

**A C T I O N M I N U T E S****MONTEREY COUNTY BOARD OF SUPERVISORS,  
THE MONTEREY COUNTY WATER RESOURCES AGENCY, AND  
THE MONTEREY COUNTY REDEVELOPMENT AGENCY.****Tuesday, April 9, 2002 at 9:30 a.m.****9:30 a.m.**

S-1 Additions and corrections to Agenda

**Upon motion of Supervisor Johnsen, seconded by Supervisor Pennycook, and unanimously carried by those members present with Supervisor Potter absent, the Board approved the following additions and corrections to the Agenda:**

Upon the request of George Salcido, Purchasing, remove Consent Item No. 25 from today's Agenda, to approve and authorize the Contracts/Purchasing Manager to sign and eighteen-month lease agreement with the Natividad Medical Center for use by the Health Department Health Promotion Division.

Under "Other Board Matters," add a Resolution recognizing and commending the Boys and Girls Clubs of the Salinas Valley. (Armenta)

Under "Appointments," add the following:

Appointment of Jim Manassero, representing District No. 2, to the Agricultural Advisory Committee for a term to be determined. (Pennycook)

Appointment Francisco Casas, replacing Pam Webster, to the Community Action Commission, to fill her unexpired term ending July 1, 2002. (Pennycook)

Due to the cancellation of the April 16<sup>th</sup> Board meeting, add the following urgency measure to "Consent, General Government:"

Extend the proclamation of a Local Emergency with Monterey County, California as a result of severe erosion to the earthen embankment near the intersection of Garin Road and Elkhorn Road, Pajaro area. (4/th's Vote Required)

The Strategic Planning Workshop, scheduled for Tuesday, April 16, 2002 at the Leadership Institute in Monterey, has been cancelled. Today's meeting will be adjourned to Tuesday, April 23, 2002 at 9:30 a.m.

Due to the need for direction before the next regularly scheduled meeting on April 23, 2002, add one additional matter of potential litigation to the closed session agenda pursuant to Government Code section 54956.9(b), and add the existing litigation matter of Susan Clark v. Monterey County to the closed session agenda pursuant to Government Code section 54956.9(a).

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

S-3 CONSENT CALENDAR - SPECIAL DISTRICTS

S-4 CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY

S-5 CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY

2050.000 S-6 PUBLIC COMMENT PERIOD: **Roger McCurdy** addressed the Board concerning alleged code violations by operators within the Dolan Industrial Park (auto dismantler's yards). This matter is referred to the County Administrative Officer to work with the Director of Planning and Building Inspections for evaluation and appropriate action, if necessary. **Joseph Vierra** addressed the Board concerning the abandonment of plans to construct the Hatton Canyon Freeway Project, and the financing of the construction of a climbing lane on Highway 1 in the Carmel Area. **David L. Fried**, resident of North Monterey County, expressed his concerns with the expiration of the North County Development Limitation Ordinance, and the need for a "B-8" zoning overlay in the North County area. **Brian Finegan**, Attorney, expressed his concern that although the public review period for the Environmental Impact Report (EIR) on the General Plan Update began on April 1<sup>st</sup>, that document was not made available to the public. Twenty percent of the public review period expired prior to that document being made available. Therefore, he requests that the Board consider extending the public review period for the EIR. **Bob Perkins**, Executive Director of the Monterey County Farm Bureau, also requested the Board to extend the time allowed for public review of the EIR, and for public debate of the General Plan Update. The Farm Bureau shares the key goals of the General Plan, to protect agriculture, to provide the necessary housing and infrastructure for the present and the future, and to protect the environment. It is the Farm Bureau's view that this Draft General Plan, as written, fails to accomplish any of those goals. They are committed to working with the County to create a General Plan that meets those goals, but they need time and opportunity to offer their input. **Aaron Johnson** echoed **Brian Finegan's** request to extend the public review period for the EIR for the General Plan Update.

