

# Monterey County

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



## Action Minutes - Draft

Tuesday, March 12, 2019

9:00 AM

## Board of Supervisors

*Chair Supervisor John M. Phillips - District 2  
Vice Chair Supervisor Chris Lopez - District 3  
Supervisor Luis A. Alejo - District 1  
Supervisor Jane Parker - District 4  
Supervisor Mary L. Adams - District 5*

**9:00 A.M. - Called to Order**

The meeting was called to order by Chair Supervisor John M. Phillips.

**Roll Called**

Present: 5 - Supervisor Mary L. Adams, Supervisor John M. Phillips, Supervisor Chris Lopez, Supervisor Jane Parker and Supervisor Luis A. Alejo

**Staff Present**

Dr. Lew Bauman, County Administrative Officer, Charles McKee, County Counsel, Julian Lorenzana, Board Clerk and Valerie Ralph, Clerk of the Board

**Additions and Corrections for Closed Session by County Counsel**

There were no additions and corrections for Item No.'s 1.a. through f.

**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) Irene Garcia (Worker's Compensation Appeals Board Case No. ADJ10485010; ADJ11905566)
    - (2) Bertha Ramirez (Worker's Compensation Appeals Board Case No. ADJ8768628)
  - b. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of potential initiation of 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 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
  - e. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:
    - (1) Designated representatives: Irma Ramirez-Bough and Kim Moore  
Employee Organization(s): Unit R
    - (2) Designated representatives: Irma Ramirez-Bough and Kim Moore  
Employee Organization(s): Unit H and S

f. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:

(1) Property: 1292 Olympia Ave. Seaside, CA  
Agency Negotiator(s): Nick Chiulos, Assistant CAO  
Negotiating Parties: Community Human Services  
Under negotiation: Price and terms

**Public Comment**

Open for public comment; no public comment made.

**The Board Recessed for Closed Session Agenda Items at 9:04 a.m.**

**10:32 A.M. - Reconvened on Public Agenda Items**

**Roll Called**

Present: 5 - Supervisor Mary L. Adams, Supervisor John M. Phillips, Supervisor Chris Lopez, Supervisor Jane Parker and Supervisor Luis A. Alejo

**Staff Present**

Dr. Lew Bauman, County Administrative Officer, Charles McKee, County Counsel, Julian Lorenzana, Board Clerk and Valerie Ralph, Clerk of the Board

**Announcement of the Interpreter**

Claudia Espino-Hernandez, Spanish Interpreter present and announced Spanish interpreter services.

**Pledge of Allegiance**

The Pledge of Allegiance was led by Supervisor Luis A. Alejo.

**Additions and Corrections by Clerk**

Consent Calendar – General Government:

Item No. 43 received a revised Board Report and Amendment No. 2:

- a. Ratify the prior payment to EJ Ward, Inc. of \$28,880 for services rendered, which was paid to the vendor from leftover funds (previously allocated for payment to this vendor under a separate agreement), and which was paid in excess of the not-to-exceed authority granted by the Board of Supervisors for this Agreement; and,
- b. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 2 to the Agreement with EJ Ward, Inc. for a "Turn-Key" Fleet Fuel Management Operations System extending the term to December 31, 2021 and adding

\$172,000 to the total not-to-exceed amount, for a new total not-to-exceed amount of \$689,500.

1:30 P.M. – Scheduled Matters:

Item No. 32 received a revised Initial Study:

PLN170611, PLN170612, & PLN170613 - PIETRO FAMILY INVESTMENTS LP (CHRIS ADAMSKI)

Public Hearing to consider the appeal by The Open Monterey Project and Save Carmel Point Cultural Resources from the December 5, 2018 Planning Commission decisions:

- a. Approving a Combined Development Permit (PLN170612) to allow construction of a single-family dwelling, attached garage, and basement within 750 feet of known archaeological resources at 26338 Valley View Avenue (APN: 009-463-017-000), including approval for site work ahead of final approval [recommend for continuance to March 26, 2019];
- b. Approving a Combined Development Permit (PLN170613) to allow construction of a single-family dwelling, attached garage, and basement within 750 feet of known archaeological resources at 26346 Valley View Avenue (APN: 009-463-003-000), including approval for site work ahead of final approval [recommend for continuance to March 26, 2019]; and
- c. Approving a Combined Development Permit (PLN170611) to allow construction of a single-family dwelling, attached garage, and basement within 750 feet of known archaeological resources at 26307 Isabella Avenue (APN: 009-463-012-000).

