

Monterey County

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



Action Minutes - Final

Tuesday, April 28, 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 A.M. - Convene

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 54956.8, the Board will confer with real property negotiators:
 - (1) Property: 312 East Alisal Street, Salinas
Agency Negotiator(s): Carl Holm, RMA Director
Negotiating Parties: City of Salinas
Under negotiation: Price and terms
 - (2) Property: 331 North Sanborn Road, Salinas
Agency Negotiator(s): Ray Bullick, Director of Health
Negotiating Parties: Successor Agency to the City of Salinas Redevelopment Agency
Under negotiation: Price and terms
 - (3) Property: Concession Agreement re Mazda Raceway at Laguna Seca
Agency Negotiator(s): Nick Chiulos, Assistant CAO
Negotiating Parties: Gill Campbell, General Manager of SCRAMP
Under negotiation: Price and terms
 - b. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.
 - c. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) Landwatch Monterey County v. County of Monterey, et al. (Monterey County Superior Court case no. M109434)
 - (2) The Open Monterey Project v. Monterey County Board of Supervisors, et al. (Monterey County Superior Court case no. M109441)
 - (3) Jesse Hernandez v. County of Monterey, et al. (United States District Court case no. CV 13 2354 PSG)
 - d. Pursuant to Government Code section 54956.9(d)(2), the Board will confer

with legal counsel regarding two matters of significant exposure to litigation.

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

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

10:30 A.M. - 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 Supervisor Armenta.

Additions and Corrections

There were no additions or corrections to the agenda.

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar (See Supplemental Sheet)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to approve the Consent Calendar (See Supplemental Sheet)
ALL AYES**

Appointments

3. Appoint W. Dawn Mathes to the Commission on the Status of Women to fill an unscheduled vacancy with a term ending February 1, 2016. (Supervisor Potter)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to Appoint W. Dawn Mathes to the Commission on the Status of Women to fill an unscheduled vacancy with a term ending February 1, 2016. (Supervisor Potter) ALL AYES

Other Board Matters

4. Board Comments

Supervisor Parker commended the community members that participated in a number of significant outdoor recreation activities, including the Big Sur Marathon and the Sea Otter Classic. She expressed her appreciation and gratitude to all that made these events possible, noting that Monterey County lends itself so well to these type of events.

5. CAO Comments and Referrals

There were no CAO comments or referrals.

6. General Public Comment

Tyler "Sonic" Pires; David Alvarado; Julie Filice; Mario Torres; Reyna Pacheco; Denise Turley; Dave Werlin; Frank Cabrera; Bill Carrothers; Nina Beety; Steve Ecklund; Art Martinez; Carmen Delgado.

10:30 A.M. - Scheduled Matters

7. Consider:
- Finding the consolidation of the North County-Inland and North County-Coastal Land Use Advisory Committees (LUAC) and revision of LUAC procedures is not a project under California Environmental Quality Act (CEQA) Guidelines;
 - Consolidating the North County-Inland and North County-Coastal Land Use Advisory Committees; and
 - Amending the Land Use Advisory Committee Procedures to reflect the consolidation.
- (North County Land Use Advisory Committees - REF150004/County of Monterey)

Public comment: Dale Greer.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to adopt Resolution No. 15-103:

a. Finding the consolidation of the North County-Inland and North County-Coastal Land Use Advisory Committees (LUAC) and revision of LUAC procedures is not a project under California Environmental Quality Act (CEQA) Guidelines; b. Consolidating the North County-Inland and North County-Coastal Land Use Advisory Committees; and c. Amending the Land Use Advisory Committee Procedures to reflect the consolidation. (North County Land Use Advisory Committees - REF150004/County of Monterey) 3-2 (Supervisors Armenta and Parker Dissented)

12:00 P.M. - Recess to Lunch

1:30 P.M. - Reconvene

Roll Call

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

1:30 P.M. - Scheduled Matters

8. Public Hearing to consider:
- a. Addendum No 3 to the Final Environmental Impact Report for the 2010 Monterey County General Plan together with (#7-01, SCH #20071212001) (“FEIR”); and
 - b. Amendments to the 2010 Monterey County General Plan to implement litigation settlement agreements with LandWatch Monterey County and The Open Monterey Project.
(REF150010/General Plan Amendment No. 3)

