

Monterey County

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



Action Minutes - Final

Tuesday, August 27, 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.

A moment of silence was taken for the recent mass shooting

Roll Called

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

Staff Present

Dr. Lew Bauman, County Administrative Officer, Charles McKee, County Counsel 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. 1.a., b., d., e., and f; 1.c. was removed via supplemental.

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) Protect the Process v. County, et al. (Monterey County Superior Court case no. 19CV002885)
 - (2) Michelle Moore (Workers Compensation Appeals Board case no. ADJ10697839)
 - (3) Barbara Espe (Workers Compensation Appeals Board case no. ADJ11059933)
 - (4) Barbara Espe (Workers Compensation Appeals Board case no. ADJ110947843)
 - (5) Luciano Reyes v. County of Monterey, et al. (United States District Court case no. 18CV03935) (ADDED VIA ADDENDUM)
 - b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
 - c. ~~Pursuant to Government Code section 54957(b)(1), the Board will confer regarding recruitment for the position of County Administrative Officer.~~
(REMOVED VIA SUPPLEMENTAL)

d. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Director of Child Support Services.

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

f. 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): All Units.

Public Comment

Open for public comment; Alicia Metters with support from other SEIU members commented.

Joel Panzer commented on items not on closed session. He was asked to return at 10:30 a.m. for general public comment.

The Board Recessed for Closed Session Agenda Items at 9:07 a.m.

10:30 A.M. - Reconvened on Public Agenda Items

Roll Called

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

Staff Present

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

Pledge of Allegiance

The Pledge of Allegiance was led by Supervisor Mary L. Adams.

Announcement of Interpreter

Denise Rameno-Gutierrez, Spanish Interpreter present and announced Spanish interpreter services.

Additions and Corrections by Clerk

Item No. 43 from the Criminal - Consent Calendar was requested to be pulled from the agenda.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary L. Adams to approve the additions and corrections.
ALL AYES

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar Items No. 27 through 64.

Open for public comment; no public comment made.

Supervisor Luis A. Alejo commented on Item No. 43 previously pulled from the agenda via the addition and corrections and 44; Supervisor Jane Parker commented on Item No.'s 44, 50 and No. 60; Supervisor Chris Lopez commented on Item No. 52 and Supervisor Mary L. Adams commented on Item No. 44, 50 and 59.

Supervisor John M. Phillips received a request via correspondence from Mr. Pekin to have Item No.'s 60 and 61 pulled from the agenda; Mr. Pekin was not present at the time the items were called; therefore, the matters will be trailed.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez to approve Consent Calendar Item No.'s 27 – 64 excluding Item No's 44., 50., 59., 60. and 61.
ALL AYES

Item No. 44

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane Parker to continue this matter to a date uncertain:
Adopt a Resolution Authorizing and direct the Auditor-Controller to increase appropriations by \$412,000 for the Sheriff's Office FY 18-19 Adopted Budget to cover a deficiency in appropriations. Increase appropriations in 001-SHE001-2300-8497-6111 in the amount of \$412,000 financed by a decrease in appropriations of \$412,000 from general fund contingency appropriation 001-CAO020-1050-8034; (4/5ths Vote Required).
ALL AYES

Item No. 50

Open for public comment; Jay Donato commented.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Luis A. Alejo as amended to increase the amount by an additional \$50,000:
Authorize the County Counsel to execute amendment no. 1 to the Agreement for specialized legal services with the law firm Liebert Cassidy Whitmore, extending the agreement for an additional one year (to December 31, 2020) and adding \$155,000 to the agreement for a total amount not to exceed \$200,000.
ALL AYES

Item No. 59

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez with Supervisor Mary L. Adams voting no to:

- a. Introduce, waive reading, and consider an ordinance of the County of Monterey, State of California, adding Section 2.04.355 to the County Code related to attorney communications with members of the Board of Supervisors and other decision-makers acting in an adjudicative capacity; and**
- b. Set September 10, 2019, at 10:30 a.m., or later, as the date and time for adoption of the ordinance.**

Motion carried 4 to 1

Ceremonial Resolutions

Open for public comment; no public comment made.

- 3.** Adopt Resolution recognizing September 2019 as Childhood Cancer Awareness Month in the County of Monterey. (Full Board)
A motion was made by Supervisor Jane Parker, seconded by Supervisor Chris Lopez to adopt Resolution No. 19-277 recognizing September 2019 as Childhood Cancer Awareness Month in the County of Monterey. (Full Board) ALL AYES
- 4.** Adopt Resolution proclaiming the month of September 2019, as “National Food Safety Education Month”. (Supervisor Phillips)
A motion was made by Supervisor Jane Parker, seconded by Supervisor Chris Lopez to adopt Resolution No. 19-278 proclaiming the month of September 2019, as “National Food Safety Education Month”. (Supervisor Phillips) ALL AYES
- 5.** Adopt Resolution commending Alice Jeanette White, Social Work Supervisor II, on her retirement from over 23 years of dedicated public service with the Monterey County Department of Social Services, Family and Children’s Services Branch. (Supervisor Phillips)
A motion was made by Supervisor Jane Parker, seconded by Supervisor Chris Lopez to adopt Resolution No. 19- 279 commending Alice Jeanette White, Social Work Supervisor II, on her retirement from over 23 years of dedicated public service with the Monterey County Department of Social Services, Family and Children’s Services Branch. (Supervisor Phillips) ALL AYES
- 6.** Adopt Resolution Recognizing Henry Espinosa’s 35 years of Service to the County of Monterey. (Supervisor Alejo)
A motion was made by Supervisor Jane Parker, seconded by Supervisor Chris Lopez to adopt Resolution No. 19-280 recognizing Henry Espinosa’s 35 years of Service to the County of Monterey. (Supervisor Alejo) ALL AYES
- 6.1** Adopt Resolution in appreciation of Tammy Blount-Canavan for her more than seven years of work in support of sustainable tourism development in Monterey

County. (Full Board) (ADDED VIA ADDENDUM)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Chris Lopez to adopt Resolution No. 19-281 in appreciation of Tammy Blount-Canavan for her more than seven years of work in support of sustainable tourism development in Monterey County. (Full Board) (ADDED VIA ADDENDUM) ALL AYES

Appointments

Open for public comment; no public comment made.

