

Monterey County

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



Action Minutes - Final

Tuesday, December 15, 2015

9:00 AM

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

Board of Supervisors

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

9:00 A.M. - Call to Order

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:

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:

Add to Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.

A motion was made by Supervisor Jane Parker, seonded by Supervisor Fernando Armenta to add one item of significant exposure to litigation to the agenda under item 1.b. ALL AYES

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) The Open Monterey Project v. Monterey County Board of Supervisors, et al. (Monterey County Superior Court case no. M109441)
 - (2) Landwatch Monterey County v. County of Monterey (Monterey County Superior Court case no. M109434)
 - b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding ~~one~~ two matters of significant exposure to litigation. (REVISED VIA ADDITIONS AND CORRECTIONS)
 - c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
 - (1) Designated representatives: Manuel Gonzalez and Brette NealEmployee Organization(s): All Units except Unit R
 - 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): Nick Chiulos, Assistant County Administrative Officer
 Negotiating Parties: Sports Car Racing Association of the Monterey Peninsula
 Under negotiation: Price and terms

e. Pursuant to Government Code section 54957, the Board will consult with the Sheriff and Counsel regarding the security of public buildings, facilities and services.

CLOSED SESSION REPORT: Item 1.b was revised via Additions and Corrections. The Board took no reportable actions on items 1.a through 1.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 Dr. Lew Bauman.

Additions and Corrections

See addition to Closed Session, under item 1.b.

Consent Calendar

2. Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Armenta advised correspondence was received from Ron Chesshire regarding item 40 on the agenda. He questioned whether the item should be continued. CAO Dr. Lew Bauman advised he has not received or reviewed the referenced correspondence and suggested the item be trailed. Supervisor Potter explained the issue and requested that the item be trailed. Kay Reimann addressed the Board regarding item 40. Board discussion was held.

**#40 Public comment: Michael Caddy; Joe Vierra.
 A motion was made by Supervisor Fernando Armenta, seconded by Supervisor Dave Potter to trail item 40 to the afternoon. ALL AYES**

#25.1: Public comment: Deb Gonzalez; Ray Stubblefield. See item for action.

#26: Supervisors Phillips pulled item 26 and asked questions of staff regarding where is the money coming from. Supervisor Parker advised that the Budget Committee requested a comparison of actual dollar savings by hiring more deputies as opposed to paying overtime and a proposal that phased this in

over time. This item is premature since the process and information requested by the Budget Committee has not been provided. Supervisor Potter requested the Board proceed with this item as there is a gap in patrol in Districts 5 and 3. Sheriff Bernal responded.

A motion was made by Supervisor Potter, seconded by Supervisor Armenta to approve item 26. **ALL AYES**

#34: Public comment: Julie Filice. See item for action.

#38: Supervisor Parker pulled item 38 and asked questions of staff. She requested staff make written public comment received in the process available to the public. Mark Mariscal responded. See item for action.

39.2: Supervisor Phillips pulled item 39.2 and asked questions of staff. He requested amended language be added to the item. See item for action.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to approve the Consent Calendar (See Supplemental Sheet), with the exception of items 26, 34, 39.2 and 40. **ALL AYES**

Ceremonial Resolutions

- 3.** Adopt Resolution honoring Richard Smith, Monterey County Treasurer - Tax Collector's Department, upon his retirement after fifteen years of dedicated service. (Full Board)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-304 honoring Richard Smith, Monterey County Treasurer - Tax Collector's Department, upon his retirement after fifteen years of dedicated service. (Full Board) ALL AYES

- 3.1** Adopt Resolution commending Ken Lofink on 45 years as a SCRAMP Volunteer Director. (Supervisor Potter)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-305 commending Ken Lofink on 45 years as a SCRAMP Volunteer Director. (Supervisor Parker) ALL AYES

- 3.2** Adopt Resolution commending Ed Magner on 50 years as a SCRAMP Volunteer Director. (Supervisor Potter)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-306 commending Ed Magner on 50 years as a SCRAMP Volunteer Director. (Supervisor Parker) ALL AYES

- 3.3** Adopt Resolution honoring Andy D'Arrigo upon his retirement from D'Arrigo Bros. Co., of CA after 64 Years of Distinguished Service. (Supervisor Phillips) (ADDED VIA ADDENDUM)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-307 honoring Andy D'Arrigo upon his retirement from D'Arrigo Bros. Co., of CA after 64 Years of Distinguished Service. (Supervisor Phillips) (ADDED VIA ADDENDUM) ALL AYES