#### APPOINTMENTS:

Upon motion of Supervisor Pennycook, seconded by Supervisor Johnsen, and unanimously carried by those members present with Supervisor Potter absent, the Board approved the following appointments:

0402.800 1. **Appointed** Yolanda Teneyuque to the Overall Economic Development Commission, replacing Randy Anstine, for a term expiring on June 30, 2003. (Full Board)

0400.300 NA/1 **Appointed** Jim Manassero, representing District No. 2, to the Agricultural Advisory Committee for a term to be determined. (Pennycook)

0401.550 NA/2 **Appointed** Francisco Casas, replacing Pam Webster, to the Community Action Commission, to fill her unexpired term ending July 1, 2002. (Pennycook)

#### OTHER BOARD MATTERS:

6300.000 2. Board comments and referrals: **Supervisor Pennycook**, on behalf of the Restorative Justice Commission, announced a program to be held on Tuesday, April 23, 2002 during the lunch hour in the Salinas Courthouse courtyard, entitled "Bringing Honor to Victims."

0600.025 3. County Administrative Officer's Comments and Reports: **None.**

2050.000 4. **Resolution No. 02-103: Proclaimed** April 21<sup>st</sup> through April 27<sup>th</sup> 2002 as National Infant Immunization Week and May 2002 as Toddler Immunization Month in Monterey County. (Potter)

**BOARD ACTION: Upon motion of Supervisor Pennycook, seconded by Supervisor Calcagno, and unanimously carried by those members present with Supervisor Potter absent.**

0802.000 5. Appoint to the Monterey County Water Resources Agency Board of Directors one from two nominees (Richard Ortiz, Mayor of Soledad, or Matt Gourley, Mayor of Gonzales) of the Mayors' Select Committee. (Potter)

**BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Johnsen, and unanimously carried by those members present with Supervisor Potter absent, the Board continued this matter to Tuesday, April 23, 2002.**

6300.000 6. **Received** a report from the Board of Supervisors Budget Committee for March 2002. (Johnsen; Calcagno)

**BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Johnsen, and unanimously carried by those members present with Supervisor Potter absent. The motion included direction to staff to include the quantifiable dollar figures for the Sales Tax, Transient Occupancy Tax (TOT) and Motor Vehicle License Fees (MVLf) receipts, as an attachment to the monthly Budget Committee's report.**

Supervisor Pennycook stated that she would like to see alternatives to the Road Fund to fund the erosion occurring on the earthen embankment supporting Elkhorn Road near the intersection of Garin Road that is creating an imminent danger to traffic and to the integrity of an existing sewer force main.

In response to Supervisor Pennycook's concerns, Sally R. Reed, County Administrative Officer, stated that in looking at the over-all budget, Monterey County is facing a deficit in the next fiscal year. The Administrative Office staff is working with departments to absorb that without a major reduction in services. Ms. Reed suggests that the Director of Public Works schedule an overview of the Road Fund before the Board's Budget Committee.

2050.000 7. **Resolution No. 02-111: Adopted** a Resolution proclaiming April 14 through April 20, 2002 as Public Safety Dispatchers Week in Monterey County. (Potter)

**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Pennycook, and unanimously carried by those members present with Supervisor Potter absent.**

2050.000 NA/2 **Resolution No. 02-112: Approved and adopted** a Resolution recognizing and commending the Boys and Girls Clubs of the Salinas Valley. (Armenta)

**BOARD ACTION:** Upon motion of Supervisor Pennycook, seconded by Supervisor Calcagno, and unanimously carried by those members present with Supervisor Potter absent.

**SCHEDULED MATTERS**

**10:00 a.m.**

0402.050 S-7 **Resolution No. 02-113: Approved** new appointments to the Juvenile Justice Coordinating Council; **authorized** the Chief Probation Officer to submit the Monterey County Multiagency Juvenile Justice Plan modifications for Fiscal Year 2002-03 to the State of California Board of Corrections for programs funded by the Juvenile Justice Crime Prevention Act (JJCPA).