Project Locations: These projects are located in the Carmel Area Land Use Plan area

Proposed CEQA action: Adopt a Mitigated Negative Declaration for PLN170611. A separate Mitigated Negative Declaration was prepared for PLN170612 and PLN170613 that is to be considered with those projects that are recommended for continuance to March 26, 2019.

Adjourn:

Add to adjourn In Memory of Armand Ray Bonilla-Giuriato and also Adjourn in Memory of Sue Antle.

A motion was made by Supervisor Jane Parker, seconded by Chris Lopez to approve the additions and corrections.

ALL AYES

### Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar Items No. 33 through 49.

Supervisor Chris Lopez pulled Item No.'s 39 and 40; Henry Gonzales, Agriculture Commissioner responded.

Open for public comment; Isabel Sisneros and Ernesto Yzquierdo commented on Item No. 44

A motion was made by Supervisor Jane Parker, seconded by Supervisor Luis

**A. Alejo to approve Consent Calendar Item No.'s 33 through 49. (See Supplemental Sheet)  
ALL AYES**

### Ceremonial Resolutions

Open for public comment; no public comment made.

3. Adopt Resolution honoring Elizabeth Diaz upon her selection as the recipient of the 2018 Monterey Peninsula Chamber of Commerce Robert C. Littlefield Award for Lifetime Achievement. (Full Board)  
  
**A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez to adopt Resolution No. 19-073 honoring Elizabeth Diaz upon her selection as the recipient of the 2018 Monterey Peninsula Chamber of Commerce Robert C. Littlefield Award for Lifetime Achievement. (Full Board)  
ALL AYES**
4. Adopt Resolution honoring Alexis Gough upon her selection as the recipient of the 2018 Monterey Peninsula Chamber of Commerce Volunteer of the Year Award. (Full Board)  
  
**A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez to adopt Resolution No. 19-074 honoring Alexis Gough upon her selection as the recipient of the 2018 Monterey Peninsula Chamber of Commerce Volunteer of the Year Award. (Full Board) ALL AYES**
5. Adopt Resolution honoring Donna Ferraro, upon her selection as the 2018 Monterey Peninsula Chamber of Commerce Citizen of the Year. (Full Board)  
  
**A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez to adopt Resolution No. 19-067 honoring Donna Ferraro, upon her selection as the 2018 Monterey Peninsula Chamber of Commerce Citizen of the Year. (Full Board) ALL AYES**
6. Adopt Resolution: Recognizing March 8, 2019 As International Women's Day. (Full Board)  
  
**A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez to adopt Resolution No. 19-068 recognizing March 8, 2019 As International Women's Day. (Full Board) ALL AYES**
7. Adopt Resolution honoring Bill Kampe as the 2018 Monterey Peninsula Chamber of Commerce Ruth Vreeland Memorial Public Official of the Year. (Full Board)  
  
**A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez to adopt Resolution No. 19-069 honoring Bill Kampe as the 2018 Monterey Peninsula Chamber of Commerce Ruth Vreeland Memorial Public Official of the Year. (Full Board) ALL AYES**
8. Adopt Resolution commending Jinny Meyers, Social Work Supervisor II, on her retirement from over 29 years of dedicated public service with Monterey County. (Full Board)

**A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez to adopt Resolution No. 19-070 commending Jinny Meyers, Social Work Supervisor II, on her retirement from over 29 years of dedicated public service with Monterey County. (Full Board) ALL AYES**

9. Adopt Resolution commending Deputy William Sean White upon his retirement from fourteen years of public service with the Monterey County Sheriff's Office. (Full Board)

**A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez to adopt Resolution No. 19-071 commending Deputy William Sean White upon his retirement from fourteen years of public service with the Monterey County Sheriff's Office. (Full Board) ALL AYES**

### Appointments

Open for public comment; no public comment made.

10. Appoint Jessica Hare to the Domestic Violence Coordinating Council for a term ending December 31, 2020. (Supervisor Parker)

**A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker, to appoint Jessica Hare to the Domestic Violence Coordinating Council for a term ending December 31, 2020. (Supervisor Parker) ALL AYES**

11. Reappoint Mary Jo Zenk to the Housing Authority of Monterey County for a term ending April 1, 2023. (Supervisor Parker)

**A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker, to reappoint Mary Jo Zenk to the Housing Authority of Monterey County for a term ending April 1, 2023. (Supervisor Parker) ALL AYES**

12. Appoint Judith Ortiz to the Commission on the Status of Women for a term ending February 1, 2021. (Supervisor Alejo)

**A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker, to appoint Judith Ortiz to the Commission on the Status of Women for a term ending February 1, 2021. (Supervisor Alejo) ALL AYES**

