

County of Monterey

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



Meeting Minutes - Draft

Tuesday, October 4, 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 Mary L. Adams, Supervisor Wendy Root Askew and Supervisor John M. Phillips, appeared in person, and Supervisor Chris Lopez and Supervisor Luis A. Alejo, appeared via video conference

Staff Present

Charles McKee, County Administrative Officer, Kelly Donlon, Assistant County Counsel and Valerie Ralph, Clerk of the Board appeared in person.

Additions and Corrections for Closed Session by County Counsel

There were no additions or corrections to closed session.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) David Burnside (Workers' Compensation Appeals Board No. ADJ12414607)
 - (2) David Burnside (Workers' Compensation Appeals Board No. ADJ11114450)
 - b. Pursuant to Government Code section 54956.9(e)(3), the Board will confer with legal counsel regarding claims against the County of Monterey.
 - (1) David Burnside
 - c. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.
 - d. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:
 - (1) Designated representatives: Irma Ramirez-Bough and Ariana HurtadoEmployee Organization(s): Units R, S and X
 - e. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.

Public Comments for Closed Session

Open for public comments; no public comments made.

The Board Recessed for Closed Session Agenda Items

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

Roll Called

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

Staff Present

Charles McKee, County Administrative Officer, Kelly Donlon, Assistant County Counsel and Valerie Ralph, Clerk of the Board appeared in person.

Announcement of Interpreter

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

Pledge of Allegiance

The Pledge of Allegiance led by Norm Groot.

Additions and Corrections by Clerk

Due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda, as provided in Section 54954.2 of the California Government Code the Board is asked to make the following addition and correction:

The following was recited into the record:

Addition to the General Government Consent Calendar:

Item No. 28 is in receipt of the Consent and Release Form

Addition to the Adjournment - this Adjourn in Memory was postponed until next week:

To Adjourn in Memory of Alice Jordan

Ceremonial Resolutions

Open for public comments; no public comments made.

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Wendy Root Askew to adopt Ceremonial Resolutions 2 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

2. Adopt a resolution celebrating California's Clean Air Day. (Supervisor Adams)

Adopted Resolution No. 22-375

3. Adopt a resolution perpetually recognizing October as Farmer and Farmworker Month in Monterey County, which honors their contributions and dedication to ensuring a safe food supply, even in the most difficult circumstances. (Supervisor Lopez)

Adopted Resolution No. 22-378

4. Adopt a resolution proclaiming the week of October 3 through October 8, 2022 as **National 4-H Week** in Monterey County. (Supervisor Lopez)

Adopted Resolution No. 22-380

5. Adopt a resolution recognizing Stacey Wood for her exemplary work as President of Robles Firewise. (Supervisor Adams)

Adopted Resolution No. 22-381

6. Adopt a resolution proclaiming October as Domestic Violence Awareness Month in the County of Monterey. (Supervisor Askew)

Adopted Resolution No. 22-377

7. Adopt a resolution honoring Meals on Wheels of the Salinas Valley on its Fiftieth Anniversary. (Supervisor Adams)

Adopted Resolution No. 22-379

8. Adopt a resolution honoring Dennis Caprara upon his posthumous selection as the recipient of the 2022 E.E. Gene Harden Award for Lifetime Achievement in Central Coast Agriculture. (Supervisor Lopez)

Adopted Resolution No. 22-376

9. Adopt a resolution recognizing Tom Arnold on his retirement from the Pasadera Homeowners Association. (Supervisor Adams)

Adopted Resolution No. 22-382

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 Number 10.

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

10. Reappoint Paula Calvetti to the Monterey County Workforce Development Board as a Business Organization Representative with a term ending on June 15, 2025. (Nominated By The Monterey County Workforce Development Board)

Reappointed

Approval of Consent Calendar – (See Supplemental Sheet)

11. See Supplemental Sheet

Open for public comments; no public comments made.

Supervisor John M. Phillips commented on Consent Item Number 29.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Chris Lopez to approve Consent Calendar Item Numbers 20 through 32.

