

Monterey County

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



Action Minutes - Draft

Tuesday, October 13, 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 54956.9(d)(2), the Board will confer with legal counsel regarding two matters 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.

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.a. and b.

10:30 AM Reconvene

Roll Call

Present: Charlie Steves, Interpreter

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 Potter.

Assembly Member Luis Alejo's presentation was heard after the Pledge of Allegiance.

See item No. 12 for action.

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 addition and correction:

Remove from Consent Calendar – General Government

24. a. Ratify and authorize the Contracts Purchasing Officer, or the Contracts Purchasing Supervisor, to execute Amendment No. 1 to the Non Standard Agreement with Accuvant Inc., for consulting and training services for the Information Technology Department, to increase the term of service by three months, from March 31, 2015 to December 31, 2015; and to change the contract amount of \$42,700 in the Scope of Services exhibit, paragraph one of Section IV, to reflect the correct contract amount of \$42,100; and

b. Authorize the Contracts Purchasing Officer to issue purchase orders on an as needed basis.

Add Under Adjournment

Adjourn in Memory of Dave Freeman

A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to approve the Additions and Corrections to the agenda. ALL AYES.

Consent Calendar

- 2.** Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Parker pulled item 22 and commented on the item.

Hans Jongens requested items 22 and 29 be pulled and he commented on the items.

Dave Spaur, Economic Development Director, responded to questions on item 22.

Bob Roach from the Agricultural Commiissioner's Office, responded to comments on item 29.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to approve the Consent Calendar (See Supplemental Sheet). ALL AYES

Ceremonial Resolutions

- 3.** Adopt Resolution commending Sergeant Kenneth S. Anderson, Monterey County Sheriff's Office, upon his retirement after thirty years of public service. (Full Board)

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to adopt Resolution No. 15-271 commending Sergeant Kenneth S. Anderson, Monterey County Sheriff's Office, upon his retirement after thirty years of public service. (Full Board) ALL AYES

- 4.** Adopt Resolution commending Deputy Lloyd Foster, Monterey County Sheriff's Office, upon his retirement after twenty-one years of public service. (Full Board)

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to adopt Resolution No. 15-272 commending Deputy Lloyd Foster,

Monterey County Sheriff's Office, upon his retirement after twenty-one years of public service. (Full Board) ALL AYES

Appointments

5. Appoint Angel Mendez to the Gonzales Cemetery Board with a term ending May 14, 2019. (District 3)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to appoint Angel Mendez to the Gonzales Cemetery Board with a term ending May 14, 2019. (District 3) ALL AYES**
6. Reappoint Alexandra Eastman, DVM to the Agricultural Advisory Committee with a term ending June 30, 2018. (Full Board)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to reappoint Alexandra Eastman, DVM to the Agricultural Advisory Committee with a term ending June 30, 2018. (Full Board) ALL AYES**
7. Reappoint Steve Ray to the Agricultural Advisory Committee with a term ending June 30, 2018. (Supervisor Parker)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to reappoint Steve Ray to the Agricultural Advisory Committee with a term ending June 30, 2018. (Supervisor Parker) ALL AYES**

Other Board Matters

8. Appoint one member of the Board of Supervisors to serve as Director and one member of the Board of Supervisors to serve as Alternate on the 2015-2016 Board of Directors of the California State Association of Counties (CSAC).
- A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to appoint Supervisor Fernando Armenta to serve as Director and Supervisor Dave Potter to serve as Alternate on the 2015-2016 Board of Directors of the California State Association of Counties (CSAC).ALL AYES**
9. Board Comments
- Supervisor Armenta advised he attended a Welcome Ceremony for Veterans at the Embassy Suites yesterday on behalf of the County of Monterey. He thanked Wes Morrill, and George Dixon of the Monterey County Military & Veteran Affairs Division. He noted that this event hasn't been in Monterey County for military officers and veterans since 1991. CAO Dr. Lew Bauman also attended. He enjoyed stepping out of his Supervisor role and talking with other Vietnam veterans about the great work Monterey County does for all veterans.**
- Supervisor Parker announced an event hosted by the Blue Ribbon Prevention Campaign that will take place at the Oldemeyer Center in Seaside on October 17th from 10 am - 4 pm. This group focuses on violence prevention and this event focuses on health in general and is called "Let's Get Active". The event is free and there will be food, entertainment and speakers.**
- Supervisor Phillips noted that there are a number of positive things happening**