13. Reappoint Joanna Devers to the Resource Conservation District of Monterey County for a term ending November 30, 2018. (Full Board)

**A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker, to reappoint Joanna Devers to the Resource Conservation District of Monterey County for a term ending November 30, 2018. (Full Board) ALL AYES**

14. Appoint Jim Langborg to the Emergency Medical Care Committee for a term ending June 30, 2020. (Full Board)

**A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker, to appoint Jim Langborg to the Emergency Medical Care Committee for a term ending June 30, 2020. (Full Board) ALL AYES**

15. Appoint Leigh Fitz to the Housing Advisory Committee for a term ending April 9, 2019. (Supervisor Adams)
- A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker, to appoint Leigh Fitz to the Housing Advisory Committee for a term ending April 9, 2019. (Supervisor Adams) ALL AYES**
16. Appoint Paul Guzman to the Gonzalez Cemetery District for a term ending April 14, 2022. (Supervisor Lopez)
- A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker, to appoint Paul Guzman to the Gonzalez Cemetery District for a term ending April 14, 2022. (Supervisor Lopez) ALL AYES**
17. Appoint Emily Chavez to the Gonzalez Cemetery District for a term ending April 1, 2023. (Supervisor Lopez)
- A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker, to appoint Emily Chavez to the Gonzalez Cemetery District for a term ending April 1, 2023. (Supervisor Lopez) ALL AYES**
18. Appoint Kenya Burton to the Domestic Violence Coordinating Committee for a term ending January 2, 2021. (Supervisor Alejo)
- A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker, to appoint Kenya Burton to the Domestic Violence Coordinating Committee for a term ending January 2, 2021. (Supervisor Alejo) ALL AYES**
19. Appoint Chad Lindley to the Monterey County Regional Fire District for a term ending March 1, 2023. (Supervisor Lopez)
- A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker, to appoint Chad Lindley to the Monterey County Regional Fire District for a term ending March 1, 2023. (Supervisor Lopez) ALL AYES**
20. Appoint Raul Calvo to the Housing Advisory Committee for a term ending March 12, 2021. (Supervisor Lopez)
- A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker, to appoint Raul Calvo to the Housing Advisory Committee for a term ending March 12, 2021. (Supervisor Lopez) ALL AYES**
21. Appoint John Doud Jr. to the Monterey County Resource Conservation District for a term ending November 30, 2022. (Full Board)
- A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker, to appoint John Doud Jr. to the Monterey County Resource Conservation District for a term ending November 30, 2022. (Full Board) ALL AYES**
22. Appoint Bill Lipe to the Monterey County Resource Conservation District for a term ending November 30, 2022. (Full Board)
- A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker, to appoint Bill Lipe to the Monterey County Resource Conservation**

District for a term ending November 30, 2022. (Full Board) ALL AYES

23. Appoint Rosio Sandoval to the In-Home Supportive Services Advisory Committee for a term ending April 30, 2019. (Supervisor Phillips)

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker, to appoint Rosio Sandoval to the In-Home Supportive Services Advisory Committee for a term ending April 30, 2019. (Supervisor Phillips) ALL AYES

### Other Board Matters

24. Board Comments

Supervisor Jane Parker and Supervisor John M. Phillips made no comments this week.

Supervisor Luis A. Alejo reported last night they had coffee on the East side that went well at La Plaza Bakery; there were several dozen residents present that spoke primarily Spanish so the meeting was held in Spanish but there was English translation; it was in partnership with the City of Salinas to refocus conversations on roads, street lights, sidewalks among other things; he clearly heard from a lot of residents that have been neighborhood leaders for many years they're really hoping to see that with the new Measure X money the new SB1 money that the poorest neighborhoods in Salinas can actually see the fruition of many of the requests after many years that there be some investment in paving roads and constructing sidewalks and replacing lights; the City of Salinas is going to consider approving it's 2 year process on the Alisal Vibrancy Plan; it's going to be put into a final document on May 14th but certainly there's been a lot of community input and now it's hard work of implementing those ideas so he really hopes that we can do justice to the poorest neighborhoods in our city same goes for the parts of a county that have been waiting for a long time that if we get new resources that we could prioritize those communities that have been waiting for the longest time.

