

Monterey County

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



Action Minutes - Final

Tuesday, May 19, 2015

9:00 AM

**See separate agendas for Board of Supervisors governed Agencies
and Special Districts.**

Board of Supervisors

*Chair Simón Salinas - District 3
Vice Chair Jane Parker - District 4
Supervisor Dave Potter - District 5
Supervisor Fernando Armenta - District 1
Supervisor John M. Phillips - District 2*

9:00 AM - Call to Order

The meeting was called to order by Chair Salinas.

Roll Call

Present: 5 - Supervisor Simón Salinas, Supervisor Jane Parker, Supervisor Fernando Armenta, Supervisor Dave Potter and Supervisor John M. Phillips

Additions and Corrections for Closed Session

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 54957(b)(1), the Board will confer regarding appointment to the position of Natividad Medical Center Chief Executive Officer.
 - b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
 - (1) Designated representatives: Manuel Gonzalez, Interim Director of Human Resources and Kimberley Moore, Assistant Director of Human Resources
Unrepresented Unit: Natividad Medical Center Chief Executive Officer
 - (2) Designated representatives: Elliott Robinson, Director of Social Services
Unit: IHSS
 - c. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding two matters of potential initiation of litigation.
 - d. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
 - e. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:
 - (1) Property: All or a portion of APN: 031-161-340, 031-161-009, 031-161-012, 031-161-038, 031-161-028, 031-161-029, 031-101-026, and COE Parcel Number: E19a.4, E19a.2, and E19a.3; E11b.8, E8a.1.1.1, E8a.2, E19a.2, E19a.4, E11b.6.1, E11b.7.1.1.
Agency Negotiator: Carl Holm, Acting RMA Director
Negotiating Party: Monterey Peninsula Regional Park District
Under negotiation: Price and terms
 - (2) Property: All or a portion of 4093 Rio Road, Carmel

Agency Negotiator: Carl Holm, Acting RMA Director

Negotiating Party: DeeAnne Howe

Under negotiation: Price and terms

f. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee.

g. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:

(1) Designated representatives: Kimberly Moore, Assistant Director of Human Resources

Unrepresented Units: P, X, XL, Y and Z. (ADDED VIA ADDENDUM)

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.a through 1. g.

10:30 AM - Reconvene

Roll Call

Present: 5 - Supervisor Simón Salinas, Supervisor Jane Parker, Supervisor Fernando Armenta, Supervisor Dave Potter and Supervisor John M. Phillips

Pledge of Allegiance

The Pledge of Allegiance was led by County Administrative Officer Dr. Lew Bauman.

Additions and Corrections

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:

**Add to Adjournment
Adjourn In Memory of Louis John Ottone**

A motion was made by Supervisor Dave Potter, seconded by Supervisor John Phillips to approve the addition to the agenda. ALL AYES

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Parker pulled items 12.1 and 13 and commented on the items. A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to approve the Consent Calendar. ALL AYES

Ceremonial Resolutions

3. Adopt Resolution honoring Ernie Farley upon the completion of his term as Chairman of the Grower-Shipper Association. (Full Board)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to adopt Resolution No. 15-113 honoring Ernie Farley upon the completion of his term as Chairman of the Grower-Shipper Association. (Full Board) ALL AYES**
4. Adopt Resolution Proclaiming the week of May 17 through May 23, 2015 as Emergency Medical Services Week in Monterey County. (Full Board)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to adopt Resolution No. 15-112 Proclaiming the week of May 17 through May 23, 2015 as Emergency Medical Services Week in Monterey County. (Full Board) ALL AYES**

Appointments

5. Appoint Cindy Avelino to the Area Agency on Aging Advisory Council for a term ending January 1, 2018. (Full Board)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to appoint Cindy Avelino to the Area Agency on Aging Advisory Council for a term ending January 1, 2018. (Full Board) ALL AYES**
6. Appoint Marcella Zobel to the Animal Control Program Advisory Board for a term ending July 1, 2018. (Full Board)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to appoint Marcella Zobel to the Animal Control Program Advisory Board for a term ending July 1, 2018. (Full Board) ALL AYES**
- 6.1 Appoint Molly Doty to the Commission on the Status of Women with a term ending February 1, 2018. (Supervisor Salinas)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to appoint Molly Doty to the Commission on the Status of Women with a term ending February 1, 2018. (Supervisor Salinas) ALL AYES**

Other Board Matters

7. Board Comments
- Supervisor Armenta announced there are a number of Memorial Day activities and that the Vietnam Veterans Committee will host a ceremony at 11:00 am on Laurel Drive on Memorial Day.**
- Supervisor Armenta advised that Jeff Mitchell wrote a strong statement in the Californian reflecting that Monterey County doesn't do anything about the homeless on Soledad Street. Supervisor Armenta made a Board Referral to the County Administrative Officer to meet with departments that service the homeless population on Soledad Street and return within 60 days to discuss what the County of Monterey is doing to provide services to the homeless on**

Soledad Street.

