

A C T I O N M I N U T E S**MONTEREY COUNTY BOARD OF SUPERVISORS****Tuesday, September 10, 2002 at 9:30 a.m.****Recess to Lunch at 12:00 Noon****9:30 a.m.**

2050.000 S-1 Observe a moment of silence in memory of the September 11, 2001 Attack on America.

BOARD ACTION: Upon the conclusion of viewing a power point presentation commemorating the September 11' 2001 attack, Chair Potter and Board members offered comments of reflection, pondered the past, recognized what American's have lost, and recognized that there is a great deal to be thankful for as we look forward to the future.

S-2 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:

Add under "Consent, General Government," approval of a Tentative Agreement between SEIU Local 535 and the County of Monterey dated September 3, 2002.

Add under "Other Board Matters," adoption of a Resolution congratulating the Latino Network Luncheon in particularly its Volunteers for its 13th Annual El Grito Luncheon to be held at the Sherwood Hall in Salinas, California, in the County of Monterey on this 16th day of September 2002.
(Armenta)

Add under S-7, Closed Session, the following:

c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding the following potential litigation:

1. Matter of Donald and Nancy Ingalls

The Board will adjourn today's meeting to Thursday, September 12, 2002 at the hour of 9:00 a.m. to conduct a continued public hearing on the Monterey County 21st Century General Plan Update.

S-3 CONSENT CALENDAR - REGULAR [See [Supplementary Sheet](#) attached]

2050.000 S-4 PUBLIC COMMENT PERIOD: **Hebard C. Olsen requested that when the Monterey County Office of Education (MCOE) begins to**

broadcast the Board of Supervisors' meetings on a public access channel, all speakers should be labeled, and that the meetings be broadcast in such a manner that the general public can understand the proceedings. Mr. Olsen stated that the MCOE Board of Education has adopted Policy BP 6040, which specifies certain entities that are supposed to be receiving service from MCOE. He requested that a survey be conducted, and made available to the public, to determine if those entities are being served.

APPOINTMENTS:

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

- 0402.800 1. **Appointed** Kelly Morgan, City Administrator for Sand City, to the Overall Economic Development Commission, for a term to end on June 30, 2005. (Full Board)
- 0401.550 2. **Appointed** Becky Botello for a term to end on July 1, 2004; and appoint Mari Trujillo for a term to end on July 1, 2005, to the Community Action Commission. (Full Board)

OTHER BOARD MATTERS:

- 6300.000 3. Board comments and referrals:
- a. Upon the request of Supervisor Calcagno, the Board referred the matter of trash abatement and abandoned vehicle abatement along County roads to the County Administrative Officer, to work with the Sheriff, the Department of Public Works, and Environmental Health for appropriate action.
 - b. Supervisor Pennycook announced that she and Supervisor Johnsen, in coordination with Bill Phillips, Legislative Coordinator, worked valiantly to postpone the AMBAG meeting which was originally scheduled for Wednesday, September 11th.
 - c. Upon the request of Supervisor Pennycook, the Board requested the County Administrative Officer, working with the Agricultural Commissioner, to report back to the Board on the status of the occurrence of Sudden Oak Death Syndrome in Monterey County, and the steps that are being taken to contain and eradicate this disease.
 - d. Supervisor Pennycook introduced the featured dog of the week. Sasha is a 2-year old female Jack Russell terrier mix. She is white with brown spots, loves to go for walks, enjoys people, and is waiting for a new home with a loving family. The featured cat of the week is Daphne. She is a 2 ½-year old female, domestic shorthair, with grey and brown tabby markings. These

pets, among others, are available for adoption from the Monterey County Animal Shelter.

