

PROCEEDINGS OF THE
SANTA CRUZ COUNTY
BOARD OF SUPERVISORS

VOLUME 98, NUMBER 30
NOVEMBER 24, 1998

ACTION SUMMARY MINUTES

VOTING KEY: A = Almqvist, B = Beautz, R = Belgard;
S = Symons, W = Wormhoudt; first initial indicates maker
of motion, second initial indicates the "second"; upper
case letter = "yes" vote; lower case letter = "no" vote;
() = abstain: // = absent

1. All Supervisors present
Moment of Silence and Pledge of Allegiance
2. Consideration of Late Additions to the Agenda
3. Additions and Deletions to Consent Agenda
4. ORAL COMMUNICATIONS - No one addressed the Board (An
Oral Communications sign-in sheet will be filed with
Written Correspondence for the Board's next meeting.)
5. Additions and Deletions to Regular Agenda

CONSENT AGENDA

WRSAB

6. APPROVED claims as submitted by the Auditor-Controller
7. APPROVED minutes of November 10, 1998, as recommended
by the Clerk of the Board
8. ACCEPTED AND FILED notification of continuing
contracts received during the period of November 9,
1998 through November 20, 1998 and approved upon
adoption of the 1998/99 continuing agreements list to
comply with Section 300 of the County's Procedures
Manual, Title 1, as recommended by the Clerk of the
Board

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9. ADOPTED ORDINANCE NO. 4524 adding Section 6.04.130 and amending Section 6.24.030 of the Santa Cruz County Code regarding establishing Biomedical Livestock Animal Treatment Standards

WrSAB

10. SCHEDULED jurisdictional hearing for Tuesday, December 8, 1998 at 9:00 a.m. or thereafter to consider an appeal of the Planning Commission's decision to approve a floor area ratio variance regarding Application No. 97-0622; property located on the north side of Beach Drive (413 Beach Drive), about 3/4 mile southeast of the Esplanade and Rio Del Mar Boulevard, Aptos, as recommended by the Clerk of the Board
11. ACCEPTED AND FILED Final 1998-99 Capital Improvement Program document; and directed the County Administrative Office to return on or before May 18, 1999 with the proposed 1999-00 Capital Improvement Program, as recommended by the County Administrative Officer
12. ADOPTED RESOLUTION NO. 433-98 amending Resolution No. 304-92 authorizing access to sales and use tax records pursuant to Revenue and Taxation Code Section 7056, as recommended by the County Administrative Officer
13. APPROVED contract amendment with David M. Griffith and Associates Ltd. for services relating to claims administration associated with specific state mandated cost recovery activities; adopted RESOLUTION NO. 434-98 accepting and appropriating unanticipated revenue in the amount of \$16,000 for the SB90 State Mandated Activities; and approved related actions, as recommended by the County Administrative Officer
14. DENIED claim of Karen Chase No. 899-052 and referred to County Counsel
15. DENIED claim of Frank German No. 899-054 and referred to County Counsel
16. DENIED claim of Lenora Hope Silva No. 899-056 and referred to County Counsel

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17. ACCEPTED AND FILED report of Attorney Antonio Rossman regarding the County's groundwater regulatory authority, as recommended by County Counsel
18. ACCEPTED AND FILED status report on Natural Gas Fueling Coalition projects; and directed General Services to return with necessary agreements and contract documents on or before December 15, 1998, as recommended by the Director of General Services
19. ACCEPTED AND FILED report on parking management at the County Government Center; and directed the Department of General Services to report back with additional recommendations for parking management at the County Government Center parking lot on or before March 2, 1999, with an additional directive
20. ACCEPTED report on the replacement facility for Court modular buildings; and directed General Services to return on or before December 8, 1998, with recommendations on an architectural firm to carry out the necessary design services, as recommended by the Director of General Services
21. ACCEPTED report on County Fire Department Volunteer Firefighter Handbook, as recommended by the Director of General Services
22. APPROVED gross pay adjustments to rectify employment processing errors, as recommended by the Personnel Director
23. CONTINUED TO DECEMBER 8, 1998 consideration to accept and file status report on Care of Court Wards budget
24. APPROVED contribution of \$1,000 towards the County Office of Education Student Survey of Teen Alcohol and Drug Use, as recommended by the Sheriff-Coroner
25. APPROVED design and engineering services contract with On Line Electric for an amount not to exceed \$11,856 for the purpose of designing the Main Jail roll-up booking garage sally port doors and additional security fencing, as recommended by the Sheriff-Coroner