7. Reappoint Linda Cortez to the In-Home Supportive Services Advisory Council for a term ending June 30, 2022. (Full Board)
A motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo to reappoint Linda Cortez to the In-Home Supportive Services Advisory Council for a term ending June 30, 2022. (Full Board) ALL AYES
8. Appoint Eugene Doherty to the Assessment Appeals Board for a term ending September 4, 2020. (Supervisor Phillips)
A motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo to appoint Eugene Doherty to the Assessment Appeals Board for a term ending September 4, 2020. (Supervisor Phillips) ALL AYES
9. Appoint John Huerta to the Natividad Medical Center Board of Trustees for a term ending June 30, 2022. (Full Board)
A motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo to appoint John Huerta to the Natividad Medical Center Board of Trustees for a term ending June 30, 2022. (Full Board) ALL AYES
10. Appoint Anthony Ivanich to the Monterey County Behavioral Health Commission for a term ending May 31, 2022. (Full Board)
A motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo to appoint Anthony Ivanich to the Monterey County Behavioral Health Commission for a term ending May 31, 2022. (Full Board) ALL AYES
11. Appoint Richard Kuehn to the Area Agency on Aging Advisory Council for a term ending January 1, 2022. (Supervisor Adams)
A motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo to appoint Richard Kuehn to the Area Agency on Aging Advisory Council for a term ending January 1, 2022. (Supervisor Adams) ALL AYES
12. Appoint Lori Medina to the Monterey County Children & Families Commission for a term ending at the pleasure of the Board. (Full Board)
A motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo to appoint Lori Medina to the Monterey County Children & Families

Commission for a term ending at the pleasure of the Board. (Full Board) ALL AYES

13. Appoint Lorena Miranda to the North County Recreation & Park District for a term ending November 30, 2020. (Supervisor Phillips)

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo to appoint Lorena Miranda to the North County Recreation & Park District for a term ending November 30, 2020. (Supervisor Phillips) ALL AYES

14. Appoint Esmeralda Ortiz to the Commission on Disabilities for a term ending December 31, 2021. (Full Board)

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo to appoint Esmeralda Ortiz to the Commission on Disabilities for a term ending December 31, 2021. (Full Board) ALL AYES

15. Appoint Kirk Williams to the Monterey County Agricultural Advisory Commission for a term ending June 30, 2022. (District 3)

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo to appoint Kirk Williams to the Monterey County Agricultural Advisory Commission for a term ending June 30, 2022. (District 3) ALL AYES

Other Board Matters

16. Board Comments

Supervisor Luis A. Alejo thanked the Chair for taking a moment to acknowledge the tragedies that our nation suffered. Certainly, in Gilroy our close neighbors. He had the opportunity to attend two funerals of 2 of the 3 victims. The third victim, Trevor Irby, had his funeral in New York, and he was not able to attend. He attended the funerals of a little 6-year-old boy and a 13-year-old little girl that were just starting their lives and their lives cut short. This was certainly one of the most difficult moments in his political life to have to attend the funerals of two children that were gunned down so early in life. He thanked the Chair for taking the moment of silence. It's a reminder that much more needs to be done in the legislature between states and at the federal level to better regulate guns to keep our community safe. He was glad as after that tragedy there were several festivals the Strawberry Festival, the Salinas Food and Wine Festival and car week. All these events went on as people came out despite that fear and tragedy which is the best thing, we can do is continue to give our lives and continue to come out and not be afraid because of a few crazed individuals with assault rifles in their hands. He also mentioned he wanted to take a moment to acknowledge our dedicated workers are SEIU members for being here. It is always nice as we are honoring Labor Day this coming weekend and it's important to reflect on all the people who make our County great who do all the tough work day in and day out providing services to our constituents and to those from outside our County. He wanted to acknowledge the work they do and hopefully we can all reach a just resolution not too short here on the labor negotiations.

Supervisor John M. Phillips commented we've been off for a month now and during that time a number of things have happened. They had a good meeting

on the census with the LULAC in Castroville and it was well attended. He thinks the community is really committed in making sure we have an accurate census. Last Sunday he attended an event at Rancho Cielo. They had about fifteen to two thousand people there. They had a dodgeball tournament, hay rides for kids, face painting and they also taught the kids to fish. It was a nice community event and that's the way our community is supposed to be coming to events like that and not having to worry. He shares Supervisor Alejo's concern especially about assault type weapons being permitted in a civilized society and this is something that needs to be worked on.

Supervisor Mary L. Adams commented as Labor Day approaches Monterey County is at its absolute most beautiful. The weather is better now than it ever is in during any other time of the year. She encouraged everybody to take the time to go outside and enjoy the amazing place that we call home. Most importantly she hopes we take the time over Labor Day to appreciate the workers both past, present and future who sacrifices, and through tiring efforts are responsible for so much of the goodness we have in life.

Supervisor Chris Lopez commented on a great town hall meeting in Gonzales last Friday. He stated that even though he didn't pull items 38, 39 and 40 that dealt with mental health in our communities specifically in our schools. We have great partnership that are being created by Monterey County with our schools to make sure we are addressing issues as early as possible. There was also in that package a Suicide Prevention assistance which was one of the key issues identified in that community concern about their young people that might have some of those tendencies and making sure we get them the resources. He was appreciative to see these items on today's agenda. They also had Día Del Trabajador this last Sunday in Greenfield which was very well attended. They had some amazing corporate partners including Waste Management, Tanimura & Antle, Rio Farms, Mission Ranches and others who donated wonderful hats so that our laborers here in our community could have that hat to protect themselves from the elements when they work to help put food on our tables. The last town hall he had was about a week ago in Bryson Hesperia. They had a major issue come up. A tower had been erected in that community that had not gone to the local LULAC so in order to respond to that they are having another town hall tomorrow night to specifically address that issue in that community. He thanked staff for responding quickly to make sure we can get the right resources into the community to have that conversation.

Supervisor Jane Parker passed on comments this week.

17. County Administrative Officer Comments and Referrals

There were no County Administrative Officer comments or referrals.

18. General Public Comments

Open for general public comments for items not on today's agenda; Kristin SKromme, Adrienne de Pena, Maria Rodriguez with the assistance of the Spanish Interpreter and Yadira Real with the assistance of the Spanish Interpreter commented.

Note: At 9:00 a.m. Joel Panzer commented.

10:30 A.M. - Scheduled Matters

19. a. Conduct a public hearing under the requirements of the Tax Equity and Financial Responsibility Act (TEFRA) and the Internal Revenue Code of 1986, as amended; and
- b. Adopt a resolution approving the issuance of California Statewide Communities Development Authority (CSCDA) revenue obligations, in the aggregate principal amount not to exceed \$45,000,000 for the purpose of for the financing and refinancing of various healthcare-related capital improvements of the Community Hospital of the Monterey Peninsula (CHOMP) and affiliated entities and certain matters relating thereto.

