

Monterey County

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



Action Minutes - Final

Tuesday, October 27, 2015

9:00 AM

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

Board of Supervisors

*Chair Simón Salinas - District 3
Vice Chair Jane Parker - District 4
Supervisor Dave Potter - District 5
Supervisor Fernando Armenta - District 1
Supervisor John M. Phillips - District 2*

9:00 A.M. - Call to Order

The meeting was called to order by Chair Salinas.

Roll Call

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

Additions and Corrections for Closed Session

There were no additions or corrections to Closed Session.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(e)(3), the Board will confer with legal counsel regarding liability claims against the County of Monterey.
 - (1) Daniel Kee-Young Kim, Jr.
 - (2) Kali Parker
 - (3) Maria E. Cervantes and Jennifer Carson on behalf of minor V.P. Cervantes and Estate of Jorge Christian Cervantes Huerta
 - (4) Ryan Campbell
 - (5) Annamarie Elena Moreno, Sandra Lee Galvan Vela, Bernadette Marie Alverado, Louie Jr. Cabral, Evangelina Solis
 - b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
 - (1) Designated representatives: Manuel Gonzalez and Brette NealEmployee Organization(s): Unit S
 - c. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) Thomas Dewey v. Monterey County, et al. (Monterey County Superior Court case no. M114120)
 - d. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.
 - e. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee.

CLOSED SESSION REPORT:
Closed Session under Government Code section 54950, relating to the following items:
a. Pursuant to Government Code section 54956.9(e)(3), the Board will confer

with legal counsel regarding liability claims against the County of Monterey.

(1) Daniel Kee-Young Kim, Jr.

CLOSED SESSION REPORT: The Board rejected the claim of Daniel Kee-Young Kim, Jr.

(2) Kali Parker

CLOSED SESSION REPORT: The Board rejected the claim of Kali Parker.

(3) Maria E. Cervantes and Jennifer Carson on behalf of minor V.P. Cervantes and Estate of Jorge Christian Cervantes Huerta

CLOSED SESSION REPORT: The Board rejected the claims of Maria E.

Cervantes and Jennifer Carson on behalf of minor V.P. Cervantes and Estate of Jorge Christian Cervantes Huerta

(4) Ryan Campbell

CLOSED SESSION REPORT: The Board rejected the claim of Ryan Campbell.

(5) Annamarie Elena Moreno, Sandra Lee Galvan Vela, Bernadette Marie Alverado, Louie Jr. Cabral, Evangelina Solis

CLOSED SESSION REPORT: The Board rejected the claims of Annamarie Elena Moreno, Sandra Lee Galvan Vela, Bernadette Marie Alverado, Louie Jr. Cabral, Evangelina Solis.

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

(1) Designated representatives: Manuel Gonzalez and Brette Neal

Employee Organization(s): Unit S

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

(1).

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

(1) Thomas Dewey v. Monterey County, et al. (Monterey County Superior Court case no. M114120)

CLOSED SESSION REPORT: The Board took no reportable action on item 1.c.

(1).

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

CLOSED SESSION REPORT: The Board took no reportable action on item 1.d.

e. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee.

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

10:30 A.M. - Reconvene

Roll Call

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

Pledge of Allegiance

The Pledge of Allegiance was led by Clerk of the Board Gail T. Borkowski.

Additions and Corrections

Due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda, as provided in Section 54954.2 of the California Government Code the Board is asked to make the following addition and correction:

Remove from Consent Calendar – Criminal Justice

16.1. a. Approve and authorize the Contracts/Purchasing Officer to execute two Professional Services Agreements, with Jeremy Dzubay and William Pernik, to provide legal representation in indigent adult criminal cases through the Alternate Defender's Office, in the maximum amount of \$103,500 each, for the term of October 1, 2015 through June 30, 2016 each; and

b. Approve and authorize the Contracts/Purchasing Officer to execute up to three (3) future amendments, extending the term of each of these Professional Services Agreements by one (1) fiscal year per amendment, in the maximum amount of \$138,000 per full fiscal year, provided there is no significant change to the scope of work or increase in cost. (ADDED VIA ADDENDUM)

