

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 23, 2002 at 9:30 a.m.****Recess to Lunch at 12:00 Noon****9:30 a.m.**

S-1 Additions and corrections to Agenda

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

Under "Appointments," add the reappointment of Dorene Matthews, to the Social Services Commission, for a term to end on January 1, 2006. (Armenta)

Under "General Government, Consent," add for approval County of Monterey S.E.I.U. Local 817 (Unit R) Tentative Agreement.

Upon the request of Lew Bauman, Director of Public Works, the following language is added to Consent No. 25:

"The temporary closure of a portion of El Rancho Way is exempt from the California Environmental Quality Act. This determination is made in accordance and compliance with Government Code Sections 15061(b)(3), 15301, 15304, and 15305."

In order to provide timely direction on communications received after the preparation of the agenda on July 17, add the existing litigation matters of (1) Gamboa and (2) Wojciechowski 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 - MONTEREY COUNTY WATER RESOURCES AGENCY

2050.000 S-4 PUBLIC COMMENT PERIOD: **Hans Jongens addressed the Board concerning the water situation in Salinas, and commented that the policies regarding water supply and seawater intrusion included in the Draft General Plan need to be strengthened.**

OTHER BOARD MATTERS:

6300.000 1. Board comments and referrals:

- a. Upon the request of Supervisor Armenta, the Board directs the County Administrative Officer to schedule a conference with labor negotiators pursuant to Government Code section 54957.6 under "Closed Session" on Tuesday, July 30, 2002, relative to SEIU Local 535.
- b. Supervisor Pennycook reported that Howard Classen, retired Natividad Medical Center CEO and former Planning Commissioner for District No. 2, continues to improve from his recent accident. He praises the emergency medical response by North County Fire Protection District, and his medical evacuation by a U. S. Army helicopter.
- c. Supervisor Pennycook introduced the featured dog, Zeus, a 1-year old Welsh-Corgi mix. His coloring is tan and black, and he has a sweet disposition. The featured cat this week is Petula, a 2-year old female domestic short-hair mix. She is a petite gray tabby with white markings, with good manners. These animals are available for adoption at the Monterey County Animal Shelter.

0600.025 2. County Administrative Officer's Comments and Reports:
None.

SCHEDULED MATTERS

10:00 a.m.

S-5 **Monterey County Water Resources Agency:**

- 0802.050 a. Hold a public hearing and adopt Ordinances
0802.450 fixing Benefit Assessment Charges for Zones 1,
0802.500 1A, 8, 9, 12 and 17, for Fiscal Year 2002-03.
0802.650 **BOARD ACTION: Upon motion of Supervisor**
0802.900 **Johnsen, seconded by Supervisor Armenta, and**
unanimously carried, the Board adopted the following:

Ord No.	MCWRA Zones
04150	Zones 1 and 1A
04151	Zones 8, 9 and 12
04152	Zone 17

- 0802.100 b. Hold a public hearing and adopt Ordinances fixing Water Standby or Availability Charges for Zones 2 and 2A for Fiscal Year 2002-03.
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Armenta, and unanimously carried, the Board adopted the following:

Ord No.	MCWRA Zones
04153	Zone 2
04154	Zone 2A

- 0525.000 S-6 **Conducted** a public hearing and **adopted** a Resolution certifying the Environmental Impact Report/Environmental Assessment and adopting a Statement of Overriding Considerations for replacement of the Schulte Road Bridge No. 501, Carmel Valley area.
BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Pennycook, and unanimously carried, the Board adopted Resolution No. 02-296, thereby approving the staff's recommendations.

11:00 a.m.

- 0602.550 S-7 **Accepted** 2002 Homeless Census and Homeless Youth/Foster Teen Study of Monterey County.
BOARD ACTION: Upon motion of Supervisor Armenta, seconded by Supervisor Johnsen, and unanimously carried, the Board accepted the 2002 Homeless Census and Homeless Youth/Foster Teen Study of Monterey County.

The Board expressed their desire to have an effective Action Plan so that the County can move ahead. Components of the Action Plan should include understanding the numbers of homeless, anticipating some changes that are occurring in our society, with our economy, and with the State budget. If this Board can take some pro-active steps, it will have a positive impact in making the necessary changes. This would include channeling some of the recommendations included in this Report into the various sub-committees of this Board, resulting in full Board, meaningful action that has some relationship with the future of our County.

Staff is directed to schedule the proclamation on the Governor's initiative on the next Legislative Sub-Committee meeting, and also continue to look at refining and improving the County's independent living programs.

Staff is requested to provide the Board with information as to what is being done in terms of case management for homeless youth.

- 0200.050 S-8 Request from AT&T Broadband for transfer of control over Cable TV Franchise to AT&T Comcast. Staff Recommendation: Deny request.
BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Armenta, and unanimously carried, the Board continued this matter one week, to Tuesday, July 30, 2002 at 10:00 a.m.

12:00 p.m.

Recess to lunch.

1:40 p.m.