**BOARD ACTION:** Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried by those members present with Supervisor Potter absent.

0601.175 S-8 Public hearing to approve Community Development Block Grant Application to the State Department of Housing and Community Development for reconstruction of the San Lucas County Water District Water Storage Tank.

**BOARD ACTION:** Upon motion of Supervisor Calcagno, seconded by Supervisor Johnsen, and unanimously carried by those members present with Supervisor Potter absent, the Board approved the staff's recommendations, and adopted Resolution No. 02-114.

0601.175 S-9 **Approved** recommendations related to evaluation of the Inclusionary Housing Program.

**BOARD ACTION:** After discussion, and upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and carried by those members present with Supervisor Potter absent, the Board approved the recommendations contained in the Inclusionary Housing Program Evaluation Report. The motion included the recommendation from the Planning Commission contained in Issue No. 5, Title Changes, "Planning Commission recommendation from September 11, 2001 - To retain existing policy, but to allow a 1-year 'compassion' period for sale of property." Staff is directed to continue to work on developing appropriate language in the Inclusionary Housing Ordinance providing for case by case exceptions to allow greater delivery of low income housing than would be achieved by application of the Ordinance.

0601.100 S-10 **Accepted** oral presentation on the status of Tuberculosis (TB) control in Monterey County.

**BOARD ACTION:** Upon motion of Supervisor Calcagno, seconded by Supervisor Pennycook, and unanimously carried by those members present with Supervisor Potter absent.

**10:30.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 potential litigation:

- 1. Mudd v. County of Monterey

**BOARD ACTION: The Board authorized payment to Margaret Mudd in the amount of \$175,000 with the amount of any reasonable attorney fees due to be determined through a nonjudicial process. The payment is in exchange for full dismissal of that law suit with prejudice.**

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

- 1. Susan Clark v. Monterey County

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

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

- 1. Claim of Thane Quinnell, Richard A. Quinnell, and Sunny Johansson

**BOARD ACTION: The Board allowed leave to file a late claim and denied that claim.**

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 c. Conference with labor negotiators (all units) pursuant to Government Code section 54957.6.

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

11:15 a.m.

0801.625 S-12 Distribution of surplus funds for Hidden Hills Area Assessment District.

**BOARD ACTION: The Board granted a continuance of this matter to Tuesday, June 11, 2002 at 10:00 a.m.**

**ORDER FOR ADJOURNMENT TO TUESDAY, APRIL 23, 2002 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 Calcagno, seconded by Supervisor Johnsen, and unanimously carried by those members present with Supervisor Potter absent, the Board approved the following actions, except as otherwise noted:

#### HEALTH AND SOCIAL SERVICES:

0601.100 8. **Resolution No. 02-140: Proclaimed** state of local emergency relating to the spread of HIV among injection drug users in Monterey County.

0602.550 9. **Approved and authorized** the Director of Social Services to sign and submit applications for continued funding and sign final funding agreements from state agencies for designated programs for FY 2002-03.

#### CRIMINAL JUSTICE:

0125.000 10. **Agreement No. A-08603: Approved and authorized** the Purchasing Manager to sign an amendment to increase contract with Real Time Solutions to provide consultant services for Department Automation and Compliance Procedures during for Fiscal Year 2001 - 2002

0125.000 11. **Agreement No. A-08934: Authorized** the Chief Probation Officer to sign Memorandum of Understanding with the School Community Policing Partnership for Probation Services in the unincorporated area of North Monterey County, funded by the School Community Policing Grant; **amended** Probation Budget Unit 255 to Increase Estimated Revenues and Appropriations by \$7,500 for Fiscal Year 2001-2002.

0602.500 12. **Approved** Application for Destruction of Records in the Sheriff's Department, Civil Division.

0125.000 13. **Agreement No. A-08944: Approved and authorized** the Chair of the Board of Supervisors to sign a contract for psychiatric evaluations for criminal and juvenile delinquency cases with the California Forensic Medical Group, Inc., for Fiscal Year 2002-2003.

