

Monterey County

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



Action Minutes - Draft

Tuesday, October 1, 2019

9:00 AM

Board of Supervisors

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

9:00 A.M. - Called to Order

The meeting was called to order by Chair Supervisor John M. Phillips.

Roll Called

Present: 3 - Supervisor Mary L. Adams, Supervisor John M. Phillips, and Supervisor Luis A. Alejo

Absent: 2 - Supervisor Parker and Supervisor Lopez

Staff Present

Charles McKee, County Administrative Officer, Les Girard Acting County Counsel and Valerie Ralph, Clerk of the Board

Additions and Corrections for Closed Session by County Counsel

There were no additions and corrections for Item No. 1.a. through b.(1).

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) Brian Parker, (Workers Compensation Appeals Board case no. ADJ7519938)
 - (2) Darren Gurley, (Workers Compensation Appeals Board case no. ADJ9980585)
 - (3) Carmel Valley Association v. County of Monterey, et al. (Monterey County Superior Court case no. 17CV000131 and Court of Appeal, Sixth Appellate District case no. H046187)
 - b. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:
 - (1) Designated representatives: Irma Ramirez-Bough and Kim MooreEmployee Organization(s): All Units

Public Comment

Open for public comment; no public comments made.

The Board Recessed for Closed Session Agenda Items

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

Roll Called

Present: 3 - Supervisor Mary L. Adams, Supervisor John M. Phillips, and Supervisor Luis A. Alejo

Absent: 2 - Supervisor Parker and Supervisor Lopez

Staff Present

Charles McKee, County Administrative Officer, Les Girard Acting County Counsel and Valerie Ralph, Clerk of the Board

Pledge of Allegiance

The Pledge of Allegiance was led by Valerie Ralph, Clerk of the Board.

Announcement of Interpreter

Marlene Ponce-Mejia, Spanish Interpreter present and announced Spanish interpreter services.

Additions and Corrections by the Clerk

There were no additions and corrections for the agenda.

Consent Calendar- (See Supplemental Sheet)

- 2.** Approval of Consent Calendar Items No. 11 through 25.

Open for public comment; no public comments made.

**A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Mary L. Adams to approve Consent Calendar Item No.'s 11 – 25.
3-0 (Supervisors Lopez and Parker absent)**

Ceremonial Resolutions

Open for public comment; no public comments made.

- 3.** Adopt Resolution commending Frank Dice, Chief ADO, ~~on his retirement from~~
~~over~~ 49 years of dedicated public service with Monterey County. (Full Board)
(REVISED VIA SUPPLEMENTAL)

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis A. Alejo to adopt Resolution No. 19- 325 commending Frank Dice, Chief ADO, on his retirement from over 49 years of dedicated public service with Monterey County. (Full Board) 3-0 (Supervisors Lopez and Parker absent)

- 4.** Adopt Resolution honoring George T. Riley for a lifetime of public service and activism to protect our environment for future generations. (Full Board)

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis A. Alejo to adopt Resolution No. 19-324 honoring George T. Riley for a lifetime of public service and activism to protect our environment for future generations. (Full Board) 3-0 (Supervisors Lopez and Parker absent)

5. Adopt a Resolution recognizing and congratulating Paulette Lynch for thirty years of leadership to Monterey County's creative sector and congratulating her on her retirement after fifteen years as executive director of the Arts Council for Monterey County. (Full Board)

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis A. Alejo to adopt a Resolution No. 19- 324 recognizing and congratulating Paulette Lynch for thirty years of leadership to Monterey County's creative sector and congratulating her on her retirement after fifteen years as executive director of the Arts Council for Monterey County. (Full Board) 3-0 (Supervisors Lopez and Parker absent)

Appointments

Open for public comment; no public comments made.

