

A C T I O N M I N U T E S**THE MONTEREY COUNTY BOARD OF SUPERVISORS
AND THE MONTEREY COUNTY WATER RESOURCES AGENCY****Tuesday, March 11, 2003 at 9:30 a.m.**9:30 a.m.

S-1 Additions and corrections to Agenda.

Upon motion of Supervisor Calcagno, 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 Supervisors on matters which arose after the posting of today's agenda:

Upon the request of Chair Armenta, add under "Other Board Matters," an Item No. 14, a power point presentation by The Feldman Group, Washington D.C., on Monterey County Voter's attitudes on public health care cuts.

Upon the request of the Environmental Resource Policy Division, amend Scheduled Item No. S-16 to correct the amount of the Agreement with the Competitiveness Group, to read \$177,400, and not \$220,000 as currently listed.

Upon the request of the Health Department, amend the wording of Consent Item No. 19 to read as follows: Add 1.0 FTE Emergency Medical Services Analyst position.

Upon the request of the Planning Department, amend the wording of Consent Item No. 43 to read as follows: Correct Board of Supervisors Resolution No. 02-068 (PLN010238, Kenny/McFarland) on January 18, 2003 with Board Resolution No. 03-037.

Upon the request of County Counsel, add the following to the Closed Session Agenda, Item No. S-13 (e), to read as follows:

"Pursuant to Government Code Section 54957, the Board will discuss one matter of public employment:

a. Position Title: County Counsel"

Upon the request of Supervisor Calcagno, adjourn today's meeting in memory of Jack Elmer, Deceased, Charter Member of the North Monterey County 101 Bypass Committee.

Upon the request of Supervisor Johnsen, adjourn today's meeting in memory of Trefina Choates, Deceased, spouse of Councilmember Darryl Choates, City of Seaside.

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

S-3 CONSENT CALENDAR - SPECIAL DISTRICTS

2050.000 S-4 PUBLIC COMMENT PERIOD

The following people addressed the Board regarding custodial services and employment issues in the County: Lonnie Parker, Alvaro Marquez, Bernie Cabanilla, Elma Hernandez, Fernando Vargas, Dominador Malolot, Jesus Anaya, Dorsami Reddy, and Pat Butcher, SEIU 817; Phil Shapter noted the reduction in the Sheriff's budget and addressed matters relating to the Parks Department; Sergio Sanchez, SEIU 817, Salinas City Councilman, spoke on employee reduction; Hans Jongens, commented on the MTBE additive in fuel; and Katherine Dutton, read a poem and expressed concern regarding the loss of trees during land development.

6300.000 S-5 Comments by the Board of Supervisors celebrating the life of Sam Karas, and his unlimited generosity of spirit on behalf of Monterey County. (See Board comments below)

APPOINTMENTS:

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

- 0402.800 1. **Appointed** Claude Hoover, to fill the unexpired term of Robert Rice, on the Overall Economic Development Commission, to end on June 30, 2004. (Potter)
- 0400.920 2. **Appointed** Michael Trujillo, to a current vacancy on the County Service Area No. 45 Advisory Committee, for a term to end on January 1, 2006. (Calcagno)
- 0401.300 3. **Reappointed** Diane Young, Arthur Melendez and Tony Alameda, to the Castroville/Pajaro Redevelopment Project Area Citizens Advisory Committee, for terms to end on January 1, 2007. (Calcagno)
- 0401.955 4. **Appointed** Rick Giffin, to a current vacancy on the Housing Advisory Committee, for a term to end on March 11, 2005. (Calcagno)
- 0400.410 5. **Appointed** Roger Baez, to a current vacancy on the Americans with Disabilities Act Advisory Committee, for a term to end at the Pleasure of the Board. (Lindley)
- 1550.000 6. **Reappointed** Timothy Escamilla, to the Housing Authority of Monterey County, for a term to end on April 1, 2007. (Lindley)

OTHER BOARD MATTERS:

- 6300.000 7. Board comments and referrals.

