ACTION MINUTES

MONTEREY COUNTY BOARD OF SUPERVISORS,
MONTEREY COUNTY WATER RESOURCES AGENCY,
AND THE MONTEREY COUNTY REDEVELOPMENT AGENCY

Tuesday, November 26, 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 Pennycook, seconded by Supervisor Calcagno, and unanimously carried, the Board approved the following additions and corrections to the Agenda:

Upon the request of Supervisor Pennycook, the Board will adjourn today's meeting in memory of Col. (Ret) Florence "Rodie" Rodenboh, and Charles "Josh" Watts, deceased.

Upon the request of Supervisor Calcagno, the Board will adjourn today's meeting in memory of Kenny "Kirt" Andrus, long-time community leader in the Salinas Valley, deceased.

Upon the request of Supervisor Johnsen, the Board will adjourn today's meeting in memory of George "Mike" Monroe from Seaside, deceased.

Upon the request of Supervisor Potter, the Board will adjourn today's meeting in memory of Viola "Joan" Nolan, deceased.

- S-2 CONSENT CALENDAR REGULAR [See <u>Supplementary Sheet</u> attached]
- S-3 CONSENT CALENDAR MONTEREY COUNTY AND MONTEREY COUNTY REDEVELOPMENT AGENCY
- S-4 CONSENT CALENDAR MONTEREY COUNTY REDEVELOPMENT AGENCY
- 2050.000 S-5 PUBLIC COMMENT PERIOD:
 - 1. Douglas Fay addressed the Board related to campaign disclosures as they relate to the General Plan Update.
 - Carl Larson addressed the Board concerning the ecotourism, environment and coastal and/or County visitor experience.
 - 3. Kaitilin Gaffney, on behalf of the Ocean Conservancy, Save Our Shores and Friends of the Sea Otters, addressed the Board concerning the impacts of Monterey County's terrestrial environment, which have huge

- implications for the coast, and on the Monterey Bay National Marine Sanctuary.
- 4. Efren Celaya presented the Board with a petition containing 45 signatures opposed to any future development behind the homeowners of Cypress Street in Castroville. He also stressed the need for a Sheriff's Substation in Castroville, a Highway 156 by-pass to ease traffic congestion, and affordable housing.
- 5. Ron Schneider, citizen activist, addressed the Board concerning alleged subversion of public participation regarding the General Plan Update.
- 6. Karen Ferlito urged the Board to support the draft General Plan Update as written, and to turn down landowner requests. She requested the Board to return the GPU to the public for comment and an Environmental Impact Report (EIR).
- 7. Barbara Livingston, Councilmember from Carmel-by-the-Sea, addressed the Board concerning the integrity of the public process regarding the General Plan Update.
- 8. Anne Bell, Chair of the City of Carmel-by-the-Sea Historic Preservation Committee, urged the Board to approve the General Plan Update without the last minute appearement to landowners.
- 9. Roderic McMahon, resident of Cachagua/Carmel Valley, addressed the specter of financial influence in the General Plan Update process.
- 10. Michael Grant, member of the Toro Land Use Advisory Committee, urged support of the 12 guiding objectives and principles of the General Plan Update, and deny all property owner requests that are inconsistent with these objectives.
- 11. Bill Tarp, representing a group of families that has been involved in agriculture in Monterey County for 5 generations, addressed the desperate need for affordable housing. He stated that the proposed land use plan is shutting this door, unless people are willing to live only within a city, in a high-density neighborhood, in small homes with small yards. People deserve having choices and opportunities available to them
- 12. Chris Bunn, representing the Monterey County Farm Bureau, requested the Board encouraged the Board to leave the General Plan Update process open to allow flexibility in the future.
- 13. Hans Jongens, thanked the Board for the improved seating in the Board Chambers, and for the Blanco Road repaving project. He compared the political processes in Philadelphia to California, and stated we are very lucky to have a General Plan Update process.

