

Monterey County

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



Action Minutes - Final

Tuesday, December 6, 2016

9:00 AM

**See separate agendas for the Successor Agency to the
Redevelopment Agency of the County of Monterey and the Special
Joint Meeting of Board of Supervisors of the Monterey County
Water Resources Agency and the Monterey County Water
Resources Agency Board of
Board of Supervisors**

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

9:00 A.M. - Call to Order

The meeting was called to order by Chair Parker.

Roll Call

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

Additions and Corrections for Closed Session:

There were no additions and corrections for 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(e)(3), the Board will confer with legal counsel regarding liability claims against the County of Monterey.
(1) Maria Guadalupe Villacana and Elvia Villacana
 - b. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
(1) Hernandez, et al. v. County of Monterey, et al., (U.S. District Court Case No. 13-cv-02354-BLF)
 - c. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.
 - d. 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
Under negotiation: Price and Terms
 - e. Pursuant to Government Code section 54957.6, the Board will confer with negotiators:
(1) Designated representatives: Manuel Gonzalez and Brette Neal
Employee Organization(s): A, B, C, E, F, H, J, K, L, M, N, R and S
 - f. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.

(ADDED VIA ADDENDUM)

Closed Session under Government Code section 54950, relating to the following items:

a. Pursuant to Government Code section 54956.9(e)(3), the Board will confer with legal counsel regarding liability claims against the County of Monterey.

(1) Maria Guadalupe Villacana and Elvia Villacana

CLOSED SESSION REPORT: The Board unanimously rejected the claims of Maria Guadalupe Villacana and Elvia Villacana.

b. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:

(1) Hernandez, et al. v. County of Monterey, et al., (U.S. District Court Case No. 13-cv-02354-BLF)

CLOSED SESSION REPORT: The Board took no reportable actions on item 1.b.

c. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.

CLOSED SESSION REPORT: The Board took no reportable actions on item 1.c.

d. 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

Under negotiation: Price and Terms

CLOSED SESSION REPORT: The Board took no reportable actions on item 1.d.

(1).

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

(1) Designated representatives: Manuel Gonzalez and Brette Neal

Employee Organization(s): A, B, C, E, F, H, J, K, L, M, N, R and S

CLOSED SESSION REPORT: The Board conferred with labor negotiators

Manny Gonzalez and Brette Neal regarding A, B, C, E, F, H, J, K, L, M, N, R and

S. Regarding bargaining units E, F, J, K, L and R. The Board approved side letters with Units E, F, J, K, L, R.

f. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.

(ADDED VIA ADDENDUM)

CLOSED SESSION REPORT: The Board took no reportable action on item 1.f.

10:30 A.M. - Reconvene

Roll Call

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

Pledge of Allegiance

The Pledge was led by Assemblymember Mark Stone.

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 correction:

Under 10:30 A.M. Scheduled Matters

19. Additional material submitted – Revised Attachment B including Exhibits 1 & 2 Public hearing to accept adopting a resolution to accept an Annual Report on the status of compliance with Condition of Approval/Mitigation Monitoring and Reporting Plans for all land use projects with mitigation measures approved by the County of Monterey in 2015.

(Condition of Approval and Mitigation Monitoring and Reporting Program 2015 Annual Report REF160036/Countywide)

Under Consent Calendar General Government

38.3 Correction to consent calendar

Charles McKee, County Counsel, requested to delete the words "Public Hearing To:" be deleted from the text of the agenda title and Board Report.

