

Monterey County

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



Action Minutes - Final

Tuesday, November 1, 2016

9:00 AM

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

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: 4 - Supervisor Jane Parker, Supervisor Dave Potter, Supervisor John M. Phillips and Supervisor Simón Salinas

Absent: 1 - Supervisor Fernando Armenta

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(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
 - b. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee.
 - c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:

(1) Designated representatives: Manuel Gonzalez and Brette Neal
Employee Organization(s): Units D and L (ADDED VIA ADDENDUM)
 - 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; International Speedway Corporation; and,
World Automobile Championship of California, LLC
Under negotiation: Price and Terms

CLOSED SESSION REPORT: The Board took no reportable actions on items: 1.a.; 1.b.; and 1.d. The Board conferred with labor negotiators on item 1.c, regarding bargaining units D and L. The Board approved a side letter to implement a vacation cash out constructive receipt program.

10:30 A.M. - Reconvene

Roll Call

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

Pledge of Allegiance

The Pledge of Allegiance was led by Gail Borkowski.
The Pledge of Allegiance was under the Monterey County Water Resources Agency Agenda.

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:

Correction to Consent Calendar – Natividad Medical Center
12. Revised Report submitted adding f. to the Recommendations of Board Report
a. Approve Natividad Medical Center to increase the total project cost approved by the Board of Supervisors for \$1,156,036 for the Medical Office Buildout Floor One by \$1,059,716 to a revised total project cost of \$2,215,752.; and
b. Approve Natividad Medical Center to increase the total project cost approved by the Board of Supervisors for \$800,000 for The Building 400 Mechanical Upgrade by \$44,381 to a revised total project cost of \$844,381; and
c. Award an agreement in the total amount of \$2,604,675 for the construction component to Tombleson Inc. the lowest responsible and responsive base bidder, for Natividad Medical Center for the above mentioned projects; and
d. Approve the Performance and Payment Bonds executed and provided by Tombleson Inc.;
e. Authorize a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change order; and
f. Authorize the Purchasing Manager at NMC to execute the contract and subject to the terms of the Public Contract Code, approve change order to the contract that do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Dave Potter to approve the corrections to the agenda. ALL AYES

Ceremonial Resolutions

- 2.** Adopt Resolution recognizing Salinas Police Chief Kelly J. McMillin upon his retirement after 32 years of Service to the City of Salinas, California. (Full Board)

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

Fernando Armenta to adopt Resolution No. 16-293 recognizing Salinas Police Chief Kelly J. McMillin upon his retirement after 32 years of Service to the City of Salinas, California. (Full Board) ALL AYES

3. Adopt Resolution honoring Catherine J.K. Sandoval for her many contributions as a member of the California Public Utilities Commission. (Supervisor Potter)
- A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-294 honoring Catherine J.K. Sandoval for her many contributions as a member of the California Public Utilities Commission. (Supervisor Potter). ALL AYES**
- 3.1 Adopt Resolution honoring “Undisclosed Recipient” of Inns of Monterey/Casa Munras Hotel & Spa upon being named recipient of the 2016 Monterey County Hospitality Association Papa Vince Award. (Full Board)
- A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-295 honoring “Undisclosed Recipient” of Inns of Monterey/Casa Munras Hotel & Spa upon being named recipient of the 2016 Monterey County Hospitality Association Papa Vince Award. (Full Board) ALL AYES**
- 3.2 Adopt Resolution of proclamation commending Rosalinda Yanez Soto, of the Monterey County Office of Employment and Training, upon her retirement after 39 years of dedicated public service. (Full Board) (ADDED VIA ADDENDUM)
- A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-296 of proclamation commending Rosalinda Yanez Soto, of the Monterey County Office of Employment and Training, upon her retirement after 39 years of dedicated public service. (Full Board) ALL AYES**

Appointments

4. Reappoint Brian Turlington to the Monterey County Workforce Development Board, representing Business for a term ending November 5, 2019. (Full Board)
- A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to reappoint Brian Turlington to the Monterey County Workforce Development Board, representing Business for a term ending November 5, 2019. (Full Board) ALL AYES**
5. Reappoint Salvador Munoz to the Monterey County Workforce Development Board, representing Business for a term ending July 27, 2019. (Full Board)
- A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to reappoint Salvador Munoz to the Monterey County Workforce Development Board, representing Business for a term ending July 27, 2019. (Full Board). ALL AYES**
6. Reappoint Mimi Laurent to the Monterey County Workforce Development

Board, representing Rehabilitation for a term ending October 29, 2019. (Full Board)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to reappoint Mimi Laurent to the Monterey County Workforce Development Board, representing Rehabilitation for a term ending October 29, 2019. (Full Board) ALL AYES

Consent Calendar

7. Approval of Consent Calendar (See Supplemental Sheet)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to approve the Consent Calendar (See Supplemental Sheet), except for item 17. ALL AYES

A motion was made by Supervisor Fernando Armenta, seconded by Supervisor Simón Salinas to approve item 17 and directed staff to return on November 15, 2016 with comprehensive information on the program, including the 2020 Waiver and Whole Person Care program. ALL AYES

Other Board Matters

8. Board Comments

Supervisor Parker advised that the Registrar of Voters anticipates a large turnout of voters this year, for the November 8, 2016 election. Supervisor Parker encouraged voters to vote early, mail ballots early or allow ample time to vote at the polls. She also suggested completing the sample ballot to expedite the voting process at the polls.

