

A C T I O N M I N U T E S**THE MONTEREY COUNTY BOARD OF SUPERVISORS,
THE MONTEREY COUNTY WATER RESOURCES AGENCY, AND
THE MONTEREY COUNTY REDEVELOPMENT AGENCY****Tuesday, April 29, 2003 at 9:30 a.m.****9:30 a.m.**

S-1 Additions and corrections to the 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 Department of Social Services, add the following under "Other Board Matters:"

Adopt Resolution commending Vivian Wedderburn upon her retirement from the Department of Social Services.

Upon the request of the Employee Relations Officer, the Board is requested to add the following to the Closed Session Agenda:

"Conference with labor negotiators (all represented units) pursuant to Government Code section 54957.6; designated County representative: Keith Honda."

Upon the request of Supervisor Potter, the Board will adjourn today's meeting in memory of Kenneth Corry, deceased.

S-2 CONSENT CALENDAR - REGULAR (See [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:

- 1. Joseph Vierra addressed the Board concerning proposed Monterey County fee increases, and on a petition drive to recall California Governor Grey Davis.**
- 2. Horacio Lara addressed the Board concerning alleged discrimination by the Monterey County AIDS Project.**

APPOINTMENTS:

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

0402.800 1. **Appointed** Thomas Ethington, to fill a vacancy, on the Overall Economic Development Commission, for a term to end on June 30, 2006. (Full Board)

OTHER BOARD MATTERS:

6300.000 2. Board comments and referrals:

1. Upon the request of Supervisor Johnsen, the Board referred to the Health Subcommittee, the issue that was brought before this Board today under "Public Comment Period," regarding alleged discrimination by employees of the Monterey County AIDS Project.
2. Supervisor Johnsen distributed copies of articles concerning the state budget. She reported that California's collection of state income tax through the yearly process is running between \$3 and \$4 billion below the state's already low expectations, worsening an already enormous budget shortfall of as much as \$34.6 billion.
3. Supervisor Armenta announced that the U. S. Postal Service will be unveiling a postage stamp honoring Cesar Chavez at the National Steinbeck Center this Friday, May 2nd at 3:00 p.m. He reported that he and Supervisor Potter attended the annual Bay Mec banquet recognition dinner on Saturday, April 26th. Also, on behalf of this Board and the community, he attended the 30th anniversary of the Salinas Soccer League. He invited all present to attend the Salinas United Business Association First Annual Cinco de Mayo Fiesta on Alisal Street this Sunday, May 4th, from 12:00 p.m. to 4:00 p.m.

0600.025 3. County Administrative Officer's comments and reports: **Sally R. Reed**, County Administrative Officer, stated that last week the Board heard increasing concern from the Auditor-Controller about the ability to continue to accrue revenues due from the Natividad Medical Center to the County. Ms. Reed outlined the current NMC accounting procedures, and the potential impacts on the County's fund balance for FY 2002-03. This matter will be more fully addressed during the Board's Budget Committee meeting to be held at 12:00 p.m. today.

2050.000 4. **Resolution No. 03-133: Adopted** Resolution commending Jose R. Vera, Groundskeeper in the County Department of General Services, upon his retirement. (Armenta)

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

2050.000 NA/1 **Resolution No. 03-134: Adopted** Resolution commending Vivian Wedderburn upon her retirement from the Department of Social Services.

BOARD ACTION: Upon motion of Supervisor Lindley, seconded by Supervisor Johnsen, and unanimously carried.

SCHEDULED MATTERS

10:00 a.m.

1351.450 S-6 **Received** status report regarding the Ad Hoc Committee on Salinas Valley Cities/County of Monterey Growth Agreements and **continued** discussions with Salinas Valley Cities on potential agreements.

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board received the status report.

1351.450 S-7 **Received** a report on the revised General Plan Update (GPU); **directed** staff to negotiate a contract with Larry Mintier to review the revised Draft GPU; **directed** Staff to submit the Draft Housing Element to the State Dept. of Housing and Community Development independent of the GPU process; and **set** a schedule for Board direction on the revised Draft GPU. **BOARD ACTION:** Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board received the report, and directed staff to submit the Draft Housing Element to the State Department of Housing and Community Development (HCD) independent of the General Plan Update process. Supervisor Armenta requested that any information sent on the Housing Element, including any cover letters, be made available to each Supervisor.