Appointments

4. Appoint Rudy Darken to the Economic Opportunity Committee, representing Research & Development, with a term ending at the pleasure of the Board. (Full Board)
- A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to appoint Rudy Darken to the Economic Opportunity Committee, representing Research & Development, with a term ending at the pleasure of the Board. (Full Board) ALL AYES**
5. Appoint Tom Conway to the Commission on Disabilities, representing Community Based Organizations, with a term ending December 31, 2018. (Full Board)
- A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to appoint Tom Conway to the Commission on Disabilities, representing Community Based Organizations, with a term ending December 31, 2018. (Full Board) ALL AYES**
6. Reappoint Kelly Vasquez to the Area Agency on Aging Advisory Council with a term ending January 1, 2019. (Full Board)
- A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to reappoint Kelly Vasquez to the Area Agency on Aging Advisory Council with a term ending January 1, 2019. (Full Board) ALL AYES**
7. Reappoint Maria Dominguez Munóz to the Area Agency on Aging Advisory Council with a term ending January 1, 2020. (Supervisor Armenta)
- A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to reappoint Maria Dominguez Munóz to the Area Agency on Aging Advisory Council with a term ending January 1, 2020. (Supervisor Armenta)ALL AYES**
8. Reappoint Barbara Rainer to the Historic Resources Review Board with a term ending December 31, 2018. (Supervisor Potter)
- A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to reappoint Barbara Rainer to the Historic Resources Review Board with a term ending December 31, 2018. (Supervisor Potter) ALL AYES**
9. Reappoint Kaytie Tong to the Area Agency on Aging Advisory Council with a term ending January 1, 2019. (Full Board)
- A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to reappoint Kaytie Tong to the Area Agency on Aging Advisory Council with a term ending January 1, 2019. (Full Board) ALL AYES**
10. Appoint Joe Santibanez to the Greenfield Memorial District with a term ending November 30, 2019. (Supervisor Salinas)
- A motion was made by Supervisor Dave Potter, seconded by Supervisor**

Fernando Armenta to appoint Joe Santibanez to the Greenfield Memorial District with a term ending November 30, 2019. (Supervisor Salinas) ALL AYES

11. Reappoint Inocencio Martinez to the Greenfield Memorial District with a term ending November 30, 2019. (Supervisor Salinas)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to reappoint Inocencio Martinez to the Greenfield Memorial District with a term ending November 30, 2019. (Supervisor Salinas) ALL AYES

12. Appoint Dr. Gary Gray to the Santa Cruz-Monterey-Merced Managed Medical Care Commission aka Central California Alliance for Health with a term ending December 18, 2019. (Full Board)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to appoint Dr. Gary Gray to the Santa Cruz-Monterey-Merced Managed Medical Care Commission aka Central California Alliance for Health with a term ending December 18, 2019. (Full Board) ALL AYES

13. Reappoint John Gamble to the Santa Lucia Community Services District with a term ending November 5, 2019. (Supervisor Salinas)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to reappoint John Gamble to the Santa Lucia Community Services District with a term ending November 5, 2019. (Supervisor Salinas) ALL AYES

Other Board Matters

14. Board Comments

Supervisor Armenta advised that he met with SEIU President last week in their office regarding the Human Resources Agency Director position at the County. He noted that it has been seven months since the HR Director left and the position has still not been filled. He stated this is a serious problem and a process needs to be created, with expedited timelines for recruitment. He stated help is needed from other Department Directors. He noted that he spends a third of his time addressing HR issues. He stated an HR Director is needed onsite within the next 90 days.

15. CAO Comments and Referrals

There were no CAO comments or referrals.

16. General Public Comment

Emily Goodwin; Jimmy Ferrera; Russ Chisholm; Peter Blackwell; Hans Jongens; Joe Vierra.

10:30 A.M. - Scheduled Matters

- 16.1 Receive a report on the potential impacts of 2015-16 winter storm and El Niño

forecasts and the emergency preparedness efforts by Monterey County.
(ADDED VIA ADDENDUM)

By consensus, the Board received a report on the potential impacts of 2015-16 winter storm and El Niño forecasts and the emergency preparedness efforts by Monterey County. (ADDED VIA ADDENDUM)

11:30 A.M. - Scheduled Matters

- 17.
- a. Conduct a public hearing to receive input on the results of the activities funded by a State Community Development Block Grant to the County; and
 - b. Authorize the Economic Development Director to sign and submit closeout documents required by the State of California, and make such minor revisions as requested by the State after submittal.

Conducted a public hearing.

Public comment: Janet Louie.

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to: a. Receive input on the results of the activities funded by a State Community Development Block Grant to the County; and

b. Authorize the Economic Development Director to sign and submit closeout documents required by the State of California, and make such minor revisions as requested by the State after submittal. ALL AYES

12:00 P.M. - Recess to Lunch

1:30 P.M. - Reconvene Monterey County Board of Supervisors

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

Item 40 heard immediately after the 1:30 PM reconvene. See item for action.

- 18.
- Public hearing, continued from October 27, 2015, to consider adopting a Resolution to:
- a. Grant the appeals by Quail Lodge, Inc. and Friends of Quail from the Planning Commission's decision certifying the Environmental Impact Report, adopting a Statement of Overriding Consideration, and approving an application by Carmel Canine Sports Center (Wolter Properties, LLC/PLN130352) for a Combined Development Permit;
 - b. Find the denial of the project statutorily exempt from the California Environmental Quality Act (CEQA); and
 - c. Deny the application by Carmel Canine Sports Center (Wolter Properties, LLC/PLN130352) for a Combined Development Permit consisting of: 1)

Use Permit for the development of a canine training/sports facility and event center for daily member usage and up to 24 “event days” (daily maximum of 250 people/300 dogs) per year; 2) Administrative Permit to allow the construction/placement of modular (temporary) structures to include a 700 square foot office trailer, 600 square foot member trailer, 600 square foot restroom trailer and 400 square foot electrical/storage room; and 3) Design Approval.
(Carmel Canine Sports Center Appeal, PLN130352, 8100 Valley Greens Drive, Carmel Valley)