The members of the Board of Supervisors commented on the immeasurable contributions made by former Supervisor Sam Karas, to Monterey County. He was remembered as a champion of affordable housing, and for bringing diverse people together to "make things happen."

Supervisor Potter suggested flags be flown at half-mast in the County today, to honor Sam Karas. He also suggested an appropriate and substantial tree be planted in Sam's honor. The other Board members agreed. Chair Armenta said he would call non-profit housing providers and request they also plant a tree in honor of the former Supervisor.

Supervisor Potter noted he would like a review of discussions that are held with regard to workforce reductions. Further, he expressed members of the building community would provide input into consideration of the deferral of the payment of certain "impact fees" during the course of construction.

Chair Armenta shared a letter Board members had received from Earthbound Farms/Natural Selection Foods regarding the issuance of a building permit. Supervisor Potter suggested the issues in that regard may have been resolved.

Supervisor Calcagno recommended that a future agenda include a report from the Executive Officer regarding desalinization facilities and how they fit into the County Government Code.

0600.025 8. County Administrative Officer's comments and reports.

Sally R. Reed, County Administrative Officer, stated that with regard to Earthbound Farms/Natural Selection Foods, that as of Friday they had been close to an agreement, and she would provide the required information and advise the Board off the Agenda, or place it on a future Agenda.

Ms. Reed also acknowledged Supervisor Potter's comments regarding the "impact fees" and will work with his office regarding the same. She advised the Board that land use fees will be addressed in a workshop in the upcoming weeks.

2050.000 9. **Resolution No. 03-075: Adopted** Resolution commending Bob Bohn, Monterey County Agricultural Commissioner's Office, upon his retirement from public service. (Armenta)
Board Action: Upon motion of Supervisor Johnsen, seconded by Supervisor Lindley, and unanimously carried.

2050.000 10. **Resolution No. 03-092: Adopted** Resolution opposing the Governor's 2003-04 State Budget Proposal to permanently eliminate the Open Space Subvention Program.
Board Action: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried.

- 2050.000 11. **Resolution No. 03-068: Adopted** Resolution celebrating the Fellowship of the Sisters, the City of Ladispoli and the community of Castroville. (Calcagno)
Board Action: Upon motion of Supervisor Calcagno, seconded by Supervisor Johnsen, and unanimously carried.
- 2050.500 12. **Resolution Nos. 03-076 through 03-085: Adopted** Resolutions commending the "Outstanding Women" as designated by the Commission on the Status of Women. District 2- Juanita Padilla; District 3 - Suzanne Porter; District 4 - Shari Hastey, Dorothy Lloyd, Mary Cruz Owens, Sylvia Quarles and Mary Ann Kline; District 5 - Mary Lou Stutzman, Ruth M. Vreeland and Paula B. Wainwright.
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried.
- 2050.000 13. **Resolution No. 03-080: Adopted** Resolution honoring The Reverend Alvin Davis on his retirement.
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Lindley, and unanimously carried.
- 0601.100 14. Power point presentation by The Feldman roup, Washington, D.C., on Monterey County Voter's attitudes on PublicHealth Care cuts.
BOARD ACTION: No action was taken.

SCHEDULED MATTERS:

10:00 a.m.

- 0802.000 S-6 **Directed** County Chief Administrative Officer, or her designee, to mark all Salinas Valley Water Project (SVWP) Proposition 218 Ballots for County owned land with a "YES" vote, and return the marked ballots to the County Registrar of Voters before or on March 25, 2003.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Johnsen, and unanimously carried.
- 0601.100 S-7 **Approved** residential and commercial customer variable rates for garbage and recycling collection in the northeastern unincorporated County area to commence July 1, 2003;
Authorized the Auditor-Controller to set-up a Solid Waste Incentive Account; **Approved** the addition of 1.0 FTE Recycling Specialist position to perform the franchise responsibilities effective July 1, 2003; Direct the Auditor-Controller to amend the Health Department's Budget Unit 414 to reflect the change in position count; and **Authorized** the Direct of Health to sign the Amendment to the Franchise **Agreement No. A-09297** with USA Waste of California, dba Carmel Marina Corporation to reflect revisions made for a more cost effective service.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Potter, and unanimously carried.

