

A C T I O N M I N U T E S**MONTEREY COUNTY BOARD OF SUPERVISORS
AND THE MONTEREY COUNTY WATER RESOURCES AGENCY****Tuesday, May 21, 2002 at 9:30 a.m.
Lunch Break from 12:00 Noon to 1:40 p.m.****9:30 a.m.**

S-1 Welcome students from North County High School

10:00 a.m.

S-2 Additions and corrections to Agenda

Due to the need for immediate action on a matter raised with the County on May 17, 2002, the County Counsel requests that the Board add to today's closed session agenda one matter of potential litigation pursuant to Government Code section 54956.9(c).

The Board is requested to adjourn this meeting in memory of Edith Ann King, former Monterey County Personnel Director, deceased.

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

S-4 CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY

S-5 CONSENT CALENDAR - SPECIAL DISTRICTS

2050.000 S-6 PUBLIC COMMENT PERIOD: **Sam Samples, Vice-President of the North County Youth Recreation Association, urged the Board to direct staff to expedite their permit for construction of an indoor sports complex on land leased from the County at the Manzanita Park. Joseph Vierra addressed the Board on the topic of public service.**

OTHER BOARD MATTERS:

6300.000 1. Board comments and referrals: **Supervisor Pennycook brought the Board greetings from the Monterey Regional Water Pollution Control Agency, and expressed their appreciation for approval and signing regarding a recycled water allocation for urban use. She presented a brief description of Jodie, a 3-year-old female German Shepard mix, and Oscar, a neutered 5-year-old flame point Siamese mix cat, both pets being adoptable from the County Animal Shelter. Supervisor Armenta announced that a ground-breaking ceremony will be held on Sunday, May 26th, from 11:00 a.m. to 1:00 p.m., at the All Veterans Park on East Laurel Drive. Upon the**

request of Supervisor Armenta, the Board referred a letter from Paul Johnson, Executive Director, Citizenship Project, requesting that the County take action regarding the recognition of foreign identification documents. This letter and attached documents was sent to all members of the Board, Blanca Zarazua, representing the Mexican Consulate and President of the Hispanic Chamber of Commerce, the County Administrative Officer, County Counsel, Sheriff Gordon Sonné, Anna Caballero, Mayor of the City of Salinas, the City of Salinas Attorney and Chief of Police of Salinas Dan Ortega. Supervisor Armenta requests that the County put together a meeting, whether it be under the direction of the County Administrative Office or County Counsel. Supervisor Johnsen reported that on Monday, May 27th in Mission Memorial Park, Seaside, a special ceremony will be held regarding the meaning of Memorial Day. The public is invited to attend the celebration.

- 0600.025 2. County Administrative Officer's Comments and Reports: **Sally R. Reed, County Administrative Officer, announced that during the Board's closed session, the job shadow students from North Monterey County High School will be given a tour of the 911 Emergency Communications Center. Ms. Reed distributed a copy of the Board Comments and Referrals for the years 2001-2002, and indicated that this referral list will be updated and given to each Board member on the dais each Tuesday. Ms. Reed also distributed to each Board member a quick informational update and analysis of the state budget, and presented the Board with an oral outline of what County staff is seeing based on the extraordinary nature of the May revise and its impact on the County, how it will affect the up-coming budget process, and the next steps County staff will propose.**
- 2050.000 3. **Resolution No. 02-176: Adopted** Resolution designating the week of May 19-25, 2002, as Emergency Medical Services Week in Monterey County. (Potter)
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Pennycook, and unanimously carried.
- 2050.000 4. **Resolution No. 02-191: Adopted** Resolution acknowledging the valuable contributions of Brian Gifford to enhance the quality of life for the homeless population as well as acknowledge his ability to raise funds for the Coalition of Homeless Services Providers agencies as well as the various member in the County of Monterey. (Armenta)
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Pennycook, and unanimously carried.
- 6300.000 5. **Accepted** report from Board of Supervisors' Budget Committee for April 2002. (Calcagno; Johnsen)
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried.

- 2050.000 6. **Resolution No. 02-192: Adopted** Resolution honoring the Salinas Valley Builders Exchange on their 50th Anniversary for their dedication and commitment on behalf of the construction industry. (Armenta)
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Pennycook, and unanimously carried.

SCHEDULED MATTERS

10:30 a.m.

- 0600.027 S-7 **Received** annual Crop Report from the Agricultural Commissioner.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Pennycook, and unanimously carried.
- 0602.250 S-8 **Received** an oral report from the Probation Department on Campus Probation Officers' Program.
BOARD ACTION: Upon motion of Supervisor Armenta, seconded by Supervisor Pennycook, and unanimously carried.
- 0601.600 S-9 Monterey County Parks takes CalWORKs kids camping.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Pennycook, and unanimously carried, the Board received the oral report from John Pinio, Parks Director.

