

**A C T I O N   M I N U T E S****MONTEREY COUNTY BOARD OF SUPERVISORS,  
AND THE MONTEREY COUNTY WATER RESOURCES AGENCY****Tuesday, February 25, 2003 at 9:30 a.m.****9:30 a.m.**

S-1 Additions and corrections to Agenda

**Upon motion of Supervisor Potter, seconded by Supervisor Johnsen, and unanimously carried, the Board approved the following additions and corrections to the Agenda, due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda:**

Upon the request of the project planner, amend the wording of Consent Item No. 20 to read as follows:

"Accept the Parcel Map and various documents for Essex Gonzales Minor Subdivision, PLN970066."

Under Closed Session:

- a. Upon the request of County Counsel, remove from the agenda, and take no action on the matter of Adiong v. Monterey County, under Closed Session, Existing Litigation.
- b. The Board is asked by County Counsel to add the following to the closed session agenda under Existing Litigation:
  1. Christensen v. County of Monterey
- c. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one matter of potential litigation.

Upon the request of Supervisor Potter, adjourn today's meeting in memory of Jack Hanford, deceased.

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

S-3 CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY

2050.000 S-4 PUBLIC COMMENT PERIOD:

- a. **David Werlin, representing SEIU Local 817, addressed the Board concerning Natividad Medical Center Budget**

situation, and requested that the Board make health care the Board's Number One priority.

- b. Jose Mendez, representing Buildings and Trades, requested the Board direct staff to prepare a status report concerning the implementation of a County Apprenticeship Program.
- c. Annemarie Tresch requested the County require patients at the Natividad Medical Center to pay their medical bills.

#### APPOINTMENTS:

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

- 0402.800 1. **Appointed** Juan Saavedra, to fill the vacancy of Ted Barrera, on the Overall Economic Development Commission, for a term to end on June 30, 2004. (Full Board)
- 0803.800 2. **Reappointed** Donn Trenner to the Salinas Rural Fire Protection District Board of Directors for term ending March 1, 2007 (Potter)

#### OTHER BOARD MATTERS:

- 6300.000 3. Board comments and referrals: **Upon the request of Supervisor Calcagno, the Board directed the County Administrative Officer to make appropriate arrangements with North Monterey County High School to hold "Job Shadow Day."**
- 0600.025 4. County Administrative Officer's comments and reports: **Sally R. Reed, County Administrative Officer, formally introduced Richard Garza as the newly appointed Director of Military and Veterans Affairs in Monterey County, who assumed office on Monday, February 24, 2003.**

**Ms. Reed announced that the new seal hung on the west wall of the Board Chambers was created by the muralists with the Office for Employment Training.**

- 2050.000 5. **Resolution No. 03-064: Adopted** Resolution commending Leonard Dart as the recipient of the 2002 Greenfield Chamber of Commerce "Citizen of the Year" Award. (Lindley)  
**BOARD ACTION: Upon motion of Supervisor Lindley, seconded by Supervisor Calcagno, and unanimously carried.**
- 2050.000 6. **Resolution No. 03-065: Adopted** Resolution commending Thomas C. Stewart as the recipient of the 2002 Soledad-Mission Chamber of Commerce "Citizen of the Year" Award. (Lindley)  
**BOARD ACTION: Upon motion of Supervisor Lindley, seconded by Supervisor Calcagno, and unanimously carried.**

- 2050.000 7. **Resolution No. 03-066: Adopted** Resolution designating February 25 through March 25, 2003 as "Prevent a Litter Month;" and Adopt Resolution designating February 25, 2003 as "Spray Day USA."  
**BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Lindley, and unanimously carried.**
- 1900.000 8. **Resolution No. 03-067: Approved** the February 4, 2003 and February 18, 2003 reports of the Legislative Subcommittee including an update from Water Resources Agency; Addition of two new legislative priorities for 2003; Recommendation to support AB 32, AB 157, SB 44; and adoption of a resolution opposing the elimination of the Williamson Act Subventions Program; agreement to join LOCAL and contribute \$3,000 to the joint City/County effort; submittal of a list of County budget related Legislative Priorities to CSAC and send letter to Monterey Peninsula College regarding solicitation of Homeland Security Funds for the Peace Officers Training Center.  
**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, the Board**

