

Monterey County

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



Action Minutes - Final

Tuesday, October 10, 2017

9:00 AM

**See separate Minutes for Monterey County Board of Supervisors
governed Agencies and Special Districts.**

Board of Supervisors

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

9:00 a.m. - Call to Order

The meeting was called to order by Chair Adams.

Roll Call

Present: 5 - Supervisor Mary L. Adams, Supervisor Luis Alejo, Supervisor John M. Phillips, Supervisor Simón Salinas and Supervisor Jane Parker

Additions and Corrections for Closed Session:

There were no additions or corrections to Closed Session.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) Thomas Hughes v. Monterey County Public Defender, et al. (Monterey County Superior Court case no. 16CV000181)
 - (2) County of Monterey v. CA Department of Health Care Services, et al. (Monterey County Superior Court case no. 17CV002772)
 - 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. (REMOVED VIA SUPPLEMENTAL)~~
 - c. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the Equal Opportunity Officer.
 - d. Pursuant to Government Code section 54957.6, the Board will confer with negotiators:
 - (1) Designated representatives: Irma Ramirez-Bough and Brette NealEmployee Organization(s): Unit H
 - 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(d)(1), the Board will confer with legal counsel regarding existing litigation:

(1) Thomas Hughes v. Monterey County Public Defender, et al. (Monterey County Superior Court case no. 16CV000181)

(2) County of Monterey v. CA Department of Health Care Services, et al. (Monterey County Superior Court case no. 17CV002772)

CLOSED SESSION REPORT: The Board conferred with counsel and took no reportable action on items a.(1): Thomas Hughes v. Monterey County Public Defender, et al. (Monterey County Superior Court case no. 16CV000181) and a. (2): County of Monterey v. CA Department of Health Care Services, et al. (Monterey County Superior Court case no. 17CV002772).

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. (ITEM REMOVED VIA SUPPLEMENTAL)

c. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the Equal Opportunity Officer. CLOSED SESSION REPORT: The Board took no reportable action on item 1.c.

d. Pursuant to Government Code section 54957.6, the Board will confer with negotiators:
(1) Designated representatives: Irma Ramirez-Bough and Brette Neal
Employee Organization(s): Unit H
CLOSED SESSION REPORT: The Board conferred with negotiators and approved a side letter regarding education leave with Unit H. The executed letter will be available through Human Resources.

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. - Reconvened

Roll Call

Present: 5 - Supervisor Mary L. Adams, Supervisor Luis Alejo, Supervisor John M. Phillips, Supervisor Simón Salinas and Supervisor Jane Parker

Pledge of Allegiance

The Pledge of Allegiance was led by Charles McKee.

Additions and Corrections

ADDITION UNDER ADJOURNMENT
Adjourn in Memory of Austin Meyer

CORRECTIONS
Remove from Ceremonial Resolutions
4.1 Adopt Resolution recognizing Shane D. Mckeithen. (Full Board) (ADDED VIA ADDENDUM)

Correction to Ceremonial Resolutions

**4.2 A revised resolution has been submitted
Adopt Resolution recognizing 30th Anniversary of the Historic 1985-1987
Watsonville Cannery Strikes. (Full Board) (ADDED VIA ADDENDUM)**

Supervisor Alejo commented on the removal of item 4.1 from the agenda.
Supervisor Adams responded regarding the resolution process.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor
Simon Salinas to approve the additions and corrections to the agenda. 4-1
(Supervisor Alejo voted No)

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), with
the exception of items 19, 25 and 26. ALL AYES**

Supervisor Alejo pulled item 25 and provided a brief history of the old jail,
including historic video clips related to the site.

Public comment regarding item #25: Jeff Beckham; Nancy Runyon; Joel
Panzer; John Huerta; Juan Martinez; Wes White; Salvador Munoz; Bill
Carrothers.

A motion was made by Supervisor Luis Alejo, seconded by Supervisor Simón
Salinas to approve item 25. ALL AYES (See item)

Supervisor Adams pulled item 19 and questioned staff. Andrea Rosenberg
responded.

