

Monterey County

*Board of Supervisors Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901*



Meeting Minutes - Draft

Tuesday, January 25, 2022

9:00 AM

Board of Supervisors

*Chair Supervisor Mary L. Adams - District 5
Vice Chair Supervisor Luis A. Alejo - District 1
Supervisor John M. Phillips - District 2
Supervisor Chris Lopez - District 3
Supervisor Wendy Root Askew - District 4*

9:00 A.M. - Called to Order

The meeting was called to order by Chair Supervisor Mary L. Adams.

Roll Called

Present: 5 - Supervisor Wendy Root Askew, Supervisor John M. Phillips, Supervisor Mary L. Adams, Supervisor Chris Lopez and Supervisor Luis A. Alejo who appeared via video conference

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel and Iracema Lopez, Management Analyst I appeared in person and Valerie Ralph, Clerk of the Board who appeared via video conference.

Additions and Corrections for Closed Session by County Counsel

There were no additions and corrections for the agenda.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54957(a), the Board will confer with County Counsel regarding matters posing a threat to the security of public buildings, essential public services, or the public's right of access to public services or facilities.
 - b. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:
(1) Designated representatives: Irma Ramirez-Bough and Kim Moore
Employee Organization(s): All Units
 - c. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
(1) *Guadalupe Rivera, et al. v. County of Monterey, et al.* (United States District Court for the Northern District, Case No. 20CV07665-SVK)
 - d. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Natividad Medical Center Chief Executive Officer.

Public Comments for Closed Session

Open for public comments; Martha Rodriguez, via Zoom, commented.

The Board Recessed for Closed Session Agenda Items

10:30 A.M. - Reconvened on Public Agenda Items

Roll Called

Present: 5 - Supervisor Wendy Root Askew, Supervisor John M. Phillips, Supervisor Mary L. Adams, Supervisor Chris Lopez and Supervisor Luis A. Alejo who appeared via video conference

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel and Iracema Lopez, Management Analyst I appeared in person and Valerie Ralph, Clerk of the Board who appeared via video conference.

Announcement of Interpreter

Diego Celis, Spanish Interpreter present and announced Spanish interpreter services.

Pledge of Allegiance

The Pledge of Allegiance to be led by Fire Chief Michael B. Urquides.

Additions and Corrections by Clerk

The following additions and corrections were read into the record:

For the Consent Calendar - General Government:

Item No. 31 is in receipt of Revised Exhibit A.

Ceremonial Resolutions

Open for public comments; no public comments made.

A motion was made by Supervisor Wendy Root Askew, seconded by Supervisor John M. Phillips to adopt Ceremonial Resolutions 2 through 4.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Root Askew: AYE

Chair Supervisor Adams: AYE

2. Adopt a resolution recognizing Captain Don Harvey upon his retirement after 26 ½ years of loyal service to North Monterey County Fire Protection District. (Supervisor Phillips)

Adopted Resolution No. 22-023

3. Adopt a resolution commending Fire Chief Michael B. Urquides for thirty-four years of service to the Monterey County Regional Fire Protection District.

Adopted Resolution No. 22-022

- 4. Adopt a resolution honoring Gloria Perez upon her retirement after forty-two years of service with the Monterey County Treasurer-Tax Collector’s Revenue Division. (Supervisor Alejo)

Adopted Resolution No. 22-024

Appointments

Open for public comments; no public comments made.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Wendy Root Askew to appoint/reappoint Item Numbers 5 through 9.

Roll call vote taken pursuant to Government Code 54953:

- Supervisor Alejo: AYE
- Supervisor Phillips: AYE
- Supervisor Lopez: AYE
- Supervisor Root Askew: AYE
- Chair Supervisor Adams: AYE

- 5. Reappoint Kevin Kreyenhagen to the Fish and Game Commission, with a term ending date of February 1, 2025. (Nominated by Supervisor Adams, District 5)

Reappointed

- 6. Appoint Ryan O’Connell to the CSA 15 Serra Village, with a term ending date of June 30, 2024. (Nominated by Supervisor Adams, District 5)

Appointed

- 7. Reappoint Carla Strobridge to the Animal Control Program Advisory Board, with a term ending date of July 1, 2023. (Nominated by Supervisor Lopez, District 3)

Reappointed

- 8. Reappoint Belinda Taluban to the Historic Resources Review Board, with a term ending date of December 31, 2024. (Nominated by Supervisor Phillips, District 2)

Reappointed

- 9. Reappoint Nona Childress to the Commission on Disabilities, with a term ending date of December 31, 2024. (Nominated by the Commission on Disabilities)

Reappointed

Approval of Consent Calendar – (See Supplemental Sheet)

- 10. See Supplemental Sheet

Open for public comments; Brent Salma and Wes White, in person, and Anna Velasquez and Wildfire, via Zoom, commented.

