

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 23, 2002 at 9:30 a.m.
Lunch Break from 12:00 Noon to 1:40 p.m.**

9:30 a.m.

2050.000 S-1 **Resolution No. 02-136: Adopted and presented** Resolution congratulating Alene Guthmiller, Assistant Director, Family and Community Health Division, upon her retirement from the Monterey County Health Department after 25 years of public service. (Full Board)

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

S-2 Additions and corrections to Agenda

Upon motion of Supervisor Johnsen, seconded by Supervisor Armenta, and unanimously carried, the Board approved the following additions and corrections to the Agenda:

Under "Appointments," add the reappointment of Jose Ramos to the HIV/AIDS Advisory Committee, for a term expiring on March 1, 2006. (Armenta)

Under "Other Board Matters," add a Resolution commending Ronald A. Qualls, Deputy Sheriff, upon his retirement of 34 years of dedicated public service with the Monterey County Sheriff's Department. (Potter)

Under "Other Board Matters," add authorization for the Chair to sign a letter reiterating the County's position regarding project objectives of the Pajaro River Levee Flood Control Project. (Calcagno)

Under Scheduled Matter No. S-13, it is noted that the Resolution designating the week of April 21 through 27, 2002 as National Crime Victim Rights Week in Monterey County, will also be presented to the Monterey County District Attorney's Victims of Crime Unit.

Upon the request of Supervisor Potter, adjourn today's meeting in memory of Florus Williams, former Pacific Grove Mayor, deceased.

S-3 CONSENT CALENDAR - REGULAR [See [Supplementary Sheet](#) attached]

S-4 CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY

2050.000 S-5 PUBLIC COMMENT PERIOD: **Hans Jongens addressed the Board concerning the advancement of seawater intrusion into the Salinas Valley. Joseph Vierra addressed the Board concerning the abandonment of plans to construct the Hatton Canyon Freeway Project.**

APPOINTMENTS:

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

- 0403.825 1. **Appointed** Jon Rogers, to the Workforce Investment Board, for a term to be determined. (Full Board)
- 0804.450 2. **Appointed** Trevor Walker and Michael Petersen, to the Board of Directors of the Spreckels Memorial District, for terms to end on November 30, 2005. (Full Board)
- 0401.870 NA/1 **Reappointed** Jose Ramos to the HIV/AIDS Advisory Committee, for a term expiring on March 1, 2006. (Armenta)

OTHER BOARD MATTERS:

- 6300.000 3. Board comments and referrals: **Supervisor Johnsen highlighted a Joint Conference which she attended, representing the California State Association of Counties (CSAC), held in Sacramento. The Conference was a joint effort by the League of California Cities, CSAC, California School Board Association, and she distributed a copy of a Report to each Supervisor which included information concerning the school lunch program and other demographic information. Supervisor Pennycook invited all present to attend the ceremonies in the Salinas Courthouse courtyard paying honor to victims. She presented a brief description of Lady, a 2-year old Australian Shepard mix, and Lance, a brown tabby, both pets being adoptable from the County Animal Shelter.**
- 0600.025 4. County Administrative Officer's Comments and Reports: **None.**
- 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) (Continued from April 9, 2002) **BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and carried with Supervisor Pennycook voting "No," the Board appointed Richard Ortiz, Mayor of Soledad to the Monterey County Water Resources Agency Board of Directors.**
- 2050.000 6. **Adopted** the following Resolutions recognizing the members of the Emergency Medical Care Committee for their service to Monterey County:

Res. No.	Member	Res. No	Member
02-115	Harry B. Robins, Jr.	02-126	Tracy Villeneuve, EMT-Paramedic
02-116	Judy Jackson, R.N.	02-127	Nicole Cromwell, R.N.
02-117	Andrew Kaminski, M.D.	02-128	Lori White, R.N.
02-118	Thomas Wartinger, M.D.	02-129	Don Gasperson
02-119	Sgt. John DiCarlo	02-130	John Crivello
02-120	Virginia Shannon	02-131	Maximiliano Cuevas, M.D.
02-121	Lt. Commander Pat Camara	02-132	Daniel Ipson
02-122	Jim Perrine	02-133	Kathy Merritt
02-123	Jorge Rifa	02-134	Samuel P. Balesteri
02-124	Colly Tettlebach, R.N.	02-135	Deb Schulte, R.N.
02-125	Fire Chief Sidney Reade		

(Full Board)

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

2050.000 7. **Resolution No. 02-137: Adopted** Resolution commending and thanking Barbara R. Baehr, Public Health Nurse, upon her retirement from 37 years of outstanding public service to the citizens of Monterey County. (Potter)

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

2050.000 8. **Resolution No. 02-146: Adopted** a Resolution recognizing the Monterey County Parks Department Wildflower Triathlons Festival on the occasion of their 20th Anniversary. (Potter)

BOARD ACTION: Upon motion of Supervisor Pennycook, seconded by Supervisor Armenta, and unanimously carried.

