

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

S-1 Additions and corrections to Agenda

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

Upon the request of the County Administrative Officer, remove from the Agenda, and take no action on Consent Item No. 23, to approve an agreement with Hellmuth, Obata + Kassabaum, Inc. to provide the executive architectural and engineering services for a new County Administrative Facility and the renovation and remodeling of the North, East and West Wings at the County of Monterey Government Center Complex in Salinas.

Upon the request of the Public Works Director, remove from the Agenda, and take no action on Consent Item No. 32, to approve a Professional Services Agreement with Creegan & D'Angelo Consulting Engineers in an amount not to exceed \$137,077 for preliminary engineering and environmental services for Phase I of the Carmel Valley Bicycle Path Project.

**Upon motion of Supervisor Pennycook, seconded by Supervisor Armenta, and unanimously carried, the Board approved the following addition to the Agenda under "Other Board Matters:"**

Add Resolution commending Janice O. Harwood, Nutrition, Family and Consumer Science Advisor upon her retirement from the University of California Cooperative Extension.  
(Pennycook)

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

S-3 CONSENT CALENDAR - SPECIAL DISTRICTS

S-4 CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY

2050.000 S-5 PUBLIC COMMENT PERIOD:

- a. Dr. Jesse Dominguez, M.D., first-year Resident, Dr. Sasson, M.D., Intern, and Dr. John Nusser, M.D., third-year Senior Resident, at the Natividad Medical Center, addressed the Board concerning placement of a limitation on Residents' work hours, and adequate compensation.
- b. Phil Shapter stated his concerns over a number of Monterey County Park Department policies.
- c. Laura Plaskett, secretary for the Salinas River Coalition, requested the Board provide written support to the U. S. Army Corps of Engineers for renewal of the County's 404 Permit to allow Salinas River channel maintenance prior to the commencement of winter storms.
- d. Wren Bradley, SEIU Field Representative, highlighted a number of situations in which Social Workers, Eligibility Workers and Psychiatric Social Workers provide aid, comfort and support to families and individuals in need and distress.
- e. Hans Jongens addressed the water situation in the Salinas Valley, and requested the Board to impose a water moratorium.

#### APPOINTMENTS:

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

- 0401.412 1. **Appointed** Nancy O'Neal, of the Child Care Planning Council, to the Children's Council of Monterey County, to serve a term at the pleasure of the Board. (Full Board)
- 0402.800 2. **Appointed** Ted Barrera, as the City of Soledad's Representative, to the Overall Economic Development Commission, to serve the unexpired term of Susan Shaler, to end on June 30, 2002. (Full Board)
- 0402.950 3. **Reappointed** Miguel Errea, to the Monterey County Planning Commission, to serve a term to end on January 23, 2004. (Calcagno)
- 0804.250 4. **Appointed** Don Brooks to the Board of Directors of the Soledad Cemetery District, to fill the unexpired term of Pete Godoy, for term ending February 1, 2004. (Calcagno)
- 0401.650 5. **Appointed** Jorge Rifa, Salinas Assistant City Manager, to the Emergency Medical Services Council, to serve a term to end on June 30, 2004. (Full Board)

#### OTHER BOARD MATTERS:

## 6300.000 6. Board comments and referrals:

- a. Supervisor Johnsen reported that she had an opportunity to preview the Alisal Health Clinic, and expressed her gratitude to County Health Department staff in helping to keep our community healthy.
- b. Supervisors Johnsen and Pennycook reported on an Association of Monterey Bay Area Governments (AMBAG) meeting which they attended on Monday, July 8<sup>th</sup>. A compromise position was approved by the AMBAG Board to divide the mandated regional housing needs for the timeframe between the years 2000 and 2007, between Monterey County and Santa Cruz County. They complimented County Counsel Adrienne Grover on her critical role to ensure Monterey County had a legally defensible position, and Bill Phillips, Legislative Coordinator.
- c. Supervisor Pennycook reported on the Monterey County Relay for Life event, and complimented the four Monterey County Teams. She congratulated Jennifer Empasis for her coordination efforts. She reported that the Salinas Valley Relay for Life received over \$1 million, which leads the State in contributions.
- d. Supervisor Pennycook reported on successful adoptions of previously introduced pets from the Monterey County Animal Shelter. She featured April, a 2-year-old female domestic short-hair, calico/white cat, and Trudy, a 7-month-old female American Staffordshire/Pit Bull mix puppy, who has been spayed, vaccinated and partially trained. These animals are also available for adoption at the Monterey County Animal Shelter.
- e. Supervisor Armenta, as the Board's representative to Monterey-Salinas Transit, stated that the MST Board has approved the implementation of a number of budget and service reductions. He reported that the full-sized MST bus serving South Monterey County is averaging 100 passengers a day.
- f. Supervisor Armenta announced that concrete will be poured at the Vietnam Veteran's Memorial, which is being financed with private donations.
- g. Upon the request of Supervisor Calcagno, staff is directed to include an item on the Consent Calendar on Tuesday, July 16<sup>th</sup>, approving and authorizing the Chair to sign a letter to the U.S. Army Corps of Engineers in support of renewing the County's 404 Permit for channel maintenance in the Salinas River.