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

General Public Comments

12. General Public Comments

Open for general public comments for items not on today's agenda; Dirk Gianni, in person, and Nina Beety, via Zoom, commented.

Scheduled Matters

13. Adopt Resolution to:
- a. Select Eden Housing, Inc., jointly with the City of Salinas, as the developer for 855 East Laurel Drive in Salinas Request for Qualifications (RFQ) for the Design and Development of a 100% Affordable Multifamily Rental Housing Project (Project); and
 - b. Authorize the Housing and Community Development Department Director, or designee, jointly with the City of Salinas, to negotiate an Exclusive Negotiating Agreement with Eden Housing, Inc. for the affordable housing development; and
 - c. Provide direction to staff.

Melanie Beretti, Principal Planner, in person, from the Housing and Community Development Department presented via PowerPoint presentation.

Open for public comments; no public comments made.

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

- a. Select Eden Housing, Inc., jointly with the City of Salinas, as the developer for 855 East Laurel Drive in Salinas Request for Qualifications (RFQ) for the Design and Development of a 100% Affordable Multifamily Rental Housing Project (Project); and
- b. Authorize the Housing and Community Development Department Director, or designee, jointly with the City of Salinas, to negotiate an Exclusive Negotiating Agreement with Eden Housing, Inc. for the affordable housing development; and
- c. Provide direction to staff.

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. Consider approval of recommendations from the Legislative Committee to adopt positions on three (3) measures which will appear on the November 8, 2022, ballot: Proposition 1, Constitutional Right to Reproductive Freedom; Proposition 27, Allows Online and Mobile Sports Wagering Outside Tribal Lands; and Proposition 31, Referendum on 2020 Law That Would Prohibit the Retail Sale of Certain Flavored Tobacco Products.

Annette D'Adamo, Management Analyst III, via Zoom, verbally presented.

Open for public comments; Anne Wheelis, via Zoom, commented.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Wendy Root Askew to: Approve of recommendations from the Legislative Committee to adopt positions on three (3) measures which will appear on the November 8, 2022 ballot:

SUPPORT - Proposition 1: Constitutional Right to Reproductive Freedom. Legislative Constitutional Amendment.

OPPOSE - Proposition 27: Allows Online and Mobile Sports Wagering Outside Tribal Lands. Initiative Constitutional Amendment and Statute.

SUPPORT - Proposition 31: Referendum on 2020 Law That Would Prohibit the Retail Sale of Certain Flavored Tobacco Products

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

1:30 P.M. - Reconvened**Roll Called**

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

Staff Present

Charles McKee, County Administrative Officer, Kelly Donlon, Assistant County Counsel and Valerie Ralph, Clerk of the Board appeared in person.

Announcement of Interpreter

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

Scheduled Matters

- 15.**
- a. Receive a report on the status of the County's compliance with Assembly Bill 1466 modifying discriminatory restrictive covenants;
 - b. Authorize staff to further research and develop a proposed restrictive covenant modification education project for Monterey County;
 - c. Provide further direction to staff, as appropriate.

Melanie Beretti, Principal Planner, and Taylor Price, Assistant Planner, both in person, presented via PowerPoint presentation.

Open for public comments; no public comments made.

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

- a. Receive a report on the status of the County's compliance with Assembly Bill 1466 modifying discriminatory restrictive covenants;
- b. Authorize staff to further research and develop a proposed restrictive covenant modification education project for Monterey County;
- c. Provide further direction to staff, as appropriate.

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.** Public hearing to consider adoption of a Negative Declaration prepared for 7 pending applications that would permit commercial cannabis activities at 5 different locations within the northern portion of unincorporated Monterey County.

Public hearing commenced.

Craig Spencer, Chief of Planning, in person, presented via PowerPoint presentation.

Open for public comments; no public comments made.

A motion was made by Supervisor Chris Lopez, seconded by Supervisor John M. Phillips to: Adopt a resolution to approve the Negative Declaration prepared for 7 pending commercial cannabis permit applications at 5 different sites located in the North Monterey County unincorporated area.

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 Comments

17. County Administrative Officer Comments

Charles McKee, County Administrative Officer made no comments this week.