Anthony Lombardo addressed the Board

Molly Erickson addressed the Board.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-315 to:

- a. Grant the appeals by Quail Lodge, Inc. and Friends of Quail from the Planning Commission’s decision certifying the Environmental Impact Report, adopting a Statement of Overriding Consideration, and approving an application by Carmel Canine Sports Center (Wolter Properties, LLC/PLN130352) for a Combined Development Permit;**
- b. Found the denial of the project statutorily exempt from the California Environmental Quality Act (CEQA) per Public Resources Code section 21080(b) (5) and CEQA Guidelines section 15270(a); and**
- c. Denied the application by Carmel Canine Sports Center (Wolter Properties, LLC/PLN130352) for a Combined Development Permit consisting of: 1) Use Permit for the development of a canine training/sports facility and event center for daily member usage and up to 24 “event days” (daily maximum of 250 people/300 dogs) per year; 2) Administrative Permit to allow the construction/placement of modular (temporary) structures to include a 700 square foot office trailer, 600 square foot member trailer, 600 square foot restroom trailer and 400 square foot electrical/storage room; and 3) Design Approval. ALL AYES**

18.1

The County Administrative Office recommends that the Board of Supervisors consider the following in support of progress on the Interlake Tunnel and San Antonio Dam Spillway Modification Projects (collectively, the “Projects”):

- a. Receive a report from the Water Resources Agency General Manager regarding the potential use of a Public Private Partnership (“P3”) for the Projects under Government Code Sections 5956 - 5956.10, the California Infrastructure Financing Act and continue item “a” to the January 12, 2016 Board of Supervisors meeting to consider whether to authorize the Monterey County Water Resources Agency General Manager to issue a Request for Proposals (“RFP”) for a P3 contractor;
- b. Approve the Third Reimbursement and Funding Agreement between the County of Monterey and the Monterey County Water Resources Agency, in the amount of \$971,000, for Environmental Consulting Services Phase I work and Program Management Services for the Projects, substantially in the form of Agreement attached and subject to approval by County Counsel;
- c. Approve and authorize the Auditor-Controller to amend the FY 2015-16 Adopted Budget reducing appropriations in the amount of \$971,000 from

CAO-General Fund Contingencies, 001-1050-8034, Appropriation CAO020 and increasing appropriations in CAO- Contributions-Other Agencies, 001-1050-8029, Appropriation CAO007, 7013. (4/5th vote required); and

- d. Direct the Water Resources Agency to continue making monthly progress reports to the Budget Committee, County Counsel and Board of Supervisors regarding overall project progress, activities of the Agency to continue to procure grant funding, and progress with California Department of Fish and Wildlife to resolve the white bass transfer issue.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to:

- a. Receive a report from the Water Resources Agency General Manager regarding the potential use of a Public Private Partnership (“P3”) for the Projects under Government Code Sections 5956 - 5956.10, the California Infrastructure Financing Act and continue item “a.” to the January 12, 2016 Board of Supervisors meeting to consider in a joint presentation by the County Administrative Office and the Monterey County Water Resources Agency a draft decision matrix summarizing the budget, schedule implications, implications in regard to the project labor agreement and the pros and cons associated with each of those and the associated timelines of implementation;**
- b. Approved the Third Reimbursement and Funding Agreement between the County of Monterey and the Monterey County Water Resources Agency, in the amount of \$971,000, for Environmental Consulting Services Phase I work and Program Management Services for the Projects, substantially in the form of Agreement attached and subject to approval by County Counsel;**
- c. Approved and authorize the Auditor-Controller to amend the FY 2015-16 Adopted Budget reducing appropriations in the amount of \$971,000 from CAO-General Fund Contingencies, 001-1050-8034, Appropriation CAO020 and increasing appropriations in CAO- Contributions-Other Agencies, 001-1050-8029, Appropriation CAO007, 7013. (4/5th vote required); and**
- d. Directed the Water Resources Agency to continue making monthly progress reports to the Budget Committee, County Counsel and Board of Supervisors regarding overall project progress, activities of the Agency to continue to procure grant funding, and progress with California Department of Fish and Wildlife to resolve the white bass transfer issue. 4-0 (Supervisor Potter Absent)**

18.2

- a. Authorize the Department of Social Services to negotiate an agreement with the Franciscan Workers of Junipero Serra to extend operations of the Dorothy’s Place Drop-In Center and case management services from 4 hours per day, 5 days per week to 10.5 hours per day, 7 days per week at a cost not to exceed \$114,129 for extended hours through March 31, 2016;
- b. Authorize the Department of Social Services to support Outreach Unlimited in expanding the Interfaith Homeless Emergency Lodging Program (I-HELP) on the Monterey Peninsula by up to 50 beds through March 31, 2016 in an amount not to exceed \$38,000;
- c. Authorize \$76,065 of General Fund Contingencies to fund these extended homeless services during the inclement weather period through March 31, 2016;
- d. Authorize the Auditor-Controller to amend the FY 2015-16 adopted budget for the Department of Social Services (001-5010-SOC004-8258) by increasing appropriations by \$152,129 (4/5ths vote);

- e. Authorize the Auditor-Controller to amend the FY 2015-16 adopted budget for the County Administrative Office by decreasing appropriations of \$76,064 for the Department of Social Services General Assistance Unit 001-5010-SOC002-8253 (4/5ths vote required);
- f. Authorize the Auditor-Controller to amend the FY 2015-16 adopted budget for the County Administrative Office by decreasing appropriations for General Fund Contingencies 001-1050-CAO020-8034 by \$76,065 (4/5ths vote required); and,
- g. Authorize the Department of Social Services to work with other local jurisdictions and private funders to match the \$76,065 allocation of General Fund Contingencies for these programs. (ADDED VIA ADDENDUM)

Public comment: Karen Araujo; Marian Penn; Reyes Bonilla.