Held a Public Hearing to consider:

- a. **Addendum No. 3 to the Final Environmental Impact Report for the 2010 Monterey County General Plan together with (#7 01, SCH #20071212001) (“FEIR”).**

Public comment: Luann Medor; Jason Smith; Mayor Fred Ledesma; Norm Groot; Rene Boscof; Kim Stemler; Matt Shea; Juan Urena; Ed Smith; Charles Auswan; Michael Mayer; Paul Farmer; John Arrigi; Jeff Taylor; Alfre Diaz Infante; Darlene Dihn; Abby Taylor-Silva; Christopher Bunn; Mayor John Huerta; Rachel Saunders; Claude Hoover; Scott Scheid; Gary Curcio; Tom Rawley; Ron Chesshire; Kevin Stone.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution of Intention No. 15-102 to reject the proposed amendments to the 2010 Monterey County General Plan; directed staff to contact the interested parties to see if further compromise can be reached and return to the Board on May 12, 2015 with a status report. 4-1 (Supervisor Parker Dissented)

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 05-19-2015

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

9. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 3 to the Agreement (A-12466/MYA703) with The Abaris Group for continuing consultation for the Level II Trauma Center at NMC retroactive to July 1, 2014, and extending the Agreement an additional thirty (30) month period for a revised term of November 1, 2012 through December 31, 2016 and adding \$150,000 for a revised total Agreement amount not to exceed \$641,450; and
- b. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) to execute (3) future amendments which do not significantly alter the scope of work and does not cause an increase of more than ten percent (10%) to the Agreement.
- Approved Agreement No. A-12466**
10. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 1 to the NMC Master Agreements (A-12187) with JKL Construction, Origin Solutions, Ausonio, Inc., and Integrated Construction Management for Construction Management Services whereby the construction management fees do not exceed \$100,000 per project at NMC per RFP 9600-24, retroactive to January 1, 2014 and extending the Agreement an additional two (2) year period for a revised term of February 1, 2012 through and including December 31, 2015; and
- b. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) to execute amendments to extend the Agreements one additional two (2) year extension as per the Agreement provided there is no significant change to the scope of work; and
- c. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) to establish a total obligation for all project contracts combined not to exceed \$600,000 per calendar year effective January 1, 2014 through until the Agreement expires and all projects started during the active Agreement term have been completed, whereby the construction management fees do not exceed \$100,000 per project at NMC per RFP 9600-24, for an aggregate total of up to \$3,000,000 should the County opt to utilize the services for the full seventy one (71) month term.
- Approved - Agreement A-12187**
11. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) to execute a Notice of Termination Letter for the Professional and Call Coverage Services Agreement with Trauma & Critical Care SFV Group to provide general and critical care surgery services.
- Approved - Agreement No. A-12726**

12. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) to execute Amendment No.4 to the Agreement (A-12472/MYA221) with Marci Bracco Cain for Marketing and Public Relation Consulting Services at NMC, extending the Agreement an additional 27 month period for a revised term of January 1, 2012 through September 30, 2017 and adding \$50,000 for a revised total Agreement amount not to exceed \$300,000; and
b. Authorize the Deputy Purchasing Agent for NMC to execute up to one future Amendment to the Agreement which does not significantly alter the scope of work and does not cause an increase of more than ten percent (10%) of the original cost of the Agreement.

Approved - Agreement A-12472

13. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) to approve the Third Amendment to Professional Services Agreement with Jackson & Coker to provide referrals of locum tenens physicians at NMC, adding \$200,000 for a revised amount not to exceed \$600,000 in the aggregate (for the period April 1, 2012 to June 30, 2015); and
b. Authorize the Deputy Purchasing Agent for NMC 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.

Approved - Agreement No. A-12615

14. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) to execute the Eleventh Amendment to the Professional Services Agreement (A-11427) with Medical Doctor Associates (MDA) to provide locum tenens services at NMC adding \$200,000, for a revised total Agreement amount not to exceed \$3,000,000 in the aggregate (for the period February 1, 2009 to June 30, 2015); and
b. Authorize the Deputy Purchasing Agent for NMC 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.