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26. AUTHORIZED Sheriff-Coroner to submit application to the Board of Corrections for a Mentally Ill Offenders Crime Reduction (MIOCR) Planning Grant in the maximum amount of \$31,500; and adopted RESOLUTION NO. 435-98 appointing a County Mentally Ill Offender Crime Reduction Strategy Committee (MIOCRSC), as recommended by the Sheriff-Coroner
27. ACCEPTED AND FILED report regarding the fiscal process for County Domestic Violence Commission; and directed the County Administrative Office to assist the Domestic Violence Commission in expediting its budget and expenditure needs utilizing existing procedures, as recommended by the County Administrative Officer
28. AUTHORIZED payment of \$300 from Budget Unit 180000, Subobject 3665, to the Association of Monterey Bay Governments to provide assistance with expenses involved with the National Association of Regional Councils' 33rd Annual Conference and Exhibition, as recommended by Chairperson Beautz
29. APPROVED schedule of meetings of the Board of Supervisors for calendar year 1999, and established schedule for 1999-2000 budget hearings, as recommended by Chairperson Beautz
30. APPROVED appointment of David A. Foster to the Housing Advisory Commission for a term to expire April 1, 1999, as recommended by Supervisor Wormhoudt
31. APPROVED appointment of Mara Elliott to the Latino Affairs Commission for a term to expire April 1, 2001, as recommended by Supervisor Symons
32. APPROVED appointment of Jess Brown to the Parks and Recreation Commission for a term to expire April 1, 2001, as recommended by Supervisor Symons

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33. SCHEDULED a public hearing for December 15, 1998, on the afternoon agenda beginning at 1:30 p.m. to consider Application No. 98-006, a proposal to amend Coastal Permit No. 91-0211 by relocating and modifying the size of the required Vista walkway and vista point. Requires a Coastal Permit Amendment. The property is located on the west side of Sea View Drive (452 Sea View Drive), at the intersection of Baldwin Drive and Sea View Drive in Aptos, as recommended by Supervisor Symons
- 33.1 APPROVED appointment of Frank Siri to the Water Advisory Commission for a term to expire April 1, 2001, as recommended by Supervisor Symons
- 33.2 SEE ITEM NO. 68.1, REGULAR AGENDA
34. ACCEPTED AND FILED report on the need to continue the state of local emergency relative to transmission of HIV through contaminated needles, as recommended by the Health Services Agency Administrator
35. APPROVED two 1998/99 Community Mental Health agreements for psychiatric services; and authorized the Health Services Agency Administrator to sign the agreements, as recommended by the Health Services Agency Administrator
36. AUTHORIZED the purchase of a personal computer and related software at an approximate cost of \$3,500; and approved related appropriations transfer in the Child Health and Disability Program budget, as recommended by the Health Services Agency Administrator
37. APPROVED 1998/99 agreement with the Santa Cruz Community Counseling Center in the amount of \$140,000 for community mental health services; and authorized the Health Services Agency Administrator to sign agreement, as recommended by the Health Services Agency Administrator
38. ADOPTED RESOLUTION NO. 436-98 in support of the Medical Outreach Grant; and authorized the Health Services Agency Administrator to submit the grant application on behalf of the County, as recommended by the Health Services Agency Administrator