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

Consent Calendar

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

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to approve the Consent Calendar (See Supplemental sheet). ALL AYES

Ceremonial Resolutions

3. Adopt Resolution in recognition of George LaBarre for his dedication to public service. (Full Board)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-280 in recognition of George LaBarre for his dedication to public service. (Full Board) ALL AYES

Appointments

4. Appoint Linda Sanders to the Animal Control Advisory Board to fill an unscheduled vacancy with a term ending July 1, 2017. (Supervisor Parker)

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to appoint Linda Sanders to the Animal Control Advisory Board to fill an unscheduled vacancy with a term ending July 1, 2017. (Supervisor Parker) ALL AYES

5. Appoint Aranyani Azevedo to the Commission on the Status of Women to fill

an unscheduled vacancy with a term ending February 1, 2016. (Supervisor Armenta)

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to appoint Aranyani Azevedo to the Commission on the Status of Women to fill an unscheduled vacancy with a term ending February 1, 2016. (Supervisor Armenta) ALL AYES

Other Board Matters

6. Board Comments

There were no Board comments.

7. CAO Comments and Referrals

Supervisor Armenta stated he believes that there is a state of emergency related to homelessness and he wants staff to provide an update on efforts to deal with the homeless crisis. He requested monthly progress reports.

Supervisor Parker thanked Supervisor Armenta for his comments and requested that the response should be coordinated with the Learning Home Plan.

8. General Public Comment

Pamela Westin; Wes White; Van Gresham; Sean Ritchie; Ronald Wilkinson; Ifrahim Jimenez; Roberto Mora; Rita Acosta; Irene Chavez; Jeff Lehner; Dashon Hopkins; Leslie Sveditch; Tommy Bothwell; Joe Vierra; Jesus Valenzuela; Steve Eklund; Male-No name given; Hans Jongens.

10:30 A.M. - Scheduled Matters

- 9.
- a. Conduct a Public Hearing to take comments on a proposed Substantial Amendment to the Urban County FY 15-16 Action Plan for expenditure of CDBG funds;
 - b. Amend the Action Plan to reallocate funding in the amount of \$142,242 for ADA improvements to the City of Gonzales' Centennial Park to ADA improvements to the City of Gonzales' community swimming pool path of travel project;.
 - c. Amend the Action Plan to forward fund up to \$150,000 for the Chualar Park project from FY16-17 funding;
 - d. Authorize the Director of Economic Development to submit the Substantial Amendment to the Urban County FY 15-16 Action Plan to HUD; and
 - e. Authorize the Director of Economic Development to execute contracts, and other necessary and associated documents, to implement these allocations for Urban County projects, including making adjustments to accommodate minor variances in Program Income or project expenditures..

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to:

- a. Conduct a Public Hearing to take comments on a proposed Substantial Amendment to the Urban County Fiscal Year 15 16 Action Plan for expenditure of CDBG funds.
 - b. Amend the Action Plan to reallocate funding in the amount of \$142,242 for ADA improvements to the City of Gonzales' Centennial Park to ADA improvements to the City of Gonzales' community swimming pool path of travel project;
 - c. Amend the Action Plan to forward fund up to \$150,000 for the Chualar Park project from FY16 17 funding;
 - d. Authorize the Director of Economic Development to submit the Substantial Amendment to the Urban County FY 15 16 Action Plan to HUD; and
 - e. Authorize the Director of Economic Development to execute contracts, and other necessary and associated documents, to implement these allocations for Urban County projects, including making adjustments to accommodate minor variances in Program Income or project expenditures. ALL AYES

10.
 - a. Receive an oral update of Governing for Racial Equity as a strategy for County initiatives.
 - b. Consider approving a staff recommendation for a Special Board of Supervisors meeting dedicated to a half day in-depth orientation on the principles of Governing for Racial Equity.