A motion was made by Supervisor Fernando Armenta, seconded by Supervisor Jane Parker to: a. **Authorize the Department of Social Services to negotiate an agreement with the Franciscan Workers of Junipero Serra (Agreement No. A-13005) to extend operations of the Dorothy's Place Drop-In Center and case management services from 4 hours per day, 5 days per week to 10.5 hours per day, 7 days per week at a cost not to exceed \$114,129 for extended hours through March 31, 2016;**

b. Authorized the Department of Social Services to support Outreach Unlimited in expanding the Interfaith Homeless Emergency Lodging Program (I-HELP) on the Monterey Peninsula by up to 50 beds through March 31, 2016 in an amount not to exceed \$38,000;

c. Authorize \$76,065 of General Fund Contingencies to fund these extended homeless services during the inclement weather period through March 31, 2016;

d. Authorize the Auditor-Controller to amend the FY 2015-16 adopted budget for the Department of Social Services (001-5010-SOC004-8258) by increasing appropriations by \$152,129 (4/5ths vote);

e. Authorize the Auditor-Controller to amend the FY 2015-16 adopted budget for the County Administrative Office by decreasing appropriations of \$76,064 for the Department of Social Services General Assistance Unit 001-5010-SOC002-8253 (4/5ths vote required);

f. Authorize the Auditor-Controller to amend the FY 2015-16 adopted budget for the County Administrative Office by decreasing appropriations for General Fund Contingencies 001-1050-CAO020-8034 by \$76,065 (4/5ths vote required); and,

g. Authorize the Department of Social Services to work with other local jurisdictions and private funders to match the \$76,065 allocation of General Fund Contingencies for these programs. 4-0 (Supervisor Potter Absent)

Adjournment

In Memory of John G. Kanalakis

APPROVED:

/s/ Jane Parker

**JANE PARKER, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

BY: /s/ Gail T. Borkowski

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

APPROVED ON 06-07-2016

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

- 19.
- a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute the Professional and Call Coverage Services Agreement with Ventana Faculty Medical Associates to provide family medicine services at NMC for an amount not to exceed \$1,800,000 for the period January 1, 2016 to December 31, 2018; and
 - b. Authorize the Deputy Purchasing Agent for NMC or his designee to sign up to three (3) amendments to this Agreement where the total amendments do not extend the term by more than twelve (12) months, do not exceed 10% of the original contract amount (\$180,000) and do not significantly change the scope of work.

Approved - Agreement No. A-13012

- 20.
- ~~Ratify and~~ Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute Renewal & Amendment No. 5 to the Agreement (A-11123) with MModal Services LTD, retroactive to July 1, 2015, for medical dictation and transcription services at NMC, to extend the term of the Agreement for an additional one (1) year period for a revised full term of March 24, 2008 through June 30, 2016 with no increase to the previously approved Agreement amount of \$4,000,000. (REVISED VIA SUPPLEMENTAL)

Approved - Agreement No. A-11123

- 21.
- a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute Amendment No. 5 to the Agreement (A-12261) with Karl Storz Endoscopy-America for equipment repair and maintenance services at NMC, adding \$37,917.53 for a revised total Agreement amount not to exceed \$640,795.03 and with no change to the Agreement term of May 5, 2011 through June 30, 2017; and
 - b. Authorize the Deputy Purchasing Agent for NMC or his designee to execute future amendments to the Agreement for the purpose of updating the equipment list and associated cost for maintenance when new scopes are purchased throughout the year provided there is no extension to the term of the Agreement and provided that the total Agreement amount does not exceed \$900,000 through June 30, 2017. (FINANCING SECTION OF BOARD REPORT REVISED VIA SUPPLEMENTAL)

Approved - Agreement No. A-12261

- 22.
- a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute an Agreement with California Transplant Services dba SafetyGraft for Tissue Bank Services at NMC for an amount

not to exceed \$175,000 for the term January 1, 2016 through December 31, 2020.

- 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%) of the original cost of the agreement per each amendment.

Approved - Agreement No. A-13020

- 23.
 - a. Ratify United Health Care Insurance (“Agreement”) Between United Healthcare and Natividad Medical Center (“NMC”), executed by the former Chief Executive Officer for NMC, for an original one year term effective December 22, 2009, renewing annually effective January 1, 2011, until terminated pursuant to the Agreement.
 - b. Authorize execution by the Chief Executive Officer of NMC of Amendment No. 1 to Agreement, designating County of Monterey, on behalf of NMC, as the proper party to the Agreement, revising reimbursement rates and implementing medical necessity protocols effective January 1, 2016.

Approved - Agreement No. A-13022

- 24.
 - a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute a two-year Agreement with Foley & Lardner LLP for Independent Consulting and Legal Services at NMC, for a term of July 1, 2015 through June 30, 2017 and a total Agreement amount not to exceed \$600,000.
 - 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%) to the annual cost of the Agreement.