A motion was made by Supervisor Luis Alejo, seconded by Supervisor Simón
Salinas to approve item 19. ALL AYES (See item)

Supervisor Adams pulled item 26 for comment.

A motion was made by Supervisor Luis Alejo, seconded by Supervisor Simón
Salinas to approve item 26. ALL AYES (See item)

Ceremonial Resolutions

3. Adopt Resolution commending Deputy Albert Ainuu, Monterey County Sheriff's
Office upon his retirement from twenty-eight years of public service. (Full Board)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor
Jane Parker to adopt Resolution No. 17-351 commending Deputy Albert Ainuu,
Monterey County Sheriff's Office upon his retirement from twenty-eight years of
public service. (Full Board) ALL AYES**

4. Adopt Resolution recognizing David H. Hart, Chair of the Monterey County Water
Resources Agency Board of Directors for his ten years of service to the residents of
Monterey County. (Full Board)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor
Jane Parker to adopt Resolution No. 17-352 recognizing David H. Hart, Chair of**

the Monterey County Water Resources Agency Board of Directors for his ten years of service to the residents of Monterey County. (Full Board) ALL AYES

- 4.1 ~~Adopt Resolution recognizing Shane D. McKeithen. (Full Board) (ADDED VIA ADDENDA)~~

Item removed via Additions and Corrections.

- 4.2 Adopt Resolution recognizing 30th Anniversary of the Historic 1985-1987 Watsonville Cannery Strikes. (Full Board) (ADDED VIA ADDENDA)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 17-353 recognizing the 30th Anniversary of the Historic 1985-1987 Watsonville Cannery Strikes. (Full Board) (ADDED VIA ADDENDA) ALL AYES

Appointments

5. Reappoint Mog Cabatu to the Housing Advisory Committee for a term ending June 14, 2019. (Supervisor ~~Salinas~~ Phillips) (CORRECTED VIA SUPPLEMENTAL)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Luis Alejo to reappoint Mog Cabatu to the Housing Advisory Committee for a term ending June 14, 2019. (Supervisor Salinas Phillips) (CORRECTED VIA SUPPLEMENTAL) ALL AYES

6. Appoint Darlene Acosta to the Domestic Violence Coordination Advisory Council for a term ending January 1, 2019. (Supervisor Salinas)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Luis Alejo to appoint Darlene Acosta to the Domestic Violence Coordination Advisory Council for a term ending January 1, 2019. (Supervisor Salinas) ALL AYES

7. Appoint Beatriz Vera-Morga to the Domestic Violence Council as an alternate member for a term ending January 3, 2021. (Supervisor Salinas)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Luis Alejo to appoint Beatriz Vera-Morga to the Domestic Violence Council as an alternate member for a term ending January 3, 2021. (Supervisor Salinas) ALL AYES

8. Reappoint Kurt Gollnick to the Agricultural Advisory Committee for a term ending June 30, 2020. (Supervisor Alejo)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Luis Alejo to reappoint Kurt Gollnick to the Agricultural Advisory Committee for a term ending June 30, 2020. (Supervisor Alejo) ALL AYES

Other Board Matters**9.** Board Comments

Supervisor Phillips announced he was back in Washington DC working with groups from Watsonville and Santa Cruz regarding the Pajaro River Levee project which has been going on for 25 years. He met with Congressman representatives, Senators and General Jackson from the Army Core of Engineers. Hopefully progress is being made.

Supervisor Salinas extended thoughts and prayers to our sister Counties Napa, Sonoma and Solano as they deal with the terrible fires raging in their communities. He requested the County's CSAC representative Supervisor Alejo reach out to share experience regarding recovery of funds to help them in their process for speedy recovery of funds.

Supervisor Adams announced the official opening and ribbon cutting on Friday and Pfifer Canyon Bridge opening. She plans to report back next week on the success of this event.

Supervisor Alejo advised he will join Supervisor Adams as the Pfifer Bridge re-opening and commended CalTrans workers for their expeditious repairs to the Pfifer Canyon Bridge. He noted it will be a very special occasion for the Big Sur communities, the business and we all need to celebrate the commendable efforts.