Supervisor Mary L. Adams commented she had the pleasure of attending a National Association of Counties meeting in Washington, D.C. with Supervisor Alejo and Supervisor Lopez; they had some extremely good meetings both with our congress representative and senators; she thought the primary thing that was really positive about it as they had a chance to meet with Department of Commerce and specifically with the Census Bureau to be able to talk about some of the issues that we face here in Monterey County as a "difficult to count community" they brought some attention to their awareness which is important and made some very good connections with them; she believed they understood what our concerns are; secondly she had the opportunity yesterday evening to participate in the town hall meeting with Sheriff Bernal and Commander Kelly Cardoza, of the California Highway Patrol, meeting with residents in a Toro Park area talking primarily about concerns that they have for traffic that diverts itself from Highway 68 and goes through the neighborhoods where there a lot of kids who are walking to school; it was a very good meeting and she thought they were able to hear a lot from the residents who live there; they came up with a couple of solutions that will be brought forward and she hoped that they can do something to mediate the



concerns that they have.

Supervisor Chris Lopez wanted to bring a couple of different dates to everybody's attention, Friday March 15th at 6:00 p.m. he'll host a listening session in San Ardo talking about sidewalks, street lights and some basic services in that community so that's this Friday at 6:00 p.m.; on March 21st there will be another meeting regarding Lake San Antonio held in Lockwood at the community center at 6:00 p.m. and the following meeting March 22nd will be the Annual SMCRC which stands for Southern Monterey County Rural Coalition town hall; he'll be there the next evening as well taking input and then on March 27th he'll hold a community meeting in Arroyo Seco primarily regarding community safety based around the summer months and the visitorship on that side of Los Padres National forest.

**25.** CAO Comments and Referrals

Dr. Lew Bauman, County Administrative Officer stated one referral was received from District 2 to draft rules to address exparte communications with the public with county officials; exparte meaning communications with one or more interested parties in their communication with public officials on pending land use applications or other quasi-judicial proceedings; county counsel will be asked to assist with the matter; the reason for the referral is the Rules of Professional Conduct were recently adopted by the State Bar California and we want to make sure our procedures are consistent with that standard practice.

**26.** General Public Comments

Open for general public comment for items not on today's agenda; Eric Peterson commented.

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

**27.** Authorize advance step placement of Ryan McGuirk at Step 4 of the Chief District Attorney Investigator salary range effective January 19, 2019, in accordance with Personnel Policies and Practices Resolution (PPPR) #98-394, Sections A.1.11.1 and A.1.11.5.

Janine Pacione, District Attorney presented from the District Attorney's Office.

Opened for public comment; no public comment made.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez to authorize advance step placement of Ryan McGuirk at Step 4 of the Chief District Attorney Investigator salary range effective January 19, 2019, in accordance with Personnel Policies and Practices Resolution (PPPR) #98-394, Sections A.1.11.1 and A.1.11.5.

**ALL AYES**

**28.** Receive the Monterey County Financial Forecast, which assesses the County's fiscal condition for the current year and three forecast years (FY 2019-20 through FY 2021-22).

Dwayne Woods, Assistant County Administrative Officer and Paul Lewis, Budget Director with the County Administrative Office present via PowerPoint.

Opened for public comment; Eric Peterson commented.

The Board upon consensus received the Monterey County Financial Forecast, which assesses the County's fiscal condition for the current year and three forecast years (FY 2019-20 through FY 2021-22).

29.

**PLN171011 - ALFORD TRACY TR**

Public hearing to consider an appeal by Chris and Sara Bardis from the September 27, 2018 Zoning Administrator decision approving an after-the-fact permit (PLN171011/Alford) to clear a Code Enforcement Case (17CE00253) to construct a 660 square foot rear-yard patio and to replace 4,600 square feet of impervious driveway surfaces with pervious material.

**Project Location:** 1496 Bonifacio Road, Pebble Beach, Del Monte Forest Land Use Plan, Coastal Zone

**Proposed CEQA action:** Categorically Exempt per Section 15303(e) of the CEQA Guidelines

Public hearing commenced.

Jacqueline Nickerson, Associate Planner, Craig Spencer, Interim RMA Services Manager and Tom Hardy, Civil Engineer with RMA Land Use- Planning Unit presented via PowerPoint.

Tina Hannas-De Freitas, Agent on behalf of the applicant presented.

Anthony Lombardo, Attorney on behalf of the appellant presented. Mr. Bardis commented on his behalf and submitted photos.

Open for public comment; no public comment made.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Mary L. Adams to adopt Resolution No. 19-072 to:

1. Deny the appeal of Chris and Sara Bardis from the September 27, 2018 Zoning Administrator's decision approving an after-the-fact Coastal Administrative Permit and Design Approval (PLN171011/Alford);
2. Find that the project involves the construction of an accessory structure, which qualifies as a Class 3 Categorical Exemption pursuant to Section 15303 (e) of the CEQA Guidelines; and
3. Approve an after-the-fact Coastal Administrative Permit and Design Approval, clearing Code Enforcement case (17CE00253), to:
  - a. Replace 4,600 square feet of impervious driveway with pervious materials to correct impervious site coverage in excess of 9,000 square feet,
  - b. Construct a 660-square foot rear patio where a lawn area previously existed; extend a gas line to the rear patio, grill and fireplace; and install new on-site drainage improvements.