Supervisor Wendy Root Askew commented on Item Numbers 31, 34 and 43.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Chris Lopez to approve Consent Calendar Item Numbers 22 through 43 excluding Item No. 21 which was moved to a scheduled matter as Item No. 13.1 at 1:30 p.m. and Item No. 34 which a separate vote will be taken.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Lopez: AYE
Supervisor Root Askew: AYE
Chair Supervisor Adams: AYE

A substitute motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo with Supervisor Mary L. Adams and Supervisor Wendy Root Askew, voting no, to approve Consent Calendar Item Number 34.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Lopez: AYE
Supervisor Root Askew: NAY
Chair Supervisor Adams: NAY

Motion carried 3 to 2

General Public Comments

11. General Public Comments

Open for general public comments for items not on today's agenda; Wes White, in person, and Wildfire, via Zoom, commented.

10:30 A.M. - Scheduled Matters

12. Conduct a public hearing to receive and accept the 2021 Annual Carmel Valley Traffic Report on traffic volumes for Segments 3, 4, 5, 6, 7, and 10 (on Carmel Valley Road), pursuant to the 2010 General Plan, Carmel Valley Master Plan (CVMP).

Public hearing commenced.

Randy Ishii, Director and Chad Alino, Senior Civil Engineer from the Public Works, Facilities and Parks, via Zoom, presented via PowerPoint presentation.

Open for public comments; no public comments made.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor John M. Phillips to: Accept the 2021 Annual Carmel Valley Traffic Report on the traffic volumes for Segments 3, 4, 5,

6, 7, and 10 (on Carmel Valley Road), pursuant to the 2010 General Plan, Carmel Valley Master Plan (CVMP).

Roll call vote taken pursuant to Government Code 54953:

- Supervisor Alejo: AYE
- Supervisor Phillips: AYE
- Supervisor Lopez: AYE
- Supervisor Root Askew: AYE
- Chair Supervisor Adams: AYE

- 13. a. Briefing and update on Covid19, including impacts, and action, proposals and plans to address (oral report).
- b. Provide direction to staff to address Covid-19.

Charles McKee, County Administrative Officer, in person, Nick Chiulos, Assistant County Administrative Officer; Dr. Edward Moreno, Health Officer, Kim Stemler, Executive Director of Monterey County Vintners & Growers Association and Dan Baldwin, all via Zoom, verbally presented.

Open for public comments; Barbara Meister, via Zoom, commented.

A motion was made by Supervisor Wendy Root Askew, seconded by Supervisor Luis A. Alejo to receive a:

- a. Briefing and update on Covid19, including impacts, and action, proposals and plans to address (verbal report); and
- b. Authorized staff the ability to expend up to 1 million dollars for COVID tests to be distributed as directed by the Health Department to address Covid-19; funding source to come from ARPA and or Cannabis at the discretion of the County Administrative Officer after discussions with the Budget Department.

Roll call vote taken pursuant to Government Code 54953:

- Supervisor Alejo: AYE
- Supervisor Phillips: AYE
- Supervisor Lopez: AYE
- Supervisor Root Askew: AYE
- Chair Supervisor Adams: AYE

12:00 P.M. - Recessed to Lunch at 12:45 p.m. back into closed session

1:30 P.M. - Reconvened

Roll Called

Present: 5 - Supervisor Wendy Root Askew, Supervisor John M. Phillips, Supervisor Mary L. Adams, Supervisor Chris Lopez and Supervisor Luis A. Alejo who appeared via video conference

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel and Iracema Lopez, Management Analyst I appeared in person and Valerie Ralph, Clerk of the Board who appeared via video conference.

Announcement of Interpreter

Diego Celis, Spanish Interpreter present and announced Spanish interpreter services.