Public hearing commenced.

Juan Pablo Lopez, Principal Administrative Analyst from the Budget & Analysis Department presented.

Open for public comment; no public comments made.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Mary L. Adams to:

- a. Conduct a public hearing under the requirements of the Tax Equity and Financial Responsibility Act (TEFRA) and the Internal Revenue Code of 1986, as amended; and**
- b. Adopt Resolution No. 19-283 approving the issuance of California Statewide Communities Development Authority (CSCDA) revenue obligations, in the aggregate principal amount not to exceed \$45,000,000 for the purpose of for the financing and refinancing of various healthcare-related capital improvements of the Community Hospital of the Monterey Peninsula (CHOMP) and affiliated entities and certain matters relating thereto.**

ALL AYES

20. a. Consider approval of the response to the 2018 - 2019 Monterey County Civil Grand Jury Final Report - " Enterprise Resource Planning, Costly Lessons from a Decade-Long Systems Enhancement Effort "
- b. Direct the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by September 21, 2019.

Nick Chuilos, Assistant County Administrative Officer from the County Administration Office presented.

Open for public comment; no public comments made.

The Board:

- a. Considered approval of the response to the 2018 - 2019 Monterey County Civil Grand Jury Final Report - " Enterprise Resource Planning, Costly Lessons from a Decade-Long Systems Enhancement Effort "; and**
- b. Directed the County Administrative Officer to revise the response as discussed; and**

c. Continued the matter to Tuesday, September 17, 2019, to be placed on the agenda as a consent item.

21.

- a. Consider approval of the response to the 2018 - 2019 Monterey County Civil Grand Jury Final Report - "Rape Kit Processing 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 21, 2019.

Nick Chuilos, Assistant County Administrative Officer from the County Administration Office presented.

Open for public comment; no comments made.

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Chris Lopez to:

- a. Consider approval of the response to the 2018 - 2019 Monterey County Civil Grand Jury Final Report - "Rape Kit Processing 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 21, 2019.

ALL AYES

22.

Receive the 2019 Monterey County Homeless Census and Survey Report.

Lori Medina, Director of Social Services from the Social Services Department with Elliott Robinson, Interim Executive Officer of the Coalition of Homelessness Providers presented via PowerPoint.

Open for public comment; Megan Hunter commented.

The Board upon consensus received the 2019 Monterey County Homeless Census and Survey Report.

Now at a later time trailed Consent Calendar Item No.'s 60 and 61 taken up

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo to approve Consent Calendar Item No. 61 and 60 as amended, 60. b. to include advertise for bids in South County publications.

ALL AYES

County Counsel noted on Item No. 60 b. the amendment shall not interrupt scheduling and publication costs shall be taken into consideration.

12:00 P.M. - Recessed to Lunch at 12:23 p.m. - Continued closed session

1:30 P.M. - Reconvened

Roll Called

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

Staff Present

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

Announcement of Interpreter

Denise Rameno-Gutierrez, Spanish Interpreter present and announced Spanish interpreter services.

1:30 P.M. - Scheduled Matters

23.

Consider making appointments to the Primary and Alternate Public Member Director and two of the Agricultural Director positions on the Board of Directors of the Salinas Valley Basin Groundwater Sustainability Agency ("SVBGSA") for terms commencing July 1, 2019, through June 30, 2022.

Les Girard, Assistant County Counsel from the County Counsel office presented.

Open for public comment; Glen Church, John Brammers, Carolyn Chapin-Hodges, Tim Rossi, Marla Anderson and a gentleman in a grey sweatshirt, blue t-shirt and glasses (no name provided) commented.

The Board:

Considered making appointments to the Primary and Alternate Public Member Director and two of the Agricultural Director positions on the Board of Directors of the Salinas Valley Basin Groundwater Sustainability Agency ("SVBGSA") for terms commencing July 1, 2019, through June 30, 2022.

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo to:

1. Appoint Colby Pereira as the Primary Director to the Agricultural Director position representing the Eastside Sub-basin area, and Chris Drew as the Alternate Director, on the Board of Directors of the Salinas Valley Basin Groundwater Sustainability Agency ("SVBGSA") each for a term ending June 30, 2022; and
2. Appoint Bill Lipe as the Primary Director to the Agricultural Director position representing the Upper Valley Sub-basin area, and Grant Cremers as the Alternate Director, on the Board of Directors of the Salinas Valley Basin Groundwater Sustainability Agency ("SVBGSA") each for a term ending June 30, 2022.

ALL AYES

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis A. Alejo with Supervisor Jane Parker and Supervisor Mary L. Adams voting no to appoint Carolyn Chapin-Hodges as the Primary Director to the Public Member Director position on the Board of Directors of the Salinas Valley Basin Groundwater Sustainability Agency ("SVBGSA") for a term ending on June 30, 2022.

Motion carried 3 to 2

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

Supervisor Mary L. Adams with Supervisor John M. Phillips, Supervisor Luis A. Alejo and Supervisor Chris Lopez voting no to appoint Glen Church as the Primary Director to the Public Member Director position on the Board of Directors of the Salinas Valley Basin Groundwater Sustainability Agency (“SVBGSA”) for a term ending on June 30, 2022.

Motion failed 3 to 2

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis A. Alejo with Supervisor Jane Parker and Supervisor Mary L. Adams voting no to appoint John Brammers as the Alternate Director to the Public Member Director position on the Board of Directors of the Salinas Valley Basin Groundwater Sustainability Agency (“SVBGSA”) for a term ending on June 30, 2022.

Motion carried 3 to 2

A substitute motion was made by Supervisor Mary L. Adams, seconded by Supervisor Jane Parker with Supervisor John M. Phillips, Supervisor Luis A. Alejo and Supervisor Chris Lopez voting no to appoint Glen Church as the Alternate Director to the Public Member Director position on the Board of Directors of the Salinas Valley Basin Groundwater Sustainability Agency (“SVBGSA”) for a term ending on June 30, 2022.

Motion failed 3 to 2

24.

Public Hearing, continued from February 26, 2019, April 23, 2019, and May 21, 2019 to consider appeals by Matt and Carol Donaldson and by Paul Smith from the November 14, 2019 Planning Commission decision approving a Combined Development Permit establishing a commercial operation, construction of an office, workshop, storage area, and formal parking area with associated site improvements and tree removal within environmentally sensitive habitat areas.