h. **Supervisor Potter announced that this Friday, July 12<sup>th</sup>, is the last day of employment for Yvonne Christopher, Assistant Director of the Monterey County Planning and Building Inspection Department. He commended her for outstanding service to Monterey County.**

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

2050.000 8. **Resolution No. 02-270: Adopted** Resolution congratulating Steven H. Sassoon, Monterey County Assessment Appeals Board member, upon his retirement. (Potter)

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

2050.000 9. **Resolution No. 02-276: Adopted** Resolution acknowledging Thomas (Ted) Russell, Finance Manager for the Department of Child Support Services, upon his retirement. (Potter)

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

2050.000 NA/1 **Resolution No. 02-278: Adopted** a Resolution commending Janice O. Harwood, Nutrition, Family and Consumer Science Advisor upon her retirement from the University of California Cooperative Extension. (Pennycook)

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

#### SCHEDULED MATTERS

#### 10:00 a.m.

0801.625 S-6 **Approved** method of distribution of surplus funds in the Hidden Hills Area Assessment District (Fund 460)  
**BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Armenta, and unanimously carried, the Board approved the staff's recommendation of the method of distribution of approximately \$1,100,000 in surplus funds, less back interest and county expenses, in the Hidden Hills Area Assessment District.**

1351.450 S-7 Part A: **Received** report on the Draft General Plan regarding roads, city and unincorporated growth areas, water, and implementation.  
**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Pennycook, and unanimously carried, the Board received the report.**

1351.450 Part B: **Authorized** the Assistant County Administrative Officer, Environmental Resource Policy Division, to enter into contracts in an amount not to exceed \$400,000 for support of the preparation of the Final General Plan and Final Environmental Impact Report.

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

**12:00 Noon**

S-8 Recess to a closed session in the East Wing Conference Room, 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. Arreola, et al. v. County of Monterey, et al.
2. Baldwin, et al. v. County of Monterey, et al.
3. Carmel Valley Fire Protection District v. All Persons Interested
4. County of Monterey v. Lloyd's of London, et al.
5. H-Y-H Corporation v. County of Monterey
6. Ramirez v. Mairs, et al.
7. Snyder v. Spherion Corporation, et al.
8. Case of AT&T

**BOARD ACTION: Regarding the case, Arreola, et al. v. County of Monterey, et al, the Board authorized County Counsel to pursue further appellate remedies. Regarding the case of Ramirez v. Mairs, et al., the Board authorized settlement of that matter in the amount of \$3,000, relating to an incident alleged to have occurred while Mr. Ramirez was in custody. Regarding the case of Snyder v. Spherion Corporation, et al., the Board authorized participation in a settlement in the total amount of \$150,000 to the plaintiff, of which the County's share would be \$50,000. Of that amount, \$45,000 will be paid by Program BETA Health coverage. No other reportable action was taken concerning the remainder of the cases discussed.**

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 Charles Nelson
2. Claim of Michael W. Casey

**BOARD ACTION: The Board denied both claims.**

0950.000 c. Pursuant to Government Code section 54957, the Board will confer with legal counsel regarding one matter of public employee discipline/dismissal/release

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

- 0950.000 d. Conference with labor negotiators pursuant to Government Code section 54957.6.

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

**2:30 p.m.**

S-9 Public hearing to adopt Ordinances amending Title 12, Traffic, as follows:

- 2800.000 a. **Ordinance No. 04146:** Amending Section 12.28.010 to establish "No Parking At Any Time," and add Section 12.28.036 to establish "No Parking" between 9:00 a.m. and 2:00 p.m. (except weekends and holidays) on Hatton Road, Carmel area.  
**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Armenta, and unanimously carried, the Board adopted Ordinance No. 04146.**
- 2800.000 b. **Ordinance No. 04147:** Amending Section 12.24.020 to establish a stop intersection at McGinnis Road and Live Oak Road, North Monterey County area.  
**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Armenta, and unanimously carried, the Board adopted Ordinance No. 04147.**
- 2800.000 c. **Ordinance No. 04148:** Amending Section 12.28.010 to add an additional "No Parking Zone" to a portion of Railroad Avenue in the community of Pajaro.  
**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Armenta, and unanimously carried, the Board adopted Ordinance No. 04148.**
- 2800.000 d. **Ordinance No. 004149:** Amending Section 12.20.010 to adjust an existing through highway on Serra Avenue, and Section 12.24.020 to establish an all-way (5-way) stop intersection at the intersection of Serra Avenue/Camino Del Monte/Dolores Street/Alta Avenue, Carmel area.  
**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Armenta, and unanimously carried, the Board adopted Ordinance No. 04149.**
- 0525.000 S-10 **Conducted** a public hearing and **adopted** a Mitigated Negative Declaration for the Hall Road/San Miguel Canyon Road Intersection Improvement Project, and **adopted** Negative Declarations for the Blanco Road/Davis Road and Hall Road/Las Lomas Drive Intersection Improvement Projects.  
**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Armenta, and unanimously carried, the Board adopted Resolution Nos. 02-288, 02-289 and 02-290, thereby approving the staff' recommendations.**

