

A C T I O N M I N U T E S**THE MONTEREY COUNTY BOARD OF SUPERVISORS****Tuesday, May 13, 2003 at the hour of 9:30 a.m.****9:30 a.m.**

S-1 Additions and corrections to the Agenda:

Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, 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 Supervisor Armenta, add under "Other Board Matters" the adoption of a Resolution honoring Ralph Thompson for providing legal and community service to the people of Monterey County, to be presented at the annual Monterey County Bar Association Recognition Event.

Upon the request of Supervisor Calcagno, add under "General Government, Consent," adoption of a Resolution approving the application for grant funds from the California Department of Conservation's Farmland Conservation Program for the Jacks Ranch, Manzoni Ranch, and Tavernetti Ranch Easements.

Upon the request of County Counsel, remove from the agenda and take no action on Closed Session Item No.

S-13(b) (3), existing litigation case of Berryman v. County of Monterey.

Upon motion of Supervisor Potter, seconded by Supervisor Calcagno, and unanimously carried, upon the request of the County Administrative Officer, the Board will adjourn this meeting to Friday, May 16, 2003 at 1:00 p.m. to meet with the Mayors, to be held at the Salinas Community Center.

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

2050.000 S-3 PUBLIC COMMENT PERIOD:

- a. Colin Gallagher addressed the Board concerning domestic national security, universal health care, and proposals to cut County staff.**
- b. Gary Patton, Executive Director, LandWatch Monterey County addressed the Board concerning the schedule and process for the General Plan Update.**
- c. Joe Vierra addressed the Board concerning the state budget proposals by Governor Grey Davis, the impact of illegal immigration on the state's Medi Cal, and public access on Highway 1.**
- d. Hans Jongens requested the Board to support Senator Burton's bill to save farmland, and the need for preventive health care.**

APPOINTMENTS:

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

0402.250 1. **Appointed** Kay Kwon, to fill the unexpired vacancy of Gloria Grenfell, on the Mental Health Commission, for a term to end on May 31, 2005. (Johnsen)

0800.450 2. **Appointed** Monica Nunez, to fill the seat formerly held by Jovita Cabatu, on the Castroville Cemetery District, for a term to end on March 30, 2006. (Calcagno)

0803.900 3. **Reappointed** Margaret Duflock and Mary Orradre, to the San Ardo Cemetery District, for terms to end on March 31 2007. (Lindley)

0402.800 4. **Appointed** Jacqueline Lambert, to a vacancy on the Overall Economic Development Commission, for a term to end on June 30, 2006. (Johnsen)

OTHER BOARD MATTERS:

6300.000 5. Board comments and referrals:

a. Supervisor Johnsen announced that on Wednesday, May 14th, Governor Gray Davis will unveil the state's budget proposals, and it will affect how the Board will handle the gaps in the County budget. She commended the County department heads that have met with their staff to work out the best solutions for each department.

b. Upon the request of Supervisor Potter, the Board requested the Director of Planning and Building Inspection to report back to Supervisor Potter's office on an expedited timeline to resolve the Kenny & McFarland application which proposed two houses on one lot.

c. Supervisor Potter reported that he will be in Sacramento tomorrow with other local government representatives, to have a voice in minimizing the impact of the state budget cuts on local governments.

d. Upon the request of Supervisor Lindley, the Board referred the development of a legal description of the Ranchito Canyon Road easement to the Director of Public Works, to ensure all property owners have legal access to their property.

e. Supervisor Lindley requested the Chair to review the Board's meeting schedule, to ensure that the General Plan Update hearing schedule is compatible concerning Tuesday, December 16, 2003.

f. Supervisor Calcagno thanked the County Administrative Officer, the General Manager of the Monterey County Water Resources Agency, and the Planning Department for developing a solution to grant the occupancy permit to the Calvary Community Church and Prunedale Christian Academy.

g. Upon the request of Supervisor Armenta, the Board requested the County Administrative Officer to develop a process in terms of throughout the year

how Monterey County can appropriately welcome home the troops returning from tours of duty Operation Freedom in Iraq.