Approved - Agreement No. A-13003

Health Department

- 25. Approve and Authorize the Director of Health, or Assistant Director of Health, to execute Amendment No. 6 to the Mental Health Services Agreement A-12493 with Interim, Incorporated for housing, residential treatment, homeless outreach and engagement, and supported education and employment services for adults with serious mental illnesses. Amendment No. 6 increases the current Agreement amount of \$24,760,259 by \$60,000 in FY 2015-16 for a new total Agreement amount not to exceed \$24,820,259.

Approved - Agreement No. A-12493

- 25.1 Adopt a Resolution to:
 - a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394

- and Appendix A to collapse, consolidate, re-title and align salary for the classification of Physician Assistant I/II into a new classification of Physician Assistant with the salary range as indicated in the attached Resolution; and
- b. Amend the Health Department Budget (4000-HEA007 and HEA012-8410) as reflected in Attachment A; and
 - c. Amend Natividad Medical Center Budget (9600-8142) as reflected in Attachment A; and
 - d. Authorize the County Administrative Office to reflect these approved changes in the Fiscal Year 2015-16 Adopted Budget and the Human Resources Department to implement the changes in the Advantage HRM system. (ADDED VIA ADDENDUM)

Public comment: Deb Gonzalez; Ray Stubblefield.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to adopt Resolution No. 15-310 to:

- a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 and Appendix A to collapse, consolidate, re-title and align salary for the classification of Physician Assistant I/II into a new classification of Physician Assistant with the salary range as indicated in the attached Resolution;**
- b. Amend the Health Department Budget (4000-HEA007 and HEA012-8410) as reflected in Attachment A;**
- c. Amend Natividad Medical Center Budget (9600-8142) as reflected in Attachment A; and**
- d. Authorize the County Administrative Office to reflect these approved changes in the Fiscal Year 2015-16 Adopted Budget and the Human Resources Department to implement the changes in the Advantage HRM system. (ADDED VIA ADDENDUM) ALL AYES**

Criminal Justice

26.
 - a. Receive a report on the Sheriff's staffing needs, including an update on the impact to Sheriff's patrol operations resulting from the recent transfer of 18 Deputy Sheriffs-Patrol positions to the County Jail;
 - b. Authorize to fill 11 unfunded Deputy Sheriff-Operations vacancies to reduce the impact of the transfer on patrol operations and to work with the County Administrative Office to identify sources of funding to cover the cost of filling the vacancies; and
 - c. Authorize to add six (6) Custody Control Specialist positions in the Sheriff's Budget Unit 001-2300-SHE003-8238.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to:

- a. Receive a report on the Sheriff's staffing needs, including an update on the impact to Sheriff's patrol operations resulting from the recent transfer of 18 Deputy Sheriffs-Patrol positions to the County Jail;**
- b. Authorize to fill 11 unfunded Deputy Sheriff-Operations vacancies to reduce the impact of the transfer on patrol operations and to work with the County Administrative Office to identify sources of funding to cover the cost of filling the vacancies; and**
- c. Authorize to add six (6) Custody Control Specialist positions in the Sheriff's Budget Unit 001-2300-SHE003-8238. ALL AYES**

- 26.1**
- a. Approve and Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign a Non Standard Information Technology Agreement with VertiQ Software, LLC in the amount of \$117,235 to fund five (5) years of a hosted software subscription (\$90,000), one-time set up and customization costs (\$26,735) and establish an allowance for additional storage needs (\$500);
 - b. Accept the non-standard County Liability and Indemnification provisions pursuant to the recommendation of the Sheriff-Coroner;
 - c. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign one (1) amendment to the agreement where the amendment does not significantly change the scope of work, and the amendment does not exceed 10% of the value (\$9,000) for a total cumulative not to exceed contract amount of \$126,235; and
 - d. Authorize the Auditor-Controller to modify the FY 2015-16 Adopted Budget to increase estimated revenue and appropriations in the Sheriff's Coroner Unit, 001-2300-SHE002-5570/7562, in the amount of \$44,735, funded by the Sheriff's state asset forfeiture fund, 020-2779 (4/5th vote required). (ADDED VIA ADDENDUM)

Approved - Agreement No. A-13008

General Government

- 27.**
- a. Approve and authorize the Contracts/Purchasing Officer to execute an eight (8) month Sublease Agreement, effective December 1, 2015, with Monterey County Business Council, for approximately 480 square feet of office space located at 3180 Imjin Road, Suite 102, in Marina, California, for use by the Workforce Development Board;
 - b. Approve and authorize the Contracts/Purchasing Officer to execute the Consent to Sublease required by the primary lease landlord, the Regents of the University of California, containing non-standard terms;
 - c. Direct the Auditor-Controller to make Sublease payments of \$830.00 per month in accordance with the terms of the Sublease Agreement;
 - d. Authorize the Contracts/Purchasing Officer to extend the term of the Sublease Agreement for a maximum of two (2) years, with rent increases per year limited to 3% or actual Consumer Price Index for the San Francisco Bay Area, whichever is higher; and
 - e. Authorize minor revisions to the Sublease Agreement if deemed to be in the best interests of the County by the Contracts/Purchasing Officer

Approved - Agreement No. A-13013

- 28.**
- a. Approve the Small Business Revolving Loan Fund Administrative Manual, including a new collections policy (requires 4/5ths vote);
 - b. Authorize the Director of the Economic Development Department to submit the Small Business Revolving Loan Fund Administrative Manual to

the U.S. Department of Commerce, Economic Development Administration for approval, including authority to make minor changes, as necessary, to implement the loan program and comply with federal requirements; and

- c. Authorize the Director of Economic Development to sign a professional services agreement with Credit Consulting Services, Inc., to provide collections services in connection with defaulted small business loans.

