

Monterey County

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



Action Minutes - Final

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*

9:00 A.M. - Call to Order

The meeting was called to order by Chair Adams.

Roll Call

Present: 5 - Supervisor Mary L. Adams, Supervisor Luis Alejo, Supervisor John M. Phillips, Supervisor Simón Salinas and Supervisor Jane Parker

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 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.

Public comment: Bill Carrothers

CLOSED SESSION REPORT: The Board conferred with counsel and took no reportable actions on items 1.a., b., c. or d.

10:30 A.M. - Reconvened

Roll Call

Present: 5 - Supervisor Mary L. Adams, Supervisor Luis Alejo, Supervisor John M. Phillips, Supervisor Simón Salinas and Supervisor Jane Parker

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 Adjourn in Memory of Polly K. Jimenez

By consensus, the Board approved the addition to Adjourn in Memory of Polly K. Jimenez.

Consent Calendar

2. Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Parker pulled item 13.1.

Supervisor Phillips pulled item 15 for comment.

Julie Filice requested item 13.1 be pulled.

#13.1 Public comment: Julie Filice; David Alexander; Scott Delucchi; Ben Loge; Mary Coge.

Supervisor Parker expressed her concern that clear direction was given last year to staff and hasn't been followed. Supervisor Alejo agreed with comments made by Supervisor Parker.

Supervisors Phillips & Salinas commented on this item and the Ad Hoc committee.

Health Services Director Elsa Jimenez responded to comments and questions regarding item 13.1

County Administrative Officer Dr. Lew Bauman advised the Board members that this item will be pulled from today's agenda and returned to the Board in two weeks, on February 7, 2017.

#15: Supervisor Phillips commented on item 15.

Public comment regarding item 15: Martha Chavarria; Female-no name given.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas approved the Consent Calendar (See Supplemental Sheet), with exception of item 13.1. ALL AYES

Other Board Matters

3. Board Comments

Supervisors Adams announced WhaleFest on January 28-29, 2017 on the Wharf and invited everyone to attend.

4. CAO Comments and Referrals

County Administrative Officer Dr. Lew Bauman congratulated RMA-Public Works/Facilities staff member Sean Adkins for his recognition by TAMC as a Transportation Professional who excelled at his job and went the extra mile to improve transportation systems, specifically for his work on the Sea Otter Crossing in Moss Landing.

Dr. Bauman also congratulated Enrique Saavedra, RMA-Public Works for being recognized by TAMC for his work overseeing the repair work and responses resulting from the 2016 winter storms and the Soberanes fire.

Dr. Bauman announced that the American Public Works Association awarded Project of the Year to the Chualar Community Athletic Field Renovation and Sidewalk Improvements and to the Moss Landing Sea Otter Crossing project. He congratulated the team and staff for their efforts.

Dr. Bauman advised of a Board referral, continued from January 10, 2017, regarding a presentation on the benefits and detriments of the USDA Wildlife Services contract and requested the Board direct staff to provide a public presentation in April on the program, as well as various options and alternatives to provide input to the scoping process for an Environmental Impact Report. Agricultural Commissioner Eric Lauritzen addressed the Board.

Dr. Bauman advised this referral will be incorporated into the EIR process, and Mr. Lauritzen will come back in several weeks with a refined schedule for the scoping effort and associated presentations, in the hope of having an April scoping session.

5. General Public Comment

George Nava; John Davidson; Steve Eklund; Ron Chesshire; Eric Peterson; Hans Jongens; Joe Vierra.

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.

Nancy Katowski & Nina Alvarez addressed the Board.
Public comment: Woman-no name given-read written comments in Spanish - Interpreter Diego Celis read same comments in English; Maria Garcia read written comments in Spanish - Interpreter Diego Celis read same comments in English; Caryn Lewis; Beatriz Garcia read written comments in Spanish - Interpreter Diego Celis read same comments in English; Josefina Silva.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to:

- 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. **ALL AYES**

Public comment on item 6.1 began prior to lunch recess and continued at the 2:00 P.M. reconvene.

Leslie James; Mike Heard.