- e. **Supervisor Armenta announced that this Friday, September 20th at the Fort Ord Reuse Authority (FORA) Board Meeting, it is his understanding that an affordable housing study will be released to the general public. He requested that the County Administrative Officer, working with the Environmental Resource Policy-General Plan staff, obtain copies of that study for distribution to the Supervisors, for use in developing the County's affordable housing element of the General Plan.**

- 0600.025 4. **County Administrative Officer's Comments and Reports: Sally R. Reed, County Administrative Officer, advised the Board that Governor Davis has elevated the level of alert throughout the State from moderate, to a high alert level. This high level alert was issued based on general concern, rather than any specific threats. She announced that the Natividad Medical Center has an item requiring letters of endorsement for a grant program, and that will come forward at the Board's meeting on Thursday, September 12th, for approval. Ms. Reed also reminded the Board that next Tuesday, September 17th, the Board will hold a celebration of leadership, and present a number of past Chairs of the Board with engraved gavels. Ms. Reed stated that she has distributed to each Supervisor, a very preliminary indication of the impact of the State budget that the Governor has signed. She stated that the CAO's staff will be working with the County departments and the Board's Budget Subcommittee to bring the Board recommendations on how to react to this shortfall. She stated that she will be reporting back to the Board in 30 to 60 days with a preliminary recommendation as to how to proceed this year.**

- 2050.000 5. **Resolution No. 02-326: Adopted Resolution commending William Gary Martin upon his retirement as Executive Officer of the Carpenters Union in the Southern District Area (Santa Clara County to Monterey County) after 37 years of public service. (Johnsen)
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Pennycook, and unanimously carried.**

- 2050.000 NA/1 **Resolution No. 02-327: Adopted a Resolution congratulating the Latino Network Luncheon in particularly its Volunteers for its 13th Annual El Grito Luncheon to be held at the Sherwood Hall in Salinas, California, in the County of Monterey on this 16th day of September 2002. (Armenta)
BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Pennycook, and unanimously carried.**

SCHEDULED MATTERS

10:00 a.m.

0200.050 S-5 Conduct continued public hearing on alleged franchise violation by TCI Cablevision of California, Inc. of the cable television franchise granted October 27, 1998 and now controlled by AT&T Broadband; hear and consider relevant evidence; direct Counsel to prepare written findings and decision consistent with the Board's action and submit for Board approval. (Continued from July 30, 2002)

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Pennycook, and unanimously carried, the Board approved the staff's recommendation, to direct County Counsel to prepare written findings and decision consistent with the Board's action and submit for Board approval on a future agenda.

5800.000 S-6 Conduct a public hearing and authorize award of a franchise agreement for collection of garbage and recycling in the northeastern portion of the unincorporated County to USA Waste of California, dba Carmel Marina Corporation; and authorize the Health Department to perform a rate analysis and return to the Board within 45 days with a recommendation for establishing residential and business customer rates.

BOARD ACTION: Upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and unanimously carried, the Board continued indefinitely the public hearing for collection of garbage and recycling in the northeastern portion of the unincorporated County to USA Waste of California, DBA Marina Corporation.

11:00 a.m.

S-7 Closed Session (working lunch) 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. H-Y-H Corporation v. County of Monterey

BOARD ACTION: At the conclusion of mediation before retired Justice Nat Agliano, the mediator has prepared a report, and counsel has entered into a stipulation documenting terms under which HYH would dismiss its claim for takings damages in connection with preparation of the Rancho San Juan Specific Plan. The stipulation does not in any way commit the County to approve any development project or to exercise its discretion in any particular way. Both documents are being filed with the court today, and they are public documents.

- 6200.000 b. Conference with real property negotiators pursuant to Government Code section 54956.8.
Property: East Garrison area of the former Fort Ord
Negotiating Parties: Monterey County Redevelopment Agency; County of Monterey; Woodman Development.

BOARD ACTION: No reportable action taken.

- 6200.000 c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding the following potential litigation:

1. Matter of Donald and Nancy Ingalls

BOARD ACTION: The Board authorized continued payment of temporary accommodations for Mr. Ingall's immediate family during his hospitalization in San Jose.

1:30 p.m.

