

Monterey County

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



Action Minutes - Final

Tuesday, March 10, 2015

9:00 AM

See separate agenda for the Board of Supervisors of the Monterey County Water Resources Agency.

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: 4 - Supervisor Simón Salinas, Supervisor Jane Parker, Supervisor Fernando Armenta and Supervisor John M. Phillips

Absent: 1 - Supervisor Dave Potter

Note: Pursuant to California Government Code Section 54953, Supervisor Potter may participate in the Closed Session Agenda items via teleconference from: Club Quarters in Washington DC, Hotel contact details 839 17th St NW Washington, DC 20006

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:

Pursuant to California Government Code Section 54953, Supervisor Potter may participate in the Closed Session Agenda items via teleconference from: Club Quarters in Washington DC, Hotel contact details 839 17th St NW Washington, DC 20006”
 - a. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding ~~one matter~~ three matters of significant exposure to litigation.
(ADDED VIA ADDENDUM)
 - b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
(1) Designated representatives: James May and Brette Neal
Employee Organization(s): Unit R
 - c. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding recruitment for the position of Resource Management Agency Director.
 - d. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
(1) Joseph M. Banuelos, Jr. v. County of Monterey; Scott Miller, Sheriff, in

his official and individual capacities; et al. (Monterey Superior Court case no. M129772)

(ADDED VIA ADDENDUM)

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

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

10:30 AM - Call to Order

Roll Call

Present: 4 - Supervisor Simón Salinas, Supervisor Jane Parker, Supervisor Fernando Armenta and Supervisor John M. Phillips

Absent: 1 - Supervisor Dave Potter

Pledge of Allegiance

The Pledge of Allegiance was led by Supervisor Phillips.

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 additions and corrections:

Revised Under Consent Calendar – RMA-Public Works

22. Revised Agreement pages 7 & 8 submitted (County of Monterey and TRC –Bradley Road Scour Project)

a. Approve a Professional Services Agreement with TRC Engineers, Inc. to provide bridge design services for Gonzales River Road Bridge Replacement, County Bridge No. 309, under Request for Qualifications #10490, in an amount not to exceed \$999,823 for a period of three (3) years, with the option to extend the Agreement for two (2) additional one (1) year period(s); and

b. Approve a Professional Services Agreement with TRC Engineers, Inc. to provide bridge design services for Bradley Road Bridge Scour Repair, County Bridge No. 448, under Request for Qualifications #10490, in an amount not to exceed \$495,247 for a period of three (3) years, with the option to extend the Agreement for two (2) additional one (1) year period(s); and

c. Approve a Professional Services Agreement with TRC Engineers, Inc. to provide bridge design services for Robinson Road Bridge Scour Repair, County Bridge No. 503, under Request for Qualifications #10490, in an amount not to exceed \$496,669 for a period of three (3) years, with the option to extend the Agreement for two (2) additional one (1) year period(s); and

d. Authorize the Contracts/Purchasing Officer to execute the Professional Services Agreements and future amendments that do not significantly alter the scope of work or change the approved amount of the Agreements.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to approve the correction to the agenda. 4-0 (Supervisor Potter Absent)

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar (See Supplemental Sheet)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to approve the Consent Calendar (See Supplemental Sheet). 4-0 (Supervisor Potter Absent)