0600.025 6. County Administrative Officer's comments and reports: **Sally R. Reed, County Administrative Officer, announced that this Friday, May 16, 2003 at 1:00 p.m. the Board will be meeting with the Mayors at the Salinas Community Center. Each city and the county will make a 5-minute presentation on their budget proposals.**

2050.000 7. **Resolution No. 03-130: Adopted** Resolution proclaiming May 11-17, 2003 as National Hospital Week in Monterey County. (Armenta)
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried.

2050.000 8. **Resolution No. 03-158: Adopted** a Resolution proclaiming the week of May 18-24, 2003 as National Public Works Week. (Full Board)
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried.

2050.000 9. **Resolution No. 03-153: Adopted** a Resolution proclaiming May as Foster Care Appreciation Month and recognizing the Charles and Donna Trementozzi Family as Foster Family of the Year 2003. (Full Board)
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried.

2050.000 10. **Resolution No. 03-159: Adopted** a Resolution honoring Leigh Seanson on her retirement from the Department of Social Services. (Full Board)
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried.

2050.000 NA/1 **Resolution No. 03-160: Adopted** a Resolution honoring Ralph Thompson for providing legal and community service to the people of Monterey County, to be presented at the annual Monterey County Bar Association Recognition Event.
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried.

SCHEDULED MATTERS

9:45 a.m.

6200.000 S-4 Closed Session relating to the following item:

a. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding exposure to potential litigation on one matter.

BOARD ACTION: The performance review occurred.

10:00 a.m.

2050.000 S-5 Welcome students from North County High School to "Job Shadow Day."

BOARD ACTION: Each Supervisor, the County Administrative Officer, and County Counsel introduced their Job Shadow student assigned to observe the associated duties and responsibilities of County government.

0600.027 S-6 Receive the 2002 Annual Crop Report from the Agricultural Commissioner.

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board received the 2002 Annual Crop Report from Eric Lauritzen, Agricultural Commissioner.

2800.000 S-7 **Ordinance No. 04189:** Conducted a public hearing and adopt an Ordinance to amend various chapters of Title 18, Monterey County Code (Buildings and Construction) to adopt and make certain local amendments to the 2001 California Building Standards Code (CBSC) and adopt other Uniform Codes.

BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Johnsen, and unanimously carried, the Board adopted Ordinance No. 04189, as presented.

0550.325 S-8 **Received** the Monterey County Government Center Project Update from the Capitol .

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board received the report, requested the architect to build a cardboard model of the proposed Government Center, and directed staff to develop a schedule or timeline on this project.

0601.525 S-9 **Approved and authorized** the Chief Executive Officer of Natividad Medical Center (NMC):

0125.000 a. 1) **Agreement No. A-09179:** Approved an amendment to extend the Professional Service Agreements (PSAs) with Nancy Balph from \$115,000 to \$150,000 (an increase of \$35,000) to cover the period from April 1, 2003 through June 30, 2003;

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

0125.000 2) **Agreement No. A-09245:** Approved an amendment to an agreement with Supplemental Health Care Services, a temporary nursing and technologist registry company, from \$150,000 to \$275,000 (an increase of \$125,000), to supply registry personnel for the Radiology Department at NMC through June 30, 2003.

BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Lindley, and carried 4-0 with Supervisor Johnsen voting "No."

0125.000 b. **Agreement No. A-09394:** To sign an amendment to increase the amount of an existing emergency Professional Service Agreement (PSA) with Healthcare Financial Services (HFS) for Interim CFO Consulting Services from \$25,000 to \$55,000, a total increase of \$30,000 and extend the term of the Agreement to June 30, 2003.

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

11:00 a.m.