11:00 a.m.

- 2800.000 S-10 a. **Ordinance No. 04142: Conducted** a public hearing and **approved** an Ordinance amending Section 8.04.010 of the Monterey County Code relating to general provisions and definitions, repealing Chapter 8.24 of the Monterey County Code relating to vicious or unsafe animals, and adding Chapter 8.24 to the Monterey County Code relating to potentially dangerous and vicious dogs.
BOARD ACTION: Upon motion of Supervisor Pennycook, seconded by Supervisor Armenta, and unanimously carried, the Board adopted Ordinance No. 04142, relating to potentially dangerous and vicious dogs.

The motion included referral to the Board's Health Subcommittee two additional issues concerning limiting the scope of the existing Monterey County Code section to dogs only, and taking away the ability to regulate other species of animals, such as cats, exotic cats, and poisonous reptiles; and the issue of concern about veterinarians becoming an enforcement arm in that it may have a chilling effect regarding clients wanting to seek veterinarian care for their animals, for evaluation and report back to the Board.

- 2800.000 b. **Ordinance No. 04143: Conducted** a public hearing and **approved** an Ordinance amending Section 8.08.020 of the

Monterey County Code relating to the provision of copies of rabies certificates to the Director of Health.

BOARD ACTION: Upon motion of Supervisor Pennycook, seconded by Supervisor Armenta, and unanimously carried, the Board adopted Ordinance No. 04143, relating to the provision of copies of rabies certificates to the Director of Health.

3150.000 S-11 Public hearing to adopt a Mitigated Negative Declaration and Mitigation Monitoring Plan and approve a Combined Development Permit for **Kenneth M. Blackwell Inc. (PLN980305)**, including the following: 1) General Development Plan for development of approximately 7,267 sq. ft. of new building area and construction of additional parking, signage and ancillary facilities in an existing commercial center (White Oak Plaza); 2) Administrative Permit for development on property located in the "S" (Site Review) Zoning District; 3) Administrative Permit for development of 5,667 sq. ft. of building area for office and light commercial uses; 4) Use Permit for development of a new 1,600 sq. ft. restaurant; 5) Use Permit for parking spaces not in conformance with standards; 6) Use Permit to allow additional development on property in the "HR" (Historic Resources) Zoning District; and Design Approval. The property is located at 27 East Carmel Valley Road, Carmel Valley (Assessor's Parcel Numbers 189-291-005-000 & 189-291-006-000), southerly of Carmel Valley Road, Carmel Valley Village area. (Appeal on this application has been received on behalf of Ed Leeper and Save Our Peninsula Committee (SOP), and Dr. James Flippen)

BOARD ACTION: Upon motion of Supervisor Pennycook, seconded by Supervisor Johnsen, and carried by those members present with Supervisor Potter voting "No," and Supervisor Armenta absent, the Board denied the appeal, adopted a Mitigated Negative Declaration and Mitigation Monitoring Plan prepared for the project, and adopted Resolution No. 02-206, approving the Combined Development Permit with Findings, Evidence and Recommended Conditions of Approval. The motion included approval of additional conditions concerning the relocation of the restaurant building, and the emergency access on Paso Hondo.

12:00 p.m.

Recess to lunch

1:40 p.m.

S-12 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: The Board authorized payment to plaintiff's counsel in the amount of \$370,000 for attorney's fees.

2. Carrillo v. State Dept. of Pesticide Regulation et al.

BOARD ACTION: The Board ratified settlement involving the withdrawal of the appeal, the dissolution of the existing injunction, the agreement by the State Department of Pesticide Regulation to review methyl bromide applications and sub-chronic exposure in their development of regulations, and the agreement by the Agricultural Commissioner to take certain interim measures in the area within 1500 feet of identified elementary schools.

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

1. One matter not specified pursuant to Government Code Section 54956.9(b) (Waiver of Conflict)

BOARD ACTION: The Board waived a potential conflict of interest identified by the law firm of Foley Lardner with respect to the firm's representation of the County.

- 6200.000 c. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one matter of potential litigation.

BOARD ACTION: No reportable action taken.

2:00 p.m.

- 0525.000 S-13 Pursuant to Public Contract Code section 4107, conduct a hearing on Design Space Modular Building, Inc.'s request for substitution of subcontractors, Willie Electric Company and Jenkins Construction, for the project "Site Improvements at 230 Church Street."

BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Pennycook, and unanimously carried by those members present with Supervisor Armenta absent, the Board allowed the substitution of subcontractors for this project.