Under Consent Calendar RMA Land Use and Community Development

39. Remove from consent calendar

PLN100138 Pebble Beach Company Concept Plan

a. Approve a Parcel Map for a minor subdivision to divide a 58.22 acre parcel (Areas B and C) into a parcel for a parking facility (Lot 1: 4.873 acres), two preservation parcels totaling 48.493 acres (Parcel A: 19.459 acres and Parcel B: 29.034 acres), and a road and utility parcel (Parcel C: 4.855 acres);

b. Accept the Conservation and Scenic Easement Deed;

c. Authorize the Chair to execute the Conservation and Scenic Easement Deed; and

d. Direct the Clerk of the Board to submit the Parcel Map, and the Conservation and Scenic Easement Deed, to the County Recorder for recording, subject to the collection of the applicable recording fees;

e. Proposed CEQA Action: Statutorily Exempt per CEQA Guidelines Section 15268(b)(3); and

f. (Parcel Map and Conservation and Scenic Easement Deed Area BC, Del Monte Forest Land Use Plan).

Under Consent Calendar RMA Public Works and Facilities

42. Correction to consent calendar

Don Searle, Acting Chief of Public Works and Facilities, stated that on page two the Board Report states that bids will be received on the Jail Housing addition on Thursday January 26, 2017. The correct date is Thursday, February 23, 2017.

A motion was made by Supervisor Dave Potter, seconded by Supervisor

Fernando Armenta, to approve additions and corrections to the agenda. ALL AYES

Consent Calendar

2. Approval of Consent Calendar (See Supplemental Sheet)

Public Comment: Billy DeBerry commented on item 37. Kay Reimann responded.

Supervisor Parker pulled item 29 for questions and discussion. The Sheriff's Department responded. Supervisor Parker requested that the phone fees with the new system be included in the Inmate Welfare Fund Annual Report. Supervisor Armenta suggested that someone in the community may want to review the Inmate Welfare Fund.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to approve the Consent Calendar (See Supplemental Sheet), including items 29 and 37, with direction to staff to explore alternative methods of non-taxable compensation to volunteers, regarding item 37. ALL AYES

Supervisor Parker left the dais after the consent vote was taken.

Ceremonial Resolutions

3. Adopt Resolution commending Diana M. Kelley, Supervising Department Information Systems Coordinator, Monterey County Sheriff's Office upon her Retirement from 38 years of public service. (Full Board)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to adopt Resolution No. 16-312 commending Diana M. Kelley, Supervising Department Information Systems Coordinator, Monterey County Sheriff's Office upon her Retirement from 38 years of public service. (Full Board) 4-0 (Supervisor Jane Parker Absent)

4. Adopt Resolution recognizing Gloria De La Rosa upon her retirement from the County of Monterey after 29 years of Public Service. (Full Board)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to adopt Resolution No. 16-311 recognizing Gloria De La Rosa upon her retirement from the County of Monterey after 29 years of Public Service. (Full Board) 4-0 (Supervisor Jane Parker Absent)

Appointments

5. Reappoint Sid Williams to the Military and Veterans Affairs Advisory Commission for a term ending January 1, 2020. (Full Board)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to reappoint Sid Williams to the Military and Veterans Affairs Advisory Commission for a term ending January 1, 2020. (Full Board) 4-0 (Supervisor Jane Parker Absent)

6. Reappoint Mary Estrada to the Military and Veterans Affairs Advisory Commission for a term ending January 1, 2020. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to reappoint Mary Estrada to the Military and Veterans Affairs Advisory Commission for a term ending January 1, 2020. (Full Board) 4-0 (Supervisor Jane Parker Absent)**
7. Reappoint Dan Presser to the Military and Veterans Affairs Advisory Commission for a term ending January 1, 2020. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to reappoint Dan Presser to the Military and Veterans Affairs Advisory Commission for a term ending January 1, 2020. (Full Board) 4-0 (Supervisor Jane Parker Absent)**
8. Appoint Laura Medina to the Area Agency on Aging Advisory Council for a term ending January 1, 2019. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to appoint Laura Medina to the Area Agency on Aging Advisory Council for a term ending January 1, 2019. (Full Board) 4-0 (Supervisor Jane Parker Absent)**
9. Reappoint Erik Cushman to the Monterey County Workforce Development Board, representing business for a term ending December 6, 2019. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to reappoint Erik Cushman to the Monterey County Workforce Development Board, representing business for a term ending December 6, 2019. (Full Board) 4-0 (Supervisor Jane Parker Absent)**
10. Reappoint Anthony Rocha to the Mental Health Commission, as an Associate Member for a term ending December 31, 2017. (Supervisor Parker)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to reappoint Anthony Rocha to the Mental Health Commission, as an Associate Member for a term ending December 31, 2017. (Supervisor Parker) 4-0 (Supervisor Jane Parker Absent)**
11. Appoint Debbie Torres to the Castroville Cemetery District to fill an unscheduled vacancy ending March 30, 2019. (Supervisor Phillips)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to appoint Debbie Torres to the Castroville Cemetery District to fill an unscheduled vacancy ending March 30, 2019. (Supervisor Phillips) 4-0 (Supervisor Jane Parker Absent)**
12. Reappoint Dennis Miskell to the North County Recreational & Park District for a term ending November 30, 2020. (Supervisor Phillip-s) (CORRECTED VIA SUPPLEMENTAL)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor**