1:30 P.M. - Scheduled Matters

13.1

Adopt a resolution to:

- a. Accept a grant (“Grant”) from the Natividad Medical Foundation (“NMF”) in the amount of \$1,000,000, inclusive of \$18,560.66 in in-kind support in the form of architectural services already rendered by NMF, for proposed improvements to three distinct exterior areas of the grounds of Natividad Medical Center (“the Improvements”); and
- b. Authorize the Interim Chief Executive Officer or his designee to execute a Grant Agreement with NMF in the amount of \$1,000,000, inclusive of \$18,560.66 in in-kind support in the form of architectural services already rendered by NMF, for the Improvements, in substantially the same form as that which has been presented to the Board without significant change to its content; and
- c. Authorize the Interim Chief Executive Officer of Natividad Medical Center or his designee to accept, administer, and execute documents to secure the Grant from NMF. (MOVED VIA SUPPLEMENTAL)

Dr. Charles Harris, Interim Chief Executive Officer; Andrea Rosenberg, Assistant Administrator and Jennifer Williams, President of Natividad Foundation from Natividad Hospital, all via Zoom, verbally presented.

Open for public comments; no public comments made.

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo to:

Adopt Resolution No. 22-025 to:

- a. Accept a grant (“Grant”) from the Natividad Medical Foundation (“NMF”) in the amount of \$1,000,000, inclusive of \$18,560.66 in in-kind support in the form of architectural services already rendered by NMF, for proposed improvements to three distinct exterior areas of the grounds of Natividad Medical Center (“the Improvements”); and
- b. Authorize the Interim Chief Executive Officer or his designee to execute a Grant Agreement with NMF in the amount of \$1,000,000, inclusive of \$18,560.66 in in-kind support in the form of architectural services already rendered by NMF, for the Improvements, in substantially the same form as that which has been presented to the Board without significant change to its content; and
- c. Authorize the Interim Chief Executive Officer of Natividad Medical Center or his designee to accept, administer, and execute documents to secure the Grant from NMF.

Roll call vote taken pursuant to Government Code 54953:

- Supervisor Alejo: AYE
- Supervisor Phillips: AYE
- Supervisor Lopez: AYE
- Supervisor Root Askew: AYE
- Chair Supervisor Adams: AYE

- 14. a. Introduce, waive reading, and set February 8, 2022 at 10:30 a.m. as the date and time to consider adoption of an ordinance amending Chapter 7.80 of the Monterey County Code to ban the sale of flavored tobacco products and single use electronic cigarettes; and
- b. Provide direction to staff as appropriate.

Elsa Jimenez, Director, Michelle House, Health Program Coordinator from the Health Department, via Zoom, and Marina S. Pantchenko, Deputy County Counsel III, via Zoom, from the County Counsel office presented via PowerPoint presentation.

Open for public comments; Joe Cabbage, in person, and Alix Winston, Alexa Wohrman, Rima S. Khoury, Anne Wheelis, Alexandra Burke, Drew (no last name provided), Jen Grand-Lejano, Jackie Gash, Jaime Rojas, Jr., Sheila Phan, George Johnson, and Claudia (no last name provided) all via Zoom, commented.

A substitute motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez with Supervisor Mary L. Adams and Supervisor Wendy Root Askew voting no, to:

- a. Introduce, waive reading, and set February 8, 2022 at 10:30 a.m. as the date and time to consider adoption of an ordinance amending Chapter 7.80 of the Monterey County Code to ban the sale of flavored tobacco products and single use electronic cigarettes; and
- b. Directed staff to add the following additional language to the ordinance "but does not include any Modified Risk Tobacco Products for which the FDA has issued an order pursuant to 21 U.S.C. Section 387k".