3150.000 S-10 **Held** Public Hearing on Combined Development Permit (PLN000357/Gamboa) consisting of: 1) a Use Permit requesting to allow a quasi-public use in the low density residential zone including site plan and design review to allow development of a 64-suite, 78-bed, assisted care living facility consisting of a 3-building complex totaling 43,400 square feet, 35 space parking lot including 4 handicap-accessible spaces, grading totaling 3,000 cubic yards of cut and 3,000 cubic yards of fill, improvements to Val Verde Drive (private right of way) from Rio Road to Carmel Valley Road, and two on-site water detention ponds; 2) a Use Permit requesting to allow development on slopes exceeding 30%; and 3) request to allocate 4.8 acre feet of water to the subject project. This is a 4.5-acre, vacant parcel located at the southwest corner of Carmel Valley Road and Val Verde Drive (private road), east of Carmel Rancho Boulevard in the Carmel Valley Master Plan Area (Assessor's Parcel Number: 015-021-036-000) (Continued from April 22, 2003)

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board continued this hearing indefinitely. The motion included direction to staff to bring back to the Board a timetable and a process for hearing the issues so that they are laid out in front of the Board. Staff is also provided direction to bring back a report on grey water systems in Monterey County, and to bring back concrete plans and specifications for the grey water system for this project. The County Administrative Officer acknowledged that recirculation may be necessary, and that would happen before it is returned.

12:00 p.m.

Recessed to Budget Committee Meeting (Full Board)

1:30 p.m.

4000.000 and 1100.000 S-11 **Resolution No. 03-161: Held** continued 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: Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, the Board adopted Resolution No. 03-161, as presented. The motion included direction to the County Administrative Officer to present an analysis of possible Consumer Price Index (CPI) practices during budget hearings; begin a regular review of fees every two years or a similar timeframe; and examine possibility of using time and materials in determining fees.

0602.500 S-12 **Continued** public hearing to consider adoption of a Resolution amending Article VII of the Monterey Fee Resolution to increase fees for processing land use development and permit applications to recover costs for services for public safety development plan reviews by the Sheriff's Office, thereby reducing the General Fund subsidy for this activity. **(County Staff has requested this item to be continued.)**

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Lindley, and unanimously carried, the Board continued this matter indefinitely.

S-13 Closed Session relating to the following items:

0950.000 a. 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: No reportable action taken.

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

1. Martinez, et al. v. County of Monterey;

BOARD ACTION: Staff report received; direction given to legal counsel.

2. TCI Cablevision of California, Inc. v. County of Monterey;

BOARD ACTION: Staff report received; direction given to legal counsel.

3. Berryman v. County of Monterey;

BOARD ACTION: REMOVED FROM THE AGENDA; NO ACTION TAKEN.

4. Architectural Heritage Association, et al. v. County of Monterey, et al.;

BOARD ACTION: Staff report received; direction given to legal counsel.

5. H-Y-H Corporation v. County of Monterey;

BOARD ACTION: Staff report received; direction given to legal counsel.

6. Arreola, et al. v. County of Monterey.

BOARD ACTION: Staff report received; direction given to legal counsel.

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

1. Claim of Karin Sedrak and Nagib Sedrak

BOARD ACTION: The Board voted 5-0 to deny the claim.

0950.000 d. Conference with labor negotiators (all represented Units) pursuant to Government Code section 54957.6; Keith Honda, designated representative.

BOARD ACTION: Staff report received; direction given to labor negotiators.

2:30 p.m.

6000.000 S-14 **Held** public hearing on appeal of the Minor Subdivision Committee's action to deny the Minor Subdivision (Danbom; PLN000360) of a 14.8 acre parcel into four (4) 2.5 acre parcels and one (1) 4.8 acre remainder parcel with an existing house. The property is located at 1901 San Juan Road, Aromas. Assessor's Parcel Number: 267-041-003-000 North County Non-Coastal area.

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board continued this hearing, open, to Tuesday, May 20, 2003 at 10:30 a.m.

