2003 at 11:00 a.m.

1350.350 S-7 **Held** public hearing on traffic volumes on Carmel Valley Road in Segments 3 and 7 pursuant to policy 39.3.2.1 of the Carmel Valley Master Plan.

BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Johnsen, and unanimously carried, the Board hereby accepted the report.

0401.872 S-8 In-Home Supportive Services Report

- a. Accept report on authorized service levels in In-Home Supportive Services Program.
- b. Consider options for increasing wages and implementing health benefits for In-Home Supportive Services (IHSS) Providers.
- c. Authorize Department of Social Services to convene a workgroup to make recommendations for changes to the County of Monterey Ordinance establishing a Public Authority for IHSS.

BOARD ACTION: After discussion, Supervisor Johnsen moves to approve the following actions:

- a. **Accept the Department of Social Services' report on the authorized service levels in the In-Home Supportive Services program.**
- b. **Approve the 60¢/hour wage increase for IHSS providers from \$8.50/hour to \$9.10/hour, effective April 1, 2003. The motion includes direction to staff to bring this issue back to the Board in August, when the report on the realignment money is available. If additional**

realignment revenues do become available, then the Board, at that time, will consider policies as to how the County will invest the actual realignment growth receipts into realigned programs, including IHSS.

- c. Continue the discussion on the recommendation to authorize the Department of Social Services to convene a workgroup to make recommendations for changes to the Ordinance establishing Monterey County's Public Authority, including transitioning governance to the Board of Supervisors. This continuance is made as a courtesy to the Public Authority, to make sure that they have the opportunity to respond to the governance proposal.

The motion is seconded by Supervisor Lindley, and carries by the following vote, to-wit:

AYES: Supervisors Calcagno, Lindley and Johnsen.

NOES: Supervisors Armenta and Potter.

ABSENT: None.

11:00 a.m.

- 3150.000 S-9 Continued public hearing to consider an appeal of a Combined Development Permit (PLN010238/Kenny & McFarland) consisting of an Administrative Permit to allow the construction of a single-story, single-family dwelling (4,029.9 sq. ft. with an attached 732 sq. ft. garage) and grading (600 cu. yds. cut, 400 cu. yds. fill) in a site plan review zoning district; an Administrative Permit for the construction of a two-story, second single-family dwelling (6,907 sq. ft. with an attached 1,332 sq. ft. garage) not exceeding the zoning density of the parcel, an Administrative Permit for a guesthouse (600 sq. ft.); and access road improvements, including grading to install a culvert (500 cu. yds. cut, 440 cu. yds. fill), toe slope improvements, and asphalt paving; a Use Permit to allow the removal of 35 oak trees (six or more inches in diameter); and Design Approval. The property is located at the terminus of Via Cazador (Assessor's Parcel Number 169-321-003-000), north of Carmel Valley Road, west of Tierra Grande Drive, Carmel Valley.
- BOARD ACTION:** Upon motion of Supervisor Lindley, seconded by Supervisor Johnsen, and carried with Supervisors Calcagno and Potter voting "No," the Board adopted Resolution No. 03-037, to approve the Combined Development Permit (PLN010238 - Kenny & McFarland. The motion included the addition of a condition to Exhibit "C" that the applicant agrees to record a notice that grant of the permit does not convey a right to subdivide the property, and to have the applicant record a deed restriction at the Recorder's Office that the applicant will only build 2 homes on the property.

The motion provided direction to the County Administrative Officer to schedule a policy discussion on a future agenda regarding the provision allowing more than one home on a single lot of record.

0125.000 S-10 **Continued** public hearing to consider Woodman Development/County of Monterey option agreement for East Garrison, Fort Ord. **(Continued to February 4, 2003 at 10:00 a.m.)**

BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Calcagno, and unanimously carried, the Board continued this matter to Tuesday, February 4, 2003 at 10:00 a.m.

0601.175 S-11 **Approved** 2003 Annual Housing Report and Funding Allocations. **BOARD ACTION:** Upon motion of Supervisor Johnsen, seconded by Supervisor Lindley, and unanimously carried, the Board approved the 2003 Annual Housing Report and funding allocations. Upon the request of Supervisor Calcagno, the Board directed staff to expedite the creation of workforce housing for farm laborers by August of this year.

12:00 p.m.

Recess to Lunch

1:30 p.m.

S-12 Closed Session relating to the following items:

6200.000 a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following existing litigation:

1. Ingalls, et al. v. County of Monterey, et al.
2. Bombela-Rome v. County of Monterey
3. Camacho v. County of Monterey

BOARD ACTION: No reportable action taken.

0300.000 b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding the following potential litigation:

1. Claims (2) of George Peterson
2. Claim of William and Arlene Yaley
3. Claim of John Knight

BOARD ACTION: No reportable action taken.

2:00 p.m.

0601.525 S-13 Natividad Medical Center budget discussion.

BOARD ACTION: The Board continued this matter to Tuesday, February 4, 2003 at the hour of 2:30 p.m. Direction was given to the County Administrative Officer to provide a report regarding short and long term policy implications; the name of an accounting firm to provide a report on the Natividad Medical Center's financial condition; and on the formation of a community task force.

2:30 p.m.

