

Monterey County

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



Meeting Agenda - Final-revised

Tuesday, January 24, 2017

9:00 AM

See separate agendas for Board of Supervisors of the Monterey County Water Resource Agency and the Successor Agency to the Redevelopment Agency of the County of Monterey.

Board of Supervisors

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

The Board of Supervisors welcomes you to its meetings, which are regularly scheduled each Tuesday. Your interest is encouraged and appreciated. Meetings are held in the Board Chambers located on the first floor of the Monterey County Government Center, 168 W. Alisal St., Salinas, CA 93901. As a courtesy to others, please turn off all cell phones and pagers prior to entering the Board Chambers.

ALTERNATE AGENDA FORMATS: If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals with a disability requiring a modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may make these requests to the Clerk of the Board Office.

CEREMONIAL/APPOINTMENTS/OTHER BOARD MATTERS: These items may include significant financial and administrative actions, and items of special interest, usually approved by majority vote for each program. The regular calendar also includes "Scheduled Items," which are noticed hearings and public hearings.

CONSENT CALENDAR: These matters include routine financial and administrative actions, appear in the supplemental section by program areas, and are usually approved by majority vote.

TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Walk to the rostrum and wait for recognition by the Chair. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair, with equal time allocated to opposing sides of an issue insofar as possible. Allocated time may not be reserved or granted to others, except as permitted by the Chair. On matters for which a public hearing is required, please note that a court challenge to the Board's action may be limited to only those issues raised at the public hearing or in correspondence delivered to the Board at or before the public hearing.

TO ADDRESS THE BOARD DURING PUBLIC COMMENT: Please complete a Speaker Request Form, available on the rostrum, and submit it to the Clerk of the Board before the commencement of that agenda item. Public comments shall not pertain to matters on the agenda.

DOCUMENT DISTRIBUTION: Documents related to agenda items that are distributed to the Board less than 72 hours prior to the meeting shall be available for public inspection at the Clerk of the Board Office, 168 W. Alisal Street, 1st Floor, Salinas, CA. Documents distributed to the Board at the meeting by County staff will be available at the meeting; documents distributed to the Board by members of the public shall be made available after the meeting.

INTERPRETATION SERVICE POLICY: The Monterey County Board of Supervisors invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the Clerk of the Board located in the Monterey County Government Center, 168 W. Alisal St., Salinas - or by phone at (831) 755-5066. The Clerk will make every effort to accommodate requests for translation assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting of the Board of Supervisors.

La Cámara de Supervisores del Condado de Monterey invita y apoya la participación de los residentes del Condado de Monterey en sus reuniones. Si usted requiere la asistencia de un interprete, por favor comuníquese con la oficina de la Asistente de la Cámara de Supervisores localizada en el Centro de Gobierno del Condado de Monterey, (Monterey County Government Center), 168 W. Alisal, Salinas – o por teléfono al (831) 755-5066. La Asistente hará el esfuerzo para acomodar los pedidos de asistencia de un interprete. Los pedidos se deberán hacer lo mas pronto posible, y a lo mínimo 24 horas de anticipo de cualquier reunión de la Cámara de Supervisores.

All documents submitted by the public must have no less than ten (10) copies. The Clerk of the Board of Supervisors must receive all materials for the agenda packet by noon on the Tuesday one week prior to the Tuesday Board meeting. Any agenda related writings or documents distributed to members of the County of Monterey Board of Supervisors regarding any open session item on this agenda will be made available for public inspection in the Clerk of the Board's Office located at 168 W. Alisal St., 1st Floor, Salinas, California. during normal business hours and in the Board Chambers on the day of the Board Meeting, pursuant to Government Code §54957.5

NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to corresponding Board Report.