Ceremonial Resolutions

3. Adopt Resolution Designating the Week of April 19 - April 25, 2015, as National Crime Victims' Rights Week in Monterey County. (Full Board)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-033 Designating the Week of April 19 - April 25, 2015, as National Crime Victims' Rights Week in Monterey County. (Full Board) 4-0 (Supervisor Potter Absent)
- 3.1 Adopt Resolution recognizing Sol Treasures as the recipient of the King City Chamber of Commerce and Agriculture 2014 Business of the Year Award. (Supervisor Salinas)
(ADDED VIA ADDENDUM)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-044 recognizing Sol Treasures as the recipient of the King City Chamber of Commerce and Agriculture 2014 Business of the Year Award. (Supervisor Salinas) (ADDED VIA ADDENDUM) 4-0 (Supervisor Potter Absent)
- 3.2 Adopt Resolution recognizing Gerry Ramirez as the recipient of the King City Chamber of Commerce and Agriculture 2014 Friend of the Community Award. (Supervisor Salinas) (ADDED VIA ADDENDUM)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-042 recognizing Gerry Ramirez as the recipient of the King City Chamber of Commerce and Agriculture 2014 Friend of the Community Award. (Supervisor Salinas) (ADDED VIA ADDENDUM) 4-0 (Supervisor Potter Absent)
- 3.3 Adopt Resolution recognizing Robert Cullen as the recipient of the King City Chamber of Commerce and Agriculture 2014 Citizen of the Year Award. (Supervisor Salinas)
(ADDED VIA ADDENDUM)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-043 recognizing Robert Cullen as the recipient of the King City Chamber of Commerce and Agriculture 2014 Citizen of the Year Award. (Supervisor Salinas) (ADDED VIA ADDENDUM) 4-0 (Supervisor Potter Absent)

Other Board Matters

- 4. Board Comments
There were no Board comments.

- 5. CAO Comments and Referrals
There were no CAO comments or referrals.

- 6. General Public Comment
Hans Jongens; Darryl Kenyon; Gail Smith.

10:30 A.M. - Scheduled Matters

- 7.
 - a. Receive and accept the Monterey County Financial Forecast, which assesses the County’s fiscal condition for the current year and three forecast years (FY 2015-16 through FY 2017-18); and
 - b. Approve the recommended actions as outlined in the Monterey County Financial Forecast.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to: a. Receive and accept the Monterey County Financial Forecast, which assesses the County’s fiscal condition for the current year and three forecast years (FY 2015 16 through FY 2017 18); and b. Approved the recommended actions as outlined in the Monterey County Financial Forecast. 4-0 (Supervisor Potter Absent)

12:00 PM - Recess to Lunch

1:30 PM - Reconvene

Roll Call

- Present:** 4 - Supervisor Simón Salinas, Supervisor Jane Parker, Supervisor Fernando Armenta and Supervisor John M. Phillips
- Absent:** 1 - Supervisor Dave Potter

1:30 P.M. - Scheduled Matters

- 8. Receive an oral presentation from Monterey County Military and Veterans Affairs Office on how performance measures are used as a management tool.
A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to receive an oral presentation from Monterey County Military and Veterans Affairs Office on how performance measures are used as a management tool. 4-0 (Supervisor Potter Absent)

9. Provide direction to staff on a preferred option regarding the operation of the Permit Streamlining Task Force. Staff has identified three options for the Board to consider:
- Take no action, and the Permit Streamlining Task Force would continue to operate as a volunteer private group that advises County staff on land use permit process issues (operation, organization, fees) but has no official role with the County; or
 - Direct staff to return for formal Board action officially forming a group with Board-appointed members; or
 - Take no action, and the Permit Streamlining Task Force decides on its own to disband.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to provide direction to staff as follows: b. Directed staff to return for formal Board action officially forming a group with Board appointed members, if the task force desires to become a more formal committee of the County. 4-0 (Supervisor Potter Absent)

10. Consider a Resolution to:
- Approve an application to add the entirety of Assessor's Parcel Number 423-111-010-000 (160 acres) to existing Agricultural Preserve Land Conservation Contract No. 69-28a and amend Contract No. 69-28a; and
 - Approve a Lot Line Adjustment between three (3) legal lots of record, two (2) of which are subject to Land Conservation Contract No. 69-28a, established by County Resolution No. 69-35-28, and Assessor's Parcel Number 423-111-010-000, with a net increase in acreage under Williamson Act Contract of 160 acres; and
 - Authorize the Chair to execute Amendment to Contract No. 69-28a to add 160 acres to Agricultural Preserve No. 69-28a and a new or amended Land Conservation Contract or Contracts as applicable to the reconfigured lots only and execute a new or amended Land Conservation Contract or Contracts for the reconfigured lots between the County and the property owner(s) of record, reflecting the new legal descriptions and, current ownership interests; and
 - Direct the Clerk of the Board to record the Amendment to Contract No. 69-28a to add 160 acres to Agricultural Preserve No. 69-28a upon execution by the parties and submittal of recording fees by the property owner(s) of record; and,
 - Direct the Clerk of the Board to record the new or amended Contract or Contracts for the reconfigured lots after Certificates of Compliance for the reconfigured lots have been recorded and recording fees for said new or amended Contract or Contracts have been submitted by the property owner(s) of record. (Lot Line Adjustment - PLN140484/Anthony Lombardo and the Anthony L. Lombardo Separate Property Trust Dated September 28, 2007, Hare Canyon Road, San Miguel, California, South County Area Plan)

Public comment: Anthony Lombardo addressed the Board on behalf of the Appliant.