1900.000 9. **Approved** the April 2, 2002 Report of the Legislative Subcommittee, including updates from the Water Resources Agency, Department of Social Services, Health Department and Natividad Medical Center; recommended "Support" positions on State AB 2386 (Keeley), AB 2044 and 2762 (Salinas), AB 1806, 1807 and 1816 (Richman), AB 1865 (Canciamilla), SB 1350 and 1457 (McPherson), and SB 1509 (Dunn); recommended "Support" positions on the federal Hospital Preservation Act (HR 1556/S839) and Medicaid Safety Net Continued Preservation Act (HR 854/S 572); a recommended "Support" position for a resolution seeking relief from a federal penalty structure regarding California's automated child care payment system; recommended adoption of the final 2002 Monterey County Legislative Priorities; and recommended "Support" of an updated Monterey County exhibit at the State Capitol. (Johnsen and Potter)

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

- 2050.000 NA/2 **Resolution No. 02-147: Adopted** a Resolution commending Ronald A. Qualls, Deputy Sheriff, upon his retirement of 34 years of dedicated public service with the Monterey County Sheriff's Department.
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Armenta, and unanimously carried.
- 0802.050 NA/3 Approve and authorize the Chair to sign a letter reiterating the County's position regarding project objectives of the Pajaro River Levee Flood Control Project. (Calcagno)
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried.

SCHEDULED MATTERS

10:00 a.m.

- 2800.000 S-6 **Ordinance No. 04138: Conducted** Public Hearing and
0125.000 **adopted** Ordinance amending Agreement No. A-02017, a Contract between the County of Monterey and the Public Employees' Retirement System to provide Section 21023.5 (Public Service Credit for Peace Corps or AmeriCorps: VISTA Service) for local miscellaneous and local peace officer members; and authorize Chair to sign related documents.
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Armenta, and unanimously carried, the Board adopted Ordinance No. 04138, amending Agreement No. A-02017, and authorized the Chair to sign related documents.
- 0125.000 S-7 **Resolution No. 02-148: Conducted** Public Hearing and **adopted** Resolution amending Agreement No. A-02431, a Contract between the Monterey County Water Resources Agency and the Public Employees' Retirement System to provide Section 21023.5 (Public Service Credit for Peace Corps or AmeriCorps: VISTA Service), for local miscellaneous members; and authorize Chair to sign related documents.
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Armenta, and unanimously carried, the Board adopted Resolution No. 02-148, amending Agreement No. A-02431, and authorized the Chair to sign related documents.
- 0125.000 S-8 **Agreement No. A-08959: Approved and authorized** the Director of Health to sign a Contract with the Center for Community Advocacy to Coordinate the Promotores de Salud Program in the amount of \$140,421 for the period of February 22, 2002 through February 21, 2004; and **added** 1.0 Chronic Disease Prevention Specialist II position; and **directed** the Auditor-Controller to amend Health Department Budget Unit 411 to reflect the change in position count and to increase estimated revenue and appropriations by \$12,728 for Fiscal Year 2001-2002; and **authorized** the Director of Health to approve future amendments up to 50% of the annual 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 Armenta, seconded by Supervisor Calcagno, and unanimously carried by those members present with Supervisor Johnsen absent, the Board approved the staff's recommendations.

6500.000 S-9 Public hearing pursuant to the Tax Equity and Fiscal Responsibility Act of 1986 (TEFRA) on the issuance of Salinas Valley Solid Waste Authority revenue bonds in a principal amount not to exceed \$42,000,000; **approved** the issuance of the Authority bonds; **determined** that a significant public benefit will be experienced by the issuance of the bonds and the undertaking of the proposed projects; and **recognized** that the bonds will be a special revenue obligations of the Authority, not the County of Monterey or the State of California.

BOARD ACTION: Upon motion of Supervisor Armenta, seconded by Supervisor Calcagno, and unanimously carried by the following vote, the Board adopted Resolution No. 02-161, thereby approving the staff's recommendations:

AYES: Supervisors Armenta, Calcagno and Potter.

NOES: Supervisor Pennycook.

ABSENT: Supervisor Johnsen

0601.175 S-10 **Received** status report on road improvement options for the Boronda disposal transfer station expansion.