**SCHEDULED MATTERS:**

**10:00 a.m.**

- 3150.000 S-5 Approval of a Combined Development Permit (PLN0101445) for Pebble Beach Community Services District consisting of a Coastal Development Permit and Design Approval for additions and improvements to existing community service district buildings adding 4,941 sq. ft. to existing administration /maintenance buildings/fire building; add new 3,600 sq. ft. equipment storage building; add 11,025 sq. ft. of additional parking; replacement of an existing concrete slab at fire department equipment storage building on two adjacent parcels; and a Coastal Development Permit for tree removal (Monterey Pines).  
**BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Johnsen, and unanimously carried, the Board adopted Resolution No. 03-074, approving the Combined Development Permit based on the Findings and Evidence, and subject to the proposed conditions contained in the staff report dated February 25, 2003.**
- 0802.000 S-6 Consider approving a letter of support for the consolidation of small water systems in the North Monterey County Hydrogeologic Study area. (Calcagno)  
**BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Johnsen, and unanimously carried, the Board approved the letter to the Honorable Jeremy Fogel, and authorized the Chair to sign.**
- 0802.000 S-7 **Approved** Monterey County Regional Storm Water Management Plan and Notice of Intent.

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

3150.000 S-8 Appeal regarding the Planning Commission decision relating to the El Sur Ranch Lot Line Adjustment for James J. Hill, III, PLN 010530. The project consists of a Coastal Development Permit for a Lot Line Adjustment of approximately 960 acres of the 7,000+/- acre El Sur Ranch. The proposal is to reconfigure ten parcels ranging from 47 acres to 196 acres. The property is located east of the confluence of the north and south forks of the Little Sur River, Assessor's Parcel Numbers: portions of 418-021-021, 418-021-025, and 418-021-034, east of Old Coast Road, Big Sur area, coastal zone. (To be continued to Tuesday, March 25, 2003 at 10:00 a.m.)

**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, the Board granted the request for a continuance from Aengus L. Jeffers, on behalf of Mr. Hill, of this public hearing, to Tuesday, March 25, 2003 at 10:00 a.m.**

11:00 a.m.

2800.000 S-9 Public hearing to adopt an ordinance amending Monterey County Code Title 12, Section 12.28.010 to prohibit parking on a portion of Lower Trail in the Carmel area.

**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Lindley, and unanimously carried, the Board adopted Ordinance No. 04172.**

2800.000 S-10 Public hearing to adopt an ordinance amending Monterey County Code Title 12, Section 12.24.020 to establish a stop intersection at Holt Road and Palisade Drive in Carmel Valley.

**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Lindley, and unanimously carried, the Board adopted Ordinance No. 04173.**

2800.000 S-11 Public hearing to adopt an ordinance amending Monterey County Code Title 12, Section 12.28.010 to prohibit parking on all of Elsa Street and Gonda Street in the community of Pajaro.

**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Lindley, and unanimously carried, the Board adopted Ordinance No. 04174.**

2800.000 S-12 Public hearing to adopt an ordinance amending Monterey County Code Title 12, Section 12.28.010 to prohibit parking on portions of Fontes Lane in the community of Boronda.

**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Lindley, and unanimously carried, the Board adopted Ordinance No. 04175.**

2800.000 S-13 Public hearing to adopt an ordinance amending Monterey County Code Title 12, Sections 12.28.022 and 12.28.012 to

increase the commercial vehicle parking restriction from between "10 p.m. and 6 a.m." to "at any time"; and Section 12.28.010 to prohibit parking at all times on other portions of San Juan Grade Road, Salinas area.

**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Lindley, and unanimously carried, the Board adopted Ordinance No. 04176.**

2800.000 S-14 Public hearing to adopt an ordinance amending Monterey County Code Title 12, Section 12.28.010 and Section 12.28.021 to establish parking restrictions on portions of San Juan Road in the community of Pajaro.

**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Lindley, and unanimously carried, the Board adopted Ordinance No. 04177.**

3300.000 S-15 Continued public hearing (open) on an appeal on the AT&T Wireless Telecommunication Design Approval applications to allow three cell sites along Highway 1, located across from the State Highway 1 and Yankee Point Drive intersection, Carmel Highlands area, coastal zone. (Continued from 1/28/03)

**BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Lindley, and unanimously carried, the Board adopted a Resolution of Intention to deny the appeal, and approve the AT&T Wireless Telecommunication Design Approval applications to allow three cell sites along Highway One. Staff is directed to prepare a Resolution including appropriate Findings and Evidence in support of this action, to be brought back to the Board for adoption on the consent calendar on Tuesday, March 11, 2003.**

### 12:00 Noon

Recess to lunch

### 1:30 p.m.

S-16 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. Arreola, et al. v. Monterey County, et al.