Approved - Agreement No. A-13004

29.
 - a. Ratify a change in the method by which a monitoring fee is paid to the County, in connection with the loan made between County of Monterey in its capacity as Housing Successor Agency ("County") and MP Geil LLC, related to the Geil Street Apartments, Castroville, as well as ratify associated budget changes required to accommodate the change in payment method;
 - b. Approve amendments to the Loan Agreement, and to the Regulatory Agreement and Declaration of Restrictive Covenants between County and MP Geil LLC, to reflect the change in the method of paying the monitoring fee to the County; and
 - c. Authorize the Director of Economic Development to make minor revisions, as needed, to the amendments and to execute the amendments.

Approved

30. Approve and authorize the Acting Director of Child Support Services (CSS) to sign a Plan of Cooperation (POC) with the Superior Court of California, County of Monterey, for the period of July 1, 2015 through June 30, 2017, to secure the assistance of the Court to perform the duties listed in California Code of Civil Procedure §259 and California Family Code §4251(d), in relation to the child support enforcement program under Title IV-D of the Social Security Act.

Approved

31. Approve the Memorandum of Understanding (MOU) for the Service Employee International Union (SEIU) Local 521 Resident Physicians Unit R for the period January 1, 2015 through December 31, 2017.

Approved

32. Approve and authorize the Contracts Purchasing Officer, or the Contracts Purchasing Supervisor, to execute Amendment No. 1 to the Agreement with Questys Solutions, for the purchase and implementation of the Infolinx Records Management System for the Information Technology Department (ITD), to increase the term of service by four months, from October 1, 2015 to December 31, 2015; to October 1, 2015 to April 30, 2016.

Approved - Agreement No. A-12921

33. Continue to March 1, 2016, the public hearing regarding:
- Addendum No. 3 to the Final Environmental Impact Report for the 2010 Monterey County General Plan (#7-01, SCH #20071212001)(“FEIR”); and
 - Amendments to the 2010 Monterey County General Plan to implement litigation settlement agreements with Land Watch Monterey County and The Open Monterey Project. (REF150010/General Plan Amendment No. 3)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to: Continue to March 1, 2016, the public hearing regarding:

- Addendum No. 3 to the Final Environmental Impact Report for the 2010 Monterey County General Plan (#7-01, SCH #20071212001)(“FEIR”); and**
- Amendments to the 2010 Monterey County General Plan to implement litigation settlement agreements with Land Watch Monterey County and The Open Monterey Project. (REF150010/General Plan Amendment No. 3) ALL AYES**

- 34.
- Approve and authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute Agreements under RFP 10495 with (1) Manpowergroup US Inc., (2) Nova Management Inc. and (3) SlingShot Connections, LLC to provide Temporary Employment Services for the term beginning upon signature of the agreements through December 31, 2018, with the option to extend the Agreements for 2 additional one-year period on an as-needed basis, with an aggregate amount not to exceed \$10 million;
 - Authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute Amendments to the Agreements which could extend the Agreements and increase the total aggregate amount by up to 10% (\$1 million);
 - Designate that all County contracts for Temporary Employment Services reference and meet the standards set forth in Request for Proposal (RFP) 10495 concerning hours reporting and compliance, for the duration of the resulting contracts; and
 - Designate the Contracts/Purchasing Officer and Contracts/Purchasing Supervisor as having exclusive authority to sign any and all future Agreements and Amendments for Temporary Employment Services for the duration of the Agreements resulting from RFP 10495.

Public comment: Julie Filice.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to: a. Approve and authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute Agreements under RFP 10495 with (1) Manpowergroup US Inc., (2) Nova Management Inc. and (3) SlingShot Connections, LLC to provide Temporary Employment Services for the term beginning upon signature of the agreements through December 31, 2018, with the option to extend the Agreements for 2 additional one-year period on an as-needed basis, with an aggregate amount not to exceed \$10 million;

- Authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute Amendments to the Agreements which could extend the Agreements and increase the total aggregate amount by up to 10% (\$1 million);**
- Designate that all County contracts for Temporary Employment Services**

reference and meet the standards set forth in Request for Proposal (RFP) 10495 concerning hours reporting and compliance, for the duration of the resulting contracts; and

d. Designate the Contracts/Purchasing Officer and Contracts/Purchasing Supervisor as having exclusive authority to sign any and all future Agreements and Amendments for Temporary Employment Services for the duration of the Agreements resulting from RFP 10495. 4-1 (Supervisor Armenta Dissented)

- 35.**
- a. Receive the Certified Statement of Votes Cast and declare final the results of the November 3, 2015 City, School and Special District Election as set forth in the attached document; and
 - b. Declare "elected" the candidates to their respective offices who received the highest number of votes on November 3, 2015 under the Board's jurisdiction.