in the community and sometimes they are overlooked. He advised he attended Chef Paul Lee's retirement event at Rancho Cielo. A number of young people now working in the community that were mentored by the chef, were in attendance. Chef Lee also received the Crystal Apple award. Every major chef from the area also attended.

Supervisor Phillips advised he also attended a fundraiser for the SPCA that raised \$240,000 in less than an hour for abused and abandoned animals. It was very impressive.

Supervisors Phillips & Mayor Gunter were invited to speak on Sunday at the 1st Annual Car Show benefit for Voices for Children (formerly CASA). There were 70-80 cars. The public was out and many signed up to be mentors for foster children. It was a great weekend to see some of the positive things the community is doing.

Supervisor Salinas also commented in support of the positive things happening in the community. He saw a British Broadcast Channel (BBC) segment on Salinas native Ruben Villa preparing for the Olympics. Ruben grew up on the eastside of Salinas and is working hard to achieve his goals. He suggested keeping an eye on Ruben's progress as he may be at the Olympics in Rio Janeiro.

10. CAO Comments and Referrals

There were no CAO comments or referrals.

11. General Public Comment

Hans Jongens; Steve Eklund; Eric Peterson; Joe Vierra.

10:30 A.M. - Scheduled Matters

12. Receive an oral report from Assemblymember Luis A. Alejo, Monterey County's representative for the 30th Assembly District.

By consensus, the Board received the oral report from Assemblymember Luis A. Alejo.

12:00 P.M. - Recess to Lunch

2:15 P.M. - Reconvene Monterey County Board of Supervisors

Roll Call

Present: Charlie Steves, Interpreter

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 (To be heard at 2:15 P.M. or thereafter)

13.

- Public Hearing to consider County initiated Notices of Non-Renewal of Williamson Act Land Conservation Contracts effective January 1, 2016:
- a. Consider adoption of Resolution approving County-initiated Notices of Non-Renewal for portions of ten (10) Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting Williamson Act Program and County Land Conservation Contract requirements and/or with the Property Owner's consent; and
 - b. Direct the Clerk of the Board of Supervisors to record County-initiated Notices of Non-Renewal for portions of ten (10) Contracts with the County Recorder on or before November 1, 2015 and to provide a copy of the recorded Notices of Non-Renewal to the Department of Conservation, Williamson Act Program.
 - c. The following properties are included in the Williamson Act Non-Renewals for 2016:

Borel - Contract # 71-066 - APN 137-081-006-000

Radich - Contract # 04-007 - APN's 420-161-037-000 & 420-161-038-000

Silacci - Contract # 68-052 - APN 415-071-009-000

Nacitone - Contract # 73-034 - APN 423-061-068-000

Jones - Contract # 68-033 - APN 420-151-045-000

C&S - Contract # 71-032 - APN 418-401-011-000

Rosenberg - Contract # 71-060 - APN 237-101-002-000

Cederquist - Contract # 70-015 - APN 418-401-027-000

Braga - Contract # 73-025 - APN's 257-081-026-000 & 257-081-027-000

Herschbach - Contract # 93-001 - APN's 257-041-022-000 & 165-011-012-000

(REF150064 - County initiated Notices of Non-Renewal 2016 - Portions of Williamson Act Agricultural Preserve Land Conservation Contracts)
(HEARING TIME REVISED VIA SUPPLEMENTAL)