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to Adopt Resolution No. 15-055 to:

- a. Approve an application to add the entirety of Assessor’s Parcel Number 423 111 010 000 (160 acres) to existing Agricultural Preserve Land Conservation Contract No. 69 28a and amend Contract No. 69 28a;
- b. Approve a Lot Line Adjustment between three (3) legal lots of record, two (2) of which are subject to Land Conservation Contract No. 69 28a, established by County Resolution No. 69 35 28, and Assessor’s Parcel Number 423 111 010 000, with a net increase in acreage under Williamson Act Contract of 160 acres;
- c. Authorize the Chair to execute Amendment to Contract No. 69 28a to add 160 acres to Agricultural Preserve No. 69 28a and a new or amended Land Conservation Contract or Contracts as applicable to the reconfigured lots only and execute a new or amended Land Conservation Contract or Contracts for the reconfigured lots between the County and the property owner(s) of record, reflecting the new legal descriptions and, current ownership interests;
- d. Direct the Clerk of the Board to record the Amendment to Contract No. 69 28a to add 160 acres to Agricultural Preserve No. 69 28a upon execution by the parties and submittal of recording fees by the property owner(s) of record; and
- e. Direct the Clerk of the Board to record the new or amended Contract or Contracts for the reconfigured lots after Certificates of Compliance for the reconfigured lots have been recorded and recording fees for said new or amended Contract or Contracts have been submitted by the property owner(s) of record. (Lot Line Adjustment PLN140484/Anthony Lombardo and the Anthony L. Lombardo Separate Property Trust Dated September 28, 2007, Hare Canyon Road, San Miguel, California, South County Area Plan) 4-0 (Supervisor Potter Absent)

Adjournment

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 05-12-2015

Supplemental Sheet, Consent Calendar**Health Department**

11. Authorize the Health Department to serve as the primary contact with the California HealthCare Foundation (CHCF) for County of Monterey to act as a beta test county for CHCF's Health Data for Local Policymaking initiative, beta testing to begin following approval of Board of Supervisors for up to twelve (12) months.

Approved

12. a. Authorize the Director of Health to execute Amendment No. 1 to Mental Health Services Agreement A-12725 with Milhous Children's Services, Inc. to revise the Business Associate Agreement; and
b. Authorize the Director of Health to execute Amendment No. 1 to add board and care services; and
c. Authorize the Director of Health to execute Amendment No. 1 to increase FY 2014-15 by \$474,192, FY 15-16 by \$474,192, and FY 2016-17 by \$474,192, for a new total Agreement amount not to exceed \$2,279,966.

Approved - Agreement No. A-12725

Department of Social Services

13. Approve and authorize the Contracts/Purchasing Officer to execute a Sublease Agreement A-4758-001 Amendment No (1) , effective February 20, 2015, with the State of California, acting by and through the Director of the Department of General Services for approximately 4,380 net usable square feet of space at 730 LaGuardia Street, Salinas, California, for the purpose of providing a joint partnership training facility between the Department of Social Services-Office for Employment Training and State of California's Employment Development Department.

Approved

Criminal Justice

14. a. Approve the amendment of the Fiscal Year 2014-15 Sheriff's Office budget 2300-8273 to reallocate one (1.0) FTE Executive Director-Administrative Bureau to one (1.0) FTE Chief Deputy Sheriff effective January 10, 2015;
b. Approve the amendment of the Fiscal Year 2014-15 Sheriff's Office budget 2300-8273 to add one (1.0) FTE Administrative Secretary-Confidential effective January 5, 2015; and
c. Approve the authorization of the County Administrative Office to incorporate the changes in the Fiscal Year 2014-15 Sheriff's Adopted Budget.