3150.000 S-15 **Held** public hearing on a Combined Development Permit (Rancho San Carlos Partnership, LLC. File #PLN010278) consisting of: 1) An Amendment to the Santa Lucia Preserve Comprehensive Development Plan to allow residential development on the former "Lodge" parcel, 2) a Vesting Tentative Subdivision Map (Revised VTM of March 25, 2003) of an 87 acre parcel into 12 residential parcels ranging in size from 1.82 acres to 11.62 acres (including one parcel with two inclusionary units) and an open space parcel of 26.98 acres; 3) a Use Permit to remove 12 protected and landmark oak trees and to trim 21 protected trees (total of 33); 4) a Use Permit for development on slopes of 30% or more; 5) Administrative Permits for Site Plan and Design Approvals for 10 single family (market rate) residences (structure on lot F3 excluded at this time) and two Inclusionary Units located in one duplex on one lot; and 6) approximately 39,041 cubic yards of grading for roads and building sites (19,511 cu. yds cut/19,530 cu. yds fill; net import of 19 cu. yds). The project is located in the Chamisal Area San Francisquito Area of the Santa Lucia Preserve (Assessor's Parcel Number 239-051-041-000), Greater Monterey Peninsula Area Plan.

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, the Board adopted the proposed Mitigated Negative Declaration; adopted a Mitigation Monitoring and/or Reporting Program; and approved the Combined Development Permit (PLN010278) for the Chamisal Area Subdivision, according to the March 25, 2003 Vesting Tentative Map configuration, based on the Findings and Evidence subject to the proposed Conditions of Approval. The Board concurred with incorporating the three minor changes recommended by Brian Finegan, Attorney representing Rancho San Carlos Partnership, LLC, as follows: 1) delete the 4100 sq. ft. limit on the F-3 lot, which originated from the original application which had the F-3 lot in a constrained site; 2) substitute the Santa Lucia Community Services District and the Santa Lucia Conservancy as the responsible bodies for maintenance of private roads and open spaces; and 3) move the traffic fee condition from final map condition to the building permit stage, because that is the stage that these fees are normally collected.

3:00 p.m.

0803.800, 0801.975, and 0250.000 S-16 **Resolution No. 03-163:** Adopted a Resolution approving the fair share distribution property tax transfer for the proposed "Mountain Valley Reorganization" involving a Sphere of Influence amendment and annexation of 200 +/- acres to the City of Salinas and detachment from the Salinas Rural Fire Protection District and the Monterey County Resource Conservation District; **authorized** the Chair to

sign a letter to the Local Agency Formation Commission of Monterey County (LAFCO) regarding agricultural buffers for the "Mountain Valley Reorganization."

BOARD ACTION: Upon motion of Supervisor Lindley, seconded by Supervisor Johnsen, and unanimously carried, the Board adopted Resolution No. 03-163, as presented.

After further discussion, upon motion of Supervisor Lindley, seconded by Supervisor Johnsen, and carried, the Board approved and authorized the Chair to sign a letter to the Local Agency Formation Commission of Monterey County (LAFCO), in support of the 110 foot agricultural buffer as proposed by the developer of the "Mountain Valley Reorganization," and approved in the City of Salinas Precise Plan and Environmental Impact Report.

0601.525 S-17 **Considered** implementation plan and any necessary motions, resolutions, or ordinances, regarding Natividad Medical Center's Action Committee's recommendations.

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

- a. Provided approval for NMC to take all appropriate steps to close the Extended Care Unit.
- b. Appointed five additional members to the NMC Board of Trustees.
- c. Directed NMC Board of Trustees Chair to establish a standing oversight committee with a minimum of the five new members appointed to the Board of Trustees.
- d. Directed the County Administrative Officer, working with the County Treasurer and NMC, to develop a new loan repayment schedule which defers the construction loan repayment until FY 2005 and propose new schedule for adoption on May 27, 2003.
- e. Referred issues regarding select hard-to-fill positions to CAO for analysis and referral to Closed Session on May 27, 2003.
- f. Provided final approval for NMC to take all appropriate steps to carry out the opening of the Acute Inpatient Rehabilitation Unit.
- g. Provided final approval for NMC to take all appropriate steps to carry out the opening of the Nuclear Medicine Program.
- h. Directed the County Administrative Officer, working with the County Treasurer and NMC, to reduce interest rate on NMC debt owed to the County and propose new rate for adoption on May 27, 2003.