- 3150.000 S-8 **Accepted** status report on EIR and Project Review Morisoli/Tavernetti, PLN020016) for a Combined Development Permit consisting of a General Plan Amendment to the Central Salinas Valley Area Plan, Vesting Tentative Subdivision Map to allow the subdivision of 402 acres into 319 lots, sewer and storm facilities, Use Permit to allow development on slopes in excess of 30% slope. Use Permit to allow removal of 765 Oaks in excess of 6 inches in diameter, Use Permit to allow expansion of Sewage Treat facility for Morisoli/Amaral partnership. The property is located westerly of the intersection of Pine Canyon and Jolon Roads. (APN 420-063-045-00).
- BOARD ACTION: Upon motion of Supervisor, Calcagno, seconded by Supervisor Johnsen, and unanimously carried.**

11:00 a.m.

- 0802.050 S-9 Adopt the Resolution initiating the relinquishment process for the Zone 1 & 1A Pajaro Levee; Authorize the General Manager of the MCWRA to provide necessary assistance to the State Department of Water Resources to promptly initiate and complete the process necessary to effectuate a relinquishment to the State Department of Water Resources by the end of FY 02-03; **Directed** MCWRA to return during budget hearings with a report on the status of the relinquishment.
- BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Lindley, and unanimously carried, the Board directed that the Monterey County Water Resources Agency staff conduct public outreach regarding this issue, and return to the Board on April 8, 2003, for further discussion.**

- 3150.000 S-10 **Held** Hearing on Appeal of a Use Permit and Design Approval (PLN980301, Mirabito) for a single-story mini-storage warehouse development with a total area of 43,715 square feet. The project is proposed to be built and operated in two phases. Phase one will consist of an indoor and outdoor storage, a 35 square foot monument sign, and a proposed 38,303 square foot public park dedication. Phase two will consist of the remaining indoor storage. The property is located at 9640 and 9680 Carmel Valley Road, Carmel (Assessor's Parcel Numbers 169-131-002-000 and 169-131-003-000), west of the intersection of Carmel Valley Road and Robinson Canyon Road, Carmel Valley area.
- BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Johnsen, and unanimously carried, the Board approved staff's recommendation to direct the Planning Commission to consider a revised design for the proposed self-storage facility.**

12:00 a.m.

- S-11 **Held** Budget Committee Meeting (Full Board)

1:30 p.m.

0601.525 S-12 **Set** public hearings, (Beilenson Hearings), on March 25, 2003, for Natividad Medical Center regarding reduction or elimination of extended care unit and out-patient care services.

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board set a public hearing for Tuesday, March 25, 2003, at 3:00 p.m. for Beilenson Hearings, and directed staff to provide appropriate data at the next Budget Review Committee meeting.

S-13 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. Christensen v. County of Monterey
2. Leeper, et al. v. County of Monterey, et al. (Robles del Rio)
3. Leeper, et al. v. County of Monterey, et al. (Blackwell)

BOARD ACTION: No reportable action taken.

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

BOARD ACTION: County Administrative Officer Sally R. Reed, announced the County successfully completed the recruitment and negotiated an acceptance with Charles J. McKee, to assume the duties of County Counsel on April 28, 2003.

0300.000 c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of potential litigation.

BOARD ACTION: No reportable action taken.

0950.000 d. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the following position:

Public Employment - Monterey County Water Resources Agency.

BOARD ACTION: The Chair announced Curtis Weeks, Director of the Monterey County Water Resources Agency, successfully completed performance expectations, and the Board extended their congratulations to him.