Public comment: Andrea Manzo; Lauren Padilla; Larry Imwahli; Joe Vierra. A motion was made by Supervisor Fernando Armenta, seconded by Supervisor John M. Phillips to:
 - a. Receive an oral update of Governing for Racial Equity as a strategy for County initiatives.
 - b. Approve staff recommendation for a Special Board of Supervisors meeting dedicated to a half day in-depth orientation on the principles of Governing for Racial Equity. ALL AYES

12:00 P.M. - Recess to Lunch - Continued Closed Session

1:30 P.M. - Reconvene - Monterey County Board of Supervisors

1:30 P.M. - Scheduled Matters**10.1**

Public hearing to consider adopting a resolution to:

- a. Certify the Carmel Canine Sports Center Project Final Environmental Impact Report (SCH # 2013121077);
- b. Deny the Appeal by Quail Lodge, Inc. from the Monterey County Planning Commission's certification of the Environmental Impact Report, adoption of a Statement of Overriding Considerations, and approval of an application by Carmel Canine Sports Center (Wolter Properties, LLC/PLN130352) for a Combined Development Permit;
- c. Deny the Appeal by Friends of Quail from the Monterey County Planning Commission's certification of the Environmental Impact Report, adoption of a Statement of Overriding Considerations, and approval of an application by Carmel Canine Sports Center (Wolter Properties, LLC/PLN130352) for a Combined Development Permit;
- d. Adopt CEQA findings, adopt the Statement of Overriding Considerations, and approve an application by Carmel Canine Sports Center (Wolter Properties, LLC/PLN130352) for a Combined Development Permit consisting of: 1) Use Permit for the development of a canine training/sports facility and event center for daily member usage and up to 24 "event days" (daily maximum of 250 people/300 dogs) per year; 2) Administrative Permit to allow the construction/placement of modular (temporary) structures to include a 700 square foot office trailer, 600 square foot member trailer, 600 square foot restroom trailer and 400 square foot electrical/storage room; and 3) Design Approval [Site will also accommodate up to 70 recreational vehicles on a short-term basis during "events" (Maximum of 24 nights per year)]; and
- e. Adopt a Mitigation Monitoring and Reporting Plan (MMRP).
(Carmel Canine Sports Center Appeal, PLN130352, 8100 Valley Greens Drive, Carmel Valley) (ADDED VIA ADDENDA on October 22, 2015 at 5:00 pm) * (BOARD REPORT ATTACHMENT ADDED VIA SUPPLEMENTAL on October 23, 2015 at 3:30 p.m.)

Public hearing held.

Matthew Ottone addressed the Board on behalf of the Applicant.

Anthony Lombardo addressed the Board on behalf of the Appellant Quail Lodge.

Molly Erickson addressed the Board on behalf of the Friends of Quail Lodge.

Public comment: Christy Clark; Bob Rice; Wayne Clark; Ramona Smith; Clifford Bible; Tim Sanders; Ann Mahoney; Jane Farnsworth; Russ Hasley; Dawn Postin; Jessica Cunningham; Sharon Bacon; Pat Matucheski; Josette Davis; Chuck Davis; Priscilla Walton; David Seckler; Alex Lilley; Sam Teal; Madeline Van Zander; Hans Jongens; Mary Adams; Ron Sancherico; Betty Bince; George White; John Saunders; Cathy Shandell; Randy Charles; Lucy Wilman; Maggie Case; Joan Middleton; Audrey Morris; Susie (last name unintelligible); Roberta Troxell; Wayne; Gail Triolo; Tom Groug; Roland Eldridge; Jeff Taylor; Amy White; Mike Carrini; John Parks.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to continue the hearing to December 15, 2015, with the intent to uphold the appeal and deny the project, and staff to return to the Board with the conditions supporting the denial. ALL AYES

Adjournment

APPROVED:

/s/ Jane Parker

**JANE PARKER, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

BY: /s/ Gail T. Borkowski

**GAIL T. BORKOWSKI
CLERK OF THE BOARD**

APPROVED ON 05-10-2016

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

11. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute an Agreement with Sysmex America, Inc. for maintenance and repair services of laboratory equipment XN 3000 at NMC for an amount not to exceed \$129,822 for the term January 1, 2016 through December 31, 2018.
- b. Authorize the Deputy Purchasing Agent for NMC or his designee to execute up to three (3) future amendments to the agreement which do not significantly alter the scope of work and do not cause an increase of more than ten percent (10%) of the original cost of the agreement per each amendment.