ORDER FOR ADJOURNMENT TO FRIDAY, MAY 16, 2003 AT 1:00 P.M. TO MEET WITH THE MAYORS AT THE SALINAS COMMUNITY CENTER, AND THEN TO TUESDAY, MAY 20, 2003 AT 9:30 A.M.

[\(Supplementary Sheet\)](#)

CONSENT CALENDAR

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

HEALTH AND SOCIAL SERVICES:

0601.100 11. **Proclaimed** state of local emergency relating to the spread of HIV among injection drug users in Monterey County.

0602.550 12. **Approved and authorized** the Director of Social Services to sign and submit applications for continued funding and sign final funding Agreements and amendments from state agencies for designated programs for FY 2002-03.

0602.550 13. **Approved** the Implementation of a Records Retention Schedule for the Department of Social Services.

0125.000 14. **Agreement No. A-09393: Approved and authorized** Chair to sign Agreement for \$25,000 with Salvation Army Monterey Peninsula for the provision of homeless services to families and individuals during Calendar Year 2003; **authorized** the Director of the Department of Social Services to sign future amendments up to 5% of the contract total.

CRIMINAL JUSTICE:

0602.250 15. **Resolution No. 03-162: Approved and authorized** the Chief Probation Officer to submit a grant application for the Juvenile Accountability and Incentive Block Grant to the State Officer of Criminal Justice Planning.

GENERAL GOVERNMENT:

6300.000 16. **Approved** Action Minutes of the meeting of Tuesday, April 29, 2003, copies having been distributed to each Board member.

0525.000 17. **Awarded** the contract for the "Superior Court North Wing, Third Floor Remodel," to Tombleson, Inc., in the amount of \$297,962.00, with a change order contingency of \$29,796.20; and **authorized** the Auditor/Controller to make payments on the approval of Capital Projects Management.

0602.150 18. **Approved** the upgrade of SIGMA Applicant Management Software for use by Personnel Analysts in the recruitment and examination process for prospective County employees, at a cost of \$72,811.

0525.000 19. **Approved** the specifications for racetrack drainage improvements Phase II at Laguna Seca Recreation area, Bid No. 9728 and Direct the Clerk of the Board to solicit bids to be opened on Wednesday, June 5, 2003.

0601.850 20. **Resolution No. 03-164: Approved** a State Off-Highway Vehicle Operation (OHV) and Maintenance Grant application for the Laguna Seca OHV area of Fiscal Year 2004.

0601.350 21. **Approved** accepting donation to the County of an additional modular building unit for the Big Sur Library, new carpeting for the existing modular units, new public access computer, new furniture, and new

book shelving; and acknowledging and thanking the Friends of the Big Sur Library for these donations.

0125.000 22. **Agreement No. A-09317: Approved and authorized** Amendment #2 to increase contract from \$300,000 to an amount not to exceed \$386,400 with Hayashi & Wayland, Accounting and Consulting, and RSM McGladrey, Inc., National Health Care Consulting Group to continue professional consulting services regarding Natividad Medical Center's (NMC) improvement process to stabilize NMC's financial condition; and Authorize Assistant County Administrative Officer to sign.

0127.000 NA/2 **Resolution No. 03-165: Adopted** a Resolution approving the application for grant funds from the California Department of Conservation's Farmland Conservation Program for the Jacks Ranch, Manzoni Ranch, and Tavernetti Ranch Easements.

PUBLIC WORKS:

4600.000 23. **Approved** the rescinding of posted loads to allow legal weight limit for the Nason Road Bridge at Cachagua Creek, County No 526, State No. 44C-0123, Carmel Valley area.