Approved - Agreement No. A-11427

15. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) to execute Amendment No. 9 to the Agreement (A-10789) with Foley & Lardner LLP for Independent Consulting and Legal Services at NMC, maintaining the existing term end date of June 30, 2015 and adding \$350,000 for a revised total Agreement amount not to exceed \$2,968,000 in the aggregate. (CORRECTED VIA SUPPLEMENTAL)

Approved - Agreement No. A-10789

16. Approve the correct term of April 15, 2009 to June 30, 2016 for the

Agreement (A-11719) with UHS Surgical Services for Laser Guided Imagery, Lithotripsy, and Cryotherapy Services at NMC. (CORRECTED VIA SUPPLEMENTAL)

Approved - Agreement No. A-11719

- 17.
- a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) to execute an Agreement with Brainlab, Inc. for Knee Surgery Navigation Equipment including Hardware, Software, Maintenance and Training at NMC for an amount not to exceed \$204,411.86 for the period April 28, 2015 through April 27, 2020.
 - b. Approve the NMC Chief Executive Officer's recommendation to accept non-standard indemnification, limitations on liability, and limitations on damages provisions within the Agreement. (REVISED VIA SUPPLEMENTAL)

Approved - Agreement No. A-12689

Health Department

- 18.
- a. Approve and authorize the Director of Health to sign Amendment No. 2 to the County of Monterey Standard Agreement with Keith Vandever, Attorney-At-Law to serve as the hearing officer for certification review hearings under the mandated Lanterman-Petris-Short Act; and to increase the existing Agreement amount by \$6,000 for Fiscal Year (FY) 2014-15, and \$21,000 for FY 2015-16 for a new total contract amount not to exceed \$144,000; and
 - b. Authorize the Director of Health to sign up to two future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the total contract amount and do not significantly change the scope of work.

Approved - Agreement No. A-12653

- 19.
- Authorize the Director of Health to execute Amendment No. 2 to Mental Health Services Agreement A-12314 with Summitview Child and Family Services to increase the funding for fiscal year (FY) 2014-15 from \$176,188 to \$518,894 (an increase of \$342,706) for a revised total Agreement amount not to exceed \$624,504.

Approved - Agreement No. A-12314

- 20.
- Authorize the Director of Health to execute Amendment No. 4 to the Alcohol and/or Drug Service Contract Agreement A-12237 with Community Human Services to increase the funding for fiscal year (FY) 2014-15 from \$1,757,491 to \$2,078,769 (an increase of \$321,278) for a revised total Agreement amount not to exceed \$5,526,298.

Approved - Agreement No. A-12237

- 20.1**
- a. Approve and authorize the Contracts/Purchasing Officer to execute a five year Lease Agreement, effective on June 10, 2015, with 559 E. Alisal Street, LLC, for approximately 11,761 rentable square feet of space located at 559 East Alisal Street, Suites 106 and 200, in Salinas, California, for use by the Health Department's Clinic Services Bureau; and
 - b. Authorize the Auditor-Controller to make lease payments of \$19,876.09 per month and in accordance with the terms of the agreement. (ADDED VIA ADDENDA)

Approved - Agreement No. A-12690

Department of Social Services

- 21.**
- a. Approve and authorize the Director of the Department of Social Services, or his designee, to sign Amendment #2 to Professional Services Agreement (PSA) 968 with California State University Fresno Foundation adding \$78,710 to provide training and protocols for the Commercially Sexually Exploited Children (CSEC) program effective April 1, 2015, increasing the total contract amount to \$176,310; and
 - b. Authorize the Director of the Department of Social Services, or his 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.

Approved - Agreement No. A-12669

General Government

- 22.**
- a. Authorize the Auditor-Controller to increase revenue (001-1520-8065-EME001-5870) and appropriations (001-1520-8065-EME001-7531) in the Department of Emergency Communications Fiscal Year 2014/15 adopted budget by \$403,960.40 for the purchase of dispatch console furniture using State Emergency Telephone Number Account (SETNA) funds. (4/5ths vote required)

Approved

- 23.**
- a. Approve a one-time Concession Agreement for Special Events between Spartan Race, Inc., and the County of Monterey to produce the Monterey Super Spartan Race event at the Toro County Park on June 6, 2015; and
 - b. Authorize the Director of Purchasing to sign the Agreement.