0200.050 S-11 Continued public hearing to consider request from AT&T Broadband for a transfer of control over the TCI Cablevision Cable System Franchise to AT&T Comcast. Staff Recommendation: Denial. (Continued from June 25, 2002)  
**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Armenta, and unanimously carried, the Board continued this matter to Tuesday, July 23, 2002 at 11:00 a.m.**

**ORDER FOR ADJOURNMENT TO MONDAY, JULY 15, 2002 AT 7:00 P.M. IN MEMORY OF KEN PETERSON, KERN COUNTY SUPERVISOR, 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. 02-280: Proclaimed** State of Local Emergency relating to the spread of HIV among injection drug users in Monterey County.
- 0601.100 11. **Approved and authorized** the Director of Health to execute on behalf of the County of Monterey standard agreements, and any amendments thereto, for continued funding from state and federal agencies for designated programs.
- 0110.000 12. **Agreement No. A-09053: Approved and authorized** the Director of Health to sign the Mental Health Performance Agreement #02-72030-000 with the State Department of Mental Health in the amount of \$912,131 for provision of Medi-Cal Managed Care Services for Monterey County residents for FY 2002-03.
- 0110.000 13. **Agreement No. A-09054: Authorized** the Director of Health to submit an Application for Supplemental Funding for Public Health Preparedness and Response for Bioterrorism to the

State Department of Health Services; **approved and authorized** the Director of Health to sign Agreement No. 01-16555 in the amount of \$125,065 with the State Department of Health Services; and **directed** the Auditor Controller to amend Budget Unit 411 FY 2003 Budget.

- 0125.000 14. **Agreement No. A-09057: Approved and authorized** Chair to sign Agreement for \$51,400 with Advanced Business Software (ABS) for a license to use proprietary contract management software.
- 0602.550 15. **Approved** update to Four Year Area Plan of the Area Agency on Aging; direct the Chair to sign Letter of Transmittal and forward to the California Department of Aging.

#### CRIMINAL JUSTICE:

- 0125.000 16. **Agreement No. A-09055: Approved and authorized** the Sheriff to sign Professional Services Agreement with CVT, Central Valley Toxicology, Inc. to provide toxicological services at Coroner's Division, Budget Unit 292, FY 2002-2003.
- 0125.000 17. **Agreement No. A-09056: Approved and authorized** the Sheriff to sign Professional Services Agreement with Printrak International Inc., for Live Scan Instant Image "Mugshot" maintenance service and support for Sheriff's Budget Unit 230, in the amount of \$29,916 for the period of July 1, 2002 through June 30, 2003.

#### GENERAL GOVERNMENT:

- 0403.050 18. **Resolution No. 02-281: Approved** Resolution for Monterey County's withdrawal from the Joint Exercise of Powers Agreement establishing the Criminal Justice Planning Board - Region M.
- 5400.000 19. **Resolution No. 02-282: Amended** Personnel Policies  
0602.250 and Practices Resolution No. 98-394 to add classification of Supervising Revenue Officer, and **amended** Budget Unit 115 to reflect the change.
- 0804.350 20. **Approved** request from the Soledad Mission Recreation District for dry period loan of \$60,000.
- 0803.800 21. **Approved** request from the Salinas Rural Fire Protection District for dry period loan of \$1,000,000.
- 0125.000 22. **Agreement No. A-09057: Approved** the terms of a tentative agreement between the County of Monterey and SEIU Local 817 concerning employees in the classification of Licensed Vocational Nurses at Natividad Medical Center.
23. **REMOVED FROM AGENDA, NO ACTION TAKEN** to approved the agreement with Hellmuth, Obata + Kassabaum, Inc. to provide



the executive architectural and engineering services for a new County Administrative Facility and the renovation and remodeling of the North, East and West Wings at the County of Monterey Government Center Complex in Salinas.