John M. Phillips to reappoint Dennis Miskell to the North County Recreational & Park District for a term ending November 30, 2020. (Supervisor Phillips) 4-0 (Supervisor Jane Parker Absent)

- 13.** Reappoint Paul Cortopassi to the North County Recreation & Park District for a term ending November 30, 2020. (Supervisor Phillips)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to reappoint Paul Cortopassi to the North County Recreation & Park District for a term ending November 30, 2020. (Supervisor Phillips) 4-0 (Supervisor Jane Parker Absent)

- 14.** Appoint Michael T. Payne to the Natividad Medical Center Board of Trustees for a term ending June 30, 2018. (Supervisor Parker)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to appoint Michael T. Payne to the Natividad Medical Center Board of Trustees for a term ending June 30, 2018. (Supervisor Parker) 4-0 (Supervisor Jane Parker Absent)

Other Board Matters

- 15.** Board Comments

Supervisor John M. Phillips noted that on Monday, December 12, 2016 at 10:30 a.m. there will be ground breaking for the Castroville pedestrian bike bridge. This will provide safe crossing for students from Castroville traveling to the high school.

Supervisor Fernando Armenta attended his last CSAC Board of Directors meeting. He feels that he is leaving the County in good hands and stated that the County is highly respected among CSAC and NACO members. Three weeks ago the Steinbeck Rotary presented the Patriot Veteran of the Year Award to Supervisor Armenta.

The Disabled American Veterans Association and Jim Bogan of the Monterey County United Veterans Council presented Supervisor Armenta with a plaque of recognition for his work with Veterans.

- 16.** CAO Comments and Referrals

There were no CAO comments or referrals.

- 17.** General Public Comment

Alex Soltero; Joe Vierra; Hans Jongens.

10:30 A.M. - Scheduled Matters

18. Receive an oral report from Assemblymember Mark Stone, Monterey County's representative for the 29th Assembly District.
- By consensus, the Board received an oral report from Assemblymember Mark Stone, Monterey County's representative for the 29th Assembly District.**
19. Public hearing to accept adopting a resolution to accept an Annual Report on the status of compliance with Condition of Approval/Mitigation Monitoring and Reporting Plans for all land use projects with mitigation measures approved by the County of Monterey in 2015.
(Condition of Approval and Mitigation Monitoring and Reporting Program 2015 Annual Report - REF160036/Countywide)
- A motion was made by Supervisor Fernando Armenta, seconded by Supervisor Simón Salinas to adopt Resolution No. 16-315 to:**
Accept an Annual Report on the status of compliance with Condition of Approval/Mitigation Monitoring and Reporting Plans for all land use projects with mitigation measures approved by the County of Monterey in 2015.
(Condition of Approval and Mitigation Monitoring and Reporting Program 2015 Annual Report - REF160036/Countywide). 4-0 (Supervisor Jane Parker Absent)

12:00 P.M. - Recess to Lunch**1:30 P.M. - Reconvene - Monterey Board of Supervisors****Roll Call**