ORDER FOR ADJOURNMENT TO TUESDAY, MAY 28, 2002 AT 9:30 A.M. IN MEMORY OF EDITH ANN KING, FORMER MONTEREY COUNTY PERSONNEL DIRECTOR, 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 Calcagno, and unanimously carried, the Board approved the following actions, except as otherwise noted:

HEALTH AND SOCIAL SERVICES:

- 0125.000 7. **Agreement No. A-08985: Approved and authorized** Director of Health to sign a Memorandum of Agreement between the Charitable Council of Monterey County, Inc. and the County of Monterey Health Department Primary Care Division for management of charitable donations.
- 0601.100 8. **Resolution No. 02-193: Added** 1.0 FTE Health Education Assistant position; **reallocated** 1.0 FTE vacant Clinic Office Supervisor position to 1.0 FTE Accounting Technician position; **directed** the Auditor-Controller to amend Health Department Budget Unit No. 411 to reflect the change in position count in Fiscal Year 2001-2002; and **directed** the County Administrative Office and Auditor Controller to include the budget changes in Fiscal Year 2002-2003 final budget.

CRIMINAL JUSTICE:

- 0125.000 9. **Agreement Nos. A-08986 through A-08988: Approved and authorized** the Chair of the Board of Supervisors to sign contracts with the following Court-Appointed Counsel for Fiscal Year 2002-2003: Law Office of Scott Erdbacher, Law Office of Frank Dice, and the Law Office of Paddy L. Grinstein.
- 0125.000 10. **Agreement No. A-08695: Approved and authorized** the Purchasing Manager to sign an amendment to increase agreement with Renaissance Resources - West Coast to provide administrative and evaluation services for the Rancho Natividad Project during the period July 1, 2002 through October 31, 2002.

GENERAL GOVERNMENT:

- 6300.000 11. **Approved** Action Minutes of the meeting of Tuesday, May 7, 2002, copies having been distributed to each Supervisor.
- 5400.000 12. **Resolution No. A-0194: Amended** Personnel Policies
0600.050 and Practices Resolution No. 98-394 to add
0150.141 classification of Chief Deputy Auditor-Controller and
Accounting Analyst, and **amended** Auditor-Controller Budget
Unit 111 to approve reallocation and reclassifications of
Finance Manager II to Chief Deputy Auditor-Controller and
Senior Accountant-Auditor to Accounting Analysts.
- 0600.150 13. **Increased** the Monterey County Office for Employment
0150.141 Training 2001-2002 Revenue and Appropriations Budget by
\$3,000,000 to include the final allocations and carry-in
dollars made available pursuant to the 1998 Workforce
Investment Act. (4/5ths Vote Required)
- 0525.000 14. **Awarded** contract to Randazzo Enterprises, Inc., to demolish
Building "A" at 312 E. Alisal, at the County of Monterey's
Public Works Yard, in the amount of \$24,076, including
change order contingencies; **directed** the Auditor-Controller
to make payments upon the approval of Capital Projects
Management; and reject all other bids.
- 0125.000 15. **Agreement No. A-08989: Approved** an agreement in the amount
of \$100,000 with the Economic Competitiveness Group to
conduct an Economic, Business Climate and Workforce
Assessment Analysis; authorize the Assistant County
Administrative Officer - ERP to sign the agreement and
authorize the Auditor-Controller to increase revenue and
appropriations by \$60,000.
- 0250.000 16. **Resolution No. 02-195: Adopted** Resolution approving
0801.975 the Fair Share Distribution Tax Transfer for the proposed
"Gianolini Reorganization" involving annexation of 43±
acres to the City of Greenfield and detachment from the
Monterey County Resource Conservation District.
17. **WITHDRAWN FROM THE AGENDA FOR PLACEMENT ON A FUTURE AGENDA
AS A TIMED ITEM:** Receipt of a follow-up report on Board
referral regarding potential redevelopment opportunity in
Prunedale and initiation Prunedale Business Enhancement
Program.
- 0150.142 18. **Received** the 2002-03 Appropriations Limits pursuant to
Article XIIIIB of the California Constitution and set June
10, 2002 at 9:50 a.m. as the date to establish these
limits.
- 0125.000 19. **Agreement No. A-06041: Approved and authorized** the
Contracts/Purchasing Manager to sign Amendment 2 to Lease
Agreement A-06041 to extend the lease period through June
30, 2004 with Gonzales Shopping Center, LLC for 3,200
square feet of space at 851 Fifth Street, Suites V and W,

Gonzales, CA, for use by the Monterey County Free Libraries' Gonzales Branch.