Project Location: 46821 Highway 1, Big Sur, Big Sur Coast Land Use Plan area (APN: 419-201-007-000)

Proposed CEQA action: Adopt a Mitigated Negative Declaration
PLN160851 - MORGENRATH (BLAZE ENGINEERING)

Public hearing commenced.

Brandon Swanson, Interim Chief of Planning, Anna Quenga, Sr. Planner and Craig Spencer, Interim RMA Services Manager from the Resource Management Agency presented via PowerPoint presentation.

Open for public comment; no public comments made.

The Board considered appeals by Matt and Carol Donaldson and by Paul Smith from the November 14, 2019 Planning Commission decision approving a Combined Development Permit establishing a commercial operation, construction of an office, workshop, storage area, and formal parking area with associated site improvements and tree removal within environmentally sensitive habitat areas.

Project Location: 46821 Highway 1, Big Sur, Big Sur Coast Land Use Plan area (APN: 419-201-007-000)

Proposed CEQA action: Adopt a Mitigated Negative Declaration
PLN160851 - MORGENRATH (BLAZE ENGINEERING)

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis A. Alejo with Supervisor Jane Parker and Supervisor John M. Phillips voting no to:

Adopt Resolution No. 19-285 to:

- a. Deny the appeal of Matt and Carol Donaldson from the November 14, 2019 Planning Commission decision approving a Combined Development Permit (RMA-Planning File No. PLN160851/Morgenrath);
- b. Deny the appeal of Paul Smith from the November 14, 2019 Planning Commission decision approving a Combined Development Permit (RMA-Planning File No. PLN160851/Morgenrath);
- c. Adopt a Mitigated Negative Declaration; and
- d. Approve a Combined Development Permit consisting of:
 1. Coastal Development Permit, Design Approval, and General Development Plan to establish a commercial business operation at 46821 Highway 1 including a 760 square foot office, a 600 square foot workshop with a 300 square foot canopy, 798 square foot storage building, storage of construction equipment such as generators and diesel storage tanks;
 2. Coastal Development Permit to allow development on slopes in excess of 30%;
 3. Coastal Development Permit to allow removal of 10 trees [8 Bay laurel trees (18, 19, 22, 30, 36.5, and 50-inch dbh and two multi-trunked); 1 Lyland cypress tree at 44.8-inches dbh; and 1 Coast Redwood at 20-inches dbh] in an environmentally sensitive area; and
 4. Coastal Administrative Permit to convert a test well into a permanent well;
- e. Adopt a Mitigation Monitoring and Reporting Program.

Motion carried 3 to 2

25.

Public hearing to consider the appeal by Marina Coast Water District from the April 24, 2019 Planning Commission decision approving a Use Permit and Design Approval for a 764 square foot pump station to deliver water to the California American Water Company (CalAm) Monterey District service area as a component of the overall Monterey Peninsula Water Supply Project (MPWSP).

Project Location: 26530 Rancho San Carlos Road, Carmel Valley (Assessor's Parcel Number 015-251-030-000), Carmel Valley Master Plan area.

Proposed CEQA Action: Consider an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) certified by the California Public Utilities Commission for the Monterey Peninsula Water Supply Project (SCH#2006101004).

PLN150653 - California American Water Company (Carmel Valley Pump Station component of the Monterey Peninsula Water Supply project)

Public hearing commenced.

Brandon Swanson, Interim Chief of Planning; Craig Spencer, RMA Services Manager and Cheryl Ku, Senior Planner with the Resource Management Agency presented via PowerPoint presentation.

Open for public comment; Gary Curiso, Paul Bruno, Abbie Beane, John Tilley and Kevin Dayton commented.

The Board considered the appeal by Marina Coast Water District from the April 24, 2019 Planning Commission decision approving a Use Permit and Design Approval for a 764 square foot pump station to deliver water to the California American Water Company (CalAm) Monterey District service area as a component of the overall Monterey Peninsula Water Supply Project (MPWSP) Project Location: 26530 Rancho San Carlos Road, Carmel Valley (Assessor's Parcel Number 015-251-030-000), Carmel Valley Master Plan area.
Proposed CEQA Action: Consider an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) certified by the California Public Utilities Commission for the Monterey Peninsula Water Supply Project (SCH#2006101004).
 PLN150653 - California American Water Company (Carmel Valley Pump Station component of the Monterey Peninsula Water Supply project)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary L. Adams to:

Adopt Resolution No. 19-284 to:

- b. Deny the appeal by the Marina Coast Water District from the April 24, 2019 Planning Commission decision granting a Use Permit and Design Approval for a 764-square foot pump station
- c. Approve a Use Permit and Design Approval for construction of a 764-square foot pump station, including grading; and
- d. Adopt a Mitigation Monitoring and Reporting Plan

ALL AYES

26.

- a. Receive a report on parking conditions at and around the Monterey County Government Center-Alisal Campus;
- b. Consider options for short-term and long-term parking solutions;
- c. Approve Lease of City Property Amendment No. 1 for the purpose of accommodating juror parking at 111 West Alisal Street, and find that the approval is categorically exempt from CEQA under section 15301 of the CEQA Guidelines; and
- d. Provide direction to staff.

(Board Referral 2018.22)

Proposed CEQA Action for Approval of Amendment No. 1: Categorically exempt per section 15301 of the CEQA Guidelines.

Carl Holm, RMA Director from the Resource Management Agency presented via PowerPoint presentation.

Open for public comment; Lisa Brinton, Steve Ish, Kevin Dayton, Frank Saunders and David Jacobs commented.

The Board upon consensus:

- a. Received a report on parking conditions at and around the Monterey County Government Center-Alisal Campus;
- b. Considered options for short-term and long-term parking solutions;
- d. Provided direction to staff to include the revised language, as stated for the record, for item No. 3 Subsection B of the Lease of City Property Amendment No. 1.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Jane

Parker as amended to:

c. Approve Lease of City Property, Agreement No. A-07396, Amendment No. 1 with revisions for the purpose of accommodating juror parking at 111 West Alisal Street, and find that the approval is categorically exempt from CEQA under section 15301 of the CEQA Guidelines; and

d. Provide direction to staff.

(Board Referral 2018.22)

Proposed CEQA Action for Approval of Amendment No. 1: Categorically exempt per section 15301 of the CEQA Guidelines.

Motion carried 4-0 (Supervisor Adams not present when vote taken)

Read Out from Closed Session by County Counsel

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) Protect the Process v. County, et al. (Monterey County Superior Court case no. 19CV002885)

(2) Michelle Moore (Workers Compensation Appeals Board case no. ADJ10697839)

(3) Barbara Espe (Workers Compensation Appeals Board case no. ADJ11059933)

(4) Barbara Espe (Workers Compensation Appeals Board case no. ADJ110947843)

(5) Luciano Reyes v. County of Monterey, et al. (United States District Court case no. 18CV03935) (ADDED VIA ADDENDUM)

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.a.(1)(2)(3)(4)(5)

b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.