9. CAO Comments and Referrals

There were no CAO comments or referrals.

10. General Public Comment

There was no public comment.

10:30 A.M. - Scheduled Matters

11. Consider adoption of a non-binding Resolution of Intent to allow the County of Monterey's continued participation in the formation of a proposed Monterey Bay Community Power Joint Powers Authority; and, consider providing staff direction to modify the Resolution of Intent to include provision for weighted voting for specified matters.

Public Comment: Ben Eichert; Robert Frischmutm; Horacio Amezquita; Margaret Ribecky; Hans Jongens.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Dave Potter to:

- a. Adopt a non-binding Resolution of Intent No. 16-298 (Attachment D) to allow the County of Monterey’s continued participation in the formation of a proposed Monterey Bay Community Power Joint Powers Authority; and
- b. Provide staff direction to negotiate a possible weighted voting option for specified matters. 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 2/7/2016

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

- 12.
- a. Approve Natividad Medical Center to increase the total project cost approved by the Board of Supervisors for \$1,156,036 for the Medical Office Buildout -Floor One by \$1,059,716 to a revised total project cost of \$2,215,752.; and
 - b. Approve Natividad Medical Center to increase the total project cost approved by the Board of Supervisors for \$800,000 for The Building 400 - Mechanical Upgrade by \$44,381 to a revised total project cost of \$844,381; and
 - c. Award an agreement in the total amount of \$2,604,675 for the construction component to Tombleson Inc. the lowest responsible and responsive base bidder, for Natividad Medical Center for the above mentioned projects; and
 - d. Approve the Performance and Payment Bonds executed and provided by Tombleson Inc.; and
 - e. Authorize a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change order;
 - f. Authorize the Purchasing Manager at NMC to execute the contract and subject to the terms of the Public Contract Code, approve change order to the contract that do not exceed 10% of the original contract amount, and do not significantly change the scope of work. (f. ADDED VIA ADDITIONS/CORRECTIONS)

Approved - Agreement No. A-13374

- 13.
- a. Approve the revised Business Associate Agreement (“BAA”) template to be utilized by Natividad Medical Center (“NMC”) in conjunction with contracts with Business Associates (“BAs”) performing specified services involving the use or disclosure of protected health information (“PHI”).
 - b. Authorize the NMC Chief Executive Officer or Contracts/Purchasing Officer to execute the revised BAA Template in conjunction with contracts with BAs performing specified services involving the use or disclosure of PHI.
 - c. Authorize NMC to implement future changes to the BAA template and to execute further revised BAAs , all subject to review and approval by County Counsel; delegation of authority limited to June 30, 2021.

Approved - Agreement No. A-13347

- 14.
- a. Approve the Natividad Medical Center (NMC) Program Letter of Agreement template for use with clinical institutions for the purpose of offering clinical rotations outside of Natividad Medical Center (NMC)for the residents currently working at NMC;
 - b. Authorize updates to the NMC Program Letter of Agreement template in

- accordance with local, federal and/or state law, subject to review and approval of County Counsel;
- c. Authorize amendments to the NMC Program Letter of Agreement template that do not significantly change the level of risk or the scope of either party's obligations or responsibilities, subject to review and approval by County Counsel; and
 - d. Authorize execution of the NMC Program Letter of Agreement template by the NMC Deputy Purchasing Agent or his designee, subject to review and approval of County Counsel; delegation of authority to expire June 30, 2021.

Approved

Health Department

- 15. Accept and approve the Emergency Medical Services Agency (EMS) Annual Report for Fiscal Year 2015-16.
Approved

- 16.
 - a. Approve and authorize the Director of Health or Assistant Director of Health to execute a three (3) year Mental Health Services Agreement with Fred Finch Youth Center in Oakland, CA for the provision of mental health services, medication support, crisis intervention, case management, and residential services for Monterey County youth that require the highest level of care, in the amount of \$903,628 for Fiscal Year (FY) 2016-17, \$903,628 for FY 2017-18, and \$914,789 for FY 2018-19, for a total Agreement amount not to exceed \$2,722,045, retroactive to July 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%) (\$272,205) of the original Agreement amount and do not significantly alter the scope of services.**Approved - Agreement No. 16. A -13352**

- 17.
 - a. Approve participation in the California Department of Health Care Services (DHCS) Medi-Cal 2020 Demonstration Waiver Whole Person Care Pilot Program (WPC Pilot), including providing matching non-federal funds in the amount up to \$2,683,463 per year, for five years for a total non-federal match up to \$13,417,315; and
 - b. Approve and authorize the Director of Health or Assistant Director of Health to sign the WPC Agreement with DHCS to participate in DHCS's Medi-Cal 2020 Demonstration Waiver Whole Person Care five year pilot program which aims to improve coordination of health, behavioral health, and social services to improve Medi-Cal beneficiary health and wellbeing through more efficient and effective use of resources effective from the date DHCS and County have executed the WPC Agreement through June 30, 2021 unless

the application is renewed or the WPC Pilot program is extended, for an annual amount up to \$5,366,926 and total WPC Agreement amount up to \$26,834,630; and

c. Authorize the Director of Health or Assistant Director of Health to sign up to three (3) future amendments to the DHCS WPC Agreement where the amendments in the aggregate, do not exceed 10% of the original Agreement amount (\$2,683,463) and which do not significantly change the scope of the pilot project.