9:00 A.M. - Call to Order

Roll Call

Additions and Corrections for Closed Session:

The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code. The public may comment on Closed Session items prior to the Board's recess 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) Chevron U.S.A. Inc., et al. v. County of Monterey, et al. (Monterey County Superior Court case number 16-CV-003978)
 - (2) Aera Energy LLC, et al. v. County of Monterey, et al. (Monterey County Superior Court case number 16-CV-003980)
 - (3) Animal Legal Defense Fund, et al. v. Monterey County, et al. (Monterey County Superior Court case number 16-CV-001670)
 - (4) Keep Fort Ord Wild v. County of Monterey, et al. (Monterey County Superior Court case number M114961)
 - (5) Salinas Valley Water Coalition v. Monterey County Water Resources Agency, Board of Supervisors of Monterey County, et al. (Monterey County Superior Court case no. 17CV000157)
 - b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
 - (1) Designated representatives: Manuel Gonzalez and Brette Neal
Employee Organization(s): Units L, M, N and S
 - c. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:
 - (1) Property: Concession Agreement regarding Mazda Raceway at Laguna Seca
Agency Negotiator(s): Dewayne Woods, Assistant County Administrative Officer; Leslie J. Girard, Chief Assistant County Counsel
Negotiating Parties: Friends of Laguna Seca; World Automobile Championship of CA, LLC; International Speedway Corporation; and SCRAMP
Under negotiation: Price and Terms

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.

Continuance of Closed Session to be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

10:30 A.M. - Reconvene

Roll Call

Pledge of Allegiance

Additions and Corrections

The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.

Consent Calendar

2. Approval of Consent Calendar (See Supplemental Sheet)

Other Board Matters

3. Board Comments
4. CAO Comments and Referrals

Attachments: [Referrals 1-24-17](#)

5. General Public Comment

This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board of Supervisors. Board members may respond briefly to the statement made or questions posed. They may ask a question for clarification; make a referral to staff for factual information or request staff to report back to the Board at a future meeting.

10:30 A.M. - Scheduled Matters

6.
 - a. Accept the 2015-16 Annual Report from the Monterey County Children's Council; and
 - b. Receive an oral presentation regarding current Children's Council initiatives: All Kids, Our Kids and Bright Beginnings.

Attachments: [Board Report](#)
[BOS_Report_MCCC_FY2015-2016](#)
[MCCC_Annual_Report_2015-2016_FINAL-Approved_12.12.16](#)

- 6.1 Receive a status report on impacts to County Facilities (e.g.; roads, parks) resulting from damages associated with recent Atmospheric River Enhanced Storms.

Attachments: [Board Report](#)
[Attachment A - Damage Assessment for Winter Storm of 2017](#)

12:00 P.M. - Recess to Lunch

1:30 P.M. - Reconvene

Roll Call

1:30 P.M. - Scheduled Matters

7. Receive a presentation from AT&T on Connect America Fund Phase II funding to provide broadband and voice service access to rural communities in Monterey County.

Attachments: [Board Report](#)
[AT&T Presentation Agenda 1-24-17](#)

8. Measure Z Status, Litigation and Implementation.

Attachments: [Board Report](#)
[Petition as circulated.pdf](#)
[Aera-PetWritMandate&Complaint.pdf](#)
[Chevron-AmendPetWritMandamus&Complaint.pdf](#)
[Notice of Order and Stay.pdf](#)
[REVISED Joint Stip and Order and Stay.pdf](#)

Adjournment

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

9. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute Renewal and Amendment No. 1 to the Agreement with AnalyticsMD, Inc. for operational decision support software at NMC, retroactive to October 29, 2016, to extend the Agreement term for one (1) additional year, for a revised full term of October 29, 2015 through October 28, 2017 and increasing the amount by \$100,000 for a revised total agreement amount not to exceed \$191,000.
- b. Authorize the Deputy Purchasing Agent for NMC or his designee to execute up to three (3) future amendments to the agreement which do not significantly alter the scope of work and do not cause an increase of more than ten percent (10%) (\$19,100) of the original cost of the agreement in total.