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

c. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding recruitment for the position of County Administrative Officer.

REMOVED VIA SUPPLEMENTAL

d. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Director of Child Support Services.

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.d.

e. 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 items

1.e.

f. 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): All Units.

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

Adjourned

The meeting was adjourned in memory of Matthew Alvarado, David Parnie and Matthew Lavorato at 4:04 p.m. by Chair Supervisor John M. Phillips.

APPROVED:

_____/s/ John M. Phillips_____
JOHN M. PHILLIPS, CHAIR
BOARD OF SUPERVISORS

ATTEST:

BY: _____/s/ Valerie Ralph_____
VALERIE RALPH
CLERK OF THE BOARD
APPROVED ON October 8, 2019

Supplemental Sheet, Consent CalendarNatividad Medical Center

27. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute a Memorandum of Understanding (MOU) with California State University at Monterey Bay (CSUMB) for a Master of Science Physician's Assistant (MSPA) Program at Natividad, with a five year agreement term effective when signed by both parties.
- Approved - Agreement No. A-14473**
28. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute an agreement with Johnson Controls Inc. for repair and maintenance services on automation for heating, ventilation, air conditioning and the variable frequency drive (VFD) system at NMC for an amount not to exceed \$150,000 with an agreement term September 1, 2019 through August 31, 2022.
- 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%) (\$15,000) of the original cost of the agreement.
- Approved - Agreement No. A-14474**
29. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute an agreement with HealthStream Inc. for Web based clinical education content services at NMC for an amount not to exceed \$137,344 with an agreement term retroactive to July 1, 2019 through June 30, 2022.
- b. Approve the NMC Chief Executive Officer's recommendation to accept non-standard indemnification, insurance, limitations on liability, and limitations on damages provisions within the agreement.
- Approved - Agreement No. A-14475**
30. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute amendment No. 2 to the agreement (A-17-287, Board Order A-13598) with Pacific Health Alliance for project administration ("PA") services for the County of Monterey's Pilot Project for the Remaining Uninsured, extending the agreement an additional twelve (12) month period (January 1, 2020 through a run out period of December 31, 2020) for a revised full agreement term of August 1, 2017 through December 31, 2020, and adding \$400,000 for a revised total agreement amount not to exceed \$900,000.
- Approved - Agreement No. A-13598, Amendment No. 2**

31. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute the First Amendment to the Professional Services Agreement with The Regents of the University of California, a public corporation, on behalf of the University of California, San Francisco, School of Medicine, Department of Pediatrics (UCSF) to provide pediatric cardiology services extending the term by twenty-four months for a revised full agreement term of January 1, 2018 to December 31, 2020, and adding \$200,000 for a revised total not to exceed amount of \$300,000 in the aggregate; and
- b. Authorize the Deputy Purchasing Agent for NMC to sign up to three (3) future amendments to this agreement where the total amendments do not significantly change the scope of work and do not cause an increase of more than ten percent 10% (\$10,000) of the original contract amount.

Approved - Agreement No. A-14492, Amendment No. 1

32. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute the Second Amendment to the Professional and Call Coverage Services Agreement (A-13055) with Muralidhara R. Raju, M.D. to provide neurosurgery services, adding \$300,000 for a revised amount not to exceed \$800,000 in the aggregate, but with no change to the contract term of March 1, 2016 to December 31, 2020; and
- b. Authorize the Deputy Purchasing Agent for NMC to sign up to three (3) future amendments to this agreement where the total amendments do not significantly change the scope of work and do not cause an increase of more than ten percent 10% (\$30,000) of the original contract amount.

Approved - Agreement No. A-13055, Amendment No. 2

33. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute amendment No. 1 to the agreement (A-13725) with DrFirst.com Inc. (DrFirst) for the Controlled Substance Utilization Review and Evaluation System (CURES), which gives access to California's Prescription Drug Monitoring Program (PDMP), adding \$18,060 for a revised total agreement amount not to exceed \$267,060, with no changes to the term of the Agreement of July 1, 2017 through June 30, 2020.
- b. Approve the NMC Chief Executive Officer's recommendation to accept non-standard indemnification provisions within the amendment.

Approved - Agreement No. A-13725, Amendment No. 1

34. a. Amend Personnel Policies and Practices Resolution No. 98-394 and Appendix B to adjust the salary ranges for the classifications of: Hospital Director of Nursing Education and Hospital Chief Nursing Officer as indicated below; and
- b. Direct the Monterey County Human Resources Department to implement the changes in the Advantage HRM System.

Adopted Resolution No. 19-286**Health Department**

35. a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Memorandum of Understanding template for the provision of Therapeutic Services to students with each of the following Monterey County School Districts (“School Districts”): Alisal Union, Salinas City Elementary, and Soledad Unified School Districts, for a total maximum amount for all School Districts of \$1,054,578, see Exhibit A for total amount per School District, for the term retroactive to August 1, 2019 through June 30, 2020; and
- b. Accept the Director of Health’s recommendation to incorporate non-standard indemnification, limitation on liability, and insurance provisions; and
- c. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments to each MOU that, in total, do not exceed ten percent (10%) of the initial liability of each MOU, as shown in Exhibit A, and that do not significantly change the scope of services.

Approved - Agreement No. A-14476

36. Approve and authorize the Director of Health or Assistant Director of Health to execute Amendment No. 1 to Agreement A-13603 with Crisis Support Services of Alameda County for suicide prevention and intervention services in an increased amount of \$75,082 for the term retroactive to July 1, 2019 through June 30, 2020.

Approved - Agreement No. A-13603, Amendment No. 1

37. a. Approve and authorize the Director of Health or Assistant Director of Health to execute an Agreement with Kristin Lynn Dempsey for the provision of training and consultation services for a total Agreement not to exceed \$60,000 for the term beginning September 1, 2019 through June 30, 2021; and
- b. Approve the modified automobile liability insurance and insurance endorsement provisions in the Agreement, as recommended by the Director of Health; and
- c. 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%) (\$6,000) of the original Agreement amount and do not significantly alter the scope of services.