2:30 p.m.

- 0601.175 S-14 **Held** a Public Hearing to Approve amending the County First Time Homebuyer guidelines and authorized the use of HOME Program re: use income for first time Homebuyer Program.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Potter, and unanimously carried, the Board approved staff's recommendations.
- 0100.000 S-15 **Held** a study session on County fee adjustment proposal for non-land use departments to recover appropriate costs and provide direction to County staff on the fee adjustment proposal.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Johnsen, and unanimously carried, with Supervisor Lindley opposed, the Board approved staff's recommendations.

3:15 p.m.

- 0402.800 S-16 **Accepted** the Overall Economic Development Commission's Economic Development Action Plan and **Authorized** the Chief Assistant County Administrative Officer to sign an agreement not to exceed \$220,000 with the Economic Competitiveness Group to conduct a Cluster Analysis, to launch a Public/Private Sector Collaborative Cluster Development Process and to assist in the implementation of the Action Plan; and **Authorized** the Chief Assistant County Administrative Officer to approve amendments up to 50% of the Contract Amount, which do not significantly alter the Scope of Work or result in an increase to Net County Cost.
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, approved Agreement No. A-09341, with the modified amount of \$177,400.

3:30 p.m.

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

- 0601.525 S-17 Recommendation from the Budget Committee that the Board establish an Action Committee for the Natividad Medical Center improvement process with a charge as listed in the staff report, and amended in committee to add Item F recommendations from patient care committee and the billings and collections committee as part of the collection of information in order to accomplish the charge to stabilize the Hospital's financial condition with 14 members and 1 to be named from the Medical Society with a total of 15 members.
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board approved staff's recommendation.

ORDER FOR ADJOURNMENT TO TUESDAY, MARCH 18, 2003, AT 9:30 A.M., IN MEMORY OF SAM KARAS, FORMER COUNTY SUPERVISOR, DECEASED; JACK ELMER, A CHARTER MEMBER OF NORTH MONTEREY COUNTY, DECEASED, AND TRAFINA CHOATES, WIFE OF SEASIDE COUNCILMEMBER DARRYL CHOATES, DECEASED.

APPROVED:

_____ Chair

ATTEST:
SALLY R. REED,
Clerk of the Board

By: _____
Deputy

[\(Supplementary Sheet\)](#)

CONSENT CALENDAR

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

HEALTH AND SOCIAL SERVICES:

- 2800.000 14. **Introduced, waived reading, and set for public hearing on April 1, 2003, at 10 a.m.**, to consider and adopt the ordinance repealing Chapter 10.41 of the Monterey County Code relating to Garbage and Refuse Collection and adding Chapter 10.41 to the Monterey County Code relating to Solid Waste Collection and Disposal.
- 0125.000 15. **Agreement No. A-09332: Approved and authorized** the Director of Health to sign a Memorandum of Understanding with Carmel Regional Fire Ambulance and American Medical Response for emergency ambulance service to the areas of Cachagua, White Rock, and portions of Rancho San Carlos, in the total amount of \$39,528 for the period January 1, 2001, through December 31, 2003.
- 0650.074 16. **Approved** a \$70,023.56 payment to Carmel Regional Fire Ambulance for ambulance services in the Carmel areas during FY 2000-01 and FY 2001-02; find that CSA-74 benefits to the Carmel areas are proportional to the CSA-74 charges in those areas for that period; and direct the Auditor-Controller to make the payment to Carmel Regional Fire Ambulance.
- 0800.000 17. **Introduced, waived reading and set for public hearing on March 25, 2003, at 11:00 a.m. an Ordinance** amending Chapter

15.08 (Well Construction) of Title 15 of the Monterey County Code to prohibit the drilling of new water wells in a circumscribed Prohibition Zone near the Monterey Peninsula Airport known to have groundwater contamination, and to regulate the drilling of new water wells in a circumscribed Consultation Zone surrounding the Prohibition Zone.