6. Appoint Anita Crawley to the Equal Opportunity Advisory Commission for a term ending at the pleasure of the Board. (Supervisor Adams)

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Mary L. Adams to appoint Anita Crawley to the Equal Opportunity Advisory Commission for a term ending at the pleasure of the Board. (Supervisor Adams) 3-0 (Supervisors Lopez and Parker absent)

Other Board Matters

7. Board Comments

Supervisor Mary L. Adams commented on the Monterey County Jazz Festival It was a terrific focus on young hearts and there were a lot more young people attending as well so I was really out here to be pleased to be able to go out and enjoy it for you reportedly to see their county is assuring that we make ourselves really still relevant to the younger generation sometimes I don't think you do that very well it was really enjoyable

Supervisor Luis A. Alejo later testified before the judicial Council Corpus abilities advisory committee meeting in San Francisco along with several other community leaders who were speaking up and doing everything possible to fight for their long-promised courthouse in South County it's a really important that would be updated list of francium cell disease just a few days ago that Broomfield despite being promised over 10 years ago there the courthouse right there Taxi Justice if you were dropped from 45 to 52 out of 80 projects while then the project that was just raised a little over a year ago. Moved from number 19 to buy on the list overall it's another example how a disadvantaged community and the poorest residents of our accounting continue even in 2019 continue to face Justice and despite not being satisfied despite a city contributed a third of the cost is five residents having travel long distances to

obtain all non-criminal record services in the county at the marina or the Monterey Courthouse despite all the hardship they still face a grave Injustice committed not by anyone else but this case it was by a court Senate judicial council with these rankings so I'm glad that the president speaking up not staying silent and and doing everything possible to fight for what they deserve and I'm here with anniversary present Lopez made the track through traffic this morning with his hook constituents and I hooked up with that we can hopefully make a change with those rankings with the support of the center of the arrow and assembly member Robert Rivas so I think this is a glaring example one of the worst examples of poor people facing an injustice right here and I'll County this day in this year I don't got nothing I don't like to know how to do some we make significant progress on putting up the 5 Highway Memorial silence for our fallen veterans these were five of veterans killed in action in Afghanistan and the Monterey County supported legislation to put highway signs in five different stretches of Highways through Monterey County and we'll see what we got a date to available signs with the five gold star families and fellow veteran so one by the community to join us at the national Steinbeck Center on 3rd November 7th to pick up for several days of events honoring our veterans that these would be put the families who have a veterans appeal to men sacrificed our nation will be at 5:30 to 7 at the national tennis center room service I want to buy all my colleagues and Court employees and Community to join us to honor these veterans and he was an effort that by Monterey County

Supervisor John M. Phillips made no comments this week; Supervisor Chris Lopez and Supervisor Jane Parker were absent this week.

8. County Administrative Officer Comments and Referrals

Due to inadvertence the County Administrative Officer's comments and referrals were not taken up.

9. General Public Comments

Open for general public comments for items not on today's agenda; Joe Ripley and Paul Ingram commented.

10:30 A.M. - Scheduled Matters

10. **PLN180238 - (CAHOON, KEITH ET AL)**

Consider a Lot Line Adjustment between two (2) legal lots of record of approximately 40 acres (Parcel I) and 189 acres (Parcel II), resulting in two (2) legal lots of record of 49.36 acres (Adjusted Parcel I) and 179.64 acres (Adjusted Parcel II), respectively. The adjustment will not reduce the acreage under the existing Agricultural Preserve Land Conservation Contract.

Proposed California Environmental Quality Act (CEQA) Action:

Categorically Exempt per CEQA Guidelines California Code of Regulations (CCR) Section 15305 (Minor alterations in land use limitations)

Project Location: 38900 East Carmel Valley Rd, Carmel Valley (Cachagua Area Plan)

Brandon Swanson, Interim Chief of Planning and Nadia Garcia, Associate Planner with the Resources Management Agency presented via PowerPoint presentation.

Open for public comment; no public comments made.

The Board considered a Lot Line Adjustment between two (2) legal lots of record of approximately 40 acres (Parcel I) and 189 acres (Parcel II), resulting in two (2) legal lots of record of 49.36 acres (Adjusted Parcel I) and 179.64 acres (Adjusted Parcel II), respectively. The adjustment will not reduce the acreage under the existing Agricultural Preserve Land Conservation Contract. Proposed California Environmental Quality Act (CEQA) Action: Categorically Exempt per CEQA Guidelines California Code of Regulations (CCR) Section 15305 (Minor alterations in land use limitations) PLN180238 - (CAHOON, KEITH ET AL) Project Location: 38900 East Carmel Valley Rd, Carmel Valley (Cachagua Area Plan)

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Mary L. Adams to:

Adopt Resolution No. 19-327 to:

- a. Find that the project is a Lot Line Adjustment not resulting in a new parcel, which qualifies as a Class 5 Categorical Exemption per California Environmental Quality Act (CEQA) Guidelines California Code of Regulations (CCR) Section 15305(a), and there are no exceptions pursuant to CEQA Guidelines CCR Section 15300.2;
 - b. Approve a Lot Line Adjustment between two (2) existing legal lots of record (under Williamson Act Agricultural Preserve Land Conservation Contract No. 75-6) of approximately 40 acres (Parcel I) and 189 acres (Parcel II), resulting in two (2) legal lots of record of 49.36 acres (Adjusted Parcel I) and 179.64 acres (Adjusted Parcel II), respectively, with no net decrease in acreage under the Williamson Act Contract;
 - c. Authorize the Chair to execute a new or amended Land Conservation Contract or Contracts in order to rescind a portion of the existing Land Conservation Contract as applicable to the reconfigured lots only and simultaneously execute a new or amended Land Conservation Contract or Contracts for the reconfigured lots between the County and the property owners reflecting the new legal description, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and
 - d. Direct the Clerk of the Board to record the new or amended Land Conservation Contract or Contracts subject to the submittal of the appropriate recording fees from the property owners of record.
- 3-0 (Supervisors Parker and Lopez absent)

12:00 P.M. - Recessed to Lunch at 10:58 a.m.

1:30 P.M. - Reconvened

Roll Called

Present: 3 - Supervisor Mary L. Adams, Supervisor John M. Phillips, and Supervisor Luis A. Alejo

Absent: 2 - Supervisor Parker and Supervisor Lopez

Staff Present

Charles McKee, County Administrative Officer, Les Girard Acting County Counsel and Valerie Ralph, Clerk of the Board

Announcement of Interpreter

Maria Avila, Spanish Interpreter present and announced Spanish interpreter services.

1:30 P.M. - Scheduled Matters

10.1

Receive a Status Report from Housing Program Manager regarding Housing and Economic Development Programs (Referral #2018.21).

- a) Proposed Actions: Receive report regarding the Housing/Economic Development Program, referral number 2018.21
- b) Proposed Actions: Provide direction to staff (ADDED VIA ADDENDUM)

Nick Chiulos, Assistant County Administrative Officer Intergovernmental Affairs, Employee and Community Relations made opening remarks with Anastacia Wyatt, Housing Program Manager from the Economic Development who presented via PowerPoint presentation.

Open for public comment, no public comments made.

Upon consensus the Board:

Received a Status Report from Housing Program Manager regarding Housing and Economic Development Programs (Referral #2018.21).

- a) Proposed Actions: Receive report regarding the Housing/Economic Development Program, referral number 2018.21
- b) Proposed Actions: Provide direction to staff (ADDED VIA ADDENDUM)

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 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) Brian Parker, (Workers Compensation Appeals Board case no. ADJ7519938)
 - (2) Darren Gurley, (Workers Compensation Appeals Board case no. ADJ9980585)
 - (3) Carmel Valley Association v. County of Monterey, et al. (Monterey County Superior Court case no. 17CV000131 and Court of Appeal, Sixth Appellate District case no. H046187)

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.a.(1)(2)(3)

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

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.b.(1)

Adjourned

The meeting will be adjourned at 2:32 p.m. by Chair Supervisor John M. Phillips.

APPROVED:

**JOHN M. PHILLIPS, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

BY: _____

**VALERIE RALPH
CLERK OF THE BOARD**

APPROVED ON _____

Supplemental Sheet, Consent CalendarNatividad Medical Center

12. Authorize the Deputy Purchasing Agent of NMC to execute a Health Plan-Provider Agreement with the Fresno-Kings-Madera Regional Health Authority dba CalViva Health, a Medi-Cal Managed Care Plan (“CalViva”) to provide for Medi-Cal managed care rate payment increases to NMC for healthcare services rendered in the period of July 1, 2018 to June 30, 2019, to CalViva’s Medi-Cal managed care enrollees.

Approved - Agreement No. A-14530

Health Department

11. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute a Program Letter of Agreement with Companeros en Salud for rotation of Natividad physician Residents with an agreement term retroactive to September 1, 2019 through August 31, 2021.
- b. Approve the NMC Chief Executive Officer’s recommendation to accept non-standard indemnification and insurance provisions within the agreement.