1351.450 S-14 Monterey County General Plan Update. (Continued from November 26, 2002)

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board continued this matter to Tuesday, February 4, 2003 at 11:00 a.m.

ORDER FOR ADJOURNMENT TO FEBRUARY 4, 2003 AT 9:30 A.M.

APPROVED:

_____, Chair

ATTEST:
SALLY R. REED,
Clerk of the Board

By: _____
Deputy

(Supplementary Sheet)

CONSENT CALENDAR

Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board approved the following actions, except as otherwise noted:

HEALTH AND SOCIAL SERVICES:

0601.100 7. **Proclaimed** State of Local Emergency relating to the Spread of HIV among injection drug users in Monterey County.

0110.000 8. **Agreement No. A-09301: Approved and authorized** the Director of Health to sign agreement #02-25688 with the State Department of Health Services in the amount of \$7,978,410 for the period of October 1, 2002 through September 30, 2005 for the Women, Infants, and Children Nutrition Services Program; **authorized** the Director of Health to approve future amendments up to 50% of the annual amount, which do not significantly alter the scope of work or result in an increase to Net County Cost; **added** 1.0 FTE Chronic Disease

Prevention Specialist I Position; **added** 1.0 FTE Chronic Disease Prevention Specialist II Position; **added** 1.0 FTE Public Health Nutritionist II Position; and **directed** the Auditor-Controller to amend the FY 2002-03 Health Department Budget Unit 411 to reflect the change in position count and increase estimated revenues and appropriations in the amount of \$436,325.

CRIMINAL JUSTICE:

0602.500 9. **Approved** increase in Appropriations and Estimated
0150.142 Revenues in Sheriff's Budget Unit 230 for the purchase of special protective equipment in the amount of \$5,116.

GENERAL GOVERNMENT:

6300.000 10. **Approved** Action Minutes for the meeting of Tuesday, January 14, 2003, copies having been distributed to each Board Member.

0525.000 11. **Awarded** the Contract for the "Landscape Improvements for 230 Church Street" to Quality Landscape Service, in the amount of \$41,350 with a Change Order Contingency of \$4,135, and **authorized** the Auditor-Controller to make payments on the approval of Capital Projects Management.

12. **REMOVED FROM THE AGENDA; NO ACTION TAKEN** to approve the Agreement with ATC Associates, Inc. in an amount not-to-exceed \$141,935, including contingencies, to provide a hazardous material survey and related professional services for the Monterey County Government Center Project.

0500.050 13. **Approved** amendments to Conflict of Interest Code of the County Administrative Office of Monterey County.

PLANNING AND BUILDING INSPECTION:

0130.000 14. **Simultaneously approved** farmland Security Zone Contract
6000.500 No. 2001-004.a and rescind Farmland Security Zone Contract No. 2001-004 as applicable; **accepted** parcel map; tax report; subdivision title guarantee; and recording fees for a minor subdivision (Rio Farms/Mesa Packing, PLN990565), consisting of two parcels, located at the intersection of Spreckels Road and Metz Road, approximately 3 miles north of King City, Central Salinas Valley (Assessor's Parcel Number 245-091-003-000).

PUBLIC WORKS:

0125.000 15. **Agreement No. A-08748: Approved** Amendment No. 1 in the
0525.000 amount of \$66,600 to the Professional Services Agreement with Whitson Engineers, Inc. for additional construction management, inspection, and staking services on the Carmel Valley Road Intersection Improvement Project.

- 0125.000 16. **Agreement No. A-08740: Approved** Amendment No. 1 in the
0525.000 amount of \$27,348 to the Professional Services Agreement with Sandis Humber Jones Consulting Engineers for additional construction engineering services on the 2001 Slurry Seal Project.
- 0125.000 17. **Agreement No. A-09302: Approved** a Professional Services Agreement with Northwest Hydraulic Consultants, Inc. not to exceed \$30,000 to prepare a hydraulic report and flood plain study for the proposed Thorne Road Low Level Crossing Bridge project at the Arroyo Seco River, Greenfield area.
- 0125.000 18. **Agreement No. A-09051: Approved** Amendment No. 1 in the
1525.000 amount of \$34,461 to the Professional Services Agreement with Bestor Engineers, Inc. for professional engineering services for the Castroville Storm Drain Improvement Project, Castroville area.

MONTEREY COUNTY WATER RESOURCES AGENCY

Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, the Board approved the following action:

- 0802.500 19. **Approved** the purchase of approximately 2770 square feet of easement on parcel APN 261-716-10 for access to the Reclamation Ditch for operations, maintenance, and future improvements, approve easement agreement subject to final review by County Counsel, and **approved** an expenditure not to exceed \$40,000 for the easement.

MONTEREY COUNTY REDEVELOPMENT AGENCY

Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board approved the following actions:

- 5100.000 20. **Resolution No. 03-038: Approved** Transit-Oriented Development Incentive Program grant application of \$400,000 to the Transportation Agency for Monterey County.
- 0125.000 21. **Agreement No. A-09303: Approved** Predevelopment Loan not to exceed \$450,000 to South County Housing Corporation for plans for Salinas Road/Kents Court Swing Housing.
- 0125.000 22. **Agreement No. A-09304: Approved** Housing Rehabilitation Program Implementation Agreement and Amendment of Program Guidelines.

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