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39. ACCEPTED AND FILED report on ambulance response performance standards, as recommended by the Health Services Agency Administrator
40. ACCEPTED AND FILED the report regarding the Alcohol and Drug Program budget and prevention activities; including a report back in January 1999, as recommended by the Health Services Agency Administrator
41. APPROVED the concept of the Mobile Muse Project; and requested the Arts Commission to implement this new project as soon as possible, as recommended by the Director of Parks, Open Space and Cultural Services
42. ACCEPTED AND FILED report on the Landslide Hazard Mitigation Program; and directed the Planning Department to return on or before December 15, 1998 with program recommendations, as recommended by the Planning Director
43. SCHEDULED public hearing on December 15, 1998, on the morning agenda, to consider the Planning Commission's recommendation regarding a general plan amendment to policy 5.10.10 regarding the scenic corridor designation on a portion of Mt. Madonna and Casserly Roads, as recommended by the Planning Director
44. SCHEDULED public hearing on December 15, 1998, on the afternoon agenda beginning at 1:30 p.m. to consider a proposal to convert properties from Williamson Act Contracts to Farmland Security Zone Contracts. Properties are located throughout South Santa Cruz County and include the following APNs: 052-231-34; 106-211-13, 21, 22; 110-101-04, 05, 06; 110-102-04 and 110-121-12, as recommended by the Planning Director
45. ACCEPTED improvements and approved the final cost for Green Valley Road Storm Damage Repair Projects; and directed the Clerk of the Board to file the Notice of Completion; and approved related actions, as recommended by the Director of Public Works
46. ACCEPTED improvements and approved the final cost for Jamison Creek Road Storm Damage Repair; and directed the Clerk of the Board to file the Notice of Completion; and approved related actions, as recommended by the Director of Public Works

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47. ACCEPTED improvements and approved the final cost for Muir Drive Overlay, County Service Area No. 26; and directed the Clerk of the Board to file the Notice of Completion; and approved related actions, as recommended by the Director of Public Works
48. APPROVED the access and indemnity agreement for the Roy Wilson Yard soil investigation; and authorized the Director of Public Works to sign the agreement, as recommended by the Director of Public Works
49. APPROVED agreement with TJKM in the amount of \$9,160 for the modification and installation of the Signview Inventory Program; and authorized the Director of Public Works to sign the agreement, as recommended by the Director of Public Works
50. AS THE BOARD OF DIRECTORS OF THE FREEDOM COUNTY SANITATION DISTRICT, adopted RESOLUTION NO. 437-98 vacating sewer easements and approved related actions, as recommended by the District Engineer
51. ACCEPTED AND FILED status report on cooperative efforts with neighboring Counties to assess flood risks throughout the Pajaro River Watershed Basin and directed the Director of Public Works to return on or before March 23, 1999 with a status report, as recommended by the Director of Public Works
52. APPROVED transfer of funds in the amount of \$135,000 from the Revegetation project to the Re-establish Levee Profile Project, as recommended by the Director of Public Works
53. ACCEPTED AND FILED status report on the Buena Vista Landfill Gas Power Project; approved amendment to Agreement with Brown, Vence, and Associates for development of Buena Vista Landfill Gas Power Project for an amended contract not-to-exceed amount of \$106,820; authorized the Director of Public Works to sign the contract amendment on behalf of the County, as recommended by the Director of Public Works

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54. ADOPTED RESOLUTION NO. 438-98 preliminarily approving Engineer's Report; scheduled public hearing on the morning agenda of February 2, 1999; adopted RESOLUTION NO. 439-98 establishing wage scale and approving plans and specifications; set bid opening for Tuesday January 26, 1999 at 10:45 a.m. for the Sunset Beach Water Main Extension Project; and approved related actions, as recommended by the Director of Public Works
55. AS THE BOARD OF DIRECTORS OF THE SANTA CRUZ COUNTY REDEVELOPMENT AGENCY, APPROVED contract amendment with TRI-B, Incorporated, in the amount of \$10,000 for the Simpkins Family Swim Center and approved related actions, as recommended by the Redevelopment Agency Administrator
56. AS THE BOARD OF DIRECTORS OF THE SANTA CRUZ COUNTY REDEVELOPMENT AGENCY, adopted RESOLUTION NO. 440-98 initiating an RDA Plan amendment process to extend the date of RDA property acquisition authorities, as recommended by the Redevelopment Agency Administrator
57. SEE ITEM NO. 69.1, REGULAR AGENDA