Approved - Agreement No. A-14529

13. a. Authorize the Director of Health, or Assistant Director of Health to execute a Pharmacy Services Agreement (“Agreement”) with CVS Pharmacy, Inc. (“CVS”) allowing CVS to manage and dispense 340B discounted drugs to eligible Monterey County Health Department Clinic Services Bureau (“Clinic Services”) patients for a term beginning January 1, 2020 to December 31, 2022, and which shall auto renew thereafter until terminated; and
- b. Approve the recommendations of the Director of Health or Assistant Director of Health to accept the non-standard risk provisions (insurance, removal of subcontractors, indemnification and limitation of liability) in the Agreement; and
- c. Authorize the Director of Health or 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.

Approved - Agreement No. A-14521

14. a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Fund Transfer Agreement with the Transportation Agency for Monterey County (TAMC) in the amount of \$1,167,173 for the term July 1, 2019 through December 31, 2022, for the “Every Child: Community-Supported Safe Routes to School” project to implement traffic gardens and other safe routes to school programming in the Salinas Valley, Monterey Bay Peninsula and North Monterey

County communities.

b. Accept non-standard mutual indemnification provision as recommended by the Director of Health; and

c. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments up to ten percent (10%) (\$116,717.30) of the original contract amount, which does not significantly alter the scope of services.

Approved - Agreement No. A-14522

15. Approve and authorize the Director of Health or Assistant Director of Health to execute an Agreement with Walmart, Inc. to provide and administer immunizations to Monterey County employees for the period retroactive from September 30, 2019 to September 29, 2020, at no cost to the County.

Approved - Agreement No. A-14523

Criminal Justice

16. a. Approve and Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign Amendment #2, with Aramark Services Inc Doing Business As Aramark Correctional Services, in the amount not to exceed \$4,418,318.00, and extend the term of the agreement one (1) additional year and one (1) month, retroactive to June 1, 2019, for an amended term of October 1, 2016 to June 30, 2020; and
- b. Ratify and Authorize the Auditor-Controller to issue a payment in the amount of \$246,513.53, for the critical services provided prior to the start of the new amendment; and
- c. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign one (1) additional one (1) year amendment where the amendment does not significantly change the scope of work at cost not to exceed \$1,149,496.20 plus the Consumer Price Index, All Urban Consumers, U.S. City Average ("CPI-U") as permitted under section 4.2 of the Agreement.

Approved - Agreement No. A-14524, Amendment No. 2

17. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign a non-standard Professional Services Agreement (PSA) with the Law Offices of Lawrence & Peck, in the amount of \$90,000, to provide case management and case supervision for the Alternate Defender Office with an effective term of October 1, 2019 through June 30, 2020;

Approved - Agreement No. A-14525

General Government

18. Approve and authorize the Contracts/Purchasing officer to sign renewal and

Amendment No. 2 to the 2016 Professional Service Agreement with Bickmore Actuarial, Inc. to provide actuarial analysis for workers' compensation and general liability self-insurance programs, safety consulting, claims consulting and enterprise risk management consulting services by extending the term by three years, retroactive from July 1, 2019 through June 30, 2022 and increasing compensation amount not to exceed \$90,000 for a total compensation not to exceed \$182,000.

Approved - Agreement No. A-14526, Amendment No. 2

19. a. Approve and authorize the Director of Child Support Services (CSS) to sign a Plan of Cooperation (POC) with the Superior Court of California, County of Monterey (Superior Court), to describe the distinct roles and responsibilities to be performed by CSS and the Superior Court as each entity complies with its respective duties under Family Code sections 4250 - 4253 and 10000 - 10015, collectively also known as the AB 1058 Program. The terms of this POC shall be effective upon signing of Parties and approval of the California Department of Child Support Services (DCSS) and the Center for Families, and the Judicial Council of California, and shall end on September 30, 2021.

Approved - Agreement No. A-14527

20. Approve the Auditor-Controller's Fiscal Year 2019-20 Internal Audit Plan.

Approved

21. Receive the action minutes from the May 13, 2019, meeting of the Legislative Committee.

Received

22. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute the First Amendment with New Cingular Wireless PCS, LLC for the purpose to modify and/or replace wireless equipment located at 1025 Monterey Highway 68, Salinas, California (aka WeatherTech Raceway Laguna Seca) in order to complete equipment upgrades and maintain compliance with current and future federal, state or local mandated applications, including but not limited to emergency 911 communications services as outlined within Exhibit B-2 of the First Amendment.