Attachments: [Board Report](#)
[AnalyticsMD Agreement.pdf](#)
[AnalyticsMD Renewal & Amendment No 1.pdf](#)
[AnalyticsMD Spend Sheet.xls](#)

10. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute an agreement with a retroactive start date of December 1, 2016, with UpToDate Inc. for Anywhere electronic clinical resource subscription services, containing non-standard risk terms regarding insurance limitation of liability, in the amount of \$228,726 for the period of December 1, 2016 through November 30, 2019;
- b. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee accept the recommendations regarding modifications to the insurance provisions and the Limit of liability in the Agreement; and
- c. Authorize the Deputy Purchasing Agent for NMC or his designee to execute up to three (3) future amendments to the agreement which do not significantly alter the scope of work and do not cause an increase of more than ten percent (10%) of the original cost of the agreement per each amendment.

Attachments: [Board Report](#)
[Uptodate Inc. Original Agreement.pdf](#)

Health Department

11. Approve and authorize the Director of Health or Assistant Director of Health to sign a no-extension Amendment No. 4 to the Professional Services Agreement No. A-11900 with Stericycle, Inc., adding trace chemotherapy and hazardous pharmaceutical waste disposal services to the scope of the existing Agreement with a current term of July 1, 2011 to June 30, 2018 and increase the amount by \$8,000 for a revised total contract amount not to exceed \$145,850.

Attachments: [Board Report](#)
[Stericycle A-4.pdf](#)
[Stericycle A-3 \(16-18\).pdf](#)
[Stericycle A-2 \(2014-16\).pdf](#)
[Stericycle A-1.pdf](#)
[Stericycle Agrmnt \(11-12\).pdf](#)

- 12.** Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign an Amendment No. 1 to the Agreement with Access Support Network (ASN), adding Human Immunodeficiency Virus (HIV) non-medical case management services to Ryan White Part B eligible clients, adding \$205,000, for a revised total amount not to exceed \$301,816 and adding two years for a revised contract term from April 18, 2016 to March 31, 2019.

Attachments: [Board Report](#)
[Access Support Network - Amendment No. 1.pdf](#)
[Access Support Network - Agreement.pdf](#)

- 13.** Adopt a Resolution to:
- a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 and Appendix A to create the classification of Director of Public Health Nursing, with the salary range below Resolution;
 - b. Amend the Health Department Budget (4000-HEA003-8124) to create the position of Director of Public Health Nursing; and
 - c. Authorize the County Administrative Office to reflect these approved changes in the Fiscal Year 2016-17 Adopted Budget and the Human Resources Department to implement the changes in the Advantage HRM system.

Attachments: [Board Report](#)
[HEALTH DPHN Bd Resolution.doc](#)

- 13.1**
- a. Approve and authorize the Director of Health to sign a Memorandum of Understanding with the City of Salinas to authorize the Animal Control Services Administration Pilot Project, including funding of a joint Animal Services Administrator;
 - b. Approve and amend the FY 16-17 Health Department's Animal Services Budget (4000-HEA001-8442) to increase appropriations and revenues by \$60,000 (4/5th vote required); and
 - c. Approve and authorize the Auditor-Controller to amend the FY 16-17 Health Department's Animal Services Budget (4000-HEA001-8442) to reflect the changes in appropriations and revenues. (ADDED VIA ADDENDA)

Attachments: [Board Report](#)
[MOU Animal Control Services City and County combined County City edits](#)

Department of Social Services

14. a. Approve and authorize the Director of the Department of Social Services to sign an agreement with Santa Cruz Human Services Department for the use of Monterey County's Cherish Center retroactive to November 1, 2016 through November 1, 2019; and
- b. Approve and authorize the Director of the Department of Social Services to sign up to three amendments to this agreement that do not significantly change the scope of work.

