

A C T I O N   M I N U T E S  
MONTEREY COUNTY BOARD OF SUPERVISORS  
TUESDAY, OCTOBER 7, 2003

9:30 a.m.

S-1     Pledge of Allegiance  
          **The Pledge of Allegiance was led by Chair Armenta.**

6300.000     S-2     Additions and corrections to the Agenda

**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board approved the following additions and corrections to the Agenda, due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda:**

Under Appointments:

1. On the appointment of Aurelio Salazar, Jr. to the Planning Commission, change the term expiration date to January 23, 2006.

Under Other Board Matters:

2. Add the following:

Adopt Resolution commending Darryl Lee Choates on being the recipient of the Stephen E. Ross Award, given by the Monterey Peninsula Branch of the NAACP.

Under Scheduled Matters:

3. Remove and take no action Item S-9.
4. Remove and take no action Item S-11.
5. Remove and take no action Item S-12.

Under Closed Session:

6. Add the following:
  - a. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one item of significant exposure to litigation.
  - b. Pursuant to Government Code section 54957, the Board will confer with labor negotiators (SEIU): Mark Wasser and/or Keith Honda, designated representatives.
  - c. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following item of existing litigation:

Arreola, et al. vs. Monterey County, et al.
  - d. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators regarding the East Garrison areas of the former Fort Ord; negotiating parties: County of Monterey; U.S. Army and/or Monterey Peninsula College.
7. Remove and take no action Item S-16b

Under Consent Calendar:

8. Consent No. 19, add at the end of the title:

4/5ths vote required
9. Add the following:

Approve the application for bingo permit by the Prunedale Senior Center, Inc. and issue a bingo permit.
10. Per request of Supervisor Potter, adjourn today's meeting in memory of Mark Christensen.

- S-3 CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
- 2050.000 S-4 PUBLIC COMMENT (Limited to 3 minutes per speaker.)
- a. Tom Carvey, Common Ground, gave the Board an update on the General Plan Update Refinement Group's meeting regarding Ag issues. He stated that they were working on recommendations to be submitted for consideration by the Board. He also said that the Group was going to continue to meet.
  - b. Hans Jongens commented on an article in the Californian regarding MTBE and lawsuits by utility companies against oil companies.

### **APPOINTMENTS:**

#### **BOARD ACTION:**

- 0402.950 1. **Appointed** Aurelio Salazar, Jr., to the Planning Commission, to fill the unexpired term of Rudy Gonzalves, for a term to end on January 23, 2003. (Armenta)

### **OTHER BOARD MATTERS:**

- 6300.000 2. Board comments and referrals.  
**There were no Board comments or referrals at this time.**
- 0600.025 3. County Administrative Officer's comments and reports.  
**There were no County Administrative Officer's comments or reports at this time.**
- 1900.000 4. **Approved** the July 22, 2003 and September 23, 2003 reports of the Legislative Subcommittee including an update of Monterey County's Sponsor Measures.

**BOARD ACTION: Upon motion of Supervisor Calcagno, seconded by Supervisor Lindley, and carried.**

**BOARD ACTION: Upon motion of Supervisor Lindley, seconded by Supervisor Johnsen, and unanimously carried, the Board approved the following resolutions:**

- 2050.000 5. **Resolution No. 03-337: Adopted** resolution honoring Henry Joop Offereins upon his retirement from the Monterey County Probation Department after 30 years of outstanding service.
- 2050.000 6. **Resolution No. 03-330: Adopted** resolution congratulating Helen Hamilton, Administrative Assistant to the District Attorney, upon her retirement from the County of Monterey after 19 years of public service.
- 2050.000 7. **Resolution No. 03-329: Adopted** resolution congratulating John Stewart, District Attorney's Investigator, upon his retirement from public service.
- 2050.000 8. **Resolution No. 03-338: Adopted** Resolution commending Domingo M. Valdez For his dedicated service in the Department of General Services as a Mechanic II.
- 2050.000 A/C 2. **Resolution No. 03-339: Adopted** Resolution commending Darryl Lee Choates on being the recipient of the Stephen E. Ross Award, given by the Monterey Peninsula Branch of the NAACP.