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

1:30 P.M. - Scheduled Matters

20. Receive reports and consider recommendations from the Legislative Committee to:
- Adopt revised Legislative Committee Roles and Responsibilities;
 - Adopt the 2017-18 Legislative Program;
 - Adopt the 2017 Strategic Grant Services Program; and
 - Adopt a Resolution authorizing the submittal of grant applications that do not require the authorization of unbudgeted financial resources.
- A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to:**
Receive reports and consider recommendations from the Legislative Committee to:
- Adopt revised Legislative Committee Roles and Responsibilities;**
 - Adopt the 2017-18 Legislative Program;**
 - Adopt the 2017 Strategic Grant Services Program; and**
 - Adopted Resolution No. 16-319 to: Adopt a Resolution authorizing the**

submittal of grant applications that do not require the authorization of unbudgeted financial resources. ALL AYES

20.1

Receive reports from the County's federal and state legislative advocates and grant consultants regarding legislative and grant activities throughout 2016, and anticipated major legislative issues for the 2017-18 state and federal legislative sessions and grant priorities for the 2017 calendar year.

(ADDITIONAL ATTACHMENTS ADDED VIA SUPPLEMENTAL)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to receive reports from the County's federal and state legislative advocates and grant consultants regarding legislative and grant activities throughout 2016, and anticipated major legislative issues for the 2017-18 state and federal legislative sessions and grant priorities for the 2017 calendar year. ALL AYES

21.

REF160046 - Williamson Act 2017 Contract Applications

Conduct a public hearing to consider and adopt a Resolution to:

- a. Continue four (4) applications to the 2018 round of applications;
- b. Approve a total of six (6) contracts to create five (5) Farmland Security Zones ("FSZ") and FSZ Contracts and establish one (1) Agricultural Preserve ("AgP") and Land Conservation Contract;
- c. Authorize the Chair to execute the recommended Farmland Security Zone Contracts and Agricultural Preserve Land Conservation Contract; and
- d. Direct the Clerk of the Board of Supervisors to record the Farmland Security Zone and Agricultural Preserve Land Conservation Contracts prior to the January 1, 2017 property tax lien date subject to the submittal of recording fees by the property owners of record.

(REF160046- Williamson Act 2017 Contract Applications, County-wide)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to adopt Resolution No. 16-314 to:

- a. Continue four (4) applications to the 2018 round of applications;**
- b. Approve a total of six (6) contracts to create five (5) Farmland Security Zones ("FSZ") and FSZ Contracts and establish one (1) Agricultural Preserve ("AgP") and Land Conservation Contract;**
- c. Authorize the Chair to execute the recommended Farmland Security Zone Contracts and Agricultural Preserve Land Conservation Contract; and**
- d. Direct the Clerk of the Board of Supervisors to record the Farmland Security Zone and Agricultural Preserve Land Conservation Contracts prior to the January 1, 2017 property tax lien date subject to the submittal of recording fees by the property owners of record.**

(REF160046- Williamson Act 2017 Contract Applications, County-wide) ALL AYES

22.

PLN150149 - Del Monte Forest Area Local Coastal Program Amendment (Policy 20)

Public hearing to consider a resolution of intent to adopt certain Local Coastal Program (LCP) Amendments for the coastal area of the Del Monte Forest, including the following:

- a. Amendment to Policy 20 of the Del Monte Forest Area Land Use Plan to

modify standards of development within the indigenous Monterey cypress habitat; and

b. Corresponding amendments to the text of Section 20.147.040.D.2 of Part 5 of Title 20 (Coastal Implementation Plan) of the Monterey County Code regulating development within the indigenous Monterey cypress habitat within the Del Monte Forest Land Use Plan area.