Attachments: [Board Report](#)
[Santa Cruz County Cherish Center Agreement 2016-19](#)

Criminal Justice

15. Approve and authorize the Monterey County Sheriff or Undersheriff to sign a Memorandum of Understanding and Amendment No. 1 to the MOU between the North Monterey County Unified School District and the Monterey County Sheriff's Office for provision of a School Resource Deputy for the balance of the 2016-2017 School Year.

Attachments: [Board Report](#)
[Addendum MOU for School Resource Officer](#)
[MOU-NORTH MONTEREY COUNTY UNIFIED SCHOOL DISTRICT AND MCS](#)

16. Adopt a Resolution authorizing a third two-year extension of the Memorandum of Understanding by and among the County of Monterey, El Sur Ranch and Don Smythe regarding the role and services of a reserve Deputy Sheriff, retroactive to January 1, 2017.

Attachments: [Board Report](#)
[Attch A El Sur Ranch MOU](#)
[Attch B EL Sur Ranch MOU Amend 1](#)
[Attch C EL Sur Ranch MOU Amend 2](#)
[Attch D EL Sur Ranch MOU Prop. Amend 3](#)
[Attch E El Sur Ranch MOU Draft Resolution](#)

General Government

17. Receive and Accept the Treasurer's Report of Investments for the Quarter Ending December 31, 2016.
- Attachments:** [Board Report](#)
[Exhibit A - Investment Portfolio Review 12.31.16](#)
[Exhibit B - Portfolio Management Report 12.31.16](#)
[Exhibit C - Monterey County Historical Yields vs. Benchmarks 12.31.16](#)
[Exhibit D - Aging Summary 01.01.17](#)
18. Authorize the Auditor-Controller to amend FY 2016-17 by increasing appropriations totaling \$250,000 in the Enterprise Risk Fund, 001-1210-8429, Appropriation Unit COU006 offset by a decrease of appropriations in the amount of \$250,000 from General Fund Contingencies, 001-1050-8034 Appropriations Unit CAO020 in FY 2016-17 for initial costs associated with defense of Measure Z previously approved on January 10, 2017 (4/5th vote required)
- Attachments:** [Board Report](#)
19. Adopt a Resolution to:
- a. Approve reclassification of one (1) FTE Public Service Aide II (80T02) to one (1) FTE Office Assistant II (80E21) in the Department of Social Services Unit 001-5010-SOC005-8262, effective January 21, 2017 as advised by Human Resources; and
 - b. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 and Appendices A and B to abolish the Public Service Aide I (80T01) and Public Service Aide II (80T02) classifications as indicated in the attached Resolution; and
 - c. Direct the Human Resources Department to implement the approved changes in the Advantage HRM system.
- Attachments:** [Board Report](#)
[Resolution](#)

RMA - Land Use and Community Development

- 20.
- a. Approve a five-year Facility Use Agreement between The Do LaB, LLC, and the County of Monterey to produce the Lightning in a Bottle Arts & Music Festival event at the Lake San Antonio North Shore for the years 2017 through 2021, with the right to negotiate a five-year extension from 2022 to 2026 on terms and conditions to be mutually agreed to by the parties, if exercised by both parties.
 - b. Authorize the Chair of the Board to sign the Agreement on behalf of the County.

c. Authorize the County Administrative Officer, or designee, to sign an annual Concession Agreement for Special Events each year (2017-2021) for the Lightning in a Bottle Arts & Music Festival to address specific details on maintenance and operations pursuant to the terms of the Facility Use Agreement.

Attachments: [Board Report](#)

[Attachment A - Facility Use Agreement](#)

[Attachment B - Completed Concession Agreement](#)

21.

- a. Find the action to be categorically exempt from CEQA;
- b. Approve a Lease Assignment and Acceptance Agreement accepting assignment of the amended lease agreement with Clinica de Salud del Valle de Salinas from the Successor Agency to the Redevelopment Agency of the County of Monterey;
- c. Accept transfer of ownership from the Successor Agency of Assessor's Parcel No. 117-323-013 located at 29 Bishop Street in the community of Pajaro;
- d. Authorize the Chair of the Board to sign the certificate of acceptance and consent to record the Grant Deed; and
- e. Direct the Clerk of the Board to record the deed.