Following a discussion on the inclusive plan for distribution, staff is directed to include the public libraries on the list of accessibility for a bound copy of the Draft General Plan Update.

Sally Reed, County Administrative Officer, withdrew the recommendation to negotiate a contract with Larry Mintier to review the revised Draft GPU.

Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board continued discussion on the timetable and trails issue for one week, to Tuesday, May 6, 2003 at 10:00 a.m.

11:30 a.m.

5100.000 S-8 a. **Resolution No. 03-144:** Sitting as the Board of Supervisors, a public hearing was conducted to approve

a loan to South County Housing Corporation for the purchase of 58 Brooklyn Street in Pajaro, and authorize expenditure of \$114,432 in Community Development Block Grant Program Re-Use Income (Acting as the Board of Supervisors).

BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Lindley, and unanimously carried, the Board adopted Resolution No. 03-144, thereby approving the staff's recommendations.

5100.000 b. Sitting as the Board of Directors of the Monterey County Redevelopment Agency, approve \$102,700 in Redevelopment Housing Set-Aside funds for the purchase acting as the Board of Directors of the Monterey County Redevelopment Agency.

BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Lindley, and unanimously carried, the Board approved the staff's recommendations.

0125.000 S-9 **Resolution No. 03-145: Conducted** public hearing to approve Amendment of the Community Development Block Grant Agreement with the Veteran's Transition Center and authorize \$25,000 in additional CDBG funding for housing rehabilitation.

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Lindley, and unanimously carried, the Board adopted Resolution No. 03-145, thereby approving the staff's recommendations

0125.000 S-10 **Agreement No. A-09275: Approved and authorized** the CEO of Natividad Medical Center (NMC) to increase the Purchase Order B960300669, Agreement No. A-09275, with Professional Hospital Supply, Inc. (PHS) from \$40,000 to \$300,000. (an increase of \$260,000) for hospital supplies for the period through June 20, 2003.

BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Lindley, and unanimously carried, the Board approved the staff's recommendations.

12:00 p.m.

Recess to Budget Committee Meeting (Full Board)

1:30 p.m.

S-11 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. Jack Levitz (WC)

BOARD ACTION: The Board voted 5-0 to offer a settlement in this matter.

- 6200.000 b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding significant exposure to litigation to one matter.

BOARD ACTION: No reportable action taken.

- 6200.000 c. Confer with real property negotiators pursuant to Government Code Section 54946.8. Property: East Garrison areas of the former Fort Ord; Negotiating Parties: Monterey County Redevelopment Agency; County of Monterey; Monterey Peninsula College.

BOARD ACTION: Staff was given direction to proceed with this matter.

- 0950.000 d. Pursuant to Government Code Section 54957. Public employee performance evaluation for the following position:

Title: Natividad Medical Center - CEO

BOARD ACTION: No reportable action taken.

- 0950.000 e. Conference with labor negotiators (all represented units) pursuant to Government Code section 54957.6; designated County representative: Keith Honda.

BOARD ACTION: No reportable action taken.

- 0601.525 NA/2 **Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried by those members present 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:**

"Approve extending the term of the Natividad Medical Center Action Committee by one-month."

Supervisor Johnsen stated that during the Budget Committee meeting held today, Chair Steve Collins of the Natividad Medical Center Action Committee requested an additional month to complete the following: finalize the wording that could be used for a ballot initiative, and to develop a plan that could be implemented if the ballot initiative fails to pass.

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and carried with Supervisor Potter absent temporarily, the Board approved the extension of the term of the Natividad Medical Center Action Committee by one-month.

2:30 p.m.

S-12 **Approved** the following Resolutions regarding fees:

- 1100.000 a. **Resolution No. 03-146: Adopted** the amended Schedule of Fees and Charges for Health Department services relating to the following Health Divisions: Animal Services, Public Health, Health Promotion, Primary Care Clinics and Environmental Health; adopt the fees as the Amended Article I of the Monterey County Fee Resolution effective April 29, 2003; and approve attached Monterey County Master Fee Resolution modifying Article I.
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried.
- 1100.000 b. **Resolution No. 03-147: Adopted** a Resolution adding Article XVI to the Monterey County Fee Resolution Relating to Auditor-Controller Service and Programs.
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried.
- 1100.000 c. **Resolution No. 03-148: Adopted** Resolution amending Resolution 01-383, Article II of the Monterey County Fee Resolution to adjust fees for the Agricultural Commissioner certification and inspections and to clarify fee descriptions.
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried.
- 1100.000 d. **Resolution No. 03-149: Adopted** a Resolution adopting an Updated Encroachment Permit Fee Schedule.
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried.