- 1351.450 S-8 **Held** continued public hearing on the Monterey County 21st Century General Plan Update including a review of the boundaries of the proposed community areas and rural centers, and review of property owner requests.

BOARD ACTION: Held continued public hearing to receive public testimony on property owner requests, community centers and rural boundaries on the following areas: Greater Salinas Area and Central Salinas Area.

5:30 p.m.

Dinner Break

EVENING MEETING TO BE HELD AT THE SHERWOOD COMMUNITY CENTER, 940 NORTH MAIN STREET, SALINAS

7:00 p.m.

- 1351.450 Resume receipt of public testimony on the Monterey County 21st Century General Plan Update.

BOARD ACTION: Held continued public hearing to receive public testimony on property owner requests, community centers and rural boundaries on all areas within the County.

10:00 p.m.

ORDER FOR ADJOURNMENT TO THURSDAY, SEPTEMBER 12, 2002 AT 9:30 A.M.

APPROVED:

ATTEST:

SALLY R. REED,
Clerk of the Board

By: _____
Deputy

[\(Supplementary Sheet\)](#)

CONSENT CALENDAR

Upon motion of Supervisor Pennycook, seconded by Supervisor Calcagno, and unanimously carried, the Board approved the following actions, except as otherwise noted:

HEALTH AND SOCIAL SERVICES:

- 0601.100 6. **Resolution No. 02-328: Reallocated** 1.0 FTE Senior
0150.142 Patient Account Representative position to 1.0 FTE Accounting
Technician position; and **directed** the Auditor-Controller to
amend the FY 2002-03 Health Department Budget Unit 440 to
reflect the change in position count.
- 0125.000 7. **Agreement No. A-09175: Approved and authorized** Chair to
sign Agreement with Children's Services International for
\$44,741 Maintenance of Effort for Child Care Services FY
2002-2003.

GENERAL GOVERNMENT:

- 0500.050 8. **Approved** amendments to Conflict of Interest Code of the
Information Technology-Telecommunications Department of
Monterey County.
- 0500.050 9. **Approved** amendments to Conflict of Interest Code of the
County Counsel of Monterey County.
- 1000.000 10. **Authorized** the Board Chair to sign a letter to the
California Energy Commission providing notice that the
County does not wish to accept the public access easement
set forth in CEC Condition of Certification LAND-1 for Duke
Energy's Moss Landing Power Plant Project.
- 0601.160 11. **Approved and adopted** the Monterey County Information
Technology Policies.
- 0525.000 12. **Approved** award of contract to Telecom Communications of
Oxnard, California, for a total cost not to exceed \$499,398,
for the replacement of the County's microwave backbone
system; **authorized** the Contracts/Purchasing Manager to sign
the contract; and **authorized** Information Technology -
Telecommunications Division to proceed with acquisition of
the system.

- 0800.550 13. **Approved** request from the North County Fire Protection District for dry period loan of \$2,495,000.
14. **REMOVED FROM THE AGENDA; NO ACTION TAKEN** to receive status report from the Health Insurance Review Committee (HIRC).
- 0125.000 NA/2 **Agreement No. A-09176: Approved** a Tentative Agreement between SEIU Local 535 and the County of Monterey dated September 3, 2002.

PLANNING AND BUILDING INSPECTION DEPARTMENT:

- 6000.500 15. **Accepted** Parcel Map; Tax Report, Subdivision Title Guarantee, Indemnification Agreement and recording fee for conversion of two 2-story office buildings, (PLN000413), to create eleven office condominiums. The property is located at 9699 Blue Larkspur Lane (Lot 10), Laguna Seca Office Park (Assessor's Parcel No. 173-121-010-000), Greater Monterey Peninsula Area.

PUBLIC WORKS:

- 0525.000 16. **Awarded** contract in the amount of \$523,980 to Kristin Construction Company for construction of the Pajaro Storm Drain Phase 3B Project, Pajaro area.

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