**BOARD ACTION: The Board authorized payment to Tony's Auto Center, the only plaintiff as to whom judgment is final, in the amount of \$16,363.23 plus interest and also authorized payment to Tony's Auto Center attorneys in the amount of \$23,850.00.**

2. Architectural Heritage Assn, et al. v. County of Monterey, et al.

**BOARD ACTION: No reportable action taken.**

3. Christensen v. County of Monterey

**BOARD ACTION: No reportable action taken.**

0950.000 b. Conference with labor negotiators pursuant to Government Code Section 54957.6.

**BOARD ACTION: No reportable action taken.**

c. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the following position:

Public Employment-Natividad Medical Center - CEO.

**BOARD ACTION: Chair Armenta announced that David Small successfully completed his performance evaluation for the year 2002.**

6200.000 d. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one matter of potential litigation.

**BOARD ACTION: No reportable action taken.**

0601.525 NA/1 **Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, with Supervisor Potter absent temporarily, the Board approved the following addition to the Agenda, due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda:**

Received a report from the Board's Budget Subcommittee recommending that the Treasurer-Tax Collector and Auditor-Controller establish cash control limits and procedures for Natividad Medical Center (NMC) non-payroll accounts payable.

**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, with Supervisor Potter absent temporarily, the Board directed the County Administrative Officer to place this matter on the consent agenda for Board action in two weeks, on Tuesday, March 11, 2003.**

**3:30 p.m.**

2800.000 S-17 **Authorized** Department of Social Services to convene a workgroup to make recommendations for changes to the County of Monterey Ordinance establishing a Public Authority for In-Home Supportive Services (IHSS). (Continued from 1/28/03)  
**BOARD ACTION: Elliott Robinson introduced this item, and stated the In Home Supportive Services Public Authority requested a two week continuance, to Tuesday, March 11<sup>th</sup>. The Board denied the request for a continuance. Upon motion**

of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, the Board adopted Resolution No. 03-073, for approval of the staff's recommendations for changes in the Ordinance establishing the Public Authority, and request the Department of Social Services to bring a recommendation back to the Board for action no later than May 30, 2003.

4:30 p.m.

1351.450 S-18 **Received** status report on Ad Hoc Committee for Salinas Valley Cities/County of Monterey Growth Agreements.  
**BOARD ACTION:** Upon motion of Supervisor Potter, seconded by Supervisor Johnsen, and unanimously carried, the Board received the status report. Chair Armenta directed the County Administrative Officer to place on the Board agenda within 3 weeks with a staff report and analysis of the request from the Salinas Valley Cities 4 item proposal.

**ORDER FOR ADJOURNMENT IN MEMORY OF JACK HANFORD, DECEASED, TO SATURDAY, MARCH 8, 2003 AT 9:00 A.M. AT THE LEADERSHIP INSTITUTE, 2354 GARDEN RD., MONTEREY. THE BOARD WILL THEN ADJOURN TO TUESDAY, MARCH 11, 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 Potter, seconded by Supervisor Johnsen, and carried 4-0, with Supervisor Lindley recusing himself from voting on the regular consent calendar to avoid any appearance of potential conflict of interest, the Board approved the following actions, except as otherwise noted:

NATIVIDAD MEDICAL CENTER:

0125.000 9. **Agreement No. A-09333: Approved and authorized** the CEO of Natividad Medical Center (NMC) to enter into a contract with RehabCare Group Inc. for a period of three (3) years with two one (1) year extensions to provide inpatient

rehabilitation services at NMC beginning July 1, 2003. NMC will reimburse RehabCare Group Inc. \$3,998.00 for each discharged rehabilitation unit patient.

**BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Lindley, and carried by the following vote, to-wit:**

**AYES: Supervisors Armenta, Calcagno, Lindley and Potter.**

**NOES: Supervisor Johnsen.**

**ABSENT: None.**

**HEALTH AND SOCIAL SERVICES:**

0601.100 10. **Proclaimed** State of Local Emergency Relating to the Spread of HIV Among Injection Drug Users in Monterey County.

**CRIMINAL JUSTICE:**

0600.600 11. **Resolution No. 03-070: Approved and authorized** the District Attorney to Sign and Submit an Application to the Office of Criminal Justice Planning for Funding for April 1, 2003-March 30, 2004 for an Elder Abuse Vertical Prosecution Program.

0601.300 12. **Increased** estimated revenues and appropriations totaling \$30,000 in Budget Unit 256, Juvenile Hall, for emergency juvenile placement accommodations, transportation and visitation costs to Santa Clara Juvenile Hall.