Approved - Agreement No. A-14477

38. a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Memorandum of Understanding template for the provision of Therapeutic Services to students with Gonzales Unified School District (“School District”), for a total maximum amount of \$101,360, effective August 1, 2019 through June 30, 2020; and
- b. Accept the Director of Health’s recommendation to incorporate non-standard indemnification, limitation on liability, and insurance provisions; and

c. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments that, in total, do not exceed ten percent (10%) (\$10,136) of the original amount and that do not significantly change the scope of services.

Approved - Agreement No. A-14478

39. Approve and authorize the Director of Health or Assistant Director of Health to execute Amendment No. 3 to Agreement A-13173 with Foley & Lardner, LLP for independent consulting and legal services, to increase the total Agreement by \$150,000 to cover additional services, for the term May 1, 2016 through June 30, 2020, for a total Agreement not to exceed, \$480,000.

Approved - Agreement No. A-13173, Amendment No. 3

Department of Social Services

40. a. Approve and authorize the Director of the Military & Veterans Affairs Office to execute funding agreement 19XS0018 with the California Department of Veterans Affairs to receive \$49,000 in Proposition 63 - Mental Health and Services Act funding to provide mental health outreach services to local veterans on behalf of the County retroactive to July 1, 2019 through June 30, 2020;
- b. Authorize the Director of the Military & Veterans Affairs Office to sign up to three (3) amendments to this funding agreement where the amendments do not significantly change the scope of work;
- c. Approve an increase in appropriations and estimated revenues of \$49,000 for the Military and Veterans Affairs Budget Unit 001-5010-SOC003-8260 FY 2019-20 Adopted Budget (4/5ths vote required); and
- d. Authorize the Auditor-Controller to amend the FY 2019-20 Adopted Budget by increasing appropriations and estimated revenues by \$49,000 in Military and Veterans Affairs Budget Unit 001-5010-SOC003-8260 (4/5ths vote required).

Approved - Agreement No. A-14479

41. a. Approve and authorize the Director of the Department of Social Services to execute Privacy and Security Agreement v2019 06 24 with the California Department of Social Services (CDSS) to continue to use data hosted by the Social Security Administration (SSA) and the Medi-Cal Eligibility Data System (MEDS) for the period of September 1, 2019 through September 1, 2022;
- b. Approve and authorize the Director of the Department of Social Services to execute Medi-Cal Privacy and Security Agreement 19-32 with the Department of Health Care Services (DHCS) to continue to use data hosted by DHCS for the period of September 1, 2019 through September 1, 2022; and
- c. Authorize the Director of the Department of Social Services to sign up to three (3) amendments to each of the two agreements above where the amendments do not significantly change the responsibilities of the parties.

Approved - Agreement No. A-14480**Criminal Justice**

42. a. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign Agreement with USC Internal Merger Co, LLC dba US Corrections, LLC, for prisoner extradition services for the Sheriff's Office. The initial term of the Agreement will begin July 1, 2019 (retroactive) and terminate June 30, 2022. This Agreement is retroactive due to the amount of time it took for the vendor to successfully register as a vendor with the County of Monterey. Work contracted under this Agreement shall not exceed a total cost of \$99,000.00, and will be in accordance with the terms and conditions set within the Agreement; and
- b. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to approve two (2) additional one (1) year amendments to the contract, provided that the amendment does not significantly change the scope of services and where the amendments in total do not increase the contract value more than \$35,000 per year, for a new not to exceed maximum of \$169,000.00.

Approved - Agreement No. A-14481

43. a. Authorize the Sheriff to issue notice of non-renewal of the 1977 Permit issued to the Peace Officers Association of the County of Monterey (MCPOA) for use of the Law Enforcement Firearm Range ("Range") at the Laguna Seca Recreational Area; and
- b. Designate the Monterey County Sheriff's Office to be responsible for operation, control, and maintenance of the Range for use by the Sheriff's Office upon termination of the Permit and ensure continuing access and use of the Range by all law enforcement agencies within Monterey County.

Pulled from agenda via additions and corrections.

44. Adopt a Resolution Authorizing and direct the Auditor-Controller to increase appropriations by \$412,000 for the Sheriff's Office FY 18-19 Adopted Budget to cover a deficiency in appropriations. Increase appropriations in 001-SHE001-2300-8497-6111 in the amount of \$412,000 financed by a decrease in appropriations of \$412,000 from general fund contingency appropriation 001-CAO020-1050-8034; (4/5ths Vote Required).

Adopt Resolution No. 19-282**General Government**

45. a. Approve a request from the San Lucas Cemetery District ("SLCD") for an exemption to the annual audit requirement pursuant to Government Code section

26909 (unanimous vote required); and
b. Authorize preparation of a Five-Year Audit of the SLCD covering the five-year period ending June 30, 2020, and every five-year period ending June 30th thereafter (unanimous vote required).

Approved

46. a. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to execute a non-standard Agreement with Fluence Automation, LLC to provide software, maintenance and support services for a "Vote by Mail" processing system for a term retroactive to November 1, 2018 through October 31, 2021, for a total amount not to exceed \$96,657;
b. Accept non-standard warranty, liability and indemnification contract provisions as recommended by the Registrar of Voters; and
c. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to execute no more than two amendments, subject to County Counsel review, extending the Agreement by one (1) year each, which do not significantly alter the scope of work and do not exceed an increase of 10% of the original amount.

Approved - Agreement No. A-14482

47. a. Approve and authorize the Director of Information Technology or his designee to execute a non-standard Agreement with Cenergy International Services, Inc. for support and maintenance of the County's Solar Winds network monitoring software for the term of September 1, 2019 through August 31, 2020, in the amount of \$15,164;
b. Accept non-standard provisions as recommended by the Director of Information Technology; and
c. Authorize the Director of Information Technology or his designee to sign up to four (4) amendments, extending the Agreement by one (1) additional year each, subject to County Counsel review, provided the maximum increase in total cost is no more than ten percent (10%) of the agreement price (\$1,516.40 total maximum increase), and provided the amendments do not significantly alter the terms of the Agreement.

Approved - Agreement No. A-14483

48. a. Authorize and approve the Director of Information Technology to execute a Support Agreement with Questys Solutions for maintenance and technical support used for Digital Information Management Program, for the period of September 1, 2019 through August 31, 2022, in the maximum amount of \$376,124.08;
b. Authorize the Director of Information Technology to sign up to two (2) amendments to this Agreement, extending the term by one (1) year each, where the additional costs per year do not exceed ten percent 10% (\$13,154) of the cost of the prior year, subject to County Counsel review, and provided that the terms and conditions of the agreement remain substantially the same; and

c. Accept non-standard contract provisions as recommended by the Director of Information Technology.