- 0601.850 20. **Resolution No. 02-196: Approved** a State Off-Highway Vehicle Operations and Maintenance grant application for the Laguna Seca OHV Area for Fiscal Year 2003.
- 0525.000 21. **Authorized** acceptance of work and file Notice of Completion for Water Tank Replacement at the Environmental Center at Toro County Park, Bid No. 9506.
- 6300.000 22. **Received** report from the Equal Opportunity
0400.250 Subcommittee of the Board of Supervisors. (Armenta;
0600.026 Potter)
- 0127.000 23. **Resolution No. 02-197: Adopted** Resolution approving the application for grant funds from the California Department of Conservation's Farmland Conservation Program for the Vosti and Corda Ranches Farm Easement. (Calcagno)

PLANNING AND BUILDING INSPECTION:

- 0700.000 24. **Accepted** a Public Access Easement Deed and authorize the Chair to sign the deed with Duke Energy Moss Landing LLC (PLN990233) for property located west of Highway 1, at the intersection between Highway 1 and Dolan Road, Moss Landing, in the North Monterey area of the Coastal Zone. (APN 133-171-003-000 and 133-181-011-000). Staff Recommendation: Approval.
- 0700.000 25. **Accepted** a Conservation and Scenic Easement Deed and authorize the Chair to sign the deed with Gerald and Pamela Takigawa (PLN000310) for property located on 206 Country Club Dr. (APN 187-241-011-000), Carmel Valley area. Staff Recommendation: Approval.
- 0125.000 26. **Agreement No. A-08990 (Resolution No. 02-198): Approved and authorized** the Chair to sign: (1) a Professional Services Agreement with Jones & Stokes in an amount not to exceed \$402,344 for the preparation of an environmental impact report (EIR) for the Pebble Beach Development Proposal (PLN010254 & PLN010341); and (2) a Reimbursement Agreement between Monterey County and the Pebble Beach Company for the amount of \$440,779.

PUBLIC WORKS:

- 0125.000 27. **Agreement No. A-08991: Approved** a Hold Harmless Agreement between the County of Monterey and the Roman Catholic Bishop of Monterey (Bishop Sylvester Ryan) in connection with a Community Cleanup Day in Pajaro on May 25, 2002; and **authorized** the Public Works Director to execute the agreement on behalf of the County.

- 0125.000 28. **Agreement No. A-08992: Approved** a Hold Harmless Agreement between the County of Monterey and Aromas Community Center Foundation in connection with a Community Cleanup Day in Aromas on May 25, 2002; and **authorized** the Public Works Director to Execute the agreement on behalf of the County.
- 4600.000 29. **Resolution No. 02-199: Adopted** resolution amending the mileage of maintained County roads.
- 0125.000 30. **Agreement No. A-08491: Approved** Amendment No. 1 to the Professional Services Agreement with URS Corporation for construction management and inspection services on Bridge Seismic Retrofits to redistribute costs between construction projects.
- 0525.000 31. **Approved** Plans and Special Provisions and **advertised** for bids for installation of LED Traffic Signal Lamps at various locations.
- 0125.000 32. **Agreement Nos. A-08993, A-08995; A-08996: Approved** Agreements for Construction of Road Improvements, Road Maintenance, and Traffic Impact Fee in compliance with Combined Development Permit No. 000003, 1091 Madison Lane, Keith Day applicant, Boronda area.
- 4600.000 33. **Approved** two grant applications to Caltrans in the amount of \$236,920 for Safe Routes to School (SR2S) Funds to construct a bicycle project and pedestrian walkway project.
- 5200.000 34. **Resolution Nos. 02-200; 02-203; 02-204; and 02-205:**
0700.000 **Adopted** resolutions determining the summary abandonment of a portion of the public right-of-way of Southbank Road, the summary abandonment of a slope, utility, and drainage easement adjacent to Southbank Road, and execution of Quitclaim Deed are exempt from CEQA; resolution summarily abandoning the public right-of-way over a portion of Southbank Road; resolution summarily abandoning a slope, utility, and drainage easement adjacent to Southbank Road; and resolution quitclaiming any interest Monterey County has in the said property and easement.
- 4600.000 35. **Approved** submittal of a grant application to Caltrans in the amount of \$250,000 for Safe Routes to School Funds to construct a traffic signal at the intersection of Russell Road and Van Buren Avenue, Salinas area.
- 0525.000 36. **Resolution No. 02-202: Accepted** Certificate of Completion for construction of emergency erosion repairs on Elkhorn Road near Garin Road, and authorize execution and recordation of the Notice of Completion, Las Lomas area.
- 4600.000 37. **Approved** FY 2002-2003 Local Transportation Fund application in the amount of \$2,015,352 for County contributions to various transportation programs; and **authorized** the Public

Works Director to execute and submit the application to the Transportation Agency for Monterey County.

MONTEREY COUNTY WATER RESOURCES AGENCY:

- 0802.200 38. **Set** for public hearing on June 4, 2002 at 10:00 a.m., approval of the Salinas Valley Water Project, certification of the Final Environmental Impact Report, adoption of Findings, Statement of Overriding Considerations and Mitigation Monitoring Program pursuant to the California environmental Quality Act.

SPECIAL DISTRICTS:

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

- 0650.014 39. **Approved** commitment of \$250,000 of County Service Area No. 14 - Castroville Funds for Castroville Community Facility Site Improvements.

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