S-13 **Conducted** a public hearing and adopt Ordinances, authorize collection of fees, and add to the Monterey County Fee Resolution the following:

- 2800.000 a. **Ordinance No. 04186; Resolution No. 03-150:**
1100.000 **Adopted** an Ordinance to repeal fees set in Chapters 2.38 (Treasurer-Tax Collector) and 7.04 (Auction Services), and place them in the Monterey County Fee Resolution, and **adopted Resolution No. 03-150**, article XV of the Monterey County Fee Resolution relating to Treasurer auction services), **authorized** collection of fees and place -Tax Collector fees.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Lindley, and unanimously carried.

- 2800.000
1100.000
- b. **Ordinance No. 04187; Resolution No. 03-151:**
Adopted an Ordinance to repeal fees set in Chapter 2.15 relating to County Clerk-Recorder fees, **authorized** collection of fees and place them in the Monterey County Fee Resolution, and **adopted Resolution No. 03-151**, amending Article XIII of the Monterey County Fee Resolution relating to the Assessor-County Clerk-Recorder.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Lindley, and unanimously carried.
- 2800.000
1100.000
- c. **Ordinance No. 04188; Resolution No. 03-152:**
Adopted an Ordinance to repeal fees set in Chapters 7.28 (Film Permits), 11.24 (Card Room Employees) and 11.25 (Massage Businesses); **amended** Chapters 2.08 (Coroner Services), 7.28 (Public Dances); and 7.30 (Private Patrol) to permit collection of actual cost of services; **adopted Resolution No. 03-152, authorizing** collection of fees and place them in the Monterey County Fee Resolution and Amend Article VII of the Monterey County Fee Resolution relating to the Sheriff's Office.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Lindley, and unanimously carried.
- 2800.000
- d. **Held** public hearing to consider adoption of a Resolution amending Articles I (Environmental Health), IX (Planning and Building Inspection), X (Public Works), and XI (Water Resources Agency) of the Monterey County Fee Resolution and adding Article XVII (County Counsel) to the Monterey County Fee Resolution to increase fees for processing land use development and permit applications and related planning services, thereby reducing the General Fund subsidy for those activities.
BOARD ACTION: The Board continued this public hearing, open, to Tuesday, May 13, 2003 at 1:30 p.m.
- 1100.000
0150.143
- S-14 **Received** report on new revenue/tax increase options including public safety development fees, franchise fees, utility taxes and business license tax.
BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Lindley, and unanimously carried, the Board received a report on new revenue/tax increase options including public safety development fees, franchise fees, and utility taxes; and directed staff to take a more in-depth look at the proposals presented to the Board for possible revenue enhancements, other than those that require being placed on the ballot.
- 0150.143
- S-15 **Received** report and consider state budget reform principles proposed by the California State Association of Counties

(CSAC) .

BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Johnsen, and unanimously carried, the Board approved the staff's recommendations.

Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, 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:

2050.000 "Adopt Resolution honoring Kathleen "Kathy" Yoshimaru upon her retirement after 32 years of dedicated public service from the Department of Social Services."

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, the Board adopted Resolution No. 03-139, commending Kathy Yoshimaru upon her retirement.

ORDER FOR ADJOURNMENT TO ROUNDTABLE DISCUSSION WITH THE MAYORS ON FRIDAY, MAY 2, 2003 AT 12:00 P.M. AT THE PAJARO STREET GRILL, 435 PAJARO STREET, SALINAS, CALIFORNIA, IN MEMORY OF KENNETH CORRY, DECEASED.

APPROVED:

Chair _____

ATTEST:
SALLY R. REED,
Clerk of the Board

By: _____
Deputy

[\(Supplementary Sheet\)](#)

CONSENT CALENDAR

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

HEALTH AND SOCIAL SERVICES:

0601.100 5. **Resolution No. 03-140: Accepted** 2001-2002 Annual Report of the Monterey County Children and Families Commission.