Public Hearing held to consider County initiated Notices of Non-Renewal of Williamson Act Land Conservation Contracts effective January 1, 2016:

Public comment: Jay Donato; Daughter and Rosemarie Herschbach.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-274 to:

- a. Approve County-initiated Notices of Non-Renewal for portions of ten (10) Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting Williamson Act Program and County Land Conservation Contract requirements and/or with the Property Owner's consent; and
 - b. Direct the Clerk of the Board of Supervisors to record County-initiated Notices of Non-Renewal for portions of ten (10) Contracts with the County Recorder on or before November 1, 2015 and to provide a copy of the recorded Notices of Non-Renewal to the Department of Conservation, Williamson Act Program.
 - c. The following properties are included in the Williamson Act Non-Renewals for 2016:
- Borel - Contract # 71-066 - APN 137-081-006-000
- Radich - Contract # 04-007 - APN's 420-161-037-000 & 420-161-038-000
- Silacci - Contract # 68-052 - APN 415-071-009-000
- Nacitone - Contract # 73-034 - APN 423-061-068-000

Jones - Contract # 68-033 - APN 420-151-045-000
 C&S - Contract # 71-032 - APN 418-401-011-000
 Rosenberg - Contract # 71-060 - APN 237-101-002-000
 Cederquist - Contract # 70-015 - APN 418-401-027-000
 Braga - Contract # 73-025 - APN's 257-081-026-000 & 257-081-027-000 (as corrected)
 Herschbach - Contract # 93-001 - APN's 257-041-022-000 & 165-011-012-000
 (REF150064 - County initiated Notices of Non-Renewal 2016 - Portions of Williamson Act Agricultural Preserve Land Conservation Contracts) ALL AYES

Adjournment

APPROVED:

JANE PARKER, CHAIR
BOARD OF SUPERVISORS

ATTEST:

BY: _____

GAIL T. BORKOWSKI
CLERK OF THE BOARD

APPROVED ON _____

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

14. Ratify and authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute Amendment No. 3 to the Agreement (A-12260) with 3M Company for medical records coding software maintenance, ICD-10 software licensing and maintenance and medical necessity dictionaries software maintenance services at NMC, with a retroactive date of June 30, 2015, extending the Agreement an additional 5-year period for a revised full term August 9, 2010 through August 8, 2020 and adding \$1,037,102 for a revised total Agreement amount not to exceed \$1,763,470.
- Approved - Agreement No. A-12260**
15. Ratify and authorize execution by the Deputy Purchasing Agent for Natividad Medical Center (NMC) of a two-year lease agreement with Monterey Bay Management Services, LLC ("Lease Agreement"), with a retroactive start date of August 1, 2015 and a term through and including July 31, 2017, for 5,935 square feet of space located at 1441 Constitution Boulevard, Building No. 400, Suite 100, Salinas, California, for use as an eye care facility on the Natividad Medical Center campus at the monthly rate of \$12,883.00, subject to an annual rent adjustment of three percent.
- Approved - Agreement No. A-12953**
- 15.1
- a. Ratify and Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute an Agreement, with a retroactive start date of January 1, 2014 with First Data Bank, Inc. for Pharmacy Licensing Services at NMC, for an amount not to exceed \$139,558 for the period January 1, 2014, through December 31, 2018.
 - 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 and do not extend the term of the Agreement beyond an additional one year period.
- Approved - Agreement No. A-12954**

Health Department

16. Approve and authorize the Director of Health to execute a Student Internship Placement Agreement between the Monterey County Health Department ("MCHD") and San Francisco State University for students obtaining practical clinical experience within a clinical facility setting at MCHD including but not

limited to nursing, physical therapy, occupational therapy, dietetics, biomedical laboratory science, communicative disorders, phlebotomy and social work for Fiscal Year 2015-2016.