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Root Askew: NAY

Chair Supervisor Adams: NAY

Motion carried 3 to 2

15. PLN190252 - KOSTIGEN GREGORY A & DONNA STARKS TRS

Public hearing to consider:

- a. Finding that the project involves construction of three retaining walls, installation of drainage culvert improvements, and acceptance of an amended Conservation and Scenic Easement Deed, which qualifies as a Class 3 and Class 17 Categorical Exemption pursuant to section 15303 and 15317 of the CEQA Guidelines and no exceptions under section 15300.2 apply;
- b. Accepting the Amended Conservation and Scenic Easement Deed for the Kostigen & Starks TRS property;
- c. Authorize the Chair to execute the amended Conservation and Scenic Easement Deed;
- d. Directing the Clerk of the Board to submit the amended Conservation and Scenic Easement Deed and Map to the County Recorder for recording with all applicable recording fees paid by the applicant; and
- e. Approving an after-the-fact Coastal Development Permit and Design Approval to partially clear Code Enforcement violation (19CE00007) to allow development on slopes exceeding 30% for the construction of three retaining walls and installation of drainage culvert improvements.

Project Location: 24956 Lincoln Street, Carmel, Carmel Area Land Use Plan, Coastal Zone.

Proposed CEQA action: Find the project Categorical Exempt per section 15303 and 15317 of the CEQA Guidelines

Public hearing commenced.

Fionna Jensen, Associate Planner from the Housing Community and Development Department, via Zoom, presented, via PowerPoint presentation.

Open for public comments; no public comments made.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis A. Alejo to:
Adopt Resolution No. 22-026 to:

- a. Find that the project is subject to two Categorical Exemptions under CEQA: 1) a Class 3 categorical exemption pursuant to Section 15303 construction of three retaining walls and installation of drainage culvert improvements; and 2) a Class 17 Categorical Exemption pursuant to section 15317 of the CEQA Guidelines based on the County's acceptance of an amended Conservation and Scenic Easement Deed;
- b. Find that no exceptions to Categorical Exemptions set forth in CEQA Guidelines section 15300.2 apply;
- c. Authorize the Chair to execute the amended Conservation and Scenic Easement Deed;
- d. Direct the Clerk of the Board to submit the amended Conservation and Scenic Easement Deed and Map to the County Recorder for recording with all applicable recording fees paid by the applicant; and
- e. Approve an after-the-fact Coastal Development Permit and Design Approval to partially clear Code Enforcement violation (19CE00007) to allow development on slopes exceeding 30% for the construction of three retaining walls and installation of drainage culvert improvements.

A draft resolution, including findings and evidence, is attached for consideration (Attachment A). Staff recommends approval subject to four (4) conditions. The amended Conservation and Scenic Easement Deed is attached to this Board Report as Attachment B.1.

PROJECT INFORMATION:

Agent: Thomas Rettenwender
Owner: Gregory and Donna Kostigen
APN: 009-122-026-000
Parcel Size: 0.17 acres
Plan Area: Carmel Area Land Use Plan

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Lopez: AYE
Supervisor Root Askew: AYE
Chair Supervisor Adams: AYE

16.
 - a. Accept public comments and close the public comment period for the First Substantial Amendment to the Monterey Urban County 2021-2022 Community Development Block Grant (CDBG) Annual Action Plan;
 - b. Adopt and authorize the Housing and Community Development Director to submit the First Substantial Amendment to the 2021-2022 Annual Action Plan to the U.S. Department of Housing and Urban Development;
 - c. Authorize the Housing and Community Development Director to execute a Subrecipient Agreement in the amount \$80,500.00 with the Veterans Transition Center, including making minor changes as necessary, subject to review and approval by County Counsel, to implement the First Substantial Amendment to the 2021-2022 Annual Action Plan; and,
 - d. Direct the Auditor-Controller to amend the FY2021-22 Housing and Community Development (HCD) Adopted Budget to increase appropriations and revenue for Community Development Grant (013-3100-8546-HCD005) by \$202,800, financed by CDBG funds from prior years to implement

the First Substantial Amendment to the 2021-2022 Annual Action Plan.

Public hearing held to open and close public comment.

Darby Marshall, Project Analyst from the Housing Community and Development Department, via Zoom, verbally presented.

Open for public comments; no public comments made.