S-9 Closed Session relating to the following items:

6200.000 a. Pursuant to Government Code section 54956.9(a), conference with legal counsel regarding the following existing litigation matter:

- 1. H-Y-H Corporation v. County of Monterey
- 2. Gamboa v. Monterey County
- 3. Matter of Wojciechowski

BOARD ACTION: No reportable action taken.

6200.000 b. Pursuant to Government Code section 54956.9(c), conference with legal counsel regarding two matters of potential litigation.

BOARD ACTION: In the potential litigation matter of Swinerton & Walberg, the Board approved settlement of claims arising from the Natividad Medical Center Modernization Project. Under the terms of the agreement, Swinerton & Walberg will pay \$42,000 to the County to compensate for certain latent defects, and the County will pay \$5,000 to Swinerton & Walberg for remaining amounts due under Professional Services Agreement No. 99-129. No other reportable action taken.

2:00 p.m.

1351.450 S-10 Continued public hearing (closed) on the draft General Plan Update for Board work session to consider the Planning Commission and staff recommendations, and public testimony, and to give direction to staff regarding the Draft General Plan.

BOARD ACTION: Board discussion held on recommended revisions to the draft General Plan; direction given to staff.

ORDER FOR ADJOURNMENT TO TUESDAY, JULY 30, 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 Johnsen, seconded by Supervisor Armenta, and unanimously carried, the Board approved the following actions, except as otherwise noted:

HEALTH AND SOCIAL SERVICES:

- 0125.000 3. **Agreement No. A-09073: Approved** a contract with Patricia Kitchens in the amount of \$201,915 for July 1, 2002-June 30, 2004 for services to adults with severe psychiatric disabilities; and **authorized** the Director of Health to approve contract amendments up to 50% of the contract amount, which do not significantly alter the scope of work or result in an increase to net county cost.
- 0125.000 4. **Agreement No. A-09074: Approved and authorized** the Director of Health to sign a contract with 7th Avenue Center in the annual amount of \$480,168 for FY 2002-2003 for a Mental Health Rehabilitation Center for the psychiatric care of adults; and **authorized** the Director of Health to approve contract amendments up to a maximum of 50% of the contract amount, which do not significantly alter the scope of work or result in an increase to net county cost.
- 0601.150 5. **Reallocated** 1.0 FTE vacant Psychiatric Technician
0150.142 position to 1.0 FTE Conservator-Guardianship Investigator position, and **directed** the Auditor-Controller to amend FY 2002-03 Mental Health Budget Unit 415 to reflect the change in position count.
- 5400.000 6. **Resolution No. 02-307: Amended** Monterey County Personnel Policies and Practices Resolution No. 98-394 to add and delete classifications; **approved** reclassification of positions; and **directed** the Auditor Controller to amend Health Department Budget Units 296 and 415 to reflect the change in position count.
- 0125.000 7. **Agreement No. A-09081: Approved and authorized** the Chair to sign a contract for \$32,779.91 with the Housing Advocacy Council of Monterey County for housing services for CalWORKs customers and families served by the Family and Children's Services Division, and **authorized** the Director of Social Services to sign all future amendments up to 50% of the original contract amount.

CRIMINAL JUSTICE:

- 0125.000 8. **Agreement No. A-08344: Approved and authorized** the District Attorney to sign an amendment to the contract with the VNA Community Services, Inc., (VNACS) for the continuation of the Sexual Assault Response Team (SART) Program.

GENERAL GOVERNMENT:

- 6300.000 9. **Approved** Action Minutes for the meetings of Tuesday, June 25, 2002, and Tuesday, July 9, 2002, copies having been distributed to each Board Member.
- 0125.000 10. **Agreement No. A-09075: Approved** the Terms of the Settlement Agreement between the County of Monterey and the Monterey County Probation Association concerning a complaint by the Association of payment shortages in overtime payments to employees in the classification of Deputy Probation Officer II and Deputy Probation Officer III.
- 0525.000 11. **Adopted** the plans and specifications for access road improvements for Monterey County Animal Services Center, and **directed** the Clerk to advertise for bids to be received no later than 2:00 p.m., Wednesday, August 14, 2002.
- 0125.000 12. **Agreement No. A-09076: Approved** the agreement with Hellmuth, Obata + Kassabaun, Inc., in the amount of \$7,604,774, to provide the executive architectural and engineering services for the County of Monterey Government Center in Salinas; **directed** the Auditor-Controller to transfer appropriations in the amount of 45,000,000, within Fund 030 Budget Unit 172 Fixed Asset Line 6701 - Unspecified Board Approval Required to 6709 0 County of Monterey Government Center.
- 0125.000 13. **Agreement No. A-09077: Approved** the recommendation of the Overall Economic Development Commission to accept the Development Set-Aside work plans submitted by the Cultural Council for Monterey County and the Monterey County Film Commission; **authorized** the Assistant County Administrative Officer-Environmental Resource Policy to execute contracts and any amendments with the CCMC (\$509,667) and MCFC (\$120,711); **approved** the Monterey County Convention & Visitors Bureau request for an extension to submit their Annual Work Plan to August 31, 2002; **authorized** the ACAO-ERP to extend the current MCCVB contract to September 30 and increase the total cost by \$319,294.
- 0125.000 14. **Agreement No. A-09078: Approved** Agreement between the County of Monterey and Ms. Jane Haines related to appeal of inclusionary requirements for Oak Hills Infill Subdivision Project.
- 0125.000 15. **Agreement No. A-09079: Approved** the terms of the Side Letter, dated July 11, 2002, between the County of Monterey and S.E.I.U. Local 817 which entitles employees occupying certain overtime-exempt classifications in the Health Department (Environmental Health Division) and serve on the Emergency Response Team to receive compensation for time worked on call-outs outside of their regular hours of work.