**SCHEDULED MATTERS:**

**10:00 a.m.**

- 0602.200 S-5 **Continued to no time or date certain**, adopt an interim ordinance regulating the creation of second units in the unincorporated areas of Monterey County (4/5ths vote required); set public hearing for November 4, 2003 to consider extension of the ordinance.

**BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Johnsen, and unanimously carried, the Board moved to continue the item to no time or date certain.**

- 0601.175 S-6 **Received** a report on the South Monterey County Comprehensive Economic Development Strategy.

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

**10:30 a.m.**

- 0125.000 S-7 **Agreement No. A-09568: Approved and authorized** the Purchasing Manager for Monterey County to increase P.O. # B960446685 for Mr.

Edward Myers to \$31, 250, an increase of \$12,500 to correct current P.O. and pay outstanding invoices for Chief Information Officer services at Natividad Medical Center for services already performed.

**BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Lindley, and unanimously carried.**

0125.000 S-8 **Agreement No. A-09567: Approved and authorized** the Purchasing Manager for Monterey County to sign an agreement with Mr. Edward Myers for \$150,000 for the period of October 15<sup>th</sup> 2003 to October 14<sup>th</sup>, 2004 to provide Chief Information Officer services to Natividad Medical Center.

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

**REMOVED, NO ACTION TAKEN**

~~S-9 Approve and authorize the Purchasing Manager for Monterey County to sign an agreement with Siemens Medical Systems in the amount of \$130,000 for the completion of remediation work identified as a result of the performance of a Gap Analysis study to make the NMC Hospital Information System (HIS) compliant with the Health Insurance Portability and Accountability Act (HIPAA) patient billing and remittance record transactions.~~

0125.000 S-10 **Agreement No. A-09569: Approved and authorized** the Purchasing Manager for Monterey County to sign a seven-year lease agreement with GE Healthcare Financial Services for the purchase and installation of a GE Hawkeye Nuclear Medicine System and a GE Gold Seal Lightspeed 8-slice Scanner. The total amount financed including interest will be \$2,448,600, and will be paid over 84 months commencing January 1, 2004, and the final lease payment due on December 1, 2010.

**BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Lindley, and unanimously carried.**

**REMOVED, NO ACTION TAKEN**

~~S-11 Approve and authorize the Purchasing Manager for Monterey County to consolidate budgeted funds of \$81,176.00 previously allocated to two (2) separate Purchase Orders into one (1) purchase order with 3M Health Information Systems for expenses related to the existing 3-year Health Data Management Software License Agreement and increase the budgeted amount to \$107,676.00.~~

**REMOVED, NO ACTION TAKEN**

~~S-12 Approve and authorize the Purchasing Manager for Monterey County to establish a close-out purchase order to Sodexo for outstanding invoices in the amount of \$96,415.99.~~

- 0125.000 S-13 **Agreement No. A-09570: Approved and authorized** the Purchasing Manager for Monterey County to sign an agreement with Aesculap, Inc. in the amount of \$40,000 for instrument set refurbishing and purchase for the Surgical Services Department of Natividad Medical Center (NMC) for FY 2003-04.

**BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Lindley, and unanimously carried.**

- 0125.000 S-14 **Agreement No. A-09571: Approved and authorized** the Purchasing Manager for Monterey County to sign a two year joint operating agreement with Stanford University Medical Center for laboratory services in Santa Cruz County and to establish a blanket purchase order in the amount of \$350,000 for Stanford University Medical Center (SUMC) to provide laboratory reference laboratory testing services.

**BOARD ACTION: Upon motion of Supervisor Potter, seconded by Supervisor Lindley, and unanimously carried.**

**11:00 a.m.**

- 0602.750 S-15 a. Receive Treasurer-Tax Collector's report on the Monterey County Facilities Master Plan Certificate of Participation.

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

- 0150.143 b. Receive report on options and recommendations to bring the County's Final Fiscal Year 2003-04 Budget into balance based on the approved State Budget and Trailer Bills; and provide policy direction to staff.