A motion was made by Supervisor Wendy Root Askew, seconded by Supervisor Chris Lopez to:

- a. Accept public comments and close the public comment period for the First Substantial Amendment to the Monterey Urban County 2021-2022 Community Development Block Grant (CDBG) Annual Action Plan;**
- b. Adopt and authorize the Housing and Community Development Director to submit the First Substantial Amendment to the 2021-2022 Annual Action Plan to the U.S. Department of Housing and Urban Development;**
- c. Authorize the Housing and Community Development Director to execute a Subrecipient Agreement in the amount \$80,500.00 with the Veterans Transition Center, including making minor changes as necessary, subject to review and approval by County Counsel, to implement the First Substantial Amendment to the 2021-2022 Annual Action Plan; and,**
- d. Direct the Auditor-Controller to amend the FY2021-22 Housing and Community Development (HCD) Adopted Budget to increase appropriations and revenue for Community Development Grant (013-3100-8546-HCD005) by \$202,800, financed by CDBG funds from prior years to implement the First Substantial Amendment to the 2021-2022 Annual Action Plan.**

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Root Askew: AYE

Chair Supervisor Adams: AYE

Other Board Matters

County Administrative Officer

17. New Referrals

Charles McKee, County Administrative Officer from the County Administrative office shared that there were no new referrals this week.

18. County Administrative Officer Comments

Charles McKee, County Administrative Officer from the County Administrative office made comments.

County Administrative Officer comments can be heard by clicking the following link:

http://monterey.granicus.com/EditFile.php?clip_id=4430

Referral Responses

- 19.
 - a. Receive status update on Board referral No. 2021.23 seeking to create a new management position of Monterey County Director of Homeless Strategies and Services
 - b. Provide direction to staff as necessary

Nick Chiulos, Assistant County Administrative Officer, via Zoom, verbally presented.

Open for public comments; Wes White, via Zoom, commented.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor John M. Phillips to:

- a. Receive status update on Board referral No. 2021.23 seeking to create a new management position of Monterey County Director of Homeless Strategies and Services; and
- b. Provided direction to staff as necessary

Roll call vote taken pursuant to Government Code 54953:
 Supervisor Alejo: AYE
 Supervisor Phillips: AYE
 Supervisor Lopez: AYE
 Supervisor Root Askew: AYE
 Chair Supervisor Adams: AYE

Board Comments

- 20. Board Comments

Board Comments can be heard by clicking the following link:

http://monterey.granicus.com/EditFile.php?clip_id=4430

Read Out from Closed Session by County Counsel

CLOSED SESSION REPORT

- 1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54957(a), the Board will confer with County Counsel regarding matters posing a threat to the security of public buildings, essential public services, or the public’s right of access to public services or facilities.

The Board took no reportable actions on items 1.a.

- b. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:
 - (1) Designated representatives: Irma Ramirez-Bough and Kim Moore
 - Employee Organization(s): All Units

The Board took no reportable actions on items 1.b.(1)

- c. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) Guadalupe Rivera, et al. v. County of Monterey, et al. (United States District Court for the Northern District, Case No. 20CV07665-SVK)

The Board took no reportable actions on items 1.c.(1)

d. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Natividad Medical Center Chief Executive Officer.

The Board took no reportable actions on items 1.d.

Adjourned

The meeting was adjourned at 3:30 p.m. in Memory of Supervisor Barbara Shipnuck and Norm Anthony by Chair Supervisor Mary L. Adams.

APPROVED:

**MARY L. ADAMS, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

BY: _____
**VALERIE RALPH
CLERK OF THE BOARD
APPROVED ON** _____

Supplemental Sheet, Consent Calendar**Natividad Medical Center**

21. Item Removed. Moved to 1:30 P.M. - Scheduled Matters, Item 13.1.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis A. Alejo to move Item No. 21 to Item No. 13.1 at 1:30 p.m. to be heard as a scheduled item.

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE

Supervisor Phillips: AYE

Supervisor Lopez: AYE

Supervisor Root Askew: AYE

Chair Supervisor Adams: AYE

22. a. Authorize the Interim Chief Executive Officer for Natividad Medical Center (NMC) or his designee to execute an agreement with Hologic, Inc. for Digital Breast Tomosynthesis data conversion services for an amount not to exceed \$8,000 with a retroactive agreement term of November 1, 2021 through October 31, 2022.
- b. Approve the Interim NMC Chief Executive Officer's recommendation to accept non-standard limitations on liability, and limitations on damages provisions within the agreement.

Approved - Agreement No.: A-15668

23. Authorize the Interim Chief Executive Officer for NMC or his designee to execute an amendment No. 4 to the agreement (A-14280) with Optuminsight, Inc. for perioperative and case advisor consulting services to analyze and advise regarding the quantity and quality of certain patient procedures, adding \$234,000 for a revised total agreement amount not to exceed \$2,454,000, with no change to the agreement term March 26, 2019 through March 31, 2025.