**ALL AYES**

**12:00 P.M. - Recessed to Lunch at 12:13 p.m.**

**1:32 P.M. - Reconvened**

**Roll Called**

**Present: 5 - Supervisor Mary L. Adams, Supervisor Luis Alejo, Supervisor John M. Phillips, Supervisor Chris Lopez and Supervisor Jane Parker**

**Staff Present**

**Dr. Lew Bauman, County Administrative Officer, Charles McKee, County Counsel and Valerie Ralph, Clerk of the Board**

**Announcement of the Interpreter**

**Maria Del Toro, Spanish Interpreter present and announced Spanish interpreter services.**

**1:30 P.M. - Scheduled Matters**

**30.**

Conduct a public hearing to adopt a resolution to:

- a. Approve Amendment No. 8, effective retroactively January 1, 2019, to the Unified Franchise Agreement (with a term of November 1, 2010 through June 30, 2020) A-11631 (UFA) between the County of Monterey and Waste Management, Inc., dba USA Waste of California, Inc., dba Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County to amend Exhibit 1 - "Approved Rates and Charges" of said UFA to adjust rates in accordance with the UFA price index provisions.
- b. Approve and authorize the Director of Health or Assistant Director of Health to execute Amendment No. 8 to the UFA between the County of Monterey and Waste Management, Inc., dba USA Waste of California, Inc., dba Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County.

**Public hearing commenced.**

**Ric Encarnacion, Assistant Director of Environmental Health Bureau presented via PowerPoint.**

**Open for public comment; No public comment made.**

**A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez to adopt Resolution No. 19-082 to:**

- a. Approve Amendment No. 8, effective retroactively January 1, 2019, to the Unified Franchise Agreement (with a term of November 1, 2010 through June 30, 2020) A-11631 (UFA) between the County of Monterey and Waste Management, Inc., dba USA Waste of California, Inc., dba Carmel Marina

Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County to amend Exhibit 1 - "Approved Rates and Charges" of said UFA to adjust rates in accordance with the UFA price index provisions.

b. Approve and authorize the Director of Health or Assistant Director of Health to execute Amendment No. 8 to the UFA between the County of Monterey and Waste Management, Inc., dba USA Waste of California, Inc., dba Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County.

**ALL AYES**

31. a. Receive an Oral Report from the Human Resources Department on the County Engagement Survey Results and Website.

**Irma Ramirez-Bough, HR Director; Wendell Sells, Management Analyst with assistance provided by Arturo Roque, Personnel Technician- Confidential presented via PowerPoint.**

**Open for public comment; No public comment made.**

**Shawne Ellerbee, Deputy Director of Administration Services for the Resource Management Agency, Elsa Jimenez, Director of Health for the Health Department and Steve Vagnini, Assessor/Clerk-Recorder commented.**

**The Board upon consensus received an oral report from the Human Resources Department on the County Engagement Survey Results and website.**

32. **PLN170611, PLN170612, & PLN170613 - PIETRO FAMILY INVESTMENTS LP (CHRIS ADAMSKI)**

Public Hearing to consider the appeal by The Open Monterey Project and Save Carmel Point Cultural Resources from the December 5, 2018 Planning Commission decisions:

a. Approving a Combined Development Permit (PLN170612) to allow construction of a single-family dwelling, attached garage, and basement within 750 feet of known archaeological resources at 26338 Valley View Avenue (APN: 009-463-017-000), including approval for site work ahead of final approval [recommend for continuance to March 26, 2019];

b. Approving a Combined Development Permit (PLN170613) to allow construction of a single-family dwelling, attached garage, and basement within 750 feet of known archaeological resources at 26346 Valley View Avenue (APN: 009-463-003-000), including approval for site work ahead of final approval [recommend for continuance to March 26, 2019]; and

c. Approving a Combined Development Permit (PLN170611) to allow construction of a single-family dwelling, attached garage, and basement within 750 feet of known archaeological resources at 26307 Isabella Avenue (APN: 009-463-012-000).

**Project Locations:** These projects are located in the Carmel Area Land Use Plan area

**Proposed CEQA action:** Adopt a Mitigated Negative Declaration for

PLN170611. A separate Mitigated Negative Declaration was prepared for PLN170612 and PLN170613 that is to be considered with those projects that are recommended for continuance to March 26, 2019.