**GENERAL GOVERNMENT:**

6300.000 13. **Approved** Action Minutes for the meetings of Monday, February 10, 2003 and Tuesday, February 11, 2003, copies having been distributed to each Board Member.

0600.775 14. **Approved** an increase in estimated revenues and  
0150.142 appropriations totaling \$16,177 to participate in the Federal Emergency Management Agency's 2002 supplemental appropriations for Citizen Corps Council and Community Emergency Response Team (CERT) Programs.

0525.000 15. **Adopted** Plans and Specifications for the San Lorenzo Fuel Tank located in the San Lorenzo Park at 1160 Broadway Avenue, King City, Bid Number 9680; **directed** the Clerk to advertise for bids to be received no later than 2:00 p.m. on Wednesday, March 26, 2003.

0525.000 16. **Awarded** the contract for the project "Consolidated Emergency Services Facility" to Dilbeck & Sons Incorporated in the amount of \$2,714,227.00, with a change order contingency of \$271,411.70; **authorized** the Auditor-Controller to make payments on the approval of Capital Projects Management.  
**BOARD ACTION: Following discussion, and upon motion of Supervisor Potter, seconded by Supervisor Johnsen, and carried 4-0, with Supervisor Lindley absent temporarily, the Board approved the staff's recommendation to award the**



contract to Dilbeck & Sons Incorporated. Linda Butson, Capital Projects Manager, stated that if in the future the subcontractor is not allowed to work on public works projects because they have violated the Labor Code or because the Labor Commissioner finds them ineligible, then the contractor can request a substitution of subcontractors at that time.

Interim County Counsel David Nawi opined that in general, when the subcontractor is not disqualified; and, in this case since a determination has not been made, this subcontractor is not disqualified. Capital Projects staff is directed to communicate to Dilbeck & Sons that Fresno Plumbing, subcontractor, has a history of overtime violations and non-compliance with local hiring practices, and should be closely monitored.

Sally Reed, County Administrative Officer, is directed to work with staff and report back to the Board on the enforcement issue regarding construction projects.

- 0525.000 17. **Awarded** annual construction contract to Graniterock dba, Pavex Construction, low bidder in the amount not to exceed \$100,000 for annual maintenance of park roadways at Laguna Seca Recreation area for calendar year 2003 (January 1, 2003 through December 31, 2003), Bid No. 9671; **authorized** Chair of the Board to sign contract; and **directed** the Auditor-Controller to encumber up to \$100,000 in account 1-750-7516-6780 for the bid.
- 0801.400 18. **Resolution No. 03-071: Adopted** a resolution to ratify  
0804.425 ordinances adopting amendments to the Uniform Fire Code for the Greenfield Fire Protection District and the Spreckels Community Services District.
- 0250.000 19. **Resolution No. 03-072: Adopted** resolution approving  
0801.975 the boundary, development standards, zoning requirements and the fair share distribution property tax transfer for the proposed "Thorp Reorganization" involving a sphere of influence amendments and annexation of 100 acres to the City of Greenfield and detachment from the Monterey County Resource Conservation District.

**PLANNING & BUILDING INSPECTION:**

- 6000.5000 20. **Accepted** the Parcel Map and various documents for Essex Gonzales Minor Subdivision, PLN970066.

**PUBLIC WORKS:**

- 0125.000 21. **Agreement No. A-09331: Approved** Amendment No. 1 in an amount not to exceed \$18,395 to the Professional Services Agreement with H.T. Harvey & Associates for environmental

monitoring services during construction of the Lewis Creek Bridge #420 Replacement project, King City area.

- 0525.000 22. **Accepted** the Certificate of Completion and **authorized** execution and recordation of the Notice of Completion for the Fontes Lane Storm Drain and Street Improvement project, Boronda area.

**MONTEREY COUNTY WATER RESOURCES AGENCY**

**Upon motion of Supervisor Calcagno, seconded by Supervisor Potter, and unanimously carried with all members present, the Board approved the following actions:**

- 0802.000 23. **Approved** the purchase of a new pickup utility vehicle for the Monterey County Water Resources Agency for use in Castroville Seawater Intrusion Project operations and maintenance activities.
- 0802.500 24. **Approved** the purchase of approximately 2765 sq. ft. of easement on parcel 261-716-011 for access to reclamation ditch for operations, maintenance, and future improvements, approve grant easement and indemnification agreement subject to final review by County Counsel, and **approved** an expenditure not to exceed \$23,862 for the easement.

[\(Back\)](#)