Approved - Agreement No. A-12970

12. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute Agreement #00005779-216263-001 with Ortho Clinical Diagnostics for Laboratory Equipment Maintenance and Repair Services at NMC, retroactive to October 15, 2015, for an amount not to exceed \$144,900 for the period of October 15, 2015 through October 14, 2018.

Approved - Agreement No. A-12968

13. Ratify and authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute Renewal and Amendment No. 9 with Quest Diagnostics Inc. including the Letter of Commitment for MedAssets GPO pricing (Exhibit B to the Renewal and Amendment No. 9), retroactive to July 1, 2015, for Reference Laboratory Testing Services for NMC to extend the term of the Agreement for one additional year for a revised full Agreement term of July 1, 2005 through June 30, 2016, and to add an additional \$850,000 for a revised total Agreement amount not to exceed \$5,240,000.

Approved - Agreement No. A-10493

Health Department

14. a. Approve and authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to sign a Standard Agreement with the Action Council of Monterey County, Inc., in the amount of \$250,000 for the provision of community educational management and contracting for specialized services, for the period of October 1, 2015 through June 30, 2018.
- b. Authorize the Contracts/Purchasing Officer to approve up to three (3)

future amendments that do not exceed (10%) (\$25,000) of the original Agreement amount and which does not significantly alter the scope of services.

Approved - Agreement No. A-12969

Department of Social Services

- 15.
- a. Ratify, approve and authorize the Contracts/Purchasing Officer to execute a ninety (90) day Lease Agreement, effective August 6, 2015 with King City Town Square, LLC for 2,544 square feet of space located at 200 Broadway Street Suite 46, King City, California for use by the Department of Social Services;
 - b. Direct the Auditor-Controller to make lease payments of \$100 per day and in accordance with the terms of the Lease Agreement; and
 - c. Authorize minor revisions to the Lease Agreement if deemed to be in the best interest of the County by the Contracts/Purchasing Officer.

Approved

Criminal Justice

- 16.
- a. Approve and authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to sign Amendment No. 1 to a Standard Agreement on behalf of the Sheriff/Coroner's Office with Drake Transportation to provide pick up, delivery and transport of deceased remains; and
 - b. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to sign up to three (3) amendments of up to \$66,000 per year (198,000) to the agreement where the amendment does not significantly change the scope of work and the total cumulative cost of this contract does not exceed \$329,000.

Approved - Agreement No. A-12986

- 16.1
- a. Approve and authorize the Contracts/Purchasing Officer to execute two Professional Services Agreements, with Jeremy Dzubay and William Pernik, to provide legal representation in indigent adult criminal cases through the Alternate Defender's Office, in the maximum amount of \$103,500 each, for the term of October 1, 2015 through June 30, 2016 each; and
 - b. Approve and authorize the Contracts/Purchasing Officer to execute up to three (3) future amendments, extending the term of each of these Professional Services Agreements by one (1) fiscal year per amendment, in the maximum amount of \$138,000 per full fiscal year, provided there is no significant change to the scope of work or increase in cost. (ADDED VIA ADDENDUM)

Item removed via Additions & Corrections.

General Government

17. Accept the Monterey County Agricultural Advisory Committee Annual Report covering the period July 1, 2014, through June 30, 2015.

Approved

18. a. Approve and authorize the Contracts/Purchasing Officer to execute an agreement between County of Monterey and American Eagle Attorney Service, Inc. for a total not to exceed the amount of \$250,000 to provide out-of-state process services for the County of Monterey Department of Child Support Services;
- b. The initial term shall commence with the signing of the Agreement through and including August 31, 2018, with the option to extend the Agreement for two (2) additional one (1) year periods; and
- c. Authorize the Contracts/Purchasing Officer, or his designee, to sign up to three (3) amendments to the agreement, where the total amendments do not exceed 10% of the original contract amount and do not significantly change the scope of work.