**John Dugan, Deputy Director of Land Use and Community Development from the Resource Management Agency, Planning Department commented on not having the most recent version of the redlined Initial Study approved by the Planning Commission included with Attachment F when it was submitted and also provided options on how to move forward with all matters (a., b. and c.).**

Discussion had on continuing a., b. and c. to allow time for review of all documents.

Anthony Lombardo for the applicant and Molly Erikson for the appellant commented on continuing a., b. and c.

Open for public comment; no public comment made on the continuance.

An amended motion was made by Supervisor John M. Phillips, seconded by Supervisor Chris Lopez to open the public hearing on a., b. and c and continue all matters for public hearing to Tuesday, March 26, 2019 at 1:30 p.m.

**ALL AYES**

Open for public comment for those that cannot return on Tuesday, March 26, 2019 at 1:30 p.m.; Israel Villa and Edgar Ibarra commented.

Supervisor Luis A. Alejo asked staff to clarify, at the next public hearing, that there is no archeological evidence that this is a gravesite, in this particular site, that was subject to a hearing today.

### Read Out from Closed Session

#### **CLOSED SESSION REPORT:**

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) Irene Garcia (Worker's Compensation Appeals Board Case No. ADJ10485010; ADJ11905566)

(2) Bertha Ramirez (Worker's Compensation Appeals Board Case No. ADJ8768628)

**CLOSED SESSION REPORT:** The Board took no reportable actions on items 1.a.(1)(2)

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

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

c. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:

1) Property: Fort Ord Landfill Parcels and Landfill Buffer Parcels, APNS 031-101-039, 031-101-040, 031-101-41, 031-101-042, 031-101-056, 031-101-057, 031-101-058, 031-161-041, 031-161-058, and Army owned Parcel E8a.2 (No APN)  
 Agency Negotiator(s): Carl Holm, Resource Management Agency Director  
 Negotiating Parties: City of Marina  
 Under negotiation: Price and terms

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

d. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:  
 (1) Designated representatives: Irma Ramirez-Bough and Kim Moore Employee Organization(s): Unit R

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

e. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:  
 (1) Designated representatives: Irma Ramirez-Bough and Kim Moore Employee Organization(s): Unit R  
 (2) Designated representatives: Irma Ramirez-Bough and Kim Moore Employee Organization(s): Unit H and S

Monterey County Page 1 Printed on 4/22/2019 Board of Supervisors Action Minutes March 12, 2019

CLOSED SESSION REPORT: On item 1.e.(1) the Board approved the tentative agreement (TA) for Labor Negotiations Unit R to address pay parity. The tentative agreement can go into effect as soon as possible or as written within the tentative agreement.

CLOSED SESSION REPORT: The Board took no reportable actions on item 1.e.  
 (2)

f. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:  
 (1) Property: 1292 Olympia Ave. Seaside, CA  
 Agency Negotiator(s): Nick Chiulos, Assistant CAO  
 Negotiating Parties: Community Human Services  
 Under negotiation: Price and terms

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.f.(1)

**Adjourned**

The meeting was adjourned at 2:40 p.m. in Memory of Armand Ray Bonilla-Giuriato and in Memory of Sue Antle by Chair Supervisor John M. Phillips.

**APPROVED:**

\_\_\_\_\_  
**JOHN M. PHILLIPS, CHAIR  
BOARD OF SUPERVISORS**

**ATTEST:**

**BY:** \_\_\_\_\_

**VALERIE RALPH  
CLERK OF THE BOARD**

**APPROVED ON** \_\_\_\_\_

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

33. Approve and authorize the Director of Health or Assistant Director of Health to execute a no-extension Amendment No. 1 to Mental Health Services Agreement A-14199 with The Devereux Foundation, Inc. dba Devereux Florida to add \$490,744 of additional services, for a revised total Agreement amount of \$1,009,581, for the same term of December 1, 2018 through June 30, 2021.

**Approved - Agreement No. A-14199, Amendment No. 1**

34. a. Approve and authorize the Director of Health or Assistant Director of Health to sign a non-standard Software License Agreement with the National Committee for Quality Assurance (NCQA) in connection with enrolling clinics into NCQA's Patient Centered Medical Home (PCMH) Recognition Program through NCQA's Q-Pass software; and
- b. Approve the non-standard indemnification and limitations of liability, as recommended by the Director of Health; and
- c. Authorize the Director of Health, or the Assistant Director of Health, to act as an agent for the County in processing all documentation in connection with Clinic Services' PCMH recognition process.