12:30 P.M. - Recess to Lunch

2:00 P.M. - Reconvened

Roll Call

Present: 5 - Supervisor Mary L. Adams, Supervisor Luis Alejo, Supervisor John M. Phillips, Supervisor Simón Salinas and Supervisor Jane Parker

1:30 P.M. - Scheduled Matters were heard at 2:00 P.M.

- 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.

This item was heard first after the 2:00 p.m. reconvene.

Public comment contnued: Leslie James & Mike Heard testified in the morning, prior to this item being heard in the afternoon; Erik Peterson.

By consensus, the Board received a status report on impacts to County Facilities (e.g.; roads, parks) resulting from damages associated with recent Atmospheric River Enhanced Storms.

County Administrative Officer Dr. Lew Bauman advised staff will work with

RMA-Public Works to prioritize the improvements, triage where necessary, and begin the permitting & design work; additionally, staff will work to prioritize ADT critical access/emergency access, strategize to start repair work and work closely with the Budget office; further Intergovernmental Affairs is directed to work with the Legislative Committee to actively pursue the prior Soberanes Fire grant denial and current grant request; and work with the Forest Service to solicit their financial support to repair forest roads. ALL AYES

- 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.

The Chair removed this item from the agenda and advised it will return on a future date to be determined.

- 8. Measure Z Status, Litigation and Implementation.

Public comment: Jacqueline Woodward; Kathy Miller; Ramon Mantora read letter from James Eggleston; Steve Rowlee; Sidney Scott; Jeffrey Dittman; Audrey Doocy; Bill Carrothers; Karen Grant; Diane Cotton; Robert Frishmuth; Denyse Frishmuth; Andy Hsia-Coron; Wes White; Herb Olson; Her Aarons; Andrew Bell; Jane Bell; Lynn Yaghoubian; Susie Gabri.

By consensus, the Board received the Measure Z Status, Litigation and Implementation presentation.

Adjournment

In Memory of Polly K. Jimenez

APPROVED:

/ s / Mary L. Adams

**MARY L. ADAMS, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

BY: / s / Gail T. Borkowski

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

APPROVED ON June 13, 2017

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.

Approved - Agreement No. A-13417

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.

Approved - Agreement No. A-13426

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.

Approved - Agreement No. A-11900

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.
- Approved - Agreement No. A-13438**
13. Adopt a Resolution to:
- 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;
 - Amend the Health Department Budget (4000-HEA003-8124) to create the position of Director of Public Health Nursing; and
 - 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.
- A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to adopt Resolution No. 17-011 to:**
- 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;**
 - Amend the Health Department Budget (4000-HEA003-8124) to create the position of Director of Public Health Nursing; and**
 - 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. ALL AYES**
- 13.1
- 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;
 - 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
 - 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)
- Public comment:Julie Filice; Scott Delucchi; Ben Loge; Mary Coge.**
This item was removed from the agenda by the County Administrative Officer and continued to February 7, 2017.

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.

Approved - Agreement No. A-13428

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.

Approved - Agreement No. A-13424

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.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to adopt Resolution No. 17-021 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. ALL AYES

General Government

17. Receive and Accept the Treasurer's Report of Investments for the Quarter Ending December 31, 2016.

Approved

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)

Approved

19. Adopt a Resolution to:
- 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
 - 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
 - Direct the Human Resources Department to implement the approved changes in the Advantage HRM system.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to adopt Resolution No. 17-012 to:

- 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**
- 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**
- Direct the Human Resources Department to implement the approved changes in the Advantage HRM system. ALL AYES**

RMA - Land Use and Community Development

- 20.
- 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.
 - Authorize the Chair of the Board to sign the Agreement on behalf of the County.
 - 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.
- Approved - Agreement Nos. A-13439 (Do LaB, LLC); A-13440 (Lightning in a Bottle Arts & Music Festival)**
- 21.
- Find the action to be categorically exempt from CEQA;
 - 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.

Approved - Agreement No. A-13419

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

Approved - Agreement No. A-12775

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.

Approved

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.

Approved - Agreement No. A-13427