Approved

- 36.** Approve and Authorize the Registrar of Voters to execute Agreement Number 11G30112 Amendment No. 1 with the Secretary of State's office to extend the term for the State Agreement for the provision of Help America Vote Act (HAVA) services through March 31, 2016.

- 37.** Authorize the Registrar of Voters to enter into a standard Elections agreement with City of Carmel-by-the-Sea to provide specified election services for their April 12, 2016 Municipal Election.

Approved - Agreement No. A-11037

- 38.** Update on Board of Supervisors' Referral Number 2015.08 - RFQ/RFP for Mazda Raceway Laguna Seca Concession Agreement and BOS report 15-1227.

Public comment: Deb Gonzalez; Ray Stubblefield.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to receive an update on Board of Supervisors' Referral Number 2015.08 - RFQ/RFP for Mazda Raceway Laguna Seca Concession Agreement and BOS report 15-1227; and requested public comment be made available during the process. ALL AYES

- 39.**
- a. Approve and authorize the Equal Opportunity Officer to sign a Professional Services Agreement with Liebert Cassidy Whitmore (LCW) for the provision of Equal Opportunity, Non-Discrimination and Diversity training to all County employees, for a not-to-exceed amount of \$300,000, for the period of January 1, 2016 through December 31, 2018; and
 - b. Authorize the Equal Opportunity Officer to approve three (3) future amendments that do not alter the original amount and do not significantly alter the scope of services.

Approved - Agreement No. A-13021

- 39.1** a. Approve and authorize the Contracts Purchasing Officer or his Designee to

sign a System Purchase Agreement, Software Support Agreement, and license/maintenance Agreements in the amount not to exceed \$2,407,112.00 for the first year period of December 2015 through November 2016, subject to minor non-substantive changes approved by County Counsel and agreed to by County for the first year, and the renewal of the Subscription Service License & Use Agreement TriTech.com IQ and maintenance Agreements between County and TriTech Software Systems for up to four additional years in an amount not to exceed \$278K per additional year; and

- b. Accept Non-Standard Contract Terms and Conditions Provisions as recommended by the Director of Emergency Communications. (ADDED VIA ADDENDUM)

Approved - Agreement No. A-13000

39.2

Review of Previously Adopted Proclamation of Local Emergency due to the conditions of saltwater intrusion into groundwater sources and inundation near the Moro Cojo Slough, causing conditions of extreme peril to the safety of persons and property nearby. (ADDED VIA ADDENDUM)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Fernando Armenta to amend the item as requested by Supervisor Phillips. ALL AYES

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Fernando Armenta to:

- a. Review previously Adopted Proclamation of Local Emergency due to the conditions of saltwater intrusion into groundwater sources and inundation near the Moro Cojo Slough, causing conditions of extreme peril to the safety of persons and property nearby; and**
- b. Authorized and directed the RMA Director for Monterey County to prepare and record a Notice of Exemption pursuant to CEQA for any work necessary at the slough flap gates to implement a temporary solution on an emergency basis as maybe authorized by the appropriate Resource Agencies. ALL AYES**

RMA - General

39.3

- a. Approve and authorize the Chair of the Board of Supervisors to sign a Memorandum of Understanding with the Pajaro/Sunny Mesa Community Services District in the amount of \$25,000 per fiscal year through June 30, 2039 to pay a portion of the District's costs to operate and maintain the Pajaro Neighborhood Park; and
- b. Authorize the Auditor-Controller to issue annual payments of \$25,000 to the Pajaro/Sunny Mesa Community Services District every fiscal year through June 30, 2039 in accordance with the Memorandum of Understanding. (ADDED VIA ADDENDUM)

Approved

40.

- a. Approve and authorize the Chair to sign an Advanced Funding Agreement with BMC EG BLUFFS, LLC funding County costs for monitoring and

- reporting on compliance with prevailing wage obligations in construction of the East Garrison project in the former Fort Ord area of the County;
- b. Approve and authorize the Chair to sign an Advanced Funding Agreement with BMC EG GROVE, LLC funding County costs for monitoring and reporting on compliance with prevailing wage obligations in construction of the East Garrison project in the former Fort Ord area of the County;
 - c. Approve and authorize the Chair to sign Amendment No. 1 to Advanced Funding Agreement No. A-12424 with BMC EG GARDEN, LLC funding County costs for monitoring and reporting on compliance with prevailing wage obligations in construction of the East Garrison project in the former Fort Ord area of the County;
 - d. Approve and authorize the Chair to sign Amendment No. 1 to Advanced Funding Agreement No. A-12425 with BMC EG BUNGALOW, LLC funding County costs for monitoring and reporting on compliance with prevailing wage obligations in construction of the East Garrison project in the former Fort Ord area of the County; and
 - e. Approve and authorize the Chair to sign Amendment No. 1 to Advanced Funding Agreement No. A-12426 with BMC EG VILLAGE, LLC funding County costs for monitoring and reporting on compliance with prevailing wage obligations in construction of the East Garrison project in the former Fort Ord area of the County.