New Referrals

18. New Referrals

There were no new referrals this week.

Board Comments

19. Board Comments

Board Comments can be heard by clicking the following link:

http://monterey.granicus.com/EditFile.php?clip_id=4661

Read Out from Closed Session by County Counsel

Kelly Donlon, Assistant County Counsel read out from closed session the Board authorized one matter of initiation of litigation in one matter and made a tentative agreement with Unit S contingent upon association of ratification.

Adjourned

The meeting was adjourned In Memory of Ashlee Michelle Rhodes at 2:09 p.m. by Chair Supervisor Mary L. Adams.

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

20. a. Authorize the Chief Executive Officer for Natividad Medical Center (NMC) or his designee to execute an agreement with ODP Business Solutions, LLC, a Delaware Limited Liability Company for beverage service program at NMC for an amount not to exceed \$80,000 with an agreement term October 1, 2022 through September 30, 2024.
- b. Approve the NMC Chief Executive Officer's recommendation to accept non-standard indemnification and insurance provisions within the agreement.

Approved

21. a. Authorize the Chief Executive Officer for Natividad Medical Center (NMC) or his designee to execute an agreement with Kasavan Architects, Inc. pursuant to the Request for Qualifications (RFQ) #9600-85 at NMC for an amount not to exceed \$419,975 with an agreement term October 1, 2022 through September 30, 2024.
- b. Authorize the Chief Executive Officer for NMC or his designee to execute up to three (3) future amendments to the agreement awarded for Master Facilities Plan per #RFQ 9600-85 which do not significantly alter the scope of work and do not cause an increase of more than ten percent (10%) (\$41,997) of the original cost of the agreement.

Approved

Health Department

22. a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Non-Standard Agreement between the County of Monterey and Mettler-Toledo, LLC. in the amount of \$34,116 to provide a laboratory instrument, software, and installation for water sample water quality testing used to make reagents for molecular testing, including COVID PCR quality controls, for the term October 10, 2022, to June 30, 2025; and
- b. Approve non-standard risk provisions in Agreement as recommended by the Director of Health; and
- c. Approve and authorize the Director of Health or the Assistant Director of Health to sign up to three (3) future amendments to this Agreement where the amendments do not significantly change the scope of work and do not cause an increase of more than ten percent (10%) (\$3,411) of the original contract amount.

Approved

23. a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Memorandum of Understanding with King City Union School District ("School District") to implement the Interconnected Systems Framework and provide mental health support services to students effective retroactively to March 29, 2022 through June 30, 2025; and
- b. Approve the recommendation of Director of Health to accept all non-standard provisions in Agreement, including indemnification, limitation of liability, and insurance provisions; and

c. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments to the Memorandum of Understanding that does not significantly change the scope of services.

Approved

- 24.** a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Memorandum of Understanding, for the provision of therapeutic services and mental health supports to students, with Lagunita Elementary School District (“School District”) for a total maximum amount not to exceed \$15,803 retroactive to August 1, 2022 through June 30, 2023; and
- b. Approve the recommendation of Director of Health to accept all non-standard indemnification, limitation of liability, and insurance provisions in Agreement; and
- c. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments that in total do not exceed ten percent (10%) (\$1,580) of the initial liability amount and that do not significantly change the scope of services.

Approved

General Government

- 25.** a. Approve and authorize the Monterey County Office of Emergency Services to sign an Agreement for an Emergency Notification System between the County of Monterey and Everbridge Inc. in an amount not to exceed \$94,636.03 for a one-year term from October 8, 2022, to October 7, 2023; and
- b. Authorize the Auditor-Controller to amend the Fiscal Year 2022-2023 Adopted Budget for the Monterey County Office of Emergency Services (001-1050-CAO005-8056) to increase appropriations and estimated revenues by \$67,686; the amount collected from participating local jurisdictions for their cost share of the Everbridge Agreement, 4/5th vote required.