**Approved - Agreement No. A-14249**

**Department of Social Services**

35. Approve the proposed amendments to the Bylaws of the In-Home Supportive Services Advisory Committee.

**Approved**

**Criminal Justice**

36. a. Authorize the reallocation of one (1) Office Assistant II FTE to one (1) Supervising Legal Secretary FTE in the District Attorney's Department (2240);
- b. Direct the County Administrative Office to incorporate the approved changes in the FY 2018-19 Adopted Budget to reflect the change in position counts.

**Approved**

37. a. Authorize the Auditor/Controller to amend the FY 2018-19 budget for the District Attorney, in support of increased funding received for the VWAP (Victim Witness Assistance Program) grant, by increasing revenues and appropriations by



\$144,993 (4/5ths vote required);

- b. Amend the District Attorney's Office Budget Unit 2240-DIS001-8063, to add two (2) Victim Witness Advocates (60K02) and one (1) Legal Secretary (80B22) as indicated in Attachment A;
- c. Direct the County Administrative Office to incorporate the approved changes in the FY 2018-19 Adopted Budget to reflect the change in position counts.

**Adopted Resolution No. 19-083**

- 38.**
- a. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Office Supervisor to execute a three-year Lease Agreement, effective on April 1, 2019, with the International Church of the Foursquare Gospel, dba Harvestland Foursquare Church for forty-five (45) parking spaces located at 327 Pajaro Street, in Salinas, California, for use by the Probation Department;
  - b. Authorize the Auditor-Controller to make lease payments of \$1,350.00 per month and in accordance with the terms of the agreement; and
  - c. Authorize the extension of the Lease Agreement for two (2) additional one-year periods under the same terms and conditions and make minor revisions to the Lease Agreement if deemed by the Contracts/Purchasing Officer to be in the best interests of the County.

**Approved - Agreement No. A-14250**

- 38.1**
- Adopt a Resolution to:
- a. Amend the Sheriff's Office Fiscal Year 2018-19 Adopted Budget, (001-2300 SHE001-8225) to reallocate one (1) vacant FTE Accounting Clerical Supervisor to one (1) FTE Management Analyst I position;
  - b. Authorize the Auditor-Controller and the County Administrative Office to incorporate the position change into the Sheriff's Office FY2018-19 adopted budget.

**Adopted Resolution No. 19-075**

**General Government**

- 39.**
- a. Approve and authorize the Agricultural Commissioner to execute, on behalf of the County of Monterey, a Standard Agreement with the State of California Department of Food and Agriculture (CDFA) to perform work retroactively under the CDFA Bee Safe Program for a period from November 15, 2018, through June 30, 2019, in the amount of \$20,100.90, and;
  - b. Authorize the Agricultural Commissioner, or Commissioner's designee, to sign up to three (3) Amendments to the Agreement where the Amendment does not significantly change the scope of work.

**Approved - Agreement No. A-14251**

40. a. Approve and authorize the Agricultural Commissioner to sign a Memorandum of Understanding (MOU) with the Monterey County Fair, through the 7th District Agricultural Association (MCF) to provide support of agricultural education efforts in Monterey County not to exceed \$10,000, and;
- b. Authorize the Auditor-Controller to make payments in accordance with the terms of the MOU.

**Approved - Agreement No. A-14252**

41.

In its role as Chief Elected Official of the Monterey County local workforce development area,

- a. Approve renewal of the Agreement between the Monterey County Workforce Development Board and the Monterey/Santa Cruz Building Trades Council Training and Education Fund for provision of Proposition 39 Pre-Apprenticeship services, and
- b. Approve Amendment No. 2 to the Agreement to: (a) increase funds by \$92,000, from \$254,556 to \$346,556, to fund training, follow up, and placement services to additional participants, and (b) extend the term of the Agreement to June 30, 2019; and
- c. Authorize the Executive Director of the Monterey County Workforce Development Board to sign the Renewal and Amendment No. 2.

**Approved - Agreement No. 14254, Amendment No. 2**

42.

Approve the Bingo License Application for San Antonio Betterment Association pursuant to Chapter 7.08 of the Monterey County Code effective March 12, 2019 through March 11, 2020

**Approved**

43.

- a. Ratify the prior payment to EJ Ward, Inc. of \$28,880 for services rendered to CAO-Fleet, which was paid to the vendor from leftover funds (previously allocated for payment to this vendor under a separate agreement), and which was paid in excess of the not-to-exceed authority granted by the Board of Supervisors for this Agreement; and,
- b. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 2 to the Agreement with EJ Ward, Inc. for a "Turn-Key" Fleet Fuel Management Operations System extending the term to December 31, 2021 and adding \$172,000 to the total not-to-exceed amount, for a new total not-to-exceed amount of \$689,500.