- 0401.650 18. **Approved Resolution No. 03-087:** Bylaws for the Monterey County EMS Services Council.
- 0601.100 19. **Added** 1.0 FTE Emergency Medical Services Analyst position, 1.0 FTE Senior Health Educator position, .5 FTE Public Health Epidemiologist position, .5 FTE Public Health Microbiologist II position, 1.0 FTE Public Health Nurse II position, 1.0 FTE Office Assistant II position, authorize the purchase of a fluorescent microscope and file server for the Public Health Laboratory in the amount of \$24,000; and direct the Auditor-Controller to amend the FY 2002-03 Health Department Budget Unit 411 to reflect the change in position count, fixed assets and increase estimated revenues and appropriations in the amount of \$248,000.
- 0125.000 20. **Agreement No. A-09334: Approved and authorized** the Director of Health to sign an Agreement with Superior Court of Monterey County to provide the Monterey County Health Department, Behavioral Health Division, an amount not to exceed \$50,000 for administrative support and coordination of the Monterey County Drug Court Treatment Program for FY 2002-03.
- 0125.000 21. **Agreement No. A-06994: Approved and authorized** the Director of Health to sign an Amendment to the Franchise Agreement with Carmel Marina Corporation for the western portion of the unincorporated County area to add a Franchise Administration and Diversion Activity fee.

CRIMINAL JUSTICE:

- 0602.500 22. **Approved** an application and order for destruction of records for the Sheriff's Office.
- 0602.500 23. **Approved** increase in appropriations and estimated revenues in Sheriff's Budget Unit 230 in the amount of \$6,435 to upgrade two Computer Voice Stress Analyzers.
- 1100.000 24. **Approved Resolution No. 03-090:** Authorizing the estimated fee for Supplemental Law Enforcement Services.

GENERAL GOVERNMENT:

- 6300.000 25. **Approved** Action Minutes for the meetings of Tuesday, February 18, 2003 and Tuesday, February 25, 2003, copies having been distributed to each Board Member.

- 0525.000 26. **Declared** the intent to make available for lease the rooftop space on the Natividad Medical Center's Professional Building located at 1441 Constitution Blvd., Bldg. 400, Salinas, California and Authorize the Contracts/Purchasing Manager to solicit bids from qualified wireless communication companies.
- 0525.000 27. **Authorized** the Capital Projects Manager to file a Notice of Completion for the project, "Median Improvement at 1322 Natividad Road", and authorize the Auditor-Controller to make final payment and release the construction retention upon approval of Capital Projects Management
- 0125.000 28. **Agreement No. A-09336: Approved** the Professional Services Agreement for Eric Miller, AIA Architect to provide architectural and construction administration services for the project "Superior Court North Wing, Third Floor Remodel" at 240 Church Street, Salinas, California in the amount of \$54,340.00, including change order contingency.
- 0125.000 29. **Agreement No. A-09340: Approved** a bridge loan of \$150,000 in inclusionary funds to the Veterans Transition Center for rehabilitation of affordable housing units.
- 0601.175 30. **Recognized** the repayment of a \$60,000 loan from the Fort
0150.142 Ord Reuse Authority and direct the Auditor-Controller to amend Fund 018, Budget Unit 184 to increase estimated revenue and appropriations in the amount of \$60,000 for FY 2002-03.
- 0601.350 31. **Resolution No. 03-089: Authorized** County Librarian to sign Proposition 14 applications for the cities of Gonzales, Marina and Seaside, and Adopt Board Resolution indicating the County Library's willingness to operate the new facilities once they are constructed.
- 0601.600 32. **Approved** the purchase of a Motor Grader in the amount of
\$10,000 and Authorize
0150.142 transfer of funds from Fixed Asset Lease into Fixed Asset Equipment in the Parks Department Budget Unit 750.
- 0525.000 33. **Authorized** acceptance of work and file Notice of Completion for lakebed drainage improvements at Laguna Seca Recreation area, Bid No. 9600.
- 0125.000 34. **Agreement No. A-08572 Approved** amendment to the contract
with HBFL Architects to
0525.000 increase contract amount by \$18,000 for additional services for the King City Courthouse Remodel Project; Authorize the Purchasing Agent to sign the amendment to the contract.
- 3100.000 35. **Approved** the Application for Bingo Permit by the Monte del Lago Homeowners Association and issue a Bingo Permit subject to conditions.