- 0125.000 24. **Agreement No. A-09058: Authorized** a Professional Services Agreement with Hellmuth, Obata + Kassabaum, Inc., in the amount of \$25,000.
- 0125.000 25. **Agreement No. A-09059: Approved** the Assessor Workflow and Scanning Environment Agreement between the Assessor and Exigent Computer Group, Inc.; **authorized** the Chair to sign a Contract with Exigent Computer Group, Inc. to provide hardware, software and services required to complete the implementation of this system.
- 0125.000 26. **Agreement No. A-08727: Approved** Amendment No. 2 in the amount of \$119,870 to the Professional Services Agreement with Coplan and Company for an increase in the scope of work to be performed on the Human Resources/Payroll Requirements Definition Project, **extending** the expiration date, and **authorizing** the Auditor-Controller or his designee, to sign additional amendments.
- 0125.000 27. **Agreement No. A-03314: Approved and authorized** the Contracts/Purchasing Manager to sign Amendment 3 to Lease Agreement A-03314 to extend the lease period through June 30, 2004 with Robert and Kay Sum for 890 Square Feet of office space at Blohm and Carpenteria Streets, Aromas, California for use by the Monterey County Libraries.
- 0125.000 28. **Agreement No. A-09030: Approved and authorized** the Contracts/Purchasing Manager to sign a ten-year lease agreement, effective September 1, 2002 with Broadway Properties of King City, A California General Partnership for 6,132 square feet of general office space at 620 Broadway, Suites M, N, O P and Q, King City, California for use by the Health Department's Environmental Health, Family and Community Health Divisions.
- 0525.000 29. **Authorized** Acceptance of Work and file Notice of Completion for paving at Lake San Antonio - North Shore, Bid No. 9573.
- 0600.027 30. **Recommended** reappointment of Eric Lauritzen as Agricultural Commissioner for a four-year term of office.

**PUBLIC WORKS:**

- 0125.000 31. **Agreement No. A-09051: Approved** Professional Services Agreement with Bestor Engineers, Inc. in an amount not to exceed \$137,903 for Engineering Services for the Castroville Storm Drain Improvement Project, Castroville area.

32. **REMOVED FROM AGENDA, NO ACTION TAKEN** to approve a Professional Services Agreement with Creegan & D'Angelo Consulting Engineers in an amount not to exceed \$137,077 for preliminary engineering and environmental services for Phase I of the Carmel Valley Bicycle Path Project.
- 0125.000 33. **Agreement No. A-08446: Approved** Amendment No. 1 in an amount not to exceed \$39,061 to the actual cost contract with Pacific Gas & Electric Company for the relocation of overhead electric lines on the completed Seismic Retrofit of the Gonzales River Road Bridge.
- 0525.000 34. **Approved** Plans and Special Provisions and advertisement for bids for the Fontes Lane Storm Drain and Street Improvements Project, Boronda area.
- 0125.000 35. **Agreement No. A-08669: Approved** Amendment No. 1 to extend the term of the Professional Services Agreement with URS Corporation for construction management services on the Lewis Creek Bridge Replacement Project.
- 0525.000 36. **Approved** an increase in the amount of \$75,000 in contingency funding for construction of the Abbott Street/Harris Road Traffic Signal Project.

**SPECIAL DISTRICTS:**

**Upon motion of Supervisor Pennycook, seconded by Supervisor Johnsen, and unanimously carried, the Board approved the following actions:**

- 0650.045 37. **Received** report regarding County Service Area No. 45 - Oak Hills (CSA 45) and direct the Public Works Director to implement the recommendations of the report.

**MONTEREY COUNTY WATER RESOURCES AGENCY:**

**Upon motion of Supervisor Johnsen, seconded by Supervisor Armenta, and unanimously carried, the Board approved the following actions:**

- 0802.050 38. **Resolution Nos. 02-283: Adopted** Resolutions setting  
 0802.450 proposed schedules for benefit assessments in  
 0802.500 Zones 1, 1A, 8, 9, 12, and 17 for Fiscal Year 2002-2003,  
 0802.650 **received** reports, **introduced** Ordinances, **waived**  
 0802.900 readings, and **set** for public hearing on July 23, 2002 at  
 10:00 a.m.
- 0802.100 39. **Resolution Nos. 02-284 and 02-285: Adopted** Resolutions  
 0802.150 for Zones 2 and 2A setting proposed schedules for water  
 standby or availability charges, and **introduced, waived**  
 reading and **set** for public hearing Ordinances establishing  
 fiscal year 2002-2003 water standby or availability charges  
 for Zones 2 and 2A on July 23, 2002 at 10:00 a.m.

- 0125.000 40. **Resolution No. 02-286: Approved** the Notice and proposed grazing leases for lands located around Lake San Antonio and Lake Nacimiento; and **directed** the Clerk of the Board of Supervisors to advertise for bids to be open August 14, 2002 at 1:00 p.m.

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