**Approved - Agreement No. A-12625, Amendment No. 2**

44.

- a. Adopt a Resolution to amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 Appendices A & B to re-title the Eligibility Worker I, II and III classifications to Eligibility Specialist I, II and III and adjust the salary ranges of

the Eligibility Specialist I, II, III and Eligibility Supervisor as indicated in the attached Resolution; and

b. Direct the County Administrative Office to incorporate the approved changes in the FY 2018-19 Adopted Budget and the Human Resources Department to implement the changes in the Advantage HRM system.

**Adopted Resolution No. 19-076**

45. Adopt Resolution to ratify the Proclamation of Local Emergency signed by the County Administrative Officer on March 7, 2019 for multiple atmospheric rivers and cumulative winter storms. (4/5ths vote required).

**Adopted Resolution No. 19-077**

**RMA - Administration**

46. **Adopt a Resolution to:**
- a. Authorize the Auditor-Controller to amend the FY 2018-19 County Service Area 75-Chualar Adopted Budget, Fund 093, Appropriation Unit RMA088, increasing appropriations in the amount of \$77,314, where Fund 093 Unassigned Fund Balance is the financing source for a sanitation condition assessment, valuation report, and wastewater treatment pond maintenance (4/5th vote required);
  - b. Authorize the Auditor-Controller to transfer \$57,500 from the FY 2018-19 Fund 001 Contingencies, Appropriation Unit CAO020, to Pajaro County Sanitation District, Fund 151, Appropriation Unit RMA040, where the Fund 001 Contingencies, Appropriation Unit CAO020, has sufficient appropriations available in the adopted budget to fund the transfer (4/5th vote required); and
  - c. Authorize the Auditor-Controller to transfer \$37,410 from the FY 2018-19 Fund 001 Contingencies, Appropriation Unit CAO020, to Boronda County Sanitation District, Fund 156, Appropriation Unit RMA045, where the Fund 001 Contingencies, Appropriation Unit CAO020, has sufficient appropriations available in the adopted budget to fund the transfer (4/5th vote required).

**Adopted Resolution No. 19-078**

**RMA – Public Works and Facilities**

47. a. Approve Amendment No. 3 to Professional Services Agreement No. A-12657 with TRC Engineers, Inc. to include additional services associated with bridge design services for the Bradley Road Bridge Scour Repair, County Bridge No. 448, State Project No. EA 05-930266, Federal Aid Project No. BHLO-5944 (100) under Request for Qualifications (RFQ) #10490; update the Rate Schedule; increase the not to exceed amount by \$257,126 for a total amount not to exceed \$752,373; and to extend the expiration date for approximately thirty-four (34) additional months for a revised term from March 10, 2015 to December 31, 2021;

and

b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 3 to Professional Services Agreement (PSA) No. A-12657.

**Approved - Agreement No. A-12657, Amendment No. 3**

48.

a. Approve increase in contingency funds by an additional amount of \$350,000 to the contract with A. Teichert & Son, dba Teichert Construction, funded with Senate Bill 1 (SB1) revenue, for the State Route 1 (SR1) Climbing Lane, Project No. 8690, to provide funding for Contract Change Order No. 20 and other additional

work required to complete the construction of the project for Caltrans acceptance;

b. Approve Contract Change Order No. 20 to revise traffic signal foundations and widen existing roadway shoulder at SR1 and Carmel Valley Road intersection, and place asphalt curb on southbound SR1 north of Rio Road;

c. Authorize the Resource Management Agency Director to execute contract change orders where the overall total value of change orders does not exceed \$1,296,242 of the original contract amount and does not significantly change the scope of work;

d. Approve Amendment No. 1 to Professional Service Agreement No. A-13625 with MNS Engineers, Inc. to continue to provide construction management services for the SR1 Climbing Lane, Project No. 8690, under Request for Proposals #8690, to increase the not to exceed amount of \$479,516 by \$203,093 for a total amount not to exceed \$682,609, with no extension to the term of the Agreement beginning June 15, 2017 to June 15, 2020, with the option to extend the Agreement for two (2) additional one (1) year period(s); and

e. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 1 to Professional Services Agreement No. A-13625 and any future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

**Approved - Agreement No. A-13625, Amendment No. 1**

49.

Adopt a resolution:

a. Approving Amendment Number 2 to the Board of State and Community Corrections SB81 Round 1 Construction Agreement, amending the Project Timetable to extend the end date to August 2020; and

b. Authorizing the Director of RMA or designee to approve minor amendments that do not significantly impact the project's scope or budget for the duration of the project as well as amendments to the invoicing contract;

**Adopted Resolution No. 19-079**