- 5400.000 36. **Resolution No. 03-088: Amended** Personnel Policies and Practices Resolution No. 98-394 to add classifications; Authorize County Administrative Officer to covert existing temporary employees in Units K and T to parallel classifications in Unit J and Amend Personnel Policies and Practices Resolution No. 98-394 to delete classification.
- 0125.000 37. **Agreement No. A-09337: Adopted** the terms and conditions of the Tentative Agreement between Service Employees Union International (SEIU) Local 817 and the County of Monterey regarding temporary employees represented by SEIU Local 817 temporary employees in classifications currently assigned to Units F,J,H (Excluding Staff Nurse-per diem) and K.
- 0601.175 38. **Designated** the Cultural Council for Monterey County as the County's local state partner to the California Arts Council.
- 0125.000 39. **Agreement No. A-09338: Approved** Business Associate Agreements with Pacific Health Alliance., United Administrative Services, Turner Consulting, Vision Service Plan, Cote & Co., Behavioral Healthcare Options, and Employee Benefits Specialists (Attachments A - G) in compliance with the Privacy Rule of the Health Insurance Portability & Accountability Act of 1996 (HIPAA) and Authorize staff to sign same.
- 0602.750 40. **Authorized** the Treasurer-Tax Collector and Auditor-Controller to establish cash control limits and procedures for Natividad Medical Center non-payroll accounts payable.
- 0125.000 41. **Agreement No. A-09339: Approved** agreement between the County of Monterey and the Aromas-San Juan Unified School District of Monterey, San Benito, and Santa Cruz Counties for the construction of a new joint school gymnasium with the cooperation and support of the County of Monterey.

PLANNING AND BUILDING INSPECTION:

- 6000.500 42. **Accepted** Final Map, Tax Report, Subdivision Improvement Agreement, Agreement for construction of Road Improvements, Road and Drainage Maintenance Agreement, Subdivision Improvement Security (Set-Aside Agreement), Deed of Trust, and Assignment of Rents, and Recordings Fees for a Standard Subdivision for Arnold Ortega (SB00880), consisting of seven parcels, between Miller Road and Las Lomas Drive, Las Lomas area. Assessor's Parcel Number 119-162-004-000.
- 3150.000 43. **Resolution No. 03-068: Corrected** Board of Supervisors Resolution No. 02-068 (PLN010238, Kenny/McFarland) on January 18, 2003, with Resolution No. 03-037, to accurately reflect the Board's motion to accept Staff's recommendation regarding adoption of the environmental documents.

PUBLIC WORKS:

- 4600.000 44. **Approved** License No. DACA05-3-03-522 between Monterey County and the Department of the Army for maintenance of existing river jacks on the San Antonio River at Interlake Road in Fort Hunter Liggett by the Public Works Department, and to obtain sand, clay, and gravel from Fort Hunter Liggett for use on roads maintained by Monterey County within the Fort Hunter Liggett base; authorize the Public Works Director to execute the License.
- 0525.000 45. **Rejected** all bids for the State Route 68 Emergency Vehicle Pre-emption Upgrade Project.

MONTEREY COUNTY WATER RESOURCES AGENCY

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

- 0802.000 46. **Resolution No.03-104 Adopted** Resolution of support for the Northern and Coastal Water Bond Initiative Coalition.

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