Proposed CEQA Action: Statutorily Exempt per Public Resources Code section 21080.9 and CEQA Guidelines Section 15265

Del Monte Forest Indigenous Monterey Cypress Habitat Area, Pebble Beach, Del Monte Forest

Public Comment: Angus Jeffers

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution of Intent No. 16-321 to:

Adopt certain Local Coastal Program (LCP) Amendments for the coastal area of the Del Monte Forest, including the following:

a. Amendment to Policy 20 of the Del Monte Forest Area Land Use Plan to modify standards of development within the indigenous Monterey cypress habitat; and

b. Corresponding amendments to the text of Section 20.147.040.D.2 of Part 5 of Title 20 (Coastal Implementation Plan) of the Monterey County Code regulating development within the indigenous Monterey cypress habitat within the Del Monte Forest Land Use Plan area.

Proposed CEQA Action: Statutorily Exempt per Public Resources Code section 21080.9 and CEQA Guidelines Section 15265

Del Monte Forest Indigenous Monterey Cypress Habitat Area, Pebble Beach, Del Monte Forest PLN150149 - Del Monte Forest Area Local Coastal Program Amendment (Policy 20) ALL AYES

Adjournment

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 March 21, 2017

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

23. a. Ratify execution by the former Director of Materials and Purchasing at Natividad Medical Center (NMC) of the Rental Agreement and Support Agreement (rental agreement) with Carefusion Solutions, LLC dated September 13, 2010, for the leasing of pharmaceutical supply automation inventory management dispensing machines at NMC for a five (5) year period through September 12, 2015 and thereafter reverting to a month to month basis.
- b. Authorize the Deputy Purchasing Agent for NMC or his delegate to execute an Amendment to the September 13, 2010 rental agreement with Carefusion Solutions, LLC, including an Amendment to the Customer Order form associated with the rental agreement, for the buy-out of the last data server on-site at NMC associated with the agreement, for a total cost of \$675.00.

Approved - Agreement No. A-12934

24. Authorize the Chief Executive Officer of Natividad Medical Center (NMC) to execute the Three Rivers Provider Network Agreement ("Agreement") designating NMC as an in-network provider of health care services for the term of December 1, 2016 through November 30, 2017, automatically renewable for continuous periods of one year and terminable without cause at any time with ninety (90) days prior written notice.

Approved - Agreement No. A-13381

25. Authorize the Chief Executive Officer of Natividad Medical Center (NMC) to execute the Networks by Design Agreement ("Agreement") designating NMC as an in-network provider of health care services for the term of December 1, 2016 through November 30, 2017, automatically renewable for continuous periods of one year and terminable without cause at any time with one hundred twenty (120) days prior written notice.

Approved - Agreement No. A-13369

Health Department

26. a. Accept and approve the use of the standard Memorandum of Understanding ("MOU") template for Fiscal Year (FY) 2016-17 for the provision of therapeutic services by County of Monterey to Greenfield Union School District;
- b. Authorize the Director of Health or Assistant Director of Health to execute the MOU in the total amount of \$40,200 for the term October 10, 2016 - June 30, 2017; and
- c. Authorize the Director of Health or Assistant Director of Health to execute

up to three future amendments to the MOU that do not significantly alter the scope of work.

Approved

27. a. Approve and authorize the Director of Health or Assistant Director of Health to execute a new three (3) year Mental Health Services Agreement with Emmanuel Inneh dba Monterey Bay Guest Home II in Salinas, CA for the provision of board and care services for Monterey County adult residents with severe psychiatric disabilities in the amount of \$181,800 for Fiscal Year (FY) 2016-17, \$219,000 for FY 2017-18, and \$219,000 for FY 2018-19, for a total Agreement amount not to exceed \$619,800 retroactive to September 1, 2016 through June 30, 2019; and
- b. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments that do not exceed ten percent (10%) (\$61,980) of the original Agreement amount and do not significantly alter the scope of services.

Approved - Agreement No. A-13371

Criminal Justice

28. Approve and Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute the Renewal of and Amendment No. 2 to an agreement with Garden of Memories Cemetery for cremation of deceased indigent persons, retroactively extending from June 30, 2016 through and to June 30, 2018, and adding \$30,000 to the agreement, for a total cost of \$55,000.