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

2800.000 S-11 Public hearing to adopt Ordinances amending Title 12, Traffic, as follows:

a. **Ordinance No. 04139:** An Ordinance amending Section 12.24.030 to establish a "yield intersection" at the intersection of Fifteenth Avenue and Dolores Street, Carmel area.

BOARD ACTION: Upon motion of Supervisor Armenta, seconded by Supervisor Pennycook, and unanimously carried by those members present with Supervisor Johnsen absent, the Board adopted Ordinance No. 04139.

b. **Ordinance No. 04140:** An Ordinance amending Section 12.28.010 to establish two "No Parking Zones" on Prunedale North Road, Prunedale area.

BOARD ACTION: Upon motion of Supervisor Armenta, seconded by Supervisor Pennycook, and unanimously carried by those members present with Supervisor Johnsen absent, the Board adopted Ordinance No. 04140.

11:00 a.m.

S-12 **Monterey County Water Resources Agency:**

- 0802.100 a. **Received** Staff Report and **conducted** a public
 0802.150 hearing on allocation of certain Salinas Valley flood control and groundwater basin program costs to Zone 2A versus Zone 2 for funding through annual water standby or availability charges; **adopted Resolution No. 02-163** confirming the Board's determination of appropriate Zone allocation for the subject costs; **directed** staff to report the Board's determination to the Monterey County Superior Court in the matter of Orradre et al. v. Monterey County Water Resources Agency.
BOARD ACTION: Upon motion of Supervisor Pennycook, seconded by Supervisor Armenta, and unanimously carried by those members present with Supervisor Johnsen absent, the Board adopted Resolution No. 02-163, and approved the staff's recommendations.
- 0802.150 b. Public hearing to adopt resolutions of the Monterey
 0802.175 County Water Resources Agency approving Fiscal Year 2002-2003 assessments for Zones 2A and 2B, and Fiscal Year 2002-2003 water delivery charge for Zone 2B for the Castroville Seawater Intrusion Project and the Salinas Valley Reclamation Project.
BOARD ACTION: Supervisor Calcagno recused himself from participation in the entirety of this matter to avoid any appearance of impropriety based on his property ownership within Zone 2B.
- Upon motion of Supervisor Armenta, seconded by Supervisor Pennycook, and unanimously carried by those members present with Supervisor Calcagno recused, and Supervisor Johnsen absent, the Board adopted Resolution Nos. 02-143 and 02-144, and approved the staff's recommendations.**

11:30 a.m.

- 2050.000 S-13 **Resolution No. 02-066: Adopted** a Resolution designating the week of April 21 through 27, as National Crime Victim Rights Week in Monterey County, and **presented** the Resolution to Monterey County District Attorney's Victims of Crime Unit and to the Restorative Justice Commission. A program will follow in the Salinas Courthouse courtyard. (Pennycook)
BOARD ACTION: Upon motion of Supervisor Pennycook, seconded by Supervisor Armenta, and unanimously carried by those members present, with Supervisor Johnsen absent.

1:40 p.m.

S-14 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. Mudd v. County of Monterey

BOARD ACTION: No reportable action taken.

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

- 1. Matter of Bomarito

BOARD ACTION: No reportable action taken.

ORDER FOR ADJOURNMENT TO TUESDAY, APRIL 30, 2002 AT 9:30 A.M. IN MEMORY OF FLORUS WILLIAMS, FORMER MAYOR OF PACIFIC GROVE, DECEASED.

APPROVED:

Chair

ATTEST:
 SALLY R. REED,
 Clerk of the Board

By: _____
 Deputy

[\(Supplementary Sheet\)](#)

CONSENT CALENDAR

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

HEALTH AND SOCIAL SERVICES:

- 0601.100 10. **Resolution No. 02-149: Proclaimed** state of local emergency relating to the spread of HIV among injection drug users in Monterey County.
- 0125.000 11. **Agreement No. A-08949: Approved and authorized** the Director of Health to sign an Employment Agreement (Physician) with Wendy Farquhar, M.D. in the amount of \$156,375.96 annually for provision of medical direction to the California Children's Services Program for the period of April 7, 2002 through June 30, 2003; and **authorized** the Director of Health to approve future amendments up to 50% of the annual amount, which do not significantly alter the scope of work or result in an increase to net County cost.