Approved

- 17.
- a. Approve and authorize the Director of Health to execute a Facility Use Agreement (October 15, 2015 to June 30, 2018) with Interim, Inc. for the Monterey County Health Department, Behavioral Health Bureau to provide clinical consultation, counseling and support groups, wellness groups and activities for transition age youth, adults and their families located at Pajaro Street Wellness Center located at 339 Pajaro, Salinas, CA;
 - b. Approve recommendation of Director of Health to accept a non-standard indemnity provision and liability for reasonable repairs; and
 - c. Authorize the Director of Health to approve up to three future amendments to this Agreement where the amendments do not significantly change the services to be provided.

Approved

Department of Social Services

- 18.
- a. Approve and authorize the Director of the Department of Social Services to sign Amendment No. 2 to Agreement No. A-12810 with Housing Resource Center of Monterey County, adding \$587,019, effective October 1, 2015, to continue the Family Stabilization Program and Housing Support Program for CalWORKs recipients, increasing the total contract amount to \$1,587,019; and
 - b. Authorize the Director of the Department of Social Services to sign up to three (3) amendments to this agreement, where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

Approved - Agreement No. A-12810

- 19.
- a. Approve and authorize the Director of the Department of Social Services to sign an amendment to add \$22,800 to Agreement #15F-2406 to the California Department of Community Services and Development for a total of \$82,800 for the Drought Water Assistance Program for the period April 1, 2015 to December 31, 2015;
 - b. Approve and authorize the Director of the Department of Social Services to sign up to one (1) amendment to this agreement where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work;
 - c. Approve an increase in estimated revenues and appropriations in the amount of \$22,800 in the Department of Social Services Fund 008, 5010, SOC007, 8257 for the Community Action Partnership; and
 - d. Authorize the Auditor-Controller's Office to incorporate approved

modifications in the FY 2015-16 Adopted Budget. (4/5th vote required)

Approved - Agreement No. A-12956

General Government

- 20.** Adopt a Resolution to:
- a. Amend Personnel Policies and Practices Resolution No. 98-394 to amend Sections A.25.9; A.30.10; A.30.11 and A.30.12 and to add Section A.30.13 related to the cashing out of certain vacation/annual leave/paid time off hours;
 - b. Direct the Human Resources Department to incorporate the changes; and
 - c. Authorize the Auditor-Controller to implement such changes in the Advantage HRM system.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-287 to:

- a. Amend Personnel Policies and Practices Resolution No. 98-394 to amend Sections A.25.9; A.30.10; A.30.11 and A.30.12 and to add Section A.30.13 related to the cashing out of certain vacation/annual leave/paid time off hours;**
- b. Direct the Human Resources Department to incorporate the changes; and**
- c. Authorize the Auditor-Controller to implement such changes in the Advantage HRM system. ALL AYES**

- 21.** Approve and authorize the Contracts/Purchasing Officer to execute Amendment No. 3 to Agreement for Professional Services with ABC Legal Services, Inc. for service of process for the Department of Child Support Services, to increase the maximum amount payable under this Agreement by \$15,000.00 (fifteen thousand dollars) for a revised total Agreement amount not to exceed \$114,600.00 and to extend the term of the agreement for 90 days, from July 1, 2012 to June 30, 2015 to July 1, 2012 to September 30, 2015.

Approved - Agreement No. A-12957

- 22.** Approve a Memorandum of Understanding (MOU) between Monterey County, Santa Cruz County, and San Benito County, and specified cities, implementing multi-jurisdictional cooperation to address affordable housing needs throughout the tri-county area.

Approved

- 23.**
- a. Appoint candidates to governing boards of various districts where the number of persons who filed a declaration of candidacy do not exceed the number of offices to be filled at the November 3, 2015 election, as set forth in the attached Exhibits.
 - b. Solicit candidates for appointment of qualified persons to governing board member positions where no person has filed a declaration of candidacy.