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58. AS THE BOARD OF SUPERVISORS AND REDEVELOPMENT AGENCY, SCHEDULED a closed personnel and litigation session as follows:
- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Case Name/No.: Sargent v. Yankish (Case No. 133542);
City and County of San Francisco v. Phillip Morris, et al. (Case No. C-96-2090DLJ, People of the State of California, et al. v. Phillip Morris, et al. (San Francisco Superior Court No. 980864); State of California ex rel. Stull v. Bank of America NT&SA, et al. (San Francisco Superior Court No. 968-484); United States Automobile Association, Richard Zscheile and Judith Zscheile v. Pacific Gas & Electric Company, County of Santa Cruz, Davey Tree Service, (Santa Cruz Superior Court Case No. CV 134309)
- CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation was considered pursuant to Subdivision (b) of Government Code Section 54956.9 for two potential cases.
- CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Property street address: 2800 Rosedale Avenue, Soquel California
Negotiating Parties: Mr. & Mrs. Rod Herd and County of Santa Cruz
- REPORT OF COUNTY COUNSEL - The Board approved settlement of the case of Sargent v. Yankish et al. (Santa Cruz County Superior Court No. 133542) involving a payment by the County of \$5,000 (SWRAB); The Board approved joining in a settlement of the cases City and County of San Francisco v. Phillip Morris, et al. (No. C-96-2090DLJ) and People of the State of California, et al. v. Phillip Morris, et al. (San Francisco Superior Court No. 980864) (SWRAB)

REGULAR AGENDA

59. The Board of Supervisors recessed in order to permit the Board of Directors of the County of Santa Cruz Flood Control and Water Conservation District, Zone 7, to convene and carry out its regularly scheduled meeting

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60. CONSIDERED reports of the Commission on Disabilities and the Health Services Agency regarding services provided by Santa Cruz County Health Options (SCCHO); requested the following directions: that SCCHO proceed toward hiring a half-time exterior advocate, who is required to have legal expertise, and that the hiring panel include members of the Commission on Disabilities as well as other appropriate community groups; regarding the liaison position, that SCCHO continue to monitor whether twenty hours a week is adequate to provide the kind of service that is needed and whether this person is in fact helping people to resolve their problems; that SCCHO immediately provide vendors with information concerning the elimination of language that has been referred to as a "gag order", and that they be provided with whatever new language is appropriate; that some process be worked out whereby there is some way to obtain written authorization within twenty-four to forty-eight hours for wheelchair repairs that could be given to vendors and that some process be worked out immediately for keeping current vendor lists available for distribution to clients; that SCCHO and the County Health Department continue to work with the Commission on Disabilities on the unresolved issues that are outstanding; that the Board of Supervisors receive a preliminary report on December 8, 1998 on how SCCHO is dealing with the question of authorization for wheelchair repair; and a report on the progress on all of these issues on March 2, 1999

WASRB

61. APPROVED at-large appointments of Kathleen Morkert, John Petersdorf, Alvin Karp, Michael Molesky, Dr. Arthur Dover, Dr. Christine Griger, and Charles M. Moody, in the categories indicated, to the Santa Cruz-Monterey County Managed Medical Care Commission, for the terms of office to be determined by lot

RSWAB

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- 62 CONSIDERED appointment to the Pajaro Valley Water Management Agency Board of Directors, for a two year term;
- (1) approved appointment of Frank William Capurro to the Pajaro Valley Water Management Agency Board of Directors, for a two year term;
- (2) with an additional directive for County Counsel to return January 12, 1999 with a proposed process for opening-up nominations for the Pajaro Valley Water Management Agency Board of Directors to any person who makes more than fifty-one percent of their income from the production of agriculture

(1) RSwaB

(2) WASRB

- 63 CONTINUED TO DECEMBER 8, 1998 public hearing to establish the 1999 Growth Goal

WSRAB

- 64 CONTINUED TO DECEMBER 8, 1998 consideration of the recommendation of the Agricultural Policy Advisory Commission and additional reports from County Counsel and Planning Department regarding a proposed Right-to-Farm ordinance

RASWB

- 65 CONTINUED TO DECEMBER 8, 1998 public hearing to consider proposed General Plan/LCP amendments and ordinance amendments regarding residential nonconforming uses and general nonconforming use provisions

WSRAB

November 24, 1998

66. RECEIVED bids regarding the Roof Hoist at 1400 Emeline Avenue and referred to General Services to return with a recommendation on or before December 15, 1998