Attachments: [Board Report](#)

[Attachment 1 – Vicinity Map](#)

[Attachment 2 – Lease Assignment and Acceptance Agreement](#)

[Attachment 3 – Grant Deed](#)

22.

- a. Approve Amendment No. 3 to Professional Services Agreement No. A-12775 with Denise Duffy & Associates, Inc. for environmental review and regulatory permitting services associated with the Carmel River Floodplain Restoration and Environmental Enhancement Project to: expand the scope of services; increase the not to exceed amount of \$327,864 by \$47,375 for a total amount not to exceed \$375,239; and extend the term of the Agreement from July 29, 2017 to June 30, 2018, for a revised term from July 29, 2014 to June 30, 2018; and
- b. Authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute Amendment No. 3 to Professional Services Agreement No. A-12775 and future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount.

Permit Type: REF #140048/Carmel River Floodplain Restoration and Environmental Enhancement Project, in the Carmel Area Land Use Plan

Attachments: [Board Report](#)
[Attachment A – Summary of PSA](#)
[Attachment B – Amendment No. 3 to PSA with DD&A](#)
[Attachment C – Amendment No. 2 to PSA with DD&A](#)
[Attachment D – Amendment No. 1 to PSA with DD&A](#)
[Attachment E – PSA with DD&A](#)
[Attachment F – Revised Attachment A – Modifications to FY 17 Recommended](#)
[Attachment G – Summary of Annual Expenditures & Agreement Balance](#)

23. a. Accept the Parcel Map for the Brandywine Trust Company, LLC Minor Subdivision to subdivide a 49-acre transfer of development credit receiver site into two lots consisting of 40.0 acres (Parcel 1) and 9 acres (Parcel 2);
b. Accept the Conservation and Scenic Easement deed for a portion of 56440 Highway, Big Sur (APN: 421-011-001-000);
c. Authorize the Chair of the Board of Supervisors to execute the Conservation and Scenic Easement Deed; and
d. Direct the Clerk of the Board to submit the Parcel Map and Conservation and Scenic Easement Deed to the County Recorder for recording, with recording fees paid by the applicant.

Attachments: [Board Report](#)
[Attachment A - Parcel Map](#)
[Attachment B - Tax Clearance Certification](#)
[Attachment C - Parcel Map Guarantee](#)
[Attachment D - Conservation and Scenic Easement Deed with Exhibits](#)

RMA - Public Works and Facilities

24. a. Approve Professional Services Agreement with Kitchell/CEM, Inc. to provide project management services during the Construction Administration Phase of the Jail Housing Addition Project at 1410 Natividad Road, Salinas, California, County Project No. 8819, in a total amount not to exceed \$1,206,000, for a term beginning March 1, 2017 for a period of thirty-four (34) months to December 31, 2019; and
b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute the Professional Services Agreement and future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount.

Attachments: [Board Report](#)
[Attachment A - PSA with KitchellCEM, Inc](#)
[Attachment B - Location Map](#)

Board of Supervisors Addenda

25. Monterey County Board of Supervisors Addenda for Tuesday, January 24, 2017.

ADDENDA

Addition to Consent Calendar - Health

- 13.1 a. Approve and authorize the Director of Health to sign a Memorandum of Understanding with the City of Salinas to authorize the Animal Control Services Administration Pilot Project, including funding of a joint Animal Services Administrator;
- b. Approve and amend the FY 16-17 Health Department's Animal Services Budget (4000-HEA001-8442) to increase appropriations and revenues by \$60,000 (4/5th vote required); and
- c. Approve and authorize the Auditor-Controller to amend the FY 16-17 Health Department's Animal Services Budget (4000-HEA001-8442) to reflect the changes in appropriations and revenues.