Approved

24. a. Ratify and authorize the Contracts Purchasing Officer, or the Contracts Purchasing Supervisor, to execute Amendment No. 1 to the Non-Standard Agreement with Accuvant Inc., for consulting and training services for the Information Technology Department, to increase the term of service by three months, from March 31, 2015 to December 31, 2015; and to change the contract amount of \$42,700 in the Scope of Services exhibit, paragraph one of Section IV, to reflect the correct contract amount of \$42,100; and
- b. Authorize the Contracts Purchasing Officer to issue purchase orders on an as-needed basis.

Removed via Additions and Corrections.

25. Authorize the Auditor-Controller to amend the FY 2015-16 Public Improvement Corporation budget, Fund 251, Appropriation unit AUD005, to increase appropriation by \$410,465 to cover issuance costs of the 2015 Public Facilities Financing Certificates of Participation, financed by premiums received on issuance; (4/5th vote required).

Approved

26. Adopt Post-Issuance Tax Compliance Procedures for Tax-Exempt and Tax-Advantaged Bonds.

Approved

27. Approve and authorize the Contract / Purchasing Officer to sign Amendment #7 to the Maintenance Service Supplement between the County of Monterey Emergency Communications Department and Zetron to extend the term up to one additional year in the total amount not to exceed \$53,516.22 for the period July 1, 2015 to June 30, 2016-Agreement A-10854. (REVISED VIA SUPPLEMENTAL)

Approved - Agreement No. A-10854

- 27.1 Approve the Revised Board Meeting Schedule for Calendar Year (CY) 2016 to schedule the meeting date for the Board of Supervisors/Department Head Retreat on Thursday, November 3, 2016.

Approved

RMA - General

28. a. Approve Amendment No. 4 to Agreement No. A-11132 with Accela, Inc. to provide report training for the Accela Automation software product in the amount of \$4,560 for a total amount not to exceed \$2,445,051, for a term to March 30, 2016; and
- b. Authorize the Contracts/Purchasing Officer or his designee to execute Amendment No. 4 to Agreement No. A-11132 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-11132

- 29.**
- a. Approve Amendment No. 4 to Professional Services Agreement No. A-12442 with Denise Duffy & Associates, Inc. to include new additional tasks to complete the California Environmental Quality Act (CEQA) documentation process which includes preparation of the First Administrative Draft Environmental Impact Report (EIR) and the Final EIR for projects located in the Carmel River Lagoon Area and Carmel River Lagoon Restoration and Management Plan (Request for Proposals (RFP) #2012-CRL-1) for Phases 1 and 2, in the amount of \$277,883 for a total amount not to exceed \$824,554, and extend the term to December 31, 2016; and
 - b. Authorize the Contracts/Purchasing Officer or his designee to execute Amendment No. 4 to Professional Services Agreement No. A-12442 and future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount.

Permit Type: PD060228/Carmel Lagoon Area (REF120051)
Focused Environmental Impact Report (EIR) for projects located in the Carmel River Lagoon Area and Carmel River Lagoon Restoration and Management Plan (Request for Proposals (RFP) #2012-CRL-1)

Approved - Agreement No. A-12442

- 29.1**
- a. Approve and authorize the Agricultural Commissioner to sign Amendment No. 1 to the Memorandum of Understanding (MOU) with Cooperative Agricultural Support Services Authority (CASS) to augment the amount payable by \$80,000.00 for a total of \$245,000.00; and
 - b. Authorize the Auditor-Controller to make payments in accordance with the terms of the MOU. (ADDED VIA ADDENDUM)

Approved - Agreement No. A-12655

RMA - Public Works

- 30.**
- a. Approve Utility Agreement No. 2201.01 with Pacific Gas and Electric Company for the temporary relocation of an electric distribution pole for 100% of the actual net cost to Pacific Gas and Electric Company estimated to be in the amount of \$68,763 for construction of the Peach Tree Road Bridge Replacement Project; and
 - b. Authorize the Resource Management Agency - Director of Public Works to execute Utility Agreement No. 2201.01 and up to three (3) future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

Approved