Approved - Agreement No.: A-14280; Amendment No. 4

Health Department

24. a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Mental Health Services Agreement, retroactive to November 1, 2021 through June 30, 2024, with Oak Grove Institute Foundations, Inc. dba Oak Grove Center for the provision of Short Term Residential Therapeutic Program and mental health services in the amount of \$343,944 for Fiscal Year (FY) 2021-22, \$515,916 for FY 2022-23, and \$515,916 for FY 2023-24, for a total Agreement amount not to exceed \$1,375,776; and
- b. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments that do not exceed ten percent (10%) (\$13,757.76) of the original Agreement amount and do not significantly change the scope of services.

Approved - Agreement No.:A-15669

25. a. Approve and authorize the Director of Health or Assistant Director of Health to execute a new five-month Mental Health Services Agreement with A&A Health Services, LLC for the provision of mental health services to Monterey County adult residents with severe psychiatric disabilities in a Board and Care facility, for a maximum County obligation of \$155,495 for the term of February 1, 2022 through June 30, 2022; and
- b. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments that do not exceed ten percent (10%) (\$15,549) of the original Agreement amount and do not significantly alter the scope of services.

Approved - Agreement No.: A-15670

26. a. Approve and authorize the Director of Health, Assistant Director of Health, or the Emergency Medical Services (EMS) Agency Director to execute a Third Party Organizer Super User Agreement with the American Heart Association (AHA) to furnish access to the Stroke and Coronary Artery Disease (CAD) modules of the Get With The Guidelines® (GWTG) Program via a Super User Account that permits access to a Limited Data Set from participating hospitals for a period of five years in the amount of \$10,769 per year; and
- b. Approve nonstandard indemnification provisions as recommended by the Director of Health; and
- c. Authorize the Director of Health, the Assistant Director of Health, or the Emergency Medical Services Director, to sign up to three (3) future amendments to this Agreement where each amendment does not exceed ten percent (10%) (\$1,076.90) of the original amount and does not significantly change the scope of work.

Approved - Agreement No.: A-15671

27. a. Approve and authorize the Acting Contracts and Purchasing Officer to sign an Agreement with Accountable Care Transactions, Inc. dba Activate Care for the provision of software license subscription, software maintenance/support in a vendor hosted data environment, and professional services for the implementation of a case management solution for the period of January 25, 2022 through January 24, 2025 in an aggregate amount not to exceed \$260,000; and
- b. Approve the Director of Health's recommendation to accept the non-standard risk provisions in this Agreement (indemnification, limitation of liability, disclaimer of warranty, insurance); and
- c. Authorize the Director of Health or her designee to execute amendments over the term of the agreement to incorporate statements of work ("SOWs") into the Agreement, subject to further County Counsel and County Auditor-Controller approval, so long as the SOWs do not significantly change the scope of work and do not change the maximum liability of the Agreement; and
- d. Approve and authorize the Acting Contracts and Purchasing Officer to approve up to three (3) future amendments that do not exceed ten percent (10%) (\$26,000) of the original Agreement amount and do not significantly alter the scope of services.

Approved - Agreement No.: A-15672

28. a. Approve a request to use unexpended FY 2020-21 American Rescue Plan Act (ARPA) funds allocated to the Health Department in the amount of \$879,250 to enhance Crime Prevention Through Environmental Design (CPTED) efforts in Salinas and Greenfield from March 1, 2022 through

December 31, 2024; and

b. Approve the request for the implementation of CPTED in two additional Salinas schools and one location in Greenfield such as Greenfield High School, along with the surrounding neighborhoods.

Approved

- 29.** a. Approve and authorize the Director of Health or Assistant Director of Health to sign a three-year term Mental Health Services Agreement (February 1, 2022 to June 30, 2024) with the University of Southern California for the provision of “Teletherapy,” for ages 12 and above who live in underserved geographic areas of Monterey County in the amount of \$193,009 for Fiscal Year (FY) 2021-22, \$218,292 for FY 2022-23 and \$218,953 for Fiscal Year FY 2023-24 for a total Agreement amount not to exceed \$630,254; and
- b. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments that do not exceed ten percent (10%) (\$63,025) of the original Agreement amount and do not significantly alter the scope of services.