APPOINTMENTS:

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

- 0801.975 1. **Reappointed** Jeane Errea to the Board of Directors of the Monterey County Resource Conservation District for a term expiring November 30, 2006. (Full Board)
- 0401.955 2. **Appointed** Karen Dunn-Haley, to the Housing Advisory Committee, to fill an existing vacancy, for a term to end on November 26, 2004. (Potter)
- 0403.310 3. **Reappointed** David Small, FACHE, to the Central Coast Alliance for Health (Santa Cruz-Monterey Managed Medical Care Committee), for a term to end on December 31, 2006. (Full Board)

OTHER BOARD MATTERS:

- 6300.000 4. Board comments and referrals:
 - 1. Supervisor Pennycook introduced the featured pets of the week. She announced that the Animal Shelter is in great need of blankets and towels. The new cat is Sandra, a 1½-year-old female, spayed domestic short-haired mix, and is a grey/silver tabby. The new dog is Phoebe, a 1-year old female reddish-brown Finnish-Spitz mix. These pets, among others, are available for adoption from the Monterey County Animal Shelter.
 - 2. Supervisor Pennycook offered the following proposed actions and referrals:
 - a. To return to the Board on a date certain to begin and complete the Board evaluations. She requested this be remedied prior to her leaving office.
 - b. Due to a matter arising after the posting of today's agenda, Supervisor Pennycook requested the addition of a personnel issue to the Closed Session. Upon motion of Supervisor Pennycook, seconded by Supervisor Armenta, and unanimously carried, the Board declared an emergency, and moved to add one matter of potential litigation to today's Closed Session Agenda.
 - c. Requested referral of the matter of a promise of a \$250 bonus to employees in the Department of Social Services upon the successful completion of a "Food Stamp Accuracy Test," to the County Administrative Officer for evaluation and report back to the Board.
- O600.025 5. County Administrative Officer's Comments and Reports:

 Sally R. Reed, County Administrative Officer, stated that she has conferred with Elliott Robinson, Director of the Department of Social Services. The County is in compliance with the MOU. There was an attempt to expedite payment, but because of a paperwork mix-up in the Auditor's Office, it wasn't possible to issue the payment early. All impacted staff was notified that the payment would be

received on December 6th, pursuant to the provisions of the MOU.

- 2050.000 6. Resolution No. 02-395: Adopted Resolution commending
 Gordon Avery for his dedicated service in the Department of
 Public Works and with the Sheriff's Office as Vehicle
 Abatement Officer/Public Works Investigator I. (Calcagno)
 BOARD ACTION: Upon motion of Supervisor Calcagno, seconded
 by Supervisor Armenta, and unanimously carried.
- 2050.000 7. Resolution No. 02-404: Adopted Resolution commending John W. Kistinger upon his retirement from public service. (Calcagno)

 BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Armenta, and unanimously carried.
- 2050.000 8. Resolution No. 02-405 and 02-406: Adopted Resolutions commending outgoing Mayor J. M. "Mike" Romo and Councilmember Ezechiel "Zeke" Banales for their public and community service to the City of Greenfield. (Calcagno) BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Armenta, and unanimously carried.
- 2050.000 9. Resolution No. 02-394: Adopted Resolution commending John Locke, Deputy Sheriff, upon his retirement from the Monterey County Sheriff's Department. (Potter)

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

SCHEDULED MATTERS

10:00 a.m.

- O125.000 S-6 Agreement No. A-09265: Monterey County Water Resources
 Agency: Received report, provided direction to establish
 permit boundary and approved Monterey County Phase II Storm
 Water Memorandum of Agreement (MOA) with Peninsula Cities.
 BOARD ACTION: Upon motion of Supervisor Johnsen, seconded
 by Supervisor Pennycook, and unanimously carried, the Board
 approved the staff's recommendations.
- Ordinance No. 04164 (Agreement No. A-03618): Conducted public hearing and adopted Urgency Ordinance amending the Contract between the County of Monterey and the Public Employees' Retirement System to provide Section 20042 (One-Year Final Compensation) for Local Safety Members in Coverage Groups 77101 and 77102 (Bargaining Units M and N) and authorize Chair to sign related documents.

 BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Armenta, and unanimously carried.
- S-8 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. Arreola, et al. v. County of Monterey, et al.

BOARD ACTION: No reportable action taken.

6200.000 b. 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.

- 6200.000 c. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding the following matter of potential litigation:
 - 1. Skip Barber Racing School

BOARD ACTION: No reportable action taken.

6200.000 d. Conference with real property negotiators pursuant to Government Code Section 54956.8:

Property: East Garrison area of the former Fort Ord;
Negotiating Parties: Redevelopment Agency; County of Monterey; Woodman Development.

BOARD ACTION: No reportable action taken.

6200.000 NA/1 Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one (1) matter of potential litigation.

BOARD ACTION: No reportable action taken.

11:00 a.m.

- 0601.100 S-9 **Received** oral reports from the Director of Health regarding:
 - a. Monterey County Health Profile.

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board received the oral report by Krista Hanni, Research Analyst, Monterey County Health Department.

b. Proposition 36 update.

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Armenta, and unanimously carried, the Board received the oral report by Wayne Clark, M.D., Director of Behavioral Health.

2800.000 S-10 Introduced, waived first reading, set for hearing and order publication of a Notice of Hearing on an Ordinance to amend the Monterey County Code, Sections 2.12.040.B and 2.19.010, 2.19.020 and 2.80.020D, to reflect the position of the Equal Opportunity Officer as one that reports directly to the Board of Supervisors. (Armenta)

BOARD ACTION: Upon motion of Supervisor Armenta, seconded by Supervisor Pennycook, and unanimously carried, the Board introduced, waived the first reading, and set the Ordinance, as presented, for hearing on Tuesday, December 10, 2002 at 10:00 a.m.

A discussion was held on a possible referral to the Board's Equal Opportunity Subcommittee and to the Equal Opportunity Advisory Committee, with direction to look at bringing in a third-party consultant to review the department, and give it some guidelines on how to set the department up properly. It was determined that this topic will be taken up at a future date and time.

12:00 p.m.

Recess to lunch

1:30 p.m.

- 1351.450 S-11 Received Revised Report on Property Owner Requests and suggested compromise recommendations on Attachment "A" completing the Board's direction on the property owner requests and Community Area and Rural Center Boundaries.

 BOARD ACTION: Upon motion of Supervisor Armenta, seconded by Supervisor Johnsen, and carried with Supervisors Pennycook and Potter voting "No," the Board approved the compromise proposals in Attachment A, as submitted in the staff report dated November 26, 2002.
- 3150.000 S-12 Continued public hearing (open) to approve an application for a Combined Development Permit for Paul & Marianne Hoffman, PLN010577, consisting of Coastal Administrative Permits, a Variance, and Design Approval, to construct a 7,824 sq. ft. split-level, single family dwelling, Pebble Beach, Del Monte Forest Area, Coastal Zone. (Appeal filed by William Flaherty). (Continued, open, from Tuesday, November 5, 2002) (At 2:00, the Board will continue this public hearing, open, to Tuesday, January 7, 2003 at 11:30 a.m.)

 BOARD ACTION: Upon motion of Supervisor Pennycook, seconded by Supervisor Johnsen, and unanimously carried, the Board granted the continuance to Tuesday, January 7,

ORDER FOR ADJOURNMENT TO TUESDAY, DECEMBER 3, 2002 AT 9:30 A.M. IN MEMORY OF VIOLA "JOAN" NOLAN, FLORENCE "RODIE" RODENBOH, GEORGE "MIKE" MONROE,

2003 at 11:30 a.m.