Supervisor Alejo extended he prayers to the Solano, Napa and Sonoma counties for the tragic losses in the fires. Complete neighborhoods were lost and he will contact his friends Alfredo Pedroza in Napa County and James Gore in Sonomoa County to extend Monterey County's support and share learned experiences from local tragedies.

Supervisor Alejo commended the efforts to send a message back standing up for immigrant communities in light of increased raids by ICE and more immigration communities after California became a sanctuary state. It was important to signal to our immigrant families that we are with them and will do everything we can to protect them. It was the right message to send.

Supervisor Alejo congratulated the young organizers of the Ciclovía event in downtown Salinas next Sunday at 10:00 am. It's a commendable effort of non-profits, community and young people who come together to share the true spirit of community. Bring your bikes and helmets and join the event on Sunday.

10. CAO Comments and Referrals

County Administrative Officer Dr. Lew Bauman advised of the following Board Referral from Districts 1 and 3 (Alejo & Salinas):
Evaluate the use of County property located at 855 E. Laurel to assess the potential for a housing project and partnership with non-profit.

- 11. General Public Comment

Linda Greer; Eric Peterson; Wes White.

10:30 A.M. - Scheduled Matters

- 12. Receive the Monterey County Community Action Commission Summary Report for 2016 and 2017.

By consensus, the Board received the Monterey County Community Action Commission Summary Report for 2016 and 2017.

- 13. Adopt an ordinance amending Section 15.40.042 of Chapter 15.40 of the Monterey County Code which details the competitive process to be used for the selection of an emergency ambulance provider for the County’s exclusive operating area.

A motion was made by Supervisor Luis Alejo, seconded by Supervisor John M. Phillips to adopt Ordinance No. 5289 amending Section 15.40.042 of Chapter 15.40 of the Monterey County Code which details the competitive process to be used for the selection of an emergency ambulance provider for the County’s exclusive operating area. ALL AYES

12:00 P.M. - Recessed to Lunch

1:30 P.M. - Reconvened

Roll Call

Present: 5 - Supervisor Mary L. Adams, Supervisor Luis Alejo, Supervisor John M. Phillips, Supervisor Simón Salinas and Supervisor Jane Parker

1:30 P.M. - Scheduled Matters

- 14. a. Receive the First Quarter Update to the FY 2017-18 Adopted Budget; and
b. Provide direction to staff.

By consensus, the Board:

- a. Receive the First Quarter Update to the FY 2017-18 Adopted Budget; and**
- b. Provided direction to staff, including direction to RMA to come forward with a more detailed outline of what can be implemented within the available resources and the impact of the \$1.4 million take it to the Capital Committee and bring back to the Board to get a clear understanding of the actual impact.**

- 15. PLN140089 - CARMEL RIO ROAD LLC (CLARK)
Public hearing (continued from September 12, 2017) to consider adoption of a resolution denying the request to amend Sections 21.14.050.A, 21.14.060.A, and 21.14.060.B of Title 21 (non-coastal zoning) of the Monterey County Code to allow certain exceptions in the Low Density Residential zoning district and denying a

Combined Development Permit to subdivide three existing lots totaling approximately 7.92 acres into 25 lots, including 24 lots that could accommodate one unit on each lot and one lot that could accommodate up to seven affordable units (31 units total).

Project Location: 26500 Val Verde Drive, Carmel Valley Master Plan
Proposed CEQA Action: Find that denial of the project is Statutorily Exempt pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a).

Public hearing closed.
Staff advised of changes to Finding 3.a.ii, as outlined in the memo submitted today.

Public comment: Eric Sand; Male -no name given.

**A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Jane Parker to adopt Resolution 17-355 denying the request to amend Sections 21.14.050.A, 21.14.060.A, and 21.14.060.B of Title 21 (non coastal zoning) of the Monterey County Code to allow certain exceptions in the Low Density Residential zoning district and denying a Combined Development Permit to subdivide three existing lots totaling approximately 7.92 acres into 