- 0125.000 12. **Agreement No. A-08953: Approved and authorized** the Director of Health to sign a contract with Salinas Valley Radiology in the amount of \$100,000 for the period of December 1, 2001 through June 30, 2003 for the provision of X-ray Services; and **authorized** the Director of Health to approve future amendments up to 50% of the annual amount which do not significantly alter the scope of work or result in an increase to net County cost.
- 0125.000 13. **Agreement No. A-08954: Approved and authorized** the Director of Health to sign Agreement #02-25134 with the State Department of Health Services for claiming Federal Financial Participation (FFP) for Medi-Cal Administrative Activities (MAA) in the amount of \$1,860,000 for the period of July 1, 2002 through June 30, 2005; and **authorized** the Director of Health to approve future amendments up to 50% of the annual amount, which do not significantly alter the scope of work or result in an increase to net County cost.
- 0601.100 14. **Approved and authorized** the Director of Health to accept a donation from the Children's Miracle Network in the amount of \$25,000 for FY 2001-02.
- 5800.000 15. **Resolution No. 02-150: Authorized** monthly extensions for the exclusive garbage collection permit for Rural Dispos-All Services (Waste Management Inc.) from July 1, 2002 through December 31, 2002 for continued garbage and recycling collection in certain unincorporated County areas.
- 0601.100 16. **Resolution No. 02-151: Reallocated** 1.0 FTE vacant Patient Account Representative II position to 1.0 FTE Senior Departmental Information Systems Coordinator position; and **directed** the Auditor-Controller to amend FY 2001-02 Health Department Budget Unit #440 to reflect the change in position count.
- 0601.100 17. **Resolution No. 02-152: Reallocated** 1.0 FTE vacant
0150.141 Health Education Clinic Assistant position to 1.0 FTE Staff Nurse position, and **directed** the Auditor-Controller to amend FY 2001-02 Health Department Budget Unit 411 to reflect the change in position count.
- 0125.000 18. **Agreement No. A-08955: Approved and authorized** the Chair to sign contract with Applied Survey Research in the amount of \$20,000 to provide research of the homeless population; and increase appropriations and estimated revenues in the amount of \$20,000.
- 0602.550 19. **Adopted** support of a waiver of the additional Food Stamp Program Work Requirements for Able-Bodied Adults Without Dependents (ABAWDs).

CRIMINAL JUSTICE:

- 0600.175 20. **Resolution No. 02-153: Approved** the reallocation of one vacant Supervising Child Support Officer position to one Child Support Officer III position within the Department of Child Support Services (Budget Unit 225).
- 0600.175 21. **Resolution No. 02-154: Approved** proclamation supporting federal child support penalty relief for the State of California.
- 0125.000 22. **Agreement No. A-08662: Approved and authorized** the Chair of the Board of Supervisors to sign a contract with the Law Office of Matthew Newman, court-appointed counsel, extending an existing contract for five months, from for February 1, 2002 through June 30, 2002.
- 0602.500 23. **Approved** an increase in appropriations and estimated
0150.141 revenues by \$15,000 in Sheriff's Budget Unit 230 for a recruitment program of the Special Services Division.
- 0110.000 24. **Agreement No. A-08496: Approved and authorized** the Sheriff to sign extension of agreement with State of California, Commission on Peace Officers Standards and Training for Management Fellowship Program for the period February 1, 2002 through January 31, 2003; increase appropriations and estimated revenues by \$52,535 in Sheriff's Budget Unit 251, FY 2001-02.

GENERAL GOVERNMENT:

- 6300.000 25. **Approved** Action Minutes of the meeting of Tuesday, April 2, 2002, copies having been distributed to each Supervisor.
26. Approved Property Tax Transfer for the proposed "Carmel Valley Properties Annexation" to Carmel Valley Fire Protection District.
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Armenta, and unanimously carried, the Board continued this matter two weeks, to Tuesday, May 7, 2002.
- 0525.000 27. **Awarded** contract to Telemetrix for the project "Phone and Data Cabling for Temporary Buildings" in the amount of \$95,040, including change order contingencies; **directed** the Auditor-Controller to make payments upon the approval of Capital Projects Management; and reject the other two bids.
- 0600.125 28. **Amended** Capital Projects Budget Unit 165, to delete
0600.850 allocations and transfer allocations to General Services
0150.141 Budget Unit 106; **amended** General Services Budget 106 to add allocations, and **approved** reallocations; **authorized** transfer of appropriations totaling \$25,000 from Budget Unit 165, to General Services Budget Unit 106.
- 0500.100 29. **Approved** Conflict of Interest Code of the Gonzales Unified School District of Monterey County.