Approved - Agreement No. A- 14528, Amendment No. 1

- 22.2 Adopt a Resolution authorizing the Assistant County Administrative Officer to 1) apply for and accept grant funds under the SB 2 Planning Grants Program (PGP) in the amount of \$310,000 to fund professional consulting services for developing: incentives for constructing Alternative Dwelling Units, the Castroville Nexus Study, and the Chualar Community Plan; and 2) enter into, execute, and deliver a State of

California Agreement (Standard Agreement) as required by the PGP, subject to review and approval of the Office of the County Counsel as to form and legality.
(ADDED VIA ADDENDUM)

Adopted Resolution No. 19-326

RMA – Public Works and Facilities

- 23.**
- a. Accept the Cathrein Acres Subdivision improvements (also known as Cathrein Estates Subdivision - PLN990330) as complete, as required by the Subdivision Improvement Agreement approved by the Board on August 27, 2013, and recorded September 13, 2013, as Document No. 2013057544 (Exhibit C);
 - b. Approve the release of the Faithful Performance Bond, No. 105815148 (in the amount of \$1,175,688.00) for Cathrein Acres Subdivision, (PLN990330) improvements;
 - c. Approve the release of the Subdivision Monument Bond, No. 105815151 (in the amount of \$29,750.00) for Cathrein Acres Subdivision, (PLN990330) improvements;
 - d. Approve the release of Labor and Material Bond, No. 105815148 (in the amount of \$534,404.00) for Cathrein Acres Subdivision, (PLN990330) in accordance with Government Code Section 66499.7 after the passage of time for recording claims or liens; and
 - e. Delegate authority to the Resource Management Agency Director or his designee to release the Warranty Bond after a period of one year, subject to the determination that the improvements are functioning as intended.

Approved Agreement No. A-14531

- 24.**
- a. Award a contract to Monterey Peninsula Engineering the lowest responsible bidder, for the Cathedral Oak Road and Pescadero Road Repair Projects, in the total amount of \$221,131;
 - b. Approve the Performance and Payment Bonds executed and provided by Monterey Peninsula Engineering;
 - c. Authorize a contingency, not to exceed ten percent (10%) of the contract amount or \$22,113 to provide funding for approved contract change orders;
 - d. Authorize the Resource Management Agency Director 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; and
 - e. Authorize the Resource Management Agency Director to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when the Director or Deputy
 - f. Director determines that the contract is complete in all respects in accordance with Plans and Special Provisions for the construction of the Cathedral Oak Road and Pescadero Road Repair Projects by Monterey Peninsula Engineering.

Approved Agreement No. A-14532

- 25.
 - a. Approve Amendment No. 8 to Professional Services Agreement No. A-13815 with Quinn Company dba Quinn Power Systems to continue to provide services associated with maintenance and repairs on County emergency generators to increase the not to exceed amount by \$60,000 for a total amount not to exceed \$210,000 and to extend the expiration date for one (1) additional year, for a revised term from July 1, 2012 to October 2, 2020; and
 - b. Authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute Amendment No. 8 to Professional Services Agreement No. A-13815.

Approved - Agreement No. A-13815, Amendment No. 8

Addenda/Supplemental

- 26. **ADDENDUM**

1:30 P.M. - Scheduled Matters

Add Item

10.1 Receive a Status Report from Housing Program Manager regarding Housing and Economic Development Programs (Referral #2018.21).

- a) Proposed Actions: Receive report regarding the Housing/Economic Development Program, referral number 2018.21
- b) Proposed Actions: Provide direction to staff

General Government

Add Item

22.1 Adopt a Resolution authorizing the Assistant County Administrative Officer to 1) apply for and accept grant funds under the SB 2 Planning Grants Program (PGP) in the amount of \$310,000 to fund professional consulting services for developing: incentives for constructing Alternative Dwelling Units, the Castroville Nexus Study, and the Chualar Community Plan; and 2) enter into, execute, and deliver a State of California Agreement (Standard Agreement) as required by the PGP, subject to review and approval of the Office of the County Counsel as to form and legality.

SUPPLEMENTAL

Ceremonial Resolutions

Revised Ceremonial Resolution

3. Adopt Resolution commending Frank Dice, Chief ADO, 49 years of dedicated public service with Monterey County. (Full Board)

Replaced Attachment

4. Ceremonial Resolution - George Riley