#### GENERAL GOVERNMENT:

4100.000 14. **Approved** changes in Productivity Investment Fund policy and procedures.

0125.000 15. **Agreement No. A-08945: Approved and authorized** the Agricultural Commissioner to sign the Annual Work Plan and Budget Plan for Cooperative Agreement 03-73-06-5243-RA with United States Department of Agriculture, Wildlife Services, covering animal damage control for FY 2002-2003 totaling \$64,200.

0125.000 16. **Agreement No. A-08946: Approved and authorized** the Agricultural Commissioner to sign Standard Agreement 01-0587 with California Department of Food and Agriculture in the amount of \$36,000 for enforcement and implementation of Oak Mortality Disease Regulation for the period of March 1, 2002 through November 30, 2002.

0110.000 17. **Agreement No. A-08947: Approved and authorized** the Agricultural Commissioner to sign Standard Agreement 01-0558 with California department of Food and Agriculture to implement years two and three of Monterey County War on Weeds Partnership covering the period of January 1, 2002 through June 30, 2004 totaling \$46,989.

0125.000 18. **Agreement No. A-08133: Approved** amendments 3, 4 and 5 for the Combined Emergency Services Center Professional Services Agreement with Kasavan Architects, A-08133.

0125.000 19. **Agreement No. A-08948: Approved** a cost sharing agreement with the County of Napa for development of a manufactured home and aircraft automated valuation enhancement to the Megabyte property tax processing system.

0125.000 20. **Agreement No. A-08939: Approved** a cost sharing agreement with the County of Napa for the development of a base year tracking enhancement for the Megabyte property tax processing system.

0500.050 21. **Approved** amendments to Conflict of Interest Code of the General Services Department of Monterey County.

0525.000 22. **Awarded** contract to Western Cabinet & Countertops for the Project "Casework for Temporary Buildings" in the amount of \$70,010, including change order contingencies; **directed** the Auditor-Controller to make payments upon the approval of Capital Projects Management; and reject the other bid.

4200.200 23. **Approved** Contracts/Purchasing Manager to dispose of surplus property.

6500.000 24. **Resolution No. 02-138: Adopted** Resolution authorizing and approving the borrowing of funds for fiscal year 2002-03; the issuance and sale of a Tax and Revenue Anticipation Note and participation in the California Communities Cash Flow Financing Program.

25. **REMOVED FROM AGENDA, NO ACTION TAKEN** to action to approve and authorize the Contracts/Purchasing Manager to sign an eighteen-month Lease Agreement, effective January 1, 2002 with Natividad Medical Center for 437 square feet of general office space at 1441 Constitution Boulevard, Building 151, Salinas, CA for use by the Health Department's Health Promotion Division.

0602.050 26. **Approved** the Use of San Lorenzo Park for a Function in Compliance with Monterey County Code 14.12.130.

0601.600 27. **Resolution No. 02-139: Approved** the reallocation of One (1) Secretarial Assistant to One (1) Senior Typist Clerk and **amended** Parks Budget Unit 750.

0601.850 28. **Approved** the transfer and use of \$6,000 from the Off-Road Vehicle Registration Fees Account to purchase an All-Terrain Patrol Vehicle (ATV) for the Off-Road Vehicle Area at Laguna Seca Recreation Area; **amended** Budget Unit 750, Parks General Fund Budget to reflect that transfer; and **increased** revenue and appropriations by \$6,000.

0125.000 29. **Agreement No. A-08940: Authorized** the Assistant County Administrative Officer to enter into limited-term agreements for professional services for Capital Projects Management in an amount not to exceed \$400,000.

0900.000 29.1 **Resolution No. 02-141: Extended** the proclamation of a

0600.775 Local Emergency with Monterey County, California as a result of severe erosion to the earthen embankment near the intersection of Garin Road and Elkhorn Road, Pajaro area.