Approved - Agreement No. A-14484

49.

a. Approve and authorize the Director of Information Technology or his designee to sign a non standard Master Agreement with AT&T, enabling the County to procure AT&T telecommunication services at discounted rates through authorized AT&T Solution Providers; and

b. Authorize the Director of the Information Technology Department to execute pricing schedules, order forms and similar documents, as necessary, to utilize the AT&T Master Agreement to purchase AT&T Services through authorized AT&T Solution Providers, subject to prior County Counsel review, in the maximum total aggregate amount of \$1,200,000 from September 1, 2019 through August 31, 2021; and

c. Accept non-standard contract provisions as recommended by the Director of Information Technology.

Approved - Agreement No. A-14485

50.

Authorize the County Counsel to execute amendment no. 1 to the Agreement for specialized legal services with the law firm Liebert Cassidy Whitmore, extending the agreement for an additional one year (to December 31, 2020) and adding \$105,000 to the agreement for a total amount not to exceed \$200,000.

Agreement No. A-14493, Amendment No. 1

51.

a. Approve and authorize the Director of Child Support Services to sign a Plan of Cooperation (POC) with California Department of Child Support Services (DCSS), and all future amendments approved by County Counsel, to define responsibilities for securing child support, including child support establishment, collection, and disbursement services; medical support; determining paternity; and providing other public services in accordance with the provisions of Title IV-D of the Social Security Act for the period of October 1, 2019 through September 30, 2020. The POC, by its terms, renews automatically each year but, if amended, will be submitted to the Board of Supervisors for review and approval at least once every three years.

Approved - Agreement No. A-14486

52.

a. Approve and authorize the Library Director of Monterey County Free Libraries to execute an Operations and Maintenance Agreement between Monterey County and Shandon Unified School District for Monterey County Free Libraries to operate a joint school library and public library at 70585 Parkfield-Coalinga Road, Parkfield, California for a twenty-five (25) year term, retroactive to July 1, 2019 through June 30, 2044.

b. Approve and authorize the Contracts/Purchasing Officer to execute a County of

Monterey Standard Lease Agreement with Shandon Unified School District, leasing the school facility located at 70585 Parkfield-Coalinga Road, Parkfield, California to Monterey County at no cost, for a twenty-five (25) term, retroactive to July 1, 2019 through June 30, 2044, for Monterey County Free Libraries to operate a joint school library and public library.

c. Authorize the Library Director of Monterey County Free Libraries to make minor revisions to the Operations and Maintenance Agreement if deemed by the Library Director to be in the best interest of the County.

d. Authorize the Contracts/Purchasing Officer to make minor revisions to the Lease Agreement if deemed by the Contracts/Purchasing Officer to be in the best interest of the County.

Approved - Agreement No. A-14487

53.

a. Approve and authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute a Lease Agreement with Lenovo Financial Services, a third-party lessor to the Countywide Service Agreement with EDX Information Systems, Inc. for Desktop Solution Services, retroactive to July 1, 2019 and extending through and including April 11, 2020;

b. Approve and authorize County staff are hereby authorized and directed to take such other and further actions as may be necessary or appropriate to implement the intent and purpose of this board order; and

c. Approve and authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to exercise the option to extend the Lease Agreement in accordance of the terms and conditions of the Lease Agreement.

Approved - Agreement No. A-14488

54.

a. Approve and Authorize Amendment No. 2 to the Digital Library Reserve Content Service Plan Application Services Agreement between the County of Monterey, on behalf of Monterey County Free Libraries, and OverDrive, Inc., renewing and extending the period to three years, from November 24, 2019 through November 24, 2022, in the amount not to exceed \$200,000.00, to continue receiving license and hosting services for downloadable library services. Approve non-standard indemnity language; and

b. Authorize the Director of Monterey County Free Libraries, or his/her Designee, to sign Amendment No.2 to the Digital Library Reserve Content Service Plan Application Services Agreement between the County of Monterey, on behalf of Monterey County Free Libraries and OverDrive, Inc.

Approved - Agreement No. A-13084, Amendment No. 2

55.

Approve and authorize the Contracts/Purchasing Officer or designee to sign the Ergonomics Services Amendment No. 2 with Ergovera and Humanscale extending the time for performance of each Contractor to March 31, 2020 with no increase in value; and

Approved - Humanscale Agreement No. A-14104, Amendment No. 1; Ergovera Agreement No. A- 14105, Amendment No. 2

56. a. Authorize the Director of Information Technology or his designee to execute a Memorandum of Understanding, Letter of Agency, and Non-Disclosure Agreement with Bridgepointe Technologies, to serve as a broker for the County's purchase of AT&T services at discounted rates;
- b. Authorize the Director of Information Technology or his designee to sign order forms and associated documents for purchase of AT&T services through Bridgepointe Technologies; and
- c. Accept non-standard contract provisions as recommended by the Director of Information Technology.

Approved - Agreement No. A-14489

57. a. Authorize the Director of Information Technology or his designee to execute a Memorandum of Understanding, Letter of Agency, and Non-Disclosure Agreement with Nobilite Communications LLC to serve as a broker for the County's purchase of AT&T services at discounted rates;
- b. Authorize the Director of Information Technology or his designee to sign order forms and associated documents for purchase of AT&T services through Nobilite; and
- c. Accept non-standard contract provisions as recommended by the Director of Information Technology.

Approved - Agreement No. A-14490

58. Approve a request from the North County Recreation and Park District for a dry period loan of \$150,000 for the fiscal Year ending June 30, 2020.

Approved

59. a. Introduce, waive reading, and consider an ordinance of the County of Monterey, State of California, adding Section 2.04.355 to the County Code related to attorney communications with members of the Board of Supervisors and other decision-makers acting in an adjudicative capacity; and
- b. Set September 10, 2019, at 10:30 a.m., or later, as the date and time for adoption of the ordinance.

Approved

- 59.1 Adopt an ordinance suspending Sections 3 and 6, and a portion of Section 5, of Ordinance 5310, concerning Point of Use/Point of Entry water treatment, until December 11, 2019. (ADDED VIA ADDENDUM)

Adopted Ordinance No. 5316

RMA - Administration

60. Adopt a Resolution to:
- a. Adopt the Plans and Specifications for 855 East Laurel Drive-Emergency Shelter, Project No. 8875, Bid Package No.10736;
 - b. Authorize the Resource Management Agency Director to advertise for bids in the *Monterey County Weekly*;
 - c. Authorize and direct the Auditor-Controller to amend the FY 2019-20 Facilities Master Plan Project Fund, Fund 404, Appropriation Unit RMA015, to increase appropriations and estimated revenues by \$4,376,893, financed by an operating transfer in of \$656,893 from Fund 401, Appropriation Unit RMA004, for the County Match, \$200,000 for the City of Salinas Match, and \$3,520,000 from the Homeless Emergency Aid Program (4/5th vote required); and
 - d. Authorize and direct the Auditor-Controller to increase appropriations for the County Match toward the 855 East Laurel Emergency Shelter of \$656,893, from Fund 401, Appropriation Unit RMA004, where the financing source is Unassigned Fund Balance (Fund 401-BSA 3101) (4/5th vote required).