Approved

15. Approve yearly update to the application, criteria and disqualifiers recommended by the Probation Department for the Supervised Home Confinement Program, as mandated by Penal Code §1203.016(d)(1).

Approved

General Government

16. a. Authorize an increase in estimated appropriations in the amount of \$350,000 in the Economic Development Department's Inclusionary Housing Fund appropriations Unit 009-8208-DEO002; and
b. Authorize the Auditor-Controller to amend the FY 2014-15 Economic Development Department Community Development adopted budget, Fund 009, Unit 8208 and Appropriation Unit DEO002, to increase estimated appropriations by \$350,000. (4/5th vote required).

Approved

17. Adopt Resolution to approve the amendments to the Conflict of Interest Code of the Economic Development Department.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to adopt Resolution No. 15-053 to approve the amendments to the Conflict of Interest Code of the Economic Development Department. 4-0 (Supervisor Potter Absent)

18. Adopt a resolution to approve amendments to the Conflict of Interest Code of the Treasurer - Tax Collector's Office of the County of Monterey.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to adopt Resolution No. 15-054 to approve amendments to the Conflict of Interest Code of the Treasurer - Tax Collector's Office of the County of Monterey. 4-0 (Supervisor Potter Absent)

19. Approve the recommended County Financial Policies containing countywide financial principles and strategies for building the Fiscal Year (FY) 2015-16 Recommended Budget and ongoing fiscal management.

Approved

RMA - Public Works

20. a. Approve Agreement with Kitchell/CEM, Inc., to provide Facility Assessments for County Buildings, Project 8526, RFP#10492, in an amount not to exceed \$165,000, for a period of six (6) months beginning with the execution of the Agreement with the option to extend the Agreement for three (3) months, in accordance with the terms and conditions of the Agreement; and

b. Authorize the Contracts/Purchasing Officer to execute the Agreement and up to three future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount.

Approved - Agreement No. A-12659

21.

Acting on behalf of County Service Area No. 66 - Oak Tree Views:

- a. Approve an increase in appropriations of \$15,000 in the FY 2014-15 Adopted Budget for Resource Management Agency County Service Area No. 66 - Oak Tree Views Fund 087-3000-8198-6835-RMA083 to pay for additional open space mowing, fence repair and tree removal work (4/5th vote required); and
- b. Authorize the Auditor-Controller to amend the FY 2014-15 Adopted Budget for Resource Management Agency County Service Area No. 66 - Oak Tree Views RMA Appropriation Unit 8198, RMA083 to increase appropriations in the amount of \$15,000 where the Resource Management Agency RMA083 Unassigned Fund Balance of \$15,000 is the financing source to balance the appropriation increase.

Approved

22.

- a. Approve a Professional Services Agreement with TRC Engineers, Inc. to provide bridge design services for Gonzales River Road Bridge Replacement, County Bridge No. 309, under Request for Qualifications #10490, in an amount not to exceed \$999,823 for a period of three (3) years, with the option to extend the Agreement for two (2) additional one (1) year period(s); and
- b. Approve a Professional Services Agreement with TRC Engineers, Inc. to provide bridge design services for Bradley Road Bridge Scour Repair, County Bridge No. 448, under Request for Qualifications #10490, in an amount not to exceed \$495,247 for a period of three (3) years, with the option to extend the Agreement for two (2) additional one (1) year period(s); and
- c. Approve a Professional Services Agreement with TRC Engineers, Inc. to provide bridge design services for Robinson Road Bridge Scour Repair, County Bridge No. 503, under Request for Qualifications #10490, in an amount not to exceed \$496,669 for a period of three (3) years, with the option to extend the Agreement for two (2) additional one (1) year period(s); and
- d. Authorize the Contracts/Purchasing Officer to execute the Professional Services Agreements and future amendments that do not significantly alter the scope of work or change the approved amount of the Agreements.

Approved - Agreement Nos: A-12656, Construction No. 2015-008-County Bridge No. 309; A-12657, Construction No. 2015-009-County Bridge No. 448; A-12658, Construction No. 2015-010-County Bridge No. 503