A motion was made by Supervisor Fernando Armenta, seconded by Supervisor Simón Salinas to approve item 17 and directed staff to return on November 15, 2016 with comprehensive information on the program, including the 2020 Waiver and Whole Person Care program. ALL AYES

General Government

18. Adopt a Resolution to revise and approve amendments to the Conflict of Interest Code of the Soledad Unified School District.
- A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to adopt Resolution No. 16-305 to revise and approve amendments to the Conflict of Interest Code of the Soledad Unified School District. ALL AYES**
19. Adopt a Resolution to revise and approve amendments to the Conflict of Interest Code of the Pebble Beach Community Services District.
- A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to adopt 19. Resolution No. 16-302 to revise and approve amendments to the Conflict of Interest Code of the Pebble Beach Community Services District. ALL AYES**
20. a. Authorize the Interim Director of Information Technology to execute a non-standard Agreement with QSI 2011 Inc., dba Questys Solutions, for software and support used for Records Management, in the annual amount of \$109,096.14 for FY 2016-17, retroactive to September 1, 2016, \$111,278.06 for FY 2017-18, and \$113,503.62 for FY 2018-19 for a total aggregate amount not to exceed \$ 333,878; and
- b. Accept non-standard provisions as recommended by the Interim Director of Information Technology.
- Approved - Agreement No. A-13353**
21. Receive and Accept the Treasurer's Report of Investments for the Quarter Ending September 30, 2016.
- Approved**
22. Adopt an ordinance (Attachment A) amending Section 2.12.040 of the Monterey County Code and adding Chapter 2.22 to the Monterey County Code to:

- a. Change the appointing authority of the Public Defender and establish the Public Defender as an appointed position to be appointed by and serve at the will of the Board of Supervisors; and
- b. Change the appointing authority of the Director of Child Support Services; and
- c. Update the reference to the County Department of Social Services to reflect a prior change in the name of the department.

**A motion was made by Supervisor Simon Salinas, seconded by Supervisor John Phillips to adopt Ordinance No. 5277 to:
Amend Section 2.12.040 of the Monterey County Code and adding Chapter 2.22 to the Monterey County Code to:**

- a. Change the appointing authority of the Public Defender and establish the Public Defender as an appointed position to be appointed by and serve at the will of the Board of Supervisors; and**
- b. Change the appointing authority of the Director of Child Support Services; and**
- c. Update the reference to the County Department of Social Services to reflect a prior change in the name of the department.**

RMA - Public Works and Facilities

- 23.**
- a. Award a contract to Viking Construction Company, the lowest responsible and responsive bidder, for Castroville Bicycle/Pedestrian Path and Railroad Crossing Project No.8622, Federal Aid Project No. RSTPLE-5944(111) (“Project”), in the total amount of \$6,509,050.56;
 - b. Approve the Performance and Payment Bonds executed and provided by Viking Construction Company and Travelers Casualty and Surety Company of America;
 - c. Authorize a contingency, not to exceed ten percent (10 %) of the contract amount, to provide funding for approved contract change orders;
 - d. Authorize the ~~Interim~~ Resource Management Agency Deputy Director of Public Works and Facilities to execute the contract and, subject to the provisions of the Public Contract Code, ~~and~~ approve change orders to the contract that do not ~~exceed ten percent (10%) of the original contract amount, and do not~~ significantly change the scope of work; and
 - e. Authorize the ~~Interim~~ Resource Management Agency Deputy Director of Public Works and Facilities to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when the ~~Interim~~ Deputy Director determines the contract is complete in all respects in accordance with the Plans and Special Provisions for the construction of the Castroville Bicycle/Pedestrian Path and Railroad Crossing Project No.8622, performed by Viking Construction Company. (REVISED VIA SUPPLEMENTAL)

Approved - Agreement No. A-13346; Construction No. 2015-022

- 24.** Introduce, waive the reading, and set November 15, 2016 at 10:30 a.m. (Consent Agenda) as the date and time to consider adoption of an ordinance amending Section 12.24.020 of the Monterey County Code to establish stop

intersections on Bishop Street at Florence Street, on Cayetano Street at Florence Street, and on Jonathan Street at Florence Street in Pajaro, an unincorporated area of the County of Monterey.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to introduce, waive the reading, and set November 15, 2016 at 10:30 a.m. (Consent Agenda) as the date and time to consider adoption of an ordinance amending Section 12.24.020 of the Monterey County Code to establish stop intersections on Bishop Street at Florence Street, on Cayetano Street at Florence Street, and on Jonathan Street at Florence Street in Pajaro, an unincorporated area of the County of Monterey. ALL AYES