RSWAB

67. RECEIVED bids regarding the Exterior Waterproofing at the Water Street Jail and referred to General Services to return with a recommendation on or before December 15, 1998

RSWAB

68. RECEIVED bids regarding the Loma Prieta Replacement Fire Station and referred to General Services to return with a recommendation on or before December 15, 1998

RSWAB

- 68.1 DIRECTED the County Administrative Officer to have the Planning Department prepare a report including the issues surrounding the McGregor property to be submitted on the consent agenda of December 8, 1998

SARWB

November 24, 1998

69. Public hearing held to consider a proposal to amend Commercial Development Permit No. 96-0772 by operating a teen residential care facility with a reduction in the permitted number of youth to 20 full-time residential occupants and 10 day-time participants and a reduction in the number of staff to 10. The amendment maintains the existing 5,657 square foot community house containing 10 bedrooms, kitchen and living rooms and a 2,588 square foot administration building. The amendment retains the historic use of the 7 existing cottages as rental units. Requires an amendment to Commercial Development Permit No. 96-0772. Property located on the north side of Freedom Boulevard, about .25 miles east of the intersection with Corralitos Road at 2716 Freedom Boulevard. Owner: Namvar Dinyari; Applicant: Mercy Charities Housing California; APN: 050-081-01; closed public hearing; certified the Environmental Exemption; and approved Application No. 98-0718 for Above the Line Residential Care Facility and the continued historic use of 7 cottages on APN: 50-081-01, with the attached conditions as amended, to change language regarding the Conditions of Approval (attachment 2), on page 14, IV A, Operational Conditions, last sentence to read: "While this permit authorizes the program to offer substance abuse treatment at the facility as part of its overall program. The facility shall not serve as a primary facility for residential substance abuse treatment without further Board review and approval of any such change in use."

WASrB

- 69.1 AS THE BOARD OF DIRECTORS OF THE SANTA CRUZ COUNTY REDEVELOPMENT AGENCY, AUTHORIZED the Redevelopment Agency Administrator to negotiate and sign a financing agreement for the Above the Line Project, as recommended by the Redevelopment Agency Administrator

WASRB

November 24, 1998

70. Public hearing held to consider the Planning Commission's recommendations regarding General Plan/Local Coastal Program Land Use Plan and Implementing Ordinance Amendments relating to Timber Harvesting; closed public hearing; adopted RESOLUTION NO. 441-98 adopting amendments to the County General Plan/Local Coastal Program Land Use Plan and Implementing Ordinances relating to Timber Harvesting contained in Amendment Set 2 and referred these amendments to the California Coastal Commission for processing, and directed that these amendments be returned to the Board on May 25, 1999, for final adoption and certification of the environmental documents; and continued consideration of the General Plan/Local Coastal Program Land Use Plan and Implementing Ordinance Amendments contained in Amendment Set 1 to May 25, 1999; and directed the Planning Department to prepare a package of Forest Practice Rules changes for Board review on December 15, 1998, for re-submittal to the Board of Forestry for processing in early 1999; with additional directive to the Planning Department to return on December 8, 1998 with a proposed ordinance regarding Riparian Corridor Provisions that would become effective in 31 days in areas outside of the Coastal Zone which would apply the proposed riparian buffers to both TP Zones and non-TP Zones; and further directed to delete from Section 13.10.378 (b), Helicopter Provisions, the language "... provided that the Director may reduce this requirement to 500 feet with a written concurrence of the residential inhabitant": to add language in 13.10.695(a) second line after the words "...", in addition to the TP Zone, " the language "only in those zones." and in Section 13.10.695(b) to delete the words "except the TPZ zone" but only as it applies to riparian corridor not the other locational criteria that are referred to; and to the design standards for private roads, include the words that rock cover that grades of 0-10 percent gradients shall be six inches of drain"... or base"....rock.

AWsrB

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71. CONTINUED TO JANUARY 12, 1999 consideration of report on parcel size analysis of properties zoned Special Use "SU" for determining the appropriate parcel size for timber harvesting

AWSRB

Approved: _____
Chair, Board of Supervisors

Attest: _____
Clerk of the Board

Date: _____

NOTE: This set of Board of Supervisors Minutes is scheduled to be approved by the Board on December 8, 1998