- 5400.000 16. **Resolution No. 02-303: Approved** general wage increase for Units X (Management) and Y (Executive Management).
- 0110.000 17. **Agreement No. A-09069: Approved and authorized** the Agricultural Commissioner to sign Standard State Agreement 02-0091 with the California Department of Food and Agriculture in the amount of \$98,642 for the fruit and vegetable standardization program for the period of July 1, 2002 through June 30, 2003.
- 0110.000 18. **Agreement No. A-09070: Approved and authorized** the Agricultural Commissioner to sign Standard Agreement 02-0186 with the California Department of Food and Agriculture in the amount of \$9,388 for inspection and enforcement of nursery stock for the period of July 1, 2002 through June 30, 2003.
- 0110.000 19. **Agreement No. A-09071: Approved and authorized** the Agricultural Commissioner to sign Standard State Agreement 02-0026C with the California Department of Pesticide Regulation in the amount of \$91,734 for pesticide permit regulation for the period of June 1, 2002 through June 30, 2003.
- 0110.000 20. **Agreement No. A-09072: Approved and authorized** the Agricultural Commissioner to sign Standard State Agreement 02-0081C with the California Department of Pesticide Regulation in the amount of \$96,468 for pesticide application reporting for the period of July 1, 2002 through June 30, 2003.
- 0600.027 21. **Agreement No. A-09080 (Resolution No. 02-304):**
0110.000 **Approved** a Resolution binding the County to the terms of the Hazardous Tree Assessment, Removal and Sudden Oak Death Restoration State/County Agreement between Marin County and the State of California Department of Forestry and Fire Protection, and **accepted** \$129,600 increased estimated revenue and appropriations in Budget Unit 281.
- 0525.000 22. **Authorized** acceptance of work and file Notice of Completion for the Second quarter of the Annual Maintenance of Park Roadways at Laguna Seca Recreation Area for Calendar Year 2002, Bid No. 9551.
- 0125.000 NA/1 **Agreement No. A-09082: Approval** County of Monterey S.E.I.U. Local 817 (Unit R) Tentative Agreement.

PLANNING AND BUILDING INSPECTION:

- 0130.000 23. **Resolution No. 02-305: Adopted** a Resolution (1) to approve a lot line adjustment between two separate parcels (Bray; PLN000437) and (2) 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. 96-004 (Williamson Act) as it applies to the reconfigured parcels only, and to simultaneously execute a new Land Conservation Contract No. 96-004.a. for Bray et al.

- 5900.000 24. **Accepted** Final Map, Tax Report, Subdivision Improvement Agreement, Road Drainage and Maintenance Agreement, Faithful Performance Bond, Labor and Material Bond, Subdivision Monument Bond, Covenant regarding water connections, Notice regarding compliance with septic system design and soils and percolation report, Notice regarding compliance with protected plant species report and re-vegetation of disturbed areas, Deed Restriction regarding water conservation measures, Memorandum regarding compliance with Inclusionary Housing Ordinance, Conservation and Scenic Easement Deed, Indemnification Agreement, Subdivision Title Guarantee, and recording fees for a Standard Subdivision for Don Chapin (Moonglow Estates Subdivision - SB95003 and PLN990005), consisting of 15 parcels, located north of Pesante Road at King Road, Prunedale area. Assessor's Parcel Number 125-091-013.
BOARD ACTION: Supervisor Calcagno recused himself from participating in the discussion of this item, to avoid any appearance of conflict of interest. Upon motion of Supervisor Pennycook, seconded by Supervisor Johnsen, and carried with Supervisor Calcagno abstaining, the Board continued this matter one week, to Tuesday, July 30, 2002, and requested staff to provide the Board with a briefing on this project.

PUBLIC WORKS:

- 4600.000 25. **Endorsed** the Public Works Director's Decision to Temporarily Close a Portion of El Rancho Way between Post Drive and Calle del Adobe in the Community of Boronda to Expedite Completion of Off-Site Circulation Improvements (Post Avenue Extension) relative to Construction of the Salinas Marriott Hotel Development Project. The temporary closure of a portion of El Rancho Way is exempt from the California Environmental Quality Act. This determination is made in accordance and compliance with Government Code Sections 15061(b)(3), 15301, 15304, and 15305.

MONTEREY COUNTY WATER RESOURCES AGENCY:

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

- 0802.100 26. **Resolution No. 02-306: Approved** the annexation of a
 0802.150 one-acre building site on APN 420-071-43 and four one acre building sites on APN 420-071-089 into Monterey County Water Resources Agency Zones 2 and 2A.

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