A motion was made by Supervisor Fernando Armenta, seconded by Supervisor Dave Potter to trail this item to the afternoon. ALL AYES

A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to:

- a. Approve and authorize the Chair to sign an Advanced Funding Agreement with BMC EG BLUFFS, LLC (A-13023) funding County costs for monitoring and reporting on compliance with prevailing wage obligations in construction of the East Garrison project in the former Fort Ord area of the County;**
- b. Approve and authorize the Chair to sign an Advanced Funding Agreement with BMC EG GROVE, LLC (A-13024) funding County costs for monitoring and reporting on compliance with prevailing wage obligations in construction of the East Garrison project in the former Fort Ord area of the County;**
- c. Approve and authorize the Chair to sign Amendment No. 1 to Advanced Funding Agreement No. A-12424 with BMC EG GARDEN, LLC (A-12424) funding County costs for monitoring and reporting on compliance with prevailing wage obligations in construction of the East Garrison project in the former Fort Ord area of the County;**
- d. Approve and authorize the Chair to sign Amendment No. 1 to Advanced Funding Agreement No. A-12425 with BMC EG BUNGALOW, LLC (A-12425) funding County costs for monitoring and reporting on compliance with prevailing wage obligations in construction of the East Garrison project in the former Fort Ord area of the County; and**
- e. Approve and authorize the Chair to sign Amendment No. 1 to Advanced Funding Agreement No. A-12426 with BMC EG VILLAGE, LLC (A-12326) funding County costs for monitoring and reporting on compliance with prevailing wage obligations in construction of the East Garrison project in the former Fort Ord area of the County. ALL AYES**

RMA - Planning

- 41.
- a. Approve Amendment No. 7 to Professional Services Agreement No. A-11684 with EcoSystems West Consulting Group where the Base Budget is increased by \$60,283, for a total amount not to exceed \$232,232, to provide 2015 Piperia Plan Studies for The Pebble Beach Company's Del Monte Forest Preservation and Development Plan in Pebble Beach, for a term to June 30, 2016;
 - b. Approve Amendment No. 7 to Reimbursement Agreement No. A-11411 with The Pebble Beach Company where the Base Budget is increased by \$60,283 with no change to the County Surcharge of \$2,500, for a total amount not to exceed \$234,732, to allow reimbursement to Monterey County for costs incurred by EcoSystems West Consulting Group and the Resource Management Agency - Planning to provide 2015 Piperia Plan Studies for The Pebble Beach Company's Del Monte Forest Preservation and Development Plan in Pebble Beach, for a term to June 30, 2016; and
 - c. Authorize the Director of Planning to execute Amendment No. 7 to Professional Services Agreement No. A-11684, Amendment No. 7 to Reimbursement Agreement No. A-11411 and future amendments to these Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.

Approved - Agreement Nos. A-11684 (Ecosystems West Consulting); A-11411 (The Pebble Beach Co.)

RMA - Public Works

- 42.
- a. Approve Amendment No. 5 to Professional Services Agreement No. A-11906 with TRC Engineers, Inc. to include additional design, engineering, plans, specifications, estimate, right-of-way and utility coordination services and other assistance tasks for Phase 2, Final Design Basic Tasks, of the Castroville Railroad Crossing Bicycle/Pedestrian Path (RFQ/RFP #10197), Project No. 862265, Federal Aid Project No. HP21L-5944 (097) (formerly Federal Aid Project No. STPLHSR-5944 (058), in the amount of \$74,297 for a total amount not to exceed \$1,039,088, and extend the term through December 31, 2017; and
 - b. Authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute Amendment No. 5 to Professional Services Agreement No. A-11906 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-11906

- 43.
- Adopt a Resolution:
- a. Approving the Working Drawings (Plans and Specifications) for the New

- Juvenile Hall, Project No. 8811, Bid Package No.10560 (Project);
- b. Approving Request For Qualifications 10550 List of Prequalified Contractors Eligible to Bid on the Construction Contract for the New Juvenile Hall, Project No. 8811;
 - c. 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.
 - d. Authorizing the RMA-Director of Public Works, upon obtaining State approval to Proceed to Bid, to advertise for bids and issue the approved Working Drawings (Plans and Specifications) to the Prequalified Contractors Eligible to Bid on the Construction Contract for the New Juvenile Hall, Project No. 8811; and
 - e. Authorizing and directing the County Administrative Officer, Resource Management Agency Director, and Chief Probation Officer 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 SB 81 2007 Youthful Offender Rehabilitative Facility Construction Funding Program. (ADDED VIA ADDENDUM)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to adopt Resolution No. 15-308:

- a. Approving the Working Drawings (Plans and Specifications) for the New Juvenile Hall, Project No. 8811, Bid Package No.10560 (Project);**
- b. Approving Request For Qualifications 10550 List of Prequalified Contractors Eligible to Bid on the Construction Contract for the New Juvenile Hall, Project No. 8811;**
- c. 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;**
- d. Authorizing the RMA-Director of Public Works, upon obtaining State approval to Proceed to Bid, to advertise for bids and issue the approved Working Drawings (Plans and Specifications) to the Prequalified Contractors Eligible to Bid on the Construction Contract for the New Juvenile Hall, Project No. 8811; and**
- e. Authorizing and directing the County Administrative Officer, Resource Management Agency Director, and Chief Probation Officer 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 SB 81 2007 Youthful Offender Rehabilitative Facility Construction Funding Program. (ADDED VIA ADDENDUM) ALL AYES**