Approved - Agreement No.: A-15673

Criminal Justice

- 30.** a. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to execute a Renewal and Amendment to the Agreement between Hayashi and Wayland and the County, for auditing services for the Office of the District Attorney, extending the agreement to December 31, 2024 and increasing the total amount payable to \$150,180; and
- b. Authorize the Contracts/Purchasing Office or Contract Purchasing Supervisor to issue purchase orders on an as-needed basis pursuant to this Renewal and Amendment over the period July 1, 2021 through December 31, 2024.

Adopted Resolution No.: 22-027; Approved - Agreement No.: A-15674

General Government

- 31.** Adopt a Resolution to:
- a. Authorize the Assistant County Administrative Officer and/or the Economic Development Manager to execute an Agreement for ARPA Economic Recovery Countywide Business Retention Standard Agreement for Monterey County Business Council to perform all tasks necessary to develop and implement business retention programming in Monterey County, for the period of three (3) years, for the term January 25, 2022 through December 31, 2024, in the amount not to exceed \$3,000,000; and
- b. Authorize the Auditor-Controller to amend the FY 2021-22 County Administrative Office Development Set-Aside Adopted Budget 001-1050-CAO036-8512 to increase appropriations by \$500,000, financed by an increase in non-program revenue 001-1050-CAO019-8041 funded by ARPA revenue (4/5th vote required);

Adopted Resolution No. 22-028; Agreement No.: A-15675

32. Approve and authorize the Treasurer-Tax Collector, on behalf of Monterey County, to sign and execute an Amendment to the Memorandum of Understanding (Amendment) Between the California State Association of Counties - Finance Corporation (CSAC FC) Tax Refund Exchange and Compliance System (Cal-TRECS) and the County of Monterey and sign all necessary related documents that add clarifying language to Section IV of the existing MOU subject to review and approval by the Office of the County Counsel as to form.

Approved - Agreement No.: A-15676

33. a. Authorize the Director of the Information Technology Department or his designee to execute an Order Form with Equinix, LLC. for continued colocation of County technology infrastructure within an Equinix-hosted facility, for an additional 5 years, resulting in a revised agreement term of July 25, 2017 through October 14, 2026, adding an additional \$375,122 for a total agreement amount of \$579,907; and
- b. Accept additional non-standard contract provisions as recommended by the Director of Information Technology; and
- c. Authorize the Director of Information Technology or his designee to execute order forms and change order forms as necessary to secure services as required by the County; and
- d. Authorize the Director of Information Technology to sign up one (1) amendment to this Agreement, extending the term by one year, where the additional costs per year do not exceed ten percent (10%) of the cost of the prior year, subject to County Counsel review, and provided that the terms and conditions of the agreement remain substantially the same.

Approved - Agreement No.: A-15677

34. Approve Property Tax Transfer for the proposed "Miramonte Reorganization" involving Sphere of Influence amendment, annexation of approximately 647 acres to the City of Soledad and detachments from the Monterey County Resource Conservation District, the Soledad Mission Recreation District and the Mission Soledad Rural Fire Protection District.

Adopted - Resolution No.: 22-029

35. Receive and Accept the Treasurer's Report of Investments for the Quarter Ending December 31, 2021.

Approved

36. Adopt a resolution authorizing the Emergency Services Manager to execute a Master Agreement between the County of Monterey and the City and County of San Francisco. The term of this Agreement shall commence on December 1, 2021 and shall end at 11:59 p.m. San Francisco time on November 30, 2025.

Adopted Resolution No. 22-030; Agreement No.: A-15678

Housing and Community Development

37. Adopt a Resolution to:
- a. Amend the Housing and Community Development Department Budget Unit Environmental Services (001-3100 -8543-HCD002) to authorize one (1) FTE Water Resources Technician; and
 - b. Direct the Auditor-Controller and County Administrative Office to incorporate the approved position changes in the FY 2021-22 Housing and Community Development Department Adopted Budget (001-3100-8543-HCD002).