KENNETH "KIRT" ANDRUS, AND CHARLES "JOSH" WATTS, DECEASED.

| APPROVED: | |
|---|---|
| Chair | |
| ATTEST: SALLY R. REED, Clerk of the Board | |
| By: | 7 |

(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:

NATIVIDAD MEDICAL CENTER:

0601.525 10. Approved and authorized the CEO of Natividad Medical Center (NMC) to purchase new vinyl flooring, have the flooring installed and sealed in the operating rooms of NMC to meet Title 22 Code and Joint Commission on Accreditation of Healthcare Organization (JCAHO) standards for infection control. The total amount of the vinyl, installation and sealing is \$40,790.

BOARD ACTION: Joanne Sutton, Assistant Administrator of Operations at NMC, requested the Board approve emergency passage of this addition, due to public health and safety. Upon motion of Supervisor Armenta, seconded by Supervisor Johnsen, and unanimously carried, the Board declared an emergency, and adopted a finding that an emergency will not permit a delay resulting from competitive bids pursuant to Public Contracts Code sections 20134 and 22050.

HEALTH AND SOCIAL SERVICES:

- 0601.100 11. **Proclaimed** state of local emergency relating to the spread of HIV among injection drug users in Monterey County.
- 0601.100 12. Resolution No. 02-412: Approved an increase in 0150.142 estimated revenues and appropriations of \$441,000 to provide funding for the renovation of the Seaside Family Health Center (SFHC); approved the purchase of fixed assets totaling \$48,000; and directed the Auditor-Controller to amend the FY 2002-03 Health Department Budget Unit 413 to reflect the change in estimated revenues and appropriations.

0125.000 13. Agreement Nos. A-09255 and A-09254: Approved and authorized the Chair to sign agreements with Hartnell College for FY 2002-03 in the amounts of \$178,636 for the provision of services to foster youth enrolled in the Independent Living Program and \$127,413 for training and mentor services provided through the Options for Recovery Foster Care Program; authorized the Director of Social Services to make amendments to these contracts as necessary up to 50% of the annual amount.

CRIMINAL JUSTICE:

- 0125.000 14. Agreement No. A-09256: Approved and authorized the Chief Probation Officer to sign a Professional Services Agreement for \$60,000 with Saint Francis Academy for the Victim Offender Reconciliation Program during Fiscal Year 2002-03, utilizing Juvenile Justice Crime Prevention Act (AB1913) funds; and authorized the Chief Probation Officer 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.
- 0600.175 15. Resolution No. 02-416: Approved the reallocation of two vacant Legal Assistant positions to one Child Support Officer III and one Child Support Assistant; and directed the Auditor-Controller to amend the FY 2002-03 Department of Child Support Services (Budget Unit 225) to reflect the change in position allocations.

GENERAL GOVERNMENT:

- 6300.000 16. Approved Action Minutes for the following meetings: Monday, October 21, 2002; Tuesday, October 29, 2002; Tuesday, November 5, 2002, and Tuesday, November 12, 2002, copies having been distributed to each Board Member.
- 0525.000 17. Awarded contract to Tombleson, Inc. for the Project "Tenant Improvements at Revenue and Recovery Offices" in the amount of \$220,712, including change order contingencies; authorized the Auditor-Controller to make payments upon the approval of Capital Projects Management.
- 0525.000 18. Determined that the bid submitted by the apparent low bidder, Ream Construction and Disaster Cleaning, to be non-responsive and rejected that bid; awarded the Contract for the Project "Hazardous Material Abatement of the Old Monterey County Jail" to the second low bidder, Sterling Environmental Corporation, in the amount of \$187,385, with a change order contingency of \$18,738; authorized the Auditor-Controller to make payments on the approval of Capital Projects Management and rejected the other two bids.