**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, the Board received the report and gave further direction to staff.**

- 0600.050 c. Receive a report from the Auditor-Controller regarding Financial Controls.

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

**11:30 p.m.**

0600.500 S-16 Closed Session relating to the following items:

- a. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding the following item of significant exposure to litigation:

Claim of Virginia Salas and Trinidad Diaz

**BOARD ACTION: The claim was denied.**

**REMOVED, NO ACTION TAKEN**

~~b. Pursuant to Government Code section 54957, the Board will confer with legal counsel regarding two items of employee discipline.~~

- c. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the following position:

Public Employment - Natividad Medical Center – CEO

**BOARD ACTION: The evaluation occurred.**

- A/C 6.a. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one item of significant exposure to litigation.

**BOARD ACTION: No decision was made; status report was provided.**

- A/C 6.b. Pursuant to Government Code section 54957, the Board will confer with labor negotiators (SEIU): Mark Wasser and/or Keith Honda, designated representatives.

**BOARD ACTION: Direction was given to both negotiators.**

- A/C 6.c. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding the following item of existing litigation:

Arreola, et al. vs. Monterey County, et al.

**BOARD ACTION: Direction was given to County Counsel.**

**REMOVED, NO ACTION TAKEN**

~~A/C 6.d. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators regarding the East Garrison areas of the former Fort Ord; negotiating parties: County of Monterey; U.S. Army and/or Monterey Peninsula College.~~

**~~BOARD ACTION:~~**

**12:00 p.m.** Recess to Budget Committee meeting.

**ORDER FOR ADJOURNMENT TO A SPECIAL JOINT MEETING AT 2:00 P.M.,  
AT THE TRAINING AND LEADERSHIP CENTER,  
LOCATED AT 2345 GARDEN ROAD, MONTEREY**

**2:00 p.m.**

S-16 **Held** joint workshop with the Planning Commission and provide direction on measures necessary to correlate the draft Monterey County General Plan land use and circulation elements, including establishing priorities for road improvements, reducing the level of service standards, and phasing of new growth.

**BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Potter, and unanimously carried, with Supervisor Potter absent, the Board held the joint workshop with the Planning Commission and provided direction to staff.**

**2:30 p.m.** (Continued to 4:30)  
Combined Development Permit and Design Approval (PLN020578 Koppert)

**4:30 p.m.**

S-17 **Resolution No. 03-341: Adopted a Mitigated Negative Declaration; adopted a Mitigation Monitoring and Reporting Program; and approved** a Combined Development Permit and Design Approval (PLN020578 Koppert) consisting of a Coastal Administrative Permit to allow construction of a new 2,330 sq. ft. single family dwelling with an attached garage; a Coastal Development Permit for development within 100 feet of an environmentally sensitive habitat area (Wildcat Creek); and a Coastal Development Permit for the removal of six Monterey pines, two oaks and two Monterey cypress trees. The property is located at 29703 Peter Pan Road (APN 241-201-020), approximately 500 feet east of the intersection with Highway 1, Carmel Highlands, Coastal Zone.

**BOARD ACTION:** Upon motion of Supervisor Johnsen, seconded by Supervisor Lindley, and unanimously carried, with Supervisor Potter absent.