#### **PLANNING AND BUILDING INSPECTION:**

0125.000 30. **Agreement No. A-08941: Authorized** the Chair to sign a contract amendment, extending an Agreement for Professional Services with RBF Consulting, Inc. to June 30, 2002, to continue to provide short term staff assistance with processing of an application for converting an office building into office condominiums.

0125.000 31. **Agreement Nos. A-08942 and A-08943:** 1) **Approved and authorized** the Chair to sign on behalf of the Board, a Professional Services Agreement with Pacific Municipal Consultants in the amount of \$172,138.00 for the preparation of an Environmental Impact Report (EIR) for the Potrero Area Subdivision Proposal (PLN010001), and provision of project management support; 2) **Approved and authorized** the Chair to sign on behalf of the Board, a reimbursement agreement between the County of Monterey and Rancho San Carlos Partnership, L.P.; and 3) **Directed** the County Purchasing Manager and Director of Planning and Building Inspection to execute the contracts.

6000.500 32. **Accepted** Parcel Map for 2 lots, Tax Report, Subdivision Title Guarantee, Agreement for Construction of Road Improvements and recording fee for Minor Subdivision 980246 for Elva Acevedo, located at 303 Las Lomas Drive, Las Lomas area.

#### **PUBLIC WORKS:**

0525.000 33. **Awarded** contract in the amount of \$904,902 to the Don Chapin Company, Inc. for construction of the Pajaro Storm Drain Phase 3A Project, Pajaro area.

34. **REMOVED FROM AGENDA, NO ACTION TAKEN** to acceptance of completion of improvements and authorized Release of Faithful Performance Security - Oak



Knoll Subdivision (located off Charter Oak Boulevard, 16 lots, private road).

0125.000 35. **Agreement No. A-08950: Approved** an Agreement for Construction of Road Improvements in conjunction with Combined Development Permit, 8122 Moss Landing Road, Yohn and Melanie Gideon, applicant.

0125.000 36. **Agreement No. A-08951: Approved** an Agreement for Construction of Road Improvements in conjunction with Combined Development Permit, 8022 Moss Landing Road, Margaret Shirrel, applicant.

7000.000 37. **Approved** purchase of a Public Utility Easement in the amount of \$5,000 from Michelle and Geary Deason Coats for the Carmel Valley Road Rule 20A Underground Utility District.

0525.000 38. **Resolution No. 02-142: Accepted** Certificate of Completion for construction contract and authorize execution and recordation of Notice of Completion for the Seismic Retrofit - Gonzales River Road Bridge at Salinas River.

0525.000 39. **Approved** an increase in the amount of \$230,000 in contingency funding for construction of the Seismic Retrofit of Six Bridges - Central County.

#### **SPECIAL DISTRICTS:**

**Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried by those members present with Supervisor Potter absent, the Board approved the following action:**

0650.000 40. **Received** Written Reports for County Service Areas containing service charges and **set** for public hearing on May 28, 2002 at 10 a.m. to consider protests and objections on service charges.

#### **MONTEREY COUNTY WATER RESOURCES AGENCY:**

**Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried by those members present with Supervisor Potter absent, the Board approved the following action:**

0802.175 41. **Resolution Nos. 02-143 and 02-144: Set** for public hearing on April 23, 2002 at 11:00 a.m., the Fiscal Year 2002-2003 assessments and water delivery charges for Zone 2B and Fiscal Year 2002-2003 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 Pennycook, and unanimously carried by those members present with Supervisor Potter absent, the Board approved the following actions, except as otherwise noted:**

0125.000 42. **Agreement No. A-08952: Approved** contract in the amount of \$146,070 with Cotton/Bridges Associates for preparation of the Castroville Community Plan.

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

**AYES:** Supervisors Armenta, Calcagno and Johnsen.

**NOES:** Supervisor Pennycook.

**ABSENT:** Supervisor Potter.

0401.300 43. **Approved** amended Bylaws for the Castroville/Pajaro and  
0400.761 Boronda Citizens Advisory Committees.

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