Approved - Agreement No. A-12692

- 24.**
- Approve the use of Toro Park on September 13, 2015 for a function held by Northside Assembly of God in compliance with Monterey County Code 14.12.130.

Approved

25. Approve the use of Toro Park on August 9, 2015 for a function held by Canaan Methodist Church in compliance with Monterey County Code 14.12.130.
- Approved**
26. a. Authorize the Agricultural Commissioner to execute, on behalf of the County of Monterey, a Standard Agreement and any Amendments thereto, with the Department of Pesticide Regulation (DPR) to perform work under the Enforcement Evaluation and Improvement Project not to exceed \$60,641.24 each year for a period of three years ending June 30, 2017, and;
b. Approve and authorize the Agricultural Commissioner, or his designee, to sign up to three (3) amendments to the agreement where the total amendment does not exceed twenty percent (20%) of the agreement and does not significantly change the scope of work.
- Approved - Agreement No. A-12691**
27. Receive and Accept the Treasurer's Report of Investments for the quarter ending March 31, 2015.
- Approved**
28. a. Approve and authorize the Director of the Information Technology Department to execute a Standard Monterey County Agreement for Professional Services with D & S Communications, Inc., for the provision of yearly maintenance services, technical support and system upgrades of the Mitel telephone system, in an amount not to exceed \$912,701.54 for the period of May 1, 2015 through December 28, 2018; and
b. Authorize the Director of the Information Technology Department to sign up to two (2) future amendments to this Agreement where the amendments do not exceed 10% of the original contract amount and do not significantly change the scope of work.
- Approved - Agreement No. A-12687**
29. a. Approve and authorize the Contracts/Purchasing Officer to execute, on behalf of Monterey County, a service agreement with ServiceNow, Inc. in the amount of \$266,018, for the period of April 27, 2015 through June 30, 2016, to implement Information Technology Department customer service software;
b. Approve and authorize the use of the Information Technology Designation account in the amount of \$266,018 for Fiscal Years 2014-15 and 2015-16;
c. Authorize the Auditor Controller to incorporate approved appropriation and estimated revenue modifications to the FY 2014-15 Budget, and the County Administrative Office to reflect these approved changes in the FY 2015-16 Adopted Budget (4/5ths vote required); and
d. Authorize the Contracts/Purchasing Officer to sign up to two (2) future one-year renewals to this service agreement, under the same or similar terms,

as recommended by the Director of Information Technology.

Approved - Agreement No. A-12688

RMA - General

30. a. Approve Amendment No. 1 to the Memorandum of Understanding by and between the County of Monterey and the City of Salinas regarding the mutual planning and implementation of a multi-agency campus style government center located in Downtown Salinas to extend the term of the Memorandum of Understanding through October 31, 2015; and
- b. Authorize the Chair of the Board to sign Amendment No. 1 to the Memorandum of Understanding.

Approved - Agreement No. A-12212

RMA - Planning

31. a. Find the ordinance described below categorically exempt under the California Environmental Quality Act; and
- b. Adopt an ordinance amending Section 21.66.050 (Archaeological Resources Standards) of Title 21 (non-coastal zoning) of the Monterey County Code to establish new policies and procedures for the protection of archaeological and tribal cultural resources, and amending Title 2 of the Monterey County Code to add Chapter 2.95 establishing a Native American and Archaeological Resources Technical Advisory Panel consistent with 2010 Monterey County General Plan Goals OS-6 and OS-8.
(REF110065/Archaeological and Tribal Cultural Resources Ordinance)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to: a. Find the ordinance described below categorically exempt under the California Environmental Quality Act; and b. Adopt Ordinance No. 5253 amending Section 21.66.050 (Archaeological Resources Standards) of Title 21 (non-coastal zoning) of the Monterey County Code to establish new policies and procedures for the protection of archaeological and tribal cultural resources, and amending Title 2 of the Monterey County Code to add Chapter 2.95 establishing a Native American and Archaeological Resources Technical Advisory Panel consistent with 2010 Monterey County General Plan Goals OS-6 and OS-8.
(REF110065/Archaeological and Tribal Cultural Resources Ordinance) ALL AYES**