- 0125.000 6. **Agreement No. A-09386: Approved and authorized** the Director of Health to sign an agreement with Public Safety Associates, LLC, dba The Polaris Group, for the period April 29, 2003, through March 31, 2005, in an amount not to exceed \$145,000 to assist the Monterey County Emergency Medical Services Agency and the Monterey County EMS Council in conducting a competitive process to select an exclusive provider of county-wide ambulance service.
- 0125.000 7. **Agreement No. A-09387: Approved and authorized** the Director of Health to sign Agreement SDF03-15 in the amount of \$565,048 for the Safe and Drug Free Schools and Communities Youth Diversion Program and Outreach Grant for the period January 1, 2003 through December 31, 2005 to reduce alcohol and drug use by students.
- 0602.500 8. **Approved** increase in appropriations and estimated revenues in Budget Units 531 CalWORKs and 535 Out-of-Home Care in the total amount of \$3,831,000.
- 0125.000 9. **Agreement No. A-09388: Approved and authorized** the Chair to sign a contract with Monterey-Salinas Transit in the amount of \$148,000 for the period July 1, 2002 through June 30, 2003 to expand transportation options for CalWORKs and former CalWORKs customers through DART 18 (North Monterey County) and Line 23 (South Monterey County).

CRIMINAL JUSTICE:

- 0125.000 10. **Agreement No. A-09389: Approved and authorized** the Sheriff to sign Agreement 2003-21 with U.S. Department of Justice, Federal Drug Enforcement Administration in the amount of \$15,000 for the period of January 1, 2003 through December 31, 2003 to defray costs relating to Cannabis Eradication and Suppression Program.

GENERAL GOVERNMENT:

- 0400.300 11. **Resolution No. 03-141: Amended** Resolution 01-349 regarding the Agricultural Advisory Committee, and adopt By-Laws.
- 0525.000 12. **Adopted** plans and specifications for the project "Communications Tower for the Combined Emergency Service Facility", in Salinas, and **authorized** bids to be received no later than 2:00 p.m., Thursday, May 29, 2003.
- 0525.000 13. **Adopted** plans and specifications to remove an abandoned underground storage tank at the Salinas Courthouse located at 240 Church Street, Salinas, CA, Bid Number 9713; **directed** the Clerk to advertise for bids to be received no later than 1:30 pm on Wednesday, June 4, 2003.
- 0525.000 14. **Approved** the specifications for Phase 2 of roadway overlay at Laguna Seca Recreation Area, Bid No. 9723 and **directed**

the Clerk of the Board to solicit bids to be opened on Wednesday, May 21, 2003.

- 0110.000 15. **Agreement No. A-09390: Approved and authorized** the Agricultural Commissioner to execute and sign Standard Agreement 02-0204C with the California Department of Pesticide Regulation; accept \$20,000 to develop and expand the restricted materials permit and pesticide use reporting system.
- 5100.000 16. **Agreement No. A-09391: Approved** HOME Program Loan and Regulatory Agreements with South County Housing Corporation for the Boronda Road Farmworker Housing Development.

PUBLIC WORKS:

- 0525.000 17. **Accepted** the Certificate of Completion and **authorized** execution and recordation of the Notice of Completion for the San Miguel Maintenance Yard Well No. 3 Project
- 0125.000 18. **Agreement No. A-09392: Approved** an Easement Purchase Agreement with Moss Landing Harbor District in the amount of \$26,020 for 1,805 square feet of road right-of-way and 20,952 square feet of temporary construction easement, and **approved** a Grant of Franchise in the amount of \$6,000 for 0.565 acre of land for the construction of the Sandholdt Road Bridge No. 112 Replacement project, Moss Landing area.

MONTEREY COUNTY WATER RESOURCES AGENCY

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

- 0802.175 19. **Resolution Nos. 03-142 and 03-143: Set for public hearing** on May 20, 2003, at 10:00 a.m., the fiscal year 2003-2004 assessments and water delivery charges for Zone 2B and fiscal year 2003-2004 assessments for Zones 2Y and 2Z for the Castroville Seawater Intrusion Project and the Salinas Valley Reclamation Project.

MONTEREY COUNTY REDEVELOPMENT AGENCY

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

- 5100.000 20. **Agreement No. A-09391: Approved** HOME Program Loan and Regulatory Agreements with South County Housing Corporation for the Boronda Road Farmworker Housing Development

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