Approved - Agreement No. A-12982

19. a. Approve and authorize the Contracts/Purchasing Officer to execute an agreement between County of Monterey and American Eagle Attorney Service, Inc. for a total not-to-exceed amount of \$250,000 to provide in-state process services for the County of Monterey Department of Child Support Services;
- b. The initial term shall commence with the signing of the Agreement through and including August 31, 2018, with the option to extend the Agreement for two (2) additional one (1) year periods; and
- c. Authorize the Contracts/Purchasing Officer, or his designee, to sign up to three (3) amendments to the agreement, where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

Approved - Agreement No. A-12971

20. Approve and authorize the Acting Director of Child Support Services to sign a Plan of Cooperation (POC) and future amendments with the State of California Department of Child Support Services (DCSS) to define responsibilities of DCSS and County of Monterey (LCSA - Local Child Support Agency) 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 (SSA) on behalf of the County for the period of October 1, 2015 through September 30, 2016.

Approved

21. a. Approve a Cooperative Agreement between the County of Monterey and the Chualar Union School District for improvement and operation of a community multi-use athletic field; and
- b. Authorize the Director of Economic Development to make minor revisions, as needed, and sign the Agreement.

Approved - Agreement No. A-12972

22. a. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign Amendment No. 2 to Agreement No. A-12239 with Carl Warren & Company for general liability claims administration services to increase the total amount not to exceed by \$30,000 for subrogation and excess claim purposes only, for a new total not to exceed amount of \$352,404;
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute up to two (2) one-year extensions of the Agreement at the request of the Risk Manager, provided the compensation terms for fixed annual fees do not increase by more than five percent (5%) of the annual fixed rate, and compensation for subrogation and excess claim fees do not exceed \$30,000 per fiscal year, with all other terms remaining unchanged; and
- c. Approve and authorize County Counsel Risk Management Division to implement the attached Agreement with Carl Warren & Company for general liability claims administration services.

Approved - Agreement No. A-12939

23. Receive and Accept the Treasurer's Report of Investments for the quarter ending September 30, 2015.

Approved

24. a. Authorize the Contracts/Purchasing Officer to execute a non-standard Agreement with Project Leadership Associates (PLA), a Microsoft solutions partner, to implement the Microsoft Enterprise Management (EMS) Suite for the period of November 2, 2015 through January 15, 2016, paid for by Microsoft Inc., at no cost to the County of Monterey;
- b. Accept non-standard contract provisions as recommended by the Director of the Information Technology Department; and
- c. Authorize the Director of Information Technology, upon satisfactory completion of implementation services, to complete and provide a proof of execution notice to Microsoft certifying completion of all work at the end of the engagement.

Approved - Agreement No. A-12965

RMA - Public Works

- 25.
- a. Approve and authorize the Resource Management Agency - Director of Public Works to sign an electric agreement, Contract ID: 1193332: Las Lomas Street Light Project, with Pacific Gas & Electric Company in the amount of \$18,973.56 for installation of three new streetlights in the Community of Las Lomas (Phase 3-A of three phases);
 - b. Authorize the payment of \$18,973.56 to Pacific Gas & Electric Company as part of the project costs within the Las Lomas Lighting Project, Project 1722 appropriated within the FY 2015-16 Adopted Budget for Fund 404-3000-8174-RMA015; and
 - c. Authorize the payment of monthly utility bills generated from this Project against the Utilities Unit 001-3000-8182-RMA098.

Approved - Agreement No. A-12973

- 26.
- a. Approve a Real Property Purchase Agreement to Purchase Permanent Easement, Public Utility Easement, and Temporary Construction Easement (0.1053 acres, 0.1763 acres, and 0.2796 acres, respectively) with the Dubach Family, L.P., a California Limited Partnership (APN 133-081-007), in the amount of \$9,379.00, for Right-of-Way for the construction of Castroville Bicycle/Pedestrian Path and Railroad Crossing Project, Project No. 8622; and
 - b. Authorize the Chair of the Monterey County Board of Supervisors to execute the Real Property Purchase Agreement to Purchase Permanent Easement, Public Utility Easement, and Temporary Construction Easement, in the amount of \$9,379.00, and the Certificate of Acceptance and Consent to Recordation on behalf of the County.

Approved - Agreement No. A-12985; Construction No. 2015-022