8. CAO Comment and Referrals
- The Clerk of the Board introduced the new Assistant Clerk of the Board Sally Kidalov.
9. General Public Comment
- Steve Ecklund; Lorna Moffet; Claudia Assalit.
- 9.1 Consider and appoint an applicant to a vacancy on the Monterey County Airport Land Use Commission.
(REF150014/Airport Land Use Advisory Committee)(ADDED VIA ADDENDUM)
- A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to appoint Phyllis Cleveland to a vacancy on the Monterey County Airport Land Use Commission.
(REF150014/Airport Land Use Advisory Committee)(ADDED VIA ADDENDUM)
ALL AYES

10:30 A.M. - Scheduled Matters

10. Receive the Pavement Asset Management Plan 2015 summarizing the condition of roads in the unincorporated areas of Monterey County.
- Public comment: Steve Ecklund.
A motion was made by Supervisor Dave Potter, seconded by Supervisor John M. Phillips to receive the Pavement Asset Management Plan 2015 summarizing the condition of roads in the unincorporated areas of Monterey County. ALL AYES

12:00 PM Recess to Lunch

1:30 PM Reconvene - Monterey County Board of Supervisors

Roll Call

Present: 5 - Supervisor Simón Salinas, Supervisor Jane Parker, Supervisor Fernando Armenta, Supervisor Dave Potter and Supervisor John M. Phillips

1:30 PM - Scheduled Matters

11. Public hearing to consider:
- a. Appeal by the Ecological Rights Foundation from the Planning Commission's approval of ten-year extensions of Coastal Development Permits for S& S Land Development (PLN030510), Pick n Pull Auto (PLN03498), and Gerard and Deborah Cutler (PLN030501) to allow the continued operation of auto dismantling facilities at the following three

parcels on Dolan Road in Moss Landing:

- Parcel A (Assessor's Parcel Number 131-054-001-000) (S&S Land Development/ PLN140713, renewal of PLN03510);
- Parcel B (Assessor's Parcel Number 131-054-002-000) (Pick-n-Pull Auto/PLN140677, renewal of PLN030498); and
- Parcel C (Assessor's Parcel Number 131-054-003-000) (Gerard & Deborah Cutler/PLN140714, renewal of PLN030510); and

b. Continuing the hearing on the appeal for a period not exceeding 15 months for additional factual analysis, while allowing the auto dismantling facilities to continue operating under their existing Coastal Development Permits while the appeal is pending.

(Coastal Development Permit Extensions -

PLN140713/PLN140677/PLN140714) The properties are located at 516 A, 516 B & 516 C Dolan Road, Moss Landing, North County Land Use Plan, Coastal Zone.)

Opened Public hearing;

Public comment: Tren Retterer on behalf of Pick N Pull; Fred Evanson on behalf of Ecological rights Foundation; Yayert Chavez; Roger McCurdy; Jim Curland; Waymill Trafficani; Steve Ecklund.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Dave Potter to continue for 15 months to study biology, water quality and allow time for complete response: a. Appeal by the Ecological Rights Foundation from the Planning Commission's approval of ten year extensions of Coastal Development Permits for S& S Land Development (PLN030510), Pick n Pull Auto (PLN03498), and Gerard and Deborah Cutler (PLN030501) to allow the continued operation of auto dismantling facilities at the following three parcels on Dolan Road in Moss Landing:

- **Parcel A (Assessor's Parcel Number 131 054 001 000) (S&S Land Development/ PLN140713, renewal of PLN03510);**
- **Parcel B (Assessor's Parcel Number 131 054 002 000) (Pick n Pull Auto/PLN140677, renewal of PLN030498); and**
- **Parcel C (Assessor's Parcel Number 131 054 003 000) (Gerard & Deborah Cutler/PLN140714, renewal of PLN030510); and**

b. Continuing the hearing on the appeal for a period not exceeding 15 months for additional factual analysis, while allowing the auto dismantling facilities to continue operating under their existing Coastal Development Permits while the appeal is pending.