- 0500.100 19. **Approved** amendments to the Conflict of Interest Code of the Housing Authority of the County of Monterey.
- 0900.000 20. **Resolution No. 02-420: Approved** designation of County Staff authorized to execute documents and applications for the purposes of obtaining disaster public assistance in accordance with the Federal Robert T. Stafford Act and the State Natural Disaster Assistance Act (NDAA).
- 0900.000 21. **Resolution No. 02-421: Approved** designation of County Staff authorized to execute documents and applications for the purposes of obtaining financial assistance in accordance with the applicable provisions of 44 CFR, Chapter I, Section 302 (Federal Emergency Management Agency's Directive).
- 0900.000 22. **Resolution No. 02-422: Approved** designation of County staff authorized to execute documents and applications for the purposes of obtaining financial assistance in accordance with the Federal Office for Domestic Preparedness (ODP) State Domestic Preparedness Equipment (SDPE) Programs.
- 0200.260 23. **Approved** a two-month extension of the term of the Cable TV Franchise of Charter Communications pending completion of the negotiations for a franchise renewal.
- O125.000 24. Agreement No. A-09259: Authorized Managing Librarian of Youth Services to sign California Children and Families Commission Grant Agreement to accept \$36,136 in grants for a two-year period, recognized \$10,848.90 of those grant funds as revenue to the Library Fund for 2002-2003 and approved Board Order directing the Auditor-Controller to appropriate \$10,848.90 in grant funds for expenditure within the County Library Budget in 2002-2003. (B.U. 611 of the Library Fund (Fund 003).
- 0525.000 25. Awarded construction contract to Wysong Construction Company, low bidder, in the amount of \$1,667,394 for the base bid and selected bid additives for Boat Launch Ramp Improvements at Lake Nacimiento, Bid No. 9640.
- 0125.000 26. Agreement No. A-05955: Approved and authorized the Parks Director to sign Amendment No. 1 to Agreement adopted pursuant to Resolution No. 92-63-Lease with Lake San Antonio Resorts, Inc., for a five (5) year extension of the term of the agreement.
- O127.000 27. Resolution No. 02-411: Approved "Conveyances and Deeds of Agricultural and/or Conservation and Scenic Easements;" authorized Chair to execute Conveyances and Deeds to authorize the Monterey County Agricultural & Historic Land Conservancy, Inc. to hold Agricultural and/or Conservation and Scenic Easement Deeds granted to the County of Monterey by Huntington Farms, Inc., a California Corporation, Meyer Green Valley II, and California General Partnership and,

Edward Silva Jr. and Evelina Silva; and, authorized the Clerk of the Board and Assessor-Recorder's Office to record Conveyances and Deeds.

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board removed from the agenda, and took no action on the Agricultural and/or Conservation and Scenic Easement Deeds granted to County of Monterey by Huntington Farms, Inc., a California Corporation. The motion included approval of the easement deeds granted to the County by Meyer Green Valley II, and California General Partnership, and Edward Silva Jr. and Evelina Silva.

- O125.000 28. Agreement No. A-09251: Approved the Overall Economic Development Commission's recommendation to accept the Monterey County Visitors and Convention Bureau's 2002-03 Work Plan and Budget and authorized the Assistant County Administrative Officer-ERP to sign an agreement with the MCCVB in the amount of \$1,309,066 for the provision of implementing programs promoting Monterey County; and authorized the Assistant County Administrative Officer-ERP to approve future amendments, which do not significantly alter the Scope of Work or result in an increase to Net County Cost.
- 0125.000 29. Agreement Nos. A-08788 and A-09228: Approved and authorized the Assistant County Administrative Officer-ERP to sign amendments to Agreement No. A-08788 with Keyser Marsten Associates and Agreement No. A-09118 with Sheppard, Mullin, Richter and Hampton relating to the East Garrison, Fort Ord Redevelopment Project for an aggregate amount of \$622,000.
- 0125.000 30. Agreement No. A -09165: Approved amendment to Professional Liability provisions to Agreement No. A-09165 with Goldfarb & Lipman for consulting legal services relating to the County's Inclusionary Housing Program and related matters.
- O125.000 31. Agreement No. A-09030: Approved and authorized the Contracts/Purchasing Manager to sign Amendment No. 1 to Lease Agreement No. A-09030, effective November 26, 2002 with Broadway Properties of King City, A California General Partnership for 6,132 sq. ft. 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, Behavioral Health, and Family and Community Healthy Divisions.
- 0125.000 32. Agreement No. A-09252: Approved and authorized the Contracts/Purchasing Manager to sign a one-year Lease Agreement, effective December 1, 2002 with Pete van Steennis, David Zulim, Jack Schneider and Larry Kaplan for 197 sq. ft. of general office and lab space at 903 Pacific Avenue, Suite 207-B, Santa Cruz, California, for use by the Natividad Medical Center as a lab satellite.