Adopted as amended - Resolution No. 19-287

- 61.
- a. Approve and authorize the Contracts/Purchasing Officer to execute a ten (10) year Lease Agreement with Community Human Services, a 501(c)(3) non-profit corporation, for the 4,500- square-foot County modular building with adjacent parking area located at 1292 Olympia Avenue, Seaside, California to be used as a permanent, year-round homeless shelter, rent free, pursuant to Section 26277 of the Government Code, in a form substantially similar to the proposed Lease Agreement set forth in Attachment A. Lease term is to commence on July 1, 2020, or upon completion of Community Human Services-specified improvements to the County property, whichever is earlier; and
 - b. Approve and authorize the Resource Management Agency Director to execute and record a ten (10) year Deed Restriction and Covenant document as required by the Homeless Emergency Aid Program (“HEAP”) for Community Human Services’ requested funding, in a form substantially similar to the proposed Deed Restriction and Covenant set forth in Attachment C.

Approved - Agreement No. A-14491

RMA - Land Use and Community Development

- 62.
- a. Approve and accept a Conservation and Scenic Easement Deed protecting an area of the Dunes Golf Course, a portion of “Club Lot 1” of the map entitled “Monterey Peninsula Country Club Subdivision No. 2” along Sawmill Gulch Creek as an area containing environmentally sensitive habitat and subject to restoration and enhancement efforts as a condition of approval for PLN140432;

b. Approve and accept a Conservation and Scenic Easement Deed protecting Archaeological resources for portions of “Club Lot 2” of the map entitled “Monterey Peninsula Country Club Subdivision No. 2” as a condition of approval for PLN140432

c. Authorize the Chair to sign the Acceptance and Consent to Recordation; and
d. Direct the Clerk of the Board to submit the two separate Conservation and Scenic Easement Deeds to the County Recorder for filing with any applicable recording fees to be paid by the applicant.

Project Location: Del Monte Forest, Pebble Beach bound by Spanish Bay Road and 17 Mile Drive.

Proposed CEQA Action: Notice of Determination filed for PLN140432 on February 3, 2015

PLN140432 - Monterey Peninsula Country Club

Approved

63.

REF190015-PROOF OF ACCESS ORDINANCE

Introduce, waive reading, and set September 17, 2019 at 1:30 p.m. as the date and time to conduct a public hearing to consider adoption of an ordinance repealing Section 21.64.320 of the Monterey County Code related to regulations for development utilizing private streets, roads, and other travelled ways (“Proof of Access”) from the non-coastal zoning regulations and moving the regulations to a new Chapter 16.80 of the Monterey County Code to establish County-wide coastal and non-coastal regulations Proof of Access regulations.

Location: County-wide unincorporated Monterey County

CEQA action: Not a project pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378(b)(5).

Approved

RMA – Public Works and Facilities

64.

a. Adopt the Monterey County 2019 Construction Task Catalogs, Job Order Contracting (JOC) 2019 - Roads & Bridges Project Specifications and JOC 2019 - Facilities Project Specifications, and Monterey County 2019 Technical Specifications for JOC 2019, Project No. JOC 2019, Bid No. Roads & Bridges 2019-01, Bid No. Roads & Bridges 2019-02, and Bid No. Roads & Bridges 2019-03, and Project No. JOC 2019, Bid No. Facilities 2019-01, Bid No. Facilities 2019-02, and Bid No. Facilities 2019-03;

b. Authorize the Resource Management Agency (RMA) Director to advertise for bids in the Monterey County Weekly.

Adopted

Addenda/Supplemental

65.

ADDENDA**Added to Closed Session:**

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

(5) Luciano Reyes v. County of Monterey, et al. (United States District Court case no. 18CV03935)

Added to Ceremonial Resolutions:

6.1 Adopt Resolution in appreciation of Tammy Blount-Canavan for her more than seven years of work in support of sustainable tourism development in Monterey County. (Full Board)

Added to General Government - Consent Calendar:

59.1 Adopt an ordinance suspending Sections 3 and 6, and a portion of Section 5, of Ordinance 5310, concerning Point of Use/Point of Entry water treatment, until December 11, 2019.

SUPPLEMENTAL**Removed from Closed Session:**

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

c. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding recruitment for the position of County Administrative Officer.

10:30 A.M. - Scheduled Matters:

20. a. Consider approval of the response to the 2018 - 2019 Monterey County Civil Grand Jury Final Report - " Enterprise Resource Planning, Costly Lessons from a Decade-Long Systems Enhancement Effort "

b. Direct the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by September 21, 2019.

Added one (1) additional attachment:

Response by Auditor

21. a. Consider approval of the response to the 2018 - 2019 Monterey County Civil Grand Jury Final Report - "Rape Kit Processing 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 21, 2019.

Added five (5) additional attachments:

- Rape Kit Response by City of Marina
- Rape Kit Response by City of PG
- Rape Kit Response by DA
- Rape Kit Response by MoCo Sheriff 08-15-2019
- Rape Kit Response by MoCo Sheriff 08-08-2019

1:30 P.M. - Scheduled Matters:

- 24.** Public Hearing, continued from February 26, 2019, April 23, 2019, and May 21, 2019 to consider appeals by Matt and Carol Donaldson and by Paul Smith from the November 14, 2019 Planning Commission decision approving a Combined Development Permit establishing a commercial operation, construction of an office, workshop, storage area, and formal parking area with associated site improvements and tree removal within environmentally sensitive habitat areas. Project Location: 46821 Highway 1, Big Sur, Big Sur Coast Land Use Plan area (APN: 419-201-007-000)
Proposed CEQA action: Adopt a Mitigated Negative Declaration
PLN160851 - MORGENRATH (BLAZE ENGINEERING)

Revised Attachment A: Now includes the draft conditions of approval. Further, the first sentence of Finding No. 1, Evidence "e" contains a typo. The sentence should be correct to read: "The project allows for the removal of -le 10 protected trees."