

# Monterey County

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



## **Action Minutes - Final**

**Tuesday, September 1, 2015**

**9:00 AM**

## **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**

There were no additions or corrections to Closed Session.

**Closed Session**

1. Closed Session under Government Code section 54950, relating to the following items:
  - a. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Resource Management Agency Director.
  - b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding four matters of significant exposure to litigation.
  - c. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee.
  - 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): Lew Bauman, County Administrative Officer  
Negotiating Parties: Sports Car Racing Association of the Monterey Peninsula  
Under negotiation: Price and Terms
    - (2) Property: APN 161-251-010-000  
Agency Negotiator(s): Leslie J. Girard, Chief Assistant County Counsel  
Negotiating Parties: Cypress Community Church  
Under negotiation: Price and Terms
  - e. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
    - (1) California Utilities Services v. County of Monterey, et al. (Monterey County Superior Court case no. M130665)

f. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Natividad Medical Center Chief Executive Officer.

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

(1) Designated representatives: Lew Bauman, County Administrative Officer and Charles McKee, County Counsel

Employee Organization(s): Unrepresented Unit - NMC CEO

(2) Designated representatives: Lew Bauman, County Administrative Officer and Charles McKee, County Counsel

Employee Organization(s): Unrepresented Unit - RMA Director

(3) Designated representatives: Manuel Gonzalez, Assistant CAO and Brette Neal

Employee Organization(s): A, B, C, D, E, F, G, H, J, K, L, N, R, S, V, X, Y, and Z

**Public Comment on Item 1. d. (1): Jay Edelman; Don Ask; Mike Heyworth; David Lupe; Dean Cuttrell; Darryl Hilton; Jim Bowman; Jim Sula; Loretta; Juliette Ferrante Lucero.**

**CLOSED SESSION REPORT:**

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

**a. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Resource Management Agency Director.**

**CLOSED SESSION REPORT: The Board unanimously appointed Carl Holm as the Resource Management Agency Director, effective August 29, 2015.**

**b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding four matters of significant exposure to litigation. CLOSED SESSION REPORT: The Board took no reportable action on item 1. b.**

**c. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee. CLOSED SESSION REPORT: The Board took no reportable action 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): Lew Bauman, County Administrative Officer**

**Negotiating Parties: Sports Car Racing Association of the Monterey Peninsula**  
**Under negotiation: Price and Terms**

**(2) Property: APN 161-251-010-000**

**Agency Negotiator(s): Leslie J. Girard, Chief Assistant County Counsel**

**Negotiating Parties: Cypress Community Church**

**Under negotiation: Price and Terms**

**CLOSED SESSION REPORT: The Board took no reportable action on items 1.**

**d. (1) and (2).**

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

(1) California Utilities Services v. County of Monterey, et al. (Monterey County Superior Court case no. M130665)

CLOSED SESSION REPORT: The Board took no reportable action on item 1. e. (1).

f. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Natividad Medical Center Chief Executive Officer.

CLOSED SESSION REPORT: The Board unanimously appointed Dr. Gary Gray as the Natividad Medical Center CEO, and directed staff to return to the board on September 15, 2015 for approval of the final contract, which will be effective September 22, 2015.

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

(1) Designated representatives: Lew Bauman, County Administrative Officer and Charles McKee, County Counsel

Employee Organization(s): Unrepresented Unit - NMC CEO

(2) Designated representatives: Lew Bauman, County Administrative Officer and Charles McKee, County Counsel

Employee Organization(s): Unrepresented Unit - RMA Director

(3) Designated representatives: Manuel Gonzalez, Assistant CAO and Brette Neal

Employee Organization(s): A, B, C, D, E, F, G, H, J, K, L, N, R, S, V, X, Y, and Z

CLOSED SESSION REPORT: The Board took no reportable actions on items 1. g. (1), (2), & (3).

**10:30 A.M. - Reconvene**

**Roll Call**

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

**Pledge of Allegiance**

The Pledge of Allegiance was led by Supervisor Armenta.

**Additions and Corrections**

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:

Remove from Consent Calendar – General Government

19.1 a. Consider approval of the response to the 2014 2015 Monterey County Civil Grand Jury Interim Final Report No. 13 regarding the Monterey County Jail; and b. Direct the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by September 11, 2015. (CORRECTION TO ATTACHMENT VIA SUPPLEMENTAL)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to approve the correction to the agenda. ALL AYES

### **Consent Calendar- (See Supplemental Sheet)**

2. Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Phillips recused himself on item 11 because he was a founding member and longtime Board member of Rancho Cielo. He advised he has no financial interest in Rancho Cielo.

Supervisor Parker pulled item 9.1 for comments.

Chair Salinas pulled item 19.