- 0602.750 30. **Accepted** Treasurer's Report of Investments for the quarter ending March 31, 2002.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Johnsen, and unanimously carried.
- 0900.000 31. **Resolution No. 02-155: Extended** the proclamation of a local emergency within Monterey County, California as a result of severe erosion to the earthen embankment near the intersection of Garin Road and Elkhorn Road, Pajaro area.
- 0600.026 32. **Increased** appropriations and estimated revenues in Equal
0150.141 Opportunity Budget Unit 108 in the amount of \$20,000;
authorized transfer of funds totaling \$20,000 from Public Works Budget Unit 300 to Equal Opportunity Budget 108.
- 0602.025 33. **Resolution No. 02-156: Authorized** the filing of a Land and Water Conservation Fund grant application for a Shoreline Camping Improvement Project at North Shore, Lake San Antonio totaling \$201,000.
- 0125.000 34. **Agreement No. A-08958: Approved** financing Agreement with the Sports Car Racing Association of the Monterey Peninsula for Laguna Seca Water Tank Replacement.
- 0601.600 35. **Resolution No. 02-157: Authorized** the Director of Parks to file an application with the State Office of Historic Preservation for a grant in the amount of \$15,000 to revise Monterey County's Preservation Ordinance (Ordinance No. 03795) for consistency with state law.
- 0125.000 36. **Agreement No. A-07637: Approved and authorized** the Contracts/Purchasing Manager to sign Amendment No. 1 to Lease Agreement No. A-07637 to extend the lease period through March 31, 2004 with the Salinas Rural Fire Protection District for 120 sq. ft. of general office space at 24281 Washington Street, Chualar CA 93925, for use by the Sheriff Department's Patrol Division.
- 0802.050 37. **Approved** contribution of \$8,000 for administrative
0600.025 services and legal representation for participation in the four county Pajaro River Watershed Flood Protection Authority.
- 1351.450 38. **Approved** extension of comment period for the General Plan Update Draft Environmental Impact Report from May 15, 2002 to May 28, 2002.

PLANNING AND BUILDING INSPECTION:

- 0125.000 39. **Agreement No. A-08957: Authorized** the Chair to sign a contract with Resource Design Technology, Inc., in the amount of \$25,000, to provide annual mine inspections and financial assurance reviews for all surface mines within the

jurisdiction of the County of Monterey; and provide technical support to assist the County comply with requirements of the California Surface Mining and Reclamation Act (SMARA) and other work associated with mineral resources and mining.

- 0130.000 40. **Resolution No. 02-158: Adopted** a resolution to approve a lot line adjustment between five separate parcels (Orradre Ranch, L.P.; PLN000306) and to authorize the Chair of the Board to execute a new or amended Land Conservation Contract in order to rescind a portion of Land Conservation Contract No. 69-13 as it applies to the reconfigured parcels only, and to simultaneously execute a new Land Conservation Contract No. 69-13.a. for Orradre Ranch, a California Limited Partnership, to reflect reconfigured lot lines as shown on the tentative lot line adjustment map in Planning File No. PLN000306, to reflect new ownership interests and, to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures.

PUBLIC WORKS:

- 0525.000 41. **Approved** Plans and Special Provisions and advertise for bids for the Raised Pavement Markers Project on various County roads (Project No. 02-551065).
- 0525.000 42. **Approved** an increase in the amount of \$3,500 in the contingency funding for construction of the Merritt Street Curb, Gutter, and Sidewalk Project, Castroville area.
- 0125.000 43. **Agreement No. A-08956: Approved** a Hold Harmless Agreement between the County of Monterey and Our Lady of Refuge Catholic Church in Castroville in connection with a Community Cleanup Day in Castroville on May 4, 2002; and **authorized** the Public Works Director to execute the agreement on behalf of the County.
- 0525.000 44. **Resolution No. 02-159: Accepted** Certificate of Completion for construction of Bridge Seismic Retrofits on Monte Road and Davis Road Bridges, and authorize execution and recordation of the Notice of Completion.
- 0525.000 45. **Resolution No. 02-160: Accepted** Certificate of Completion for construction of Bridge Seismic Retrofits at various locations - South County and authorize execution and recordation of Notice of Completion.
- 0525.000 46. **Approved** an increase in the contingency funding in the amount of \$59,522 for construction of the Abbott Street/Harris Road Traffic Signal Project (Project No. 02-155065, The Don Chapin Company, Inc., Contractor).

MONTEREY COUNTY REDEVELOPMENT AGENCY:

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

2800.000 47. **Introduced Ordinance, waived reading and set** public hearing for consideration of an Ordinance deleting the debt incurrence deadline for the Pajaro/Castroville and Boronda Project Areas.

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