Approved - Agreement No. A-13385

29. a. Approve and authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to sign a three year Professional Services Agreement with TelMate, Inc., based on County's Request for Proposals (RFP) No. 10537-Providing Inmate/Ward Telephone Services for the Monterey County Sheriff's Office and Probation Department; and
- b. Authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute up to two (2) additional one-year extensions where the extensions do not significantly change the scope of services.

Approved - Agreement No. A-13370

General Government

30. Approve the execution of an Agreement for Taxing Entity Compensation with the City of Soledad, pursuant to Health and Safety code section 34180(f).

Approved - Agreement No. A-13382

31. Adopt a Resolution to revise and approve amendments to the Conflict of Interest Code of the Salinas Valley Memorial Healthcare System.
- A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-316 to revise and approve amendments to the Conflict of Interest Code of the Salinas Valley Memorial Healthcare System. ALL AYES**
32. a. Approve Amendment No. 1 to the Agreement with California Coastal Rural Development Corporation to manage the day-to-day operation of the County's Small Business Revolving Loan Fund in order to extend the term from the existing end date of December 31, 2016 to June 30, 2017; and,
b. Authorize the Director of the Economic Development Department to execute the Amendment.
- Approved - Agreement No. A-12614**
33. a. Approve and authorize the Library Director to execute a non-standard Professional Services Agreement with Library Ideas, Inc., in the amount of \$14,317.00, for a period of one year, for the period retroactive to April 25, 2016 through April 24, 2017, for Library patron access to digital music, movies and other media services;
b. Approve non-standard provisions as recommended by the Library Director.
- Approved - Agreement No. A-13372**
34. Approve the Monterey County Board of Supervisors Action Meeting Minutes for the following meeting dates: Tuesday, August 30, 2016 and Tuesday, October 25, 2016.
- Approved**
35. a. Approve Amendment No. 4 to the non-standard agreement with Michael Baker International, Inc., adding \$30,000 for a maximum contract amount of \$130,000, for continued assistance to the Economic Development Department with administration of housing programs;
b. Approve, retroactively, non-standard indemnification provisions as recommended by the Director of the Economic Development Department;
c. Authorize the Director of the Economic Development Department or the Contracts/Purchasing Officer to execute Amendment No. 4; and
d. Authorize the Director of the Economic Development Department or the Contracts/Purchasing Officer to execute up to two (2) additional amendments to the agreement, subject to County Counsel review, where each amendment adds a maximum of \$25,000 to the contract amount, extends the contract period by a maximum of 90 additional days, and does not significantly alter the scope of work.
- Approved – Agreement No. A-13373**
36. a. Approve and authorize the Contracts/Purchasing Officer to execute a five

(5) year Lease Agreement with Moffett Creek Ranch Partnership for 7,200 square feet of space located at 17822 Moro Road, Prunedale, California, for use by the Monterey County Free Libraries, Prunedale Branch;

b. Direct the Auditor-Controller to make lease payments of \$4,677.12 per month, effective July 1, 2016, and in accordance with the terms of Article 4 - Annual Rent Adjustment of the Lease Agreement; and

c. Authorize the optional extension of the Lease Agreement for two (2) additional five (5) year terms under the same terms and conditions, and minor revisions to the Lease Agreement if deemed to be in the best interest of the County by the Contracts/Purchasing Officer.

Approved – Agreement No. A-13383

- 37.** Receive a response from the County Counsel's Office with reference to Referral No. 2016.03 - Classification of Commissioners as Employees

Approved - Public Comment: Billy Deberry. Kay Reimann responded to public comment.

- 38.** Receive the action minutes from the Legislative Committee meetings on May 16, August 26, and October 10, 2016.