- 0125.000 33. Agreement No. A-09253: Approved and authorized the Contracts/Purchasing Manager to sign a five-year Lease Agreement, effective on or before March 1, 2003, with the Las Ventanas Surgery Center, Inc., for 4,844 sq. ft. of general office and surgical space at 1441 Constitution Blvd., Bldg. 400, Salinas, California, for use in the Natividad Medical Center's Natividad Professional Building.
- 0125.000 34. Agreement No. A-08901: Approved and authorized County Administrative Officer to sign Amendment No. 2 to extend the professional services agreement with Zucker Systems for consulting services to assist the Planning and Building Inspection Department in an additional amount of \$89,5000 and until January 1, 2004.

PLANNING AND BUILDING INSPECTION DEPARTMENT:

- Accepted Final Map; Tax Clearance Letter; Subdivision Title Guarantee; Subdivision Improvement Agreement; Subdivision Security; Inclusionary Housing Agreement; Permit Approval Notice; and recording fees for a Standard subdivision (Fontes Lane, PLN010249), consisting of nine parcels, located north of Fontes Lane, Boronda area (Assessor's Parcel Number 261-071-018).
- 0127.000 36. **Resolution No. 02-415: Adopted** Resolution of the Board of Supervisors of Monterey County approving the application for grant funds from the California Department of Conservation's Farmland Conservation Program for the Calaghan Farm Easement. (Calcagno)

PUBLIC WORKS:

- 0525.000 37. Approved Contract Change Order No. 3 in the amount of \$139,999; approved Contract Change Order No. 8, Revision 2 in the amount of \$275,000; and approved Contract Change Order No. 26 in the amount of \$175,000, and increased the authorized contingency funding by \$164,424 for construction of the Seismic Retrofit of Six Bridges in Central Monterey County (Project No. 01-221065).
- 0525.000 38. **Approved** Contract Change Order No. 18 in the amount of \$337,750 for the State Highway 1 County Sponsored Widening Project, Carmel area.
- 0525.000 39. Accepted the Certificate of Completion and authorized execution and recordation of the Notice of Completion for the Lewis Creek Road Bridge No. 420 Reconstruction Project, King City area.
- 6000.500 40. Accepted completion of infrastructure improvements; authorized Release of Improvement Security and authorized the Public Works Director to execute a substitution of

Trustee and Deed of Full Reconveyance for Minor Subdivision PC 7785 for Cody Land (Located on Paradise Road, private road).

MONTEREY COUNTY AND THE MONTEREY COUNTY REDEVELOPMENT AGENCY:

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

0125.000 41. Agreement No. A-09257: Approved Agreement between Monterey County and the Redevelopment Agency of Monterey County for the construction of the Fontes Lane Storm Drain and Street Improvement Project.

MONTEREY COUNTY REDEVELOPMENT AGENCY:

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

- 0125.000 42. **Agreement No. A-09258: Approved** a contract for legal services with Cox Castle Nicholson for Pajaro brownfields soil contamination issues.
- 0125.000 43. Agreement No. A-08905: Approved Amendment No. 1 to Rail Planning Funds Cooperation Agreement between the Redevelopment Agency, the Transportation Agency of Monterey County (TAMC) and the City of Salinas.

(Back)