(Coastal Development Permit Extensions PLN140713/PLN140677/PLN140714)

The properties are located at 516 A, 516 B & 516 C Dolan Road, Moss Landing, North County Land Use Plan, Coastal Zone.) ALL AYES

Adjournment

In Memory of Louis John Ottone

APPROVED:

/s/ Simón Salinas

**SIMÓN SALINAS, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

BY: /s/ Gail T. Borkowski

**GAIL T. BORKOWSKI
CLERK OF THE BOARD**

APPROVED ON 09-29-2015

Supplemental Sheet, Consent Calendar

Health Department

12. Adopt Resolution to:
Amend Article I.E. of the Monterey County Master Fee Resolution effective July 1, 2015, to adjust fees relating to oversight and services provided by the Health Department's Environmental Health Bureau pursuant to the attached Fee Schedule.
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-115 to: Amend Article I.E. of the Monterey County Master Fee Resolution effective July 1, 2015, to adjust fees relating to oversight and services provided by the Health Department's Environmental Health Bureau pursuant to the attached Fee Schedule. ALL AYES**
- 12.1 a. Approve and authorize the Direct of Health or designee to sign the Agreement for the provision of software license subscription, software maintenance/support in a vendor hosted data environment, and other related services between the County of Monterey and Decade Software Company, LLC effective May 1, 2015 through June 30, 2018 for an amount not to exceed \$278,892.25; and
- b. Authorize the Director of Health or designee to sign up to three (3) amendments to this agreement where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work. (ADDED VIA ADDENDUM)
- Approved - Agreement No. A-12697**
- 12.2 Ratify and authorize the Director of Health to execute the Memorandum of Understanding ("MOU") between the Monterey County Health Department, Behavioral Health Bureau ("BHB") and Alisal Union School District, for the provision of therapeutic services by BHB to Alisal USD students for Fiscal Year 2014-2015, County's costs to be reimbursed by a mix of funding dollars from Alisal USD (for a maximum liability of \$240,000), California Medical Assistance Program ("Medi-Cal"), and Mental Health Services Act ("MHSA"). (ADDED VIA ADDENDUM)
- Approved - Agreement No. A-12698**
- 12.3 Ratify execution by the Director of Health of the Memorandum of Understanding ("MOU") between the Monterey County Health Department, Behavioral Health Bureau ("BHB") and Salinas Union High School District for the provision of therapeutic services by BHB to Salinas UHSD students for the Fiscal Year 2014-2015, County's costs to be reimbursed by a mix of funding dollars from Salinas UHSD (for a maximum liability of \$120,000), Medi-Cal and Mental Health Services Act ("MHSA").(ADDED VIA

ADDENDUM)

Approved - Agreement No. A-12699

Department of Social Services

13. a. Approve the CY 2016-2017 Community Action Plan; and
b. Authorize the Chair of the Board of Supervisors to sign the CY 2016-2017 Community Action Plan.

Approved

General Government

14. Approve an increase in appropriations totaling \$73,084.09 in AUD002 - Annual Audits and an increase in revenue totaling \$73,084.09 in CAO007 - Contributions to fund HdL Companies 15% recovery fee for obtaining an additional \$487,227.93 in Public Safety Sales Tax for Monterey County. (4/5ths Vote Required)

Approved

15. Approve the Monterey County Board of Supervisors Draft Action Meeting Minutes for the following dates: Monday, April 20, 2015, Tuesday, April 21, 2015 and Tuesday, April 28, 2015.

Approved

16. Introduce, waive reading, and set June 2, 2015 at 10:30 a.m., as the date and time to consider adoption of an ordinance to amend Chapter 2.04 of the Monterey County Code to permit the Board of Supervisors, and its standing and advisory committees, to hold regular meetings at locations other than the county seat (Salinas, California).

Approved

- 16.1 Approve the use of San Lorenzo Park on June 7, 2015 and August 16, 2015 for two functions held by Grace Lutheran Church in compliance with Monterey County Code 14.12.130.

Approved

RMA - General

17. a. Authorize and direct the Resource Management Agency Director to sign the County owned property petition supporting the creation of a downtown City of Salinas Community Benefit District if a majority of property owners, excluding County and City held lands, support the petition.

Approved

RMA - Planning

18. a. Approve Amendment No. 1 to Settlement and Release Agreement between Carmel Rio Road, LLC and County of Monterey;
- b. Approve a Professional Services Agreement with Rincon Consultants, Inc. where the Base Budget is \$158,386 and the Contingency Budget is \$23,758, for a total amount not to exceed \$182,144 to provide an Environmental Impact Report (EIR) for the Carmel Rio Road Subdivision Project (PLN140089) in Carmel, for a term of May 19, 2015 through May 19, 2017;
- c. Approve a Funding Agreement with Carmel Rio Road, LLC where the Base Budget is \$158,386 and the Contingency Budget is \$23,758, for a total amount not to exceed \$182,144 to allow funding to Monterey County for costs incurred by Rincon Consultants, Inc. to provide an EIR for the Carmel Rio Road Subdivision Project (PLN140089) in Carmel, for a term of May 19, 2015 through May 19, 2017; and
- d. Authorize the Director of Planning to execute the Professional Services Agreement, Funding Agreement and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.
- (REF140074/Rincon Consultants, Inc. - PLN140089/Environmental Impact Report for the Carmel Rio Road Subdivision Project, in Carmel Valley)