Approved

- 38.1** Adopt a Resolution to approve closure of selected County departments and/or divisions for the winter holiday from December 27, 2016 through December 30, 2016 and for this purpose only, waive Ordinance No. 766, fixing the days and hours of operation of County offices.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta, to adopt Resolution No. 16-323 to approve closure of selected County departments and/or divisions for the winter holiday from December 27, 2016 through December 30, 2016 and for this purpose only, waive Ordinance No. 766, fixing the days and hours of operation of County offices. ALL AYES

- 38.2** Adopt a Resolution to:
- a. Ratify and extend the County Administrative Officer's Proclamation of a Local Emergency to repair a storm damaged drainage channel located north of the State Highway 68 and Laureles Grade intersection within Monterey County; and,
- b. Find the repair work statutorily exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15269(c) for emergency projects (4/5th vote required). (ADDED VIA ADDENDUM)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta, to adopt Resolution No. 16-324 to:

a. Ratify and extend the County Administrative Officer's Proclamation of a Local Emergency to repair a storm damaged drainage channel located north of the State Highway 68 and Laureles Grade intersection within Monterey County; and,

b. Find the repair work statutorily exempt from the California Environmental

Quality Act (CEQA) under CEQA Guidelines Section 15269(c) for emergency projects (4/5th vote required). (ADDED VIA ADDENDUM) ALL AYES

38.3

~~Public hearing to:~~

- a. Introduce, waive reading, and consider an ordinance adding Chapter 7.02 to the Monterey County Code to require annual business licenses for commercial cannabis business operations in unincorporated areas of Monterey County; and
- b. Set December 13, 2016 at 10:30 a.m. as date and time to adopt the ordinance adding Chapter 7.02 for business license requirements. (ADDED VIA ADDENDUM)

Approved

RMA - Land Use and Community Development

39.

~~PLN100138 – Pebble Beach Company Concept Plan~~

- a. ~~Approve a Parcel Map for a minor subdivision to divide a 58.22-acre parcel (Areas B and C) into a parcel for a parking facility (Lot 1: 4.873 acres), two preservation parcels totaling 48.493 acres (Parcel A: 19.459 acres and Parcel B: 29.034 acres), and a road and utility parcel (Parcel C: 4.855 acres);~~
 - b. ~~Accept the Conservation and Scenic Easement Deed;~~
 - c. ~~Authorize the Chair to execute the Conservation and Scenic Easement Deed; and~~
 - d. ~~Direct the Clerk of the Board to submit the Parcel Map, and the Conservation and Scenic Easement Deed, to the County Recorder for recording, subject to the collection of the applicable recording fees.~~
- ~~Proposed CEQA Action: Statutorily Exempt per CEQA Guidelines Section 15268(b)(3).
(Parcel Map and Conservation and Scenic Easement Deed – Area BC, Del Monte Forest Land Use Plan).~~

Item removed from consent calendar via Additions and Corrections.

40.

Receive an update on implementation of the City of Salinas/County of Monterey Memorandum of Understanding regarding mutual planning and implementation of government services and facilities in Downtown Salinas.

Approved

41.

- a. Approve Amendment No. 5 to Professional Services Agreement No. A-12442 with Denise Duffy & Associates, Inc. to continue to provide services associated with completion of an Environmental Impact Report (EIR) for projects located in the Carmel River Lagoon Area and Carmel River Lagoon Restoration and Management Plan (Request for Proposals No. 2012-CRL-1) for Phases 1 and 2 to extend the expiration date from December 31, 2016 for eighteen (18) additional months through June 30, 2018, for a revised term from April 23, 2013 to June 30, 2018 with no change to the Agreement's not

- to exceed total amount of \$824,554; and
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 5 to Professional Services Agreement No. A-12442; and
- c. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute future amendments to Professional Services Agreement No. A-12442 to extend the term beyond the original term authorized in Request for Proposals No. 2012-CRL-1 where the amendments do not significantly alter the scope of work or change the approved Agreement amount.