Adopted Resolution No. 22-031

38. a. Accept an Amended Conservation and Scenic Easement Deed for the Conservancy for the Range of the Condor properties;
- b. Authorize the Chair of the Board of Supervisors to execute the Amended Conservation and Scenic Easement Deed; and
- c. Direct the Clerk of the Board to submit the Amended Conservation and Scenic Easement Deed to the County Recorder for recordation; and
- d. Find that execution of the Amended Conservation and Scenic Easement Deed is categorically exempt under CEQA Guidelines section 15317
(Conservation and Scenic Easement Deed Amendment - PLN210263/Conservancy for the Range of the Condor, Lots 1 and 8 of the Rocky Creek Ranch Subdivision, Big Sur (Assessor's Parcel Numbers 418-132-001-000 and 418-132-008-000), Big Sur Land Use Plan, Coastal Zone)

Approved

39. a. Find that the project involves a Conservation and Scenic Easement Deed, which qualifies as a Class 17 Categorical Exemption pursuant to section 15317 of the CEQA Guidelines and no exception under section 15300.2 applies;
- b. Approve and accept a Conservation and Scenic Easement Deed of approximately 0.47 acres of 008-491-021-000 as a required condition of approval for Planning Commission Resolution 17-032 (File No. PLN160117).
- c. Authorize the Chair to execute the Conservation and Scenic Easement Deed; and
- d. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing with all recording fees to be paid by the applicant.
(Conservation Easement Deed - PLN160117, El Why Square LLC, 3168 Seventeen Mile Drive, Pebble Beach)

Approved

Public Works, Facilities and Parks

40. Adopt a resolution to:
- a. Authorize and direct the Auditor-Controller to increase fiscal year 2021-22 appropriations and revenue in Public Works, Facilities and Parks (PWFP), Fund 404, Appropriation Unit PFP057, Unit 8564 for the Carmel River Floodplain Restoration and Environmental Enhancement Project (CRFREE), in the amount of \$937,637 with currently held grant funds from the Department of Water Resources, the National Fish and Wildlife Foundation, and the Wildlife Conservation Board. 4/5ths

vote required; and

b. Approve and authorize the Director of Housing and Community Development (HCD), as the successor to the Director of the Resource Management Agency (RMA) to execute grant funding agreements from the Department of Water Resources (DWR) Coastal Watershed Flood Risk Reduction Grant Program for \$5,147,149, and the California State Coastal Conservancy (SCC) grant for \$4.25 million, for the CRFREE Project, with the approval of County Counsel; and

c. Authorize Director of the Housing and Community Development to sign any agreement, amendment, or extensions, and documentation required by the DWR and SCC, after review and approval as to form by County Counsel.

Adopted Resolution No. 22-032

- 41.** a. Approve the Quitclaim Deed between the County and UCP East Garrison LLC, for the conveyance of an approximately 7,197 square foot vacant lot located on a portion of Assessor's Parcel Number 031-161-032, further identified as being off of Watkins Gate Road within the County of Monterey jurisdictional limits, pursuant to the Disposition and Development Agreement dated October 4, 2005;
- b. Authorize the Director of Public Works, Facilities and Parks to execute the Quitclaim Deed, and any related documents needed to complete the transaction, subject to the review and approval of the Office of the County Counsel; and
- c. Find that the subject parcel transfer is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15312.

Approved

- 42.** a. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute a Non-Standard Agreement with TK Elevator Corporation in an amount not to exceed \$300,000 for elevator maintenance and repair services;
- b. Approve non-standard insurance and indemnification contract provisions as recommended by the Director of Public Works, Facilities & Parks; and
- c. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign, subject to prior review and approval as to form by the Office of the County Counsel-Risk Management, amendments to the Agreement provided that said amendments do not significantly change the terms of the Agreement or increase the not to exceed amount by ten percent (10%) of the original Agreement amount.

Approved - Agreement No.: A-15679

- 43.** Introduce, waive reading, and adopt an urgency ordinance to prohibit overnight parking from 10:00 pm to 6:00 am on Potrero Road: on the south side, from State Route 1, westerly to the terminus of Potrero Road at the north side of the Salinas River State Beach parking lot; and on the north side, from the centerline of Laguna Place westerly to the terminus of Potrero Road at north side of the Salinas River State Beach parking lot, in the unincorporated area of Monterey County. (4/5ths vote required).