Approved

- 26.** a. Authorize the Chief Information Officer or his designee to execute Amendment No. 1 to the non-standard agreement with CommScope Technologies, LLC dba Comsearch to continue Federal Communications Commission (FCC) license management services, increasing the contract by \$13,650 for a total amount not to exceed \$34,400, with an agreement term extended through October 31, 2025; and
- b. Authorize the Chief Information Officer, or his designee, to execute order forms and such documents as are necessary to implement the Amendment with CommScope Technologies, LLC; and
- c. Authorize the Chief Information Officer to sign, subject to prior County Counsel review, two (2) additional future order forms and renewals, subject to County Counsel review, to extend services by one (1) year per amendment and to allow for ten percent (10%) annual increase per year provided the amendments do not significantly change the terms of the Agreement, including non-standard terms approved by the Board.

Approved

27. Approve the Board of Supervisors of the Monterey County Draft Action Meeting Minutes for the following meeting date: Tuesday, September 27, 2022.

Approved

28. a. Approve Monterey County Communications & Public Relations Guidelines pursuant to the County Media Policy (Policy Number G-145 of the Board Policy Manual).

Approved**Public Works, Facilities and Parks**

29. a. Approve Utility Agreement No. DRB-36002 between the County and Pacific Gas and Electric Company (PG&E) for the relocation of electric transmission poles for 79.5% of the actual net cost to PG&E estimated at \$2,495,316 for the relocation of overhead distribution lines and electrical transmission poles needed for construction of the Davis Road Bridge Replacement and Road Widening Project, Project No. 3600; and
b. Authorize the Director of Public Works, Facilities, and Parks to execute Utility Agreement No. BRD-36002 and future amendments that do not significantly alter the scope of work.

Approved

30. a. Approve the Memorandum of Understanding and Quitclaim Deed between the County of Monterey and the City of Seaside, acting as the Federally Recognized Local Redevelopment Authority and successor to the Fort Ord Reuse Authority, for the conveyance of an approximately 31.19-acre portion of Blanco Road located within the former Fort Ord, identified as Army Corps of Engineers number L20.11.1, from the City of Seaside to the County of Monterey;
b. Authorize the Director of Public Works, Facilities, and Parks to execute the Memorandum of Understanding, Quitclaim Deed, and any related documents needed to complete the transaction, including, but not limited to, any future amendments subject to the review and approval of the Office of the County Counsel;
c. Find that the subject property transfer is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15312.

Approved

31. a. Award a contract to Kraemer Engineering, Inc. the lowest responsible bidder, for the San Juan Grade Road Slope Repair at MP 8.63, Project No. 6111, in the total amount of \$232,414;
b. Approve the Performance and Payment Bonds executed and provided by Kraemer Engineering, Inc.;
c. Authorize a contingency, not to exceed ten percent (10%) of the contract amount or \$23,241 to provide funding for approved contract change orders;
d. Authorize the Director of Public Works, Facilities and Parks to execute the contract and, subject to

the terms of the Public Contract Code, approve change orders to the contract that do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work;

e. Authorize the Director of Public Works, Facilities and Parks or the Director's designee to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when the Director or the Director's designee determines that the contract is complete in all respects in accordance with the Plans and Special Provisions for the construction of the San Juan Grade Road Slope Repair at MP 8.63, Project No. 6111; and

f. Add the San Juan Grade Road Slope Repair at MP 8.63 Project No. 6111 (Project) to the Adopted FY 2022/2023 Annual Work Program for Road Fund.

Approved

- 32.** a. Approve and authorize the Chair of the Board of Supervisors of the County of Monterey to execute the five (5) year Lease and Fairgrounds Operation Agreement between the County of Monterey and the Salinas Valley Fair, Inc., to conduct agricultural fairs and other events on the County owned Salinas Valley Fairgrounds located at 625 Division Street in King City, California; and
- b. Approve and authorize the Chair of the Board of Supervisors of the County of Monterey to execute up to eight (8), five (5) year extension options to the active Lease and Fairgrounds Operation Agreement between the County of Monterey and the Salinas Valley Fair, Inc.

Approved

Please refer to the Board Orders for the approved and adopted Agreement, Resolution and Ordinance numbers.