**ORDER FOR ADJOURNMENT IN MEMORY OF MARK CHRISTENSEN,  
TO TUESDAY, OCTOBER 14, 2003, 9:30 AM**

**APPROVED:**

\_\_\_\_\_  
Chair

**ATTEST:** SALLY R. REED,  
Clerk of the Board

By: \_\_\_\_\_  
Deputy

(Supplemental 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:**

- 0601.100      9.      **Resolution No. 03-342: Adopted** Resolution and **proclaimed** State of Local Emergency relating to the spread of HIV among injection drug users in Monterey County.
- 5400.000,  
0150.143 &  
0601.100      10.      **Reallocated** 3.0 FTE Community Service Aide III positions to reallocate 3.0 FTE Community Service Aide III positions to 2.0 FTE Community Service Aide IV positions, and 1.0 FTE Office Assistant III position; and **directed** the Auditor-Controller to **amend** FY 2003-04 Health Department Budget Unit 411 to reflect the change in position counts.
- 0125.000      11.      **Agreement No. A-09561: Approved and authorized** the Director of Health to sign an agreement in the amount of \$39,000 for Ron Triplett for the period July 1, 2003 through June 30, 2006 for outpatient mental health services for Spanish speaking Monterey County Medi-Cal Beneficiaries and CalWORKS recipients.
- 0125.000      12.      **Agreement No. A-09562: Approved and authorized** the chair to sign a contract with Core Home Health Services in the amount of \$28,000 for the provision of personal care services in support of the MSSP program in FY 2203-04.
- 0125.000      13.      **Agreement No. A-09563: Approved** the agreement and authorize the Director of Social Services to sign the agreement with the First 5 Monterey County in the amount of \$312,500 for July 1, 2003 to June 30, 2004; **authorized** the Director to sign all future Amendments to this Agreement not exceeding five percent (5%) of the original contract amount; **directed** the Auditor-Controller to increase appropriations and estimated revenues of \$312,500; and **amended** budget unit 593 position allocation to add .75 FTE Office Assistant III. (4/5ths vote required)

**GENERAL GOVERNMENT:**

- 2050.000      14.      **Approved** Action Minutes of the meeting of September 23, 2003, copies having been distributed to the Board member.

- 0525.000 15. **Awarded** the contract to Design Space Modular, Inc., for the "San Miguel Modular Unit" in the amount of \$136,054 plus change order contingencies.
- 0525.000 16. **Authorized** acceptance of the work and authorized the Auditor-Controller to release the construction retention for the project, "Superior Court North Wing, Third Floor Remodel", upon approval of Capital Projects Management.
- 0125.000 &  
0525.000 17. **Agreement No. A-009564: Approved** the agreement with Stroer & Graff, Inc., in the amount of \$488,000, for the project "Driven Precast Piles", at the County of Monterey Government Center in Salinas and reject the other bid.
- 0125.000 18. **Agreement No. A-09565: Approved** a \$25,000 Over-the-Counter Grant to Interim, Inc. to fund predevelopment costs for the Lupine Gardens affordable housing project.
- 0125.000 19. **Agreement No. A-09566: Approved** an Agreement with the San Lucas County Water District and a contract with Springer & Anderson, Inc., for Implementation of the San Lucas Water System Improvement Project.
- 0130.000 20. **Authorized** the Chair of the Board to partially rescind the Walter E. and Vida M. Basham Land Conservation Contract No. 69-28 and the Jessie M. Basham Land Conservation Contract No. 69-28 as applicable and simultaneously **executed** new Land Conservation Contract Nos. 69-28.a.1. and 69-28.a.2. between the County of Monterey and Jo Ann Lombardo and Anthony L. Lombardo.

**PUBLIC WORKS:**

- 0525.000 21. **Awarded** contract in the amount of \$25,386 to Safety Striping Service for the Placing of Raised Pavement Markers Project on Various County Roads - 2004.
- 0602.350 22. **Set a public hearing** on unmet transit needs in the unincorporated area of the County for **October 28, 2003 at 10 a.m.**, in preparation of Fiscal Year 2004-2005 Local Transportation Fund allocations.
- 0602.350 23. **Introduced, waived the reading, and set October 28, 2003 at 10 a.m.** for a public hearing to adopt an ordinance amending Monterey County Code Title 12, Section 12.28.010 to establish no parking at any time on a portion of San Miguel Canyon Road, Prunedale area.

- 0602.350      24.      **Introduced, waived the reading, and set October 28, 2003 at 10 a.m.** for a public hearing to adopt an ordinance amending Monterey County Code Title 12, Section 12.28.021 to establish no parking between 10 p.m. and 6 a.m. on a portion of Natividad Road, Salinas area.
- 0602.350      25.      **Endorsed** the decision of the Public Works Director to temporarily close a portion of Castroville Boulevard and Dolan Road in order to expedite completion of road improvements relative to construction of the Duke Energy Power Plant Improvement Project, Moss Landing area.