Permit Type: PD060228/Carmel Lagoon Area (REF120051).

Focused Environmental Impact Report (EIR) for projects located in the Carmel River Lagoon Area and Carmel River Lagoon Restoration and Management Plan (Request for Proposals (RFP) No. 2012-CRL-1).

Approved – Agreement No. A-12442

RMA - Public Works and Facilities

42.

Adopt a Resolution:

- a. Approving the Working Drawings (Plans and Specifications) for the Jail Housing Addition Project No. 8819, Bid Package No.10568 (Project), and authorize advertising for bid;
- b. Authorizing submittal of the approved Working Drawings (Plans and Specifications) to the Board of State and Community Corrections for State approval of Working Drawings and Proceed to Bid;
- c. Authorizing the Resource Management Agency Interim Deputy Director of Public Works and Facilities, upon obtaining State approval to Proceed to Bid, to advertise for bids and issue the Working Drawings (Plans and Specifications) to the Contractors to Bid on the Construction Contract for the Jail Housing Addition, Project No. 8819; and
- d. Authorizing and directing the County Administrative Officer, Resource Management Agency Director, and Monterey County Sheriff to take such other further actions as may be necessary or appropriate to move the Project to construction to meet State milestone requirements as defined under the AB 900 Phase II Financing Program.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-313;; Construction No. 2015-018

- a. Approving the Working Drawings (Plans and Specifications) for the Jail Housing Addition Project No. 8819, Bid Package No.10568 (Project), and authorize advertising for bid;**
- b. Authorizing submittal of the approved Working Drawings (Plans and Specifications) to the Board of State and Community Corrections for State approval of Working Drawings and Proceed to Bid;**
- c. Authorizing the Resource Management Agency Interim Deputy Director of Public Works and Facilities, upon obtaining State approval to Proceed to Bid, to advertise for bids and issue the Working Drawings (Plans and Specifications) to the Contractors to Bid on the Construction Contract for the**

**Jail Housing Addition, Project No. 8819; and
d. Authorizing and directing the County Administrative Officer, Resource Management Agency Director, and Monterey County Sheriff to take such other further actions as may be necessary or appropriate to move the Project to construction to meet State milestone requirements as defined under the AB 900 Phase II Financing Program. (Construction No. 2015-0018) ALL AYES**

43.

- a. Approve Amendment No. 3 to Standard Agreement No. A-13019 with Granite Construction Company to continue to provide fully operated, fueled and maintained construction equipment to work sites on an on-call basis to: update the rate schedule; increase the not to exceed amount of \$150,000 by \$100,000 for a total amount not to exceed \$250,000; and extend the expiration date from December 31, 2016 for two (2) additional years through December 31, 2018, for a revised term from January 13, 2014 to December 31, 2018; and
- b. Approve Amendment No. 3 to Standard Agreement No. A-13018 with Granite Rock Company to continue to provide fully operated, fueled and maintained construction equipment to work sites on an on-call basis to: update the rate schedule; increase the not to exceed amount of \$150,000 by \$100,000 for a total amount not to exceed \$250,000; and extend the expiration date from December 31, 2016 for two (2) additional years through December 31, 2018, for a revised term from January 13, 2014 to December 31, 2018; and
- c. Approve Amendment No. 3 to Standard Agreement No. A-13017 with The Don Chapin Company, Inc. to continue to provide fully operated, fueled and maintained construction equipment to work sites on an on-call basis to: update the rate schedule; increase the not to exceed amount of \$150,000 by \$100,000 for a total amount not to exceed \$250,000; and extend the expiration date from December 31, 2016 for two (2) additional years through December 31, 2018, for a revised term from January 13, 2014 to December 31, 2018; and
- d. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 3 to the Standard Agreements and future amendments to each Agreement where the amendments do not significantly alter the scope of work or change the approved amount of each Agreement.

Approved - Agreement Nos. A-13017: The Don Chapin Company; A-13018: Granite Rock Company; A-13019: Granite Construction Company