Approved

RMA - Public Works

19. Adopt a resolution:
- a. Approving and authorizing the Chair of the Board of Supervisors to execute the Project Delivery and Construction Agreement with the State Public Works Board, California Department of Corrections and Rehabilitation, and Board of State and Community Corrections (in substantially the form attached), thereby allowing the New Juvenile Hall Project to proceed under the terms of SB 81 Local Youthful Offender Rehabilitative Facility Financing Program;
- b. Approving and authorizing the Chair of the Board of Supervisors to execute the Board of State & Community Corrections Jail Facility Construction Agreement (in substantially the form attached), thereby allowing the New Juvenile Hall Project to proceed under the terms of SB 81: Local Youthful Offender Rehabilitative Facility Financing Program;
- c. Approving and authorizing the Chair of the Board of Supervisors to execute a Certificate of Matching Funds (in substantially the form attached) for the Monterey County New Juvenile Hall Project for Monterey County's "Cash and In-kind Match" of \$17,791,824 ; and
- d. Directing that an updated County Project Staff Designation be provided to the State as follows: Architectural Services Manager as the construction

manager; RMA Finance Manager as the project financial officer, and Probation Department Juvenile Hall Division Director as project contact person (current incumbents Donald Searle, Shawne Ellerbee, and Jose Ramirez respectively) and authorizing the County Administrative Officer to provide written notice to the State on the County's behalf regarding any future project staff designation updates.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-116: :

- a. Approving and authorizing the Chair of the Board of Supervisors to execute the Project Delivery and Construction Agreement with the State Public Works Board, California Department of Corrections and Rehabilitation, and Board of State and Community Corrections (in substantially the form attached), thereby allowing the New Juvenile Hall Project to proceed under the terms of SB 81 Local Youthful Offender Rehabilitative Facility Financing Program;**
- b. Approving and authorizing the Chair of the Board of Supervisors to execute the Board of State & Community Corrections Jail Facility Construction Agreement (in substantially the form attached), thereby allowing the New Juvenile Hall Project to proceed under the terms of SB 81: Local Youthful Offender Rehabilitative Facility Financing Program;**
- c. Approving and authorizing the Chair of the Board of Supervisors to execute a Certificate of Matching Funds (in substantially the form attached) for the Monterey County New Juvenile Hall Project for Monterey County's "Cash and In-kind Match" of \$17,791,824 ; and**
- d. Directing that an updated County Project Staff Designation be provided to the State as follows: Architectural Services Manager as the construction manager; RMA Finance Manager as the project financial officer, and Probation Department Juvenile Hall Division Director as project contact person (current incumbents Donald Searle, Shawne Ellerbee, and Jose Ramirez respectively) and authorizing the County Administrative Officer to provide written notice to the State on the County's behalf regarding any future project staff designation updates. ALL AYES**

20.

Adopt a resolution to:

- a. Adopt the Mitigated Negative Declaration for the New Juvenile Hall Project (Project No. 8811);
- b. Adopt a Mitigation Monitoring Reporting Program; and
- c. Authorize the Probation Department and Resource Management Agency-Public Works to proceed with the New Juvenile Hall Project located at 1420 Natividad Road in Salinas.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-114 to:

- a. Adopt the Mitigated Negative Declaration for the New Juvenile Hall Project (Project No. 8811);**
- b. Adopt a Mitigation Monitoring Reporting Program; and**
- c. Authorize the Probation Department and Resource Management Agency-Public Works to proceed with the New Juvenile Hall Project located at 1420 Natividad Road in Salinas. ALL AYES**

21.

- a. Award a contract to Statewide Traffic Safety & Signs, Inc. the lowest responsible bidder, for the construction of River Road Pavement Delineation, Project No.1428, State Project No. 0513000080L-N, Federal Aid Project No.

HRRRL-5944(113) in the amount of \$140,361;

b. Approve the Performance and Payment Bonds executed and provided by Statewide Traffic Safety & Signs, Inc.;

c. Authorize a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change orders;

d. Authorize the Director of Public Works to execute the contract and, subject to the terms of the Public Contract Code, approve change orders to the contract that do not exceed 10% of the original contract amount, and do not significantly change the scope of work; and

e. Authorize the Director of Public Works to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when he determines that the contract is complete in all respects in accordance with the Plans and Special Provisions for the construction of River Road Pavement Delineation project, Project No.1428, State Project No. 0513000080L-N, Federal Aid Project No. HRRRL-5944(113), performed by Statewide Traffic Safety & Signs, Inc.

Approved - Agreement No. A-12700; Construction No. 2015-005