Public comment on item 19: Julie Filice; Daniel Mitchell; Pat Butcher; Marisa Fiori; Deborah Narvias; Michael Miller.

A motion was made by Supervisor Dave Potter, seconded by Supervisor John Phillips to approve item 19. 4-1 (Supervisor Armenta Dissented)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to approve the Consent Calendar (See Supplemental Sheet), with the exception of items 11, 9.1 and 19. ALL AYES

### **Ceremonial Resolutions**

3. Adopt Resolution proclaiming the month of September 2015 as Childhood Cancer Awareness Month in Monterey County. (Full Board)

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to adopt Resolution No. 15-238 proclaiming the month of September 2015 as Childhood Cancer Awareness Month in Monterey County. (Full Board) ALL AYES

4. Adopt resolution proclaiming the month of September 2015 as National Food Safety Education Month in Monterey County. (Full Board)

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to adopt Resolution No. 15-239 proclaiming the month of September 2015 as National Food Safety Education Month in Monterey County. (Full Board) ALL AYES

### **Other Board Matters**

5. Board Comments

Supervisor Parker announced a community meeting on sponsoring various criminal justice experts on Thursday, Sept. 10th from 6:30 to 7:30 pm at Friendship Baptist Church in Seaside, related to California Proposition 47, passed last year which reduced the classification of many drug crimes from felonies to misdemeanors. This is an opportunity for those want to learn how to reclassify their records, as well as look for job opportunities.

Supervisor Phillips was asked to speak at the grand opening of Jacob's Heart in Watsonville, which serves both sides of the County. Granite Construction donated the building and furnishings. He enjoyed the experience.

6. CAO Comments and Referrals

County Administrative Officer Dr. Lew Bauman advised of the following Board Referral from District 4-Supervisor Parker:

Develop a policy for correspondence to Board Offices, with the intent that correspondence submitted to the Board is shared appropriately in compliance with the Brown Act, and that the public knows the appropriate procedures for contacting Board members and Board offices. Referred to County Counsel to formulate the policy.

7. General Public Comment

Hans Jongens.

**10:30 A.M. - Scheduled Matters**

8. Receive a report from the County Debt Manager regarding the Certificates of Participation issuance for the 2015 Public Facilities Financing.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to receive a report from the County Debt Manager regarding the Certificates of Participation issuance for the 2015 Public Facilities Financing. 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**

- 8.1 Public hearing to consider adopting a resolution to:
  - a. Deny the appeal by James Ross Riley from the Planning Commission's adoption of a Mitigated Negative Declaration and approval of an application by Tanimura and Antle Fresh Foods, Inc. for a Combined Development Permit consisting of a General Development Plan, Administrative Permit and Design Approval to allow the construction of a 100 unit agricultural employee housing complex comprised of two bedroom apartment units and related facilities at 121 Spreckels Blvd., Spreckels Community;
  - b. Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan;
  - c. Approve a Combined Development Permit consisting of a General

Development Plan, Administrative Permit and Design Approval to allow the construction of a 100 unit agricultural employee housing complex comprised of two bedroom apartment units and related facilities at 121 Spreckels Blvd., Spreckels Community; and

d. Deny the applicant's request for a waiver of application fees.

(Appeal of Combined Development Permit Approval - PLN150371/Spreckels Industrial Park, LLC, 121 Spreckels Blvd, Greater Salinas Area Plan (Tanimura and Antle Employee Housing Project))

**Held a Public hearing.**

**Paul Davis addressed the Board on behalf of the Applicant.**

**James Ralph Riley addressed the Board and introduced Bill Parkin who addressed the Board on behalf of the Appellant.**

**Public comment: Mike LeBarre; Rick Meyer; Jim Bogart; Hans Jongens; Elizabeth Williams; Norm Groot; Mike Avila; Gregg McFarland; Carlos Landeros with Interpreter Denise Choate; Abby Taylor Silva; Sandra Mendoza; Marlene Garza; Michael Rander; Eddy Takashima; Randy Ferris; Leo De la Rosa; Maria Angel del Rios; Stephanie; Ron Eastwood; Alfred Desperante; Marine Garza; Otalio Felix; Mary Ellen Para; Brian Turlington; Steve Eklund; Bill Carrothers; Bill Lipe; Amy White; Jody Hansen Maria Geriatto; Wah Lang Chang; Carlos Ramos; Cathy McDougal; Wesley Van Camp.**

**A motion was made by Supervisor Dave Potter, seconded by Supervisor John M. Phillips to adopt Resolution No. 15-240 to:**

**a. Deny the appeal by James Ross Riley from the Planning Commission's adoption of a Mitigated Negative Declaration and approval of an application by Tanimura and Antle Fresh Foods, Inc. for a Combined Development Permit consisting of a General Development Plan, Administrative Permit and Design Approval to allow the construction of a 100 unit agricultural employee housing complex comprised of two bedroom apartment units and related facilities at 121 Spreckels Blvd., Spreckels Community;**

**b. Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan;**

**c. Approve a Combined Development Permit consisting of a General Development Plan, Administrative Permit and Design Approval to allow the construction of a 100 unit agricultural employee housing complex comprised of two bedroom apartment units and related facilities at 121 Spreckels Blvd., Spreckels Community;**

**d. Deny the applicant's request for a waiver of application fees; and**

**e. Directed staff to return in one year with a status report of operation and quarterly reports to Spreckels Community District. ALL AYES**

## **Adjournment**

**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** 03-08-2016



**Supplemental Sheet, Consent Calendar****Health Department**

9. Adopt the Monterey County Mental Health Services Act Fiscal Year 2014-15 through FY 2016-17 Three-Year Program and Expenditure Plan.

**Approved**

- 9.1 Adopt a Resolution amending Article I.E. of the Monterey County Master Fee Resolution effective October 1, 2015, to adjust fees relating to oversight and services provided by the Health Department's Environmental Health Bureau as related to the Tobacco Retailer License permits pursuant to the attached Fee Schedule. (ADDED VIA ADDENDUM)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-241 amending Article I.E. of the Monterey County Master Fee Resolution effective October 1, 2015, to adjust fees relating to oversight and services provided by the Health Department's Environmental Health Bureau as related to the Tobacco Retailer License permits pursuant to the attached Fee Schedule. (ADDED VIA ADDENDUM) ALL AYES**

**Criminal Justice**

10. a. Approve a Memorandum of Understanding with the Monterey County Office of Education, reimbursing the Probation Department in the amount of \$160,915 for collaborative services for the Salinas Community School Program during FY 2015-16; and  
b. Authorize the Chief Probation Officer to sign the MOU.

**Approved**

11. a. Approve the Renewal and Amendment No. 1 to agreement with Rancho Cielo, Inc. in the amount of \$85,000 for a total aggregate of \$170,000, to support programs for at-risk and adjudicated youth, extending the term date through June 30, 2016; and  
b. Authorize the Chief Probation Officer or designee to sign the Amendment.

**A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to: a. Approve the Renewal and Amendment No. 1 to agreement with Rancho Cielo, Inc. in the amount of \$85,000 for a total aggregate of \$170,000, to support programs for at-risk and adjudicated youth, extending the term date through June 30, 2016; and  
b. Authorize the Chief Probation Officer or designee to sign the Amendment. 4-0 (Supervisor Phillips recused because he was the founder and longtime president of Rancho Cielo. He advised he has no financial interest in the facility)**

12. a. Approve the Memorandum of Understanding (MOU) between the Monterey

County Probation Department and the Salinas Union High School District, reimbursing the Probation Department in the amount of \$580,562 for campus-based services provided by the Probation Department effective July 1, 2015 through June 30, 2016; and

b. Approve and authorize the Chief Probation Officer or designee to execute the MOU.

**Approved - Agreement No. A-12930**

13. a. Approve the Renewal and Amendment to the agreement between the Monterey County Probation Department and First 5 Monterey County reimbursing the Probation Department in the amount of \$220,000 for a total aggregate of \$550,000, and extending the term date through June 30, 2017 for the Child Advocate Program; and
- b. Authorize the Chief Probation Officer or designee to sign the Amendment.

**Approved - Agreement No. A-12931**

14. a. Approve and authorize the Contracts/Purchasing Officer or his designee to execute Amendment No.1 to the Professional Services Agreement by and between County of Monterey and Honeywell International, Incorporated to provide preventative maintenance and on call emergency services to the heating, ventilation, air conditioning and controls in the Public Safety Building and the Monterey County Jail, increasing the amount of the contract from \$357,920 to \$422,140;
- b. Authorize a modification of the County standard liability language as recommended by the Sheriff/Coroner; and
- c. Approve and authorize the Contracts/Purchasing Officer or his designee to approve one (1) future amendment to this Agreement where future amendment does not add more than \$75,000 to the Agreement, bringing the total not to exceed cost of the agreement to \$497,140; and which does not significantly change the scope of work.

**Approved - Agreement No. A-12439**

### **General Government**

15. a. Retroactively approve the Agreement with Biddle Consulting Group, Inc., in the amount of \$1,538 for the period January 1, 2015 to January 1, 2016;
- b. Accept the non-standard County Liability and Indemnification Provisions pursuant to the recommendation of the Director of Emergency Communications;
- c. Authorize the Contracts/Purchasing Officer to sign the Agreement with Biddle Consulting Group, Inc.; and
- d. Authorize the Contracts/Purchasing Officer to sign annual maintenance of the software and upgrades of the software Agreements and/or Agreement extensions under similar terms and conditions, with annual

dollar amounts not to exceed 10% of the original amount, through January 1, 2020.

**Approved - Agreement No. A-12914**

16. Approve the 2015-16 Secured Roll Tax Rates.

**Approved**

17. a. Approve and authorize the Contracts/Purchasing Officer to sign a Radio Communication Site Lease Agreement with Salinas Valley Solid Waste Authority (SVSWA) for a five (5) year term in an amount not to exceed \$1.00 per year; and  
b. Authorize the Director of Emergency Communications Department to approve three (3) additional five (5) year terms.

**Approved - Agreement No. A-12926**

- 17.1 a. Consider approval of the response to the 2014- 2015 Monterey County Civil Grand Jury Interim Final Report No. 14 regarding Integrity of Land Records in Monterey County; and  
b. Direct the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by September 11, 2015. (ADDED VIA ADDENDUM)

**Approved**

18. a. Approve and authorize the Contracts/Purchasing Officer to sign a County of Monterey Standard Agreement with DELTAWRX, LLC for project management and related services for the Monterey County Next Generation Radio System Project (NGEN) in an amount not to exceed \$240,000 for the period of July 15, 2015 through July 14, 2016; and  
b. Approve and authorize the Contracts / Purchasing Officer to sign up to three (3) amendments to this agreement, where the total amendments do not exceed ten percent (10%) of the original contract amounts, and do not significantly change the scope of work upon approval of County Counsel and the Director of Emergency Communications provided that funds are available in the NGEN Project Fund (EME002)

**Approved - Agreement No. A-12927**

- 18.1 Approve and authorize the Chair to sign a letter to Monterey County's State Legislative Representatives supporting legislation that would provide an exemption from the current Two Percent (2%) cap for the Transportation Agency for Monterey County to pursue a local sales tax measure for transportation, subject to voter approval in 2016. (ADDED VIA ADDENDUM)

**Approved**

19. Approve amending the County's Internal Revenue Code Section 125 Plan to add the Annual Leave/ Vacation/PTO Buy Back Plan as described as Appendix C of the Plan effective September 1, 2015.

**Public comment on item 19: Julie Filice; Daniel Mitchell; Pat Butcher; Marisa Fiori; Deborah Narvias; Michael Miller.**

**A motion was made by Supervisor Dave Potter, seconded by Supervisor John M. Phillips to approve amending the County's Internal Revenue Code Section 125 Plan to add the Annual Leave/ Vacation/PTO Buy Back Plan as described as Appendix C of the Plan effective September 1, 2015. 4-1 (Supervisor Armenta Dissented)**

- 19.1
- a. Consider approval of the response to the 2014- 2015 Monterey County Civil Grand Jury Interim Final Report No. 13 regarding the Monterey County Jail; and
  - b. Direct the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by September 11, 2015.

**Item removed via Corrections.**

### **RMA-Planning**

- 19.2
- a. Approve Amendment No. 1 to Professional Services Agreement No. A-12775 with Denise Duffy & Associates, Inc. to expand current tasks and to include the preparation of a Water Quality Assessment Report for completion of the Carmel River Floodplain Restoration and Environmental Enhancement Project in the Carmel Area Land Use Plan, in the amount of \$65,000 for a total amount not to exceed \$321,769, and extend the term to July 29, 2017; and
  - b. Authorize the Contracts/Purchasing Officer or his designee to execute Amendment No. 1 to Professional Services Agreement No. A-12775 and future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount.  
(Amendment - REF140048/Denise Duffy & Associates for Carmel River Floodplain Restoration and Environmental Enhancement Project, in the Carmel Area Land Use Plan)

**Approved - Agreement No. A-12775**

### **RMA-Public Works**

- 20.
- a. Award a contract to Telfer Oil Company, the lowest responsible bidder, for the Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat FY16, Project No. 5516, in the total amount of \$280,262.27;
  - b. Approve the Performance and Payment Bonds executed and provided by Telfer Oil Company;
  - c. Authorize a contingency (not to exceed 10% of the contract amount) to

provide funding for approved contract change orders;

d. Authorize the Director of Public Works to execute the contract and subject to the terms of the Public Contract Code approve change orders to the contract that do not exceed 10% of the original contract amount and do not significantly change the scope of work; and

e. Authorize the Director of Public Works to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when he determines that the contract is complete in all respects in accordance with Plans and Special Provisions for the construction of Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat FY16, Project No. 5516, performed by Telfer Oil Company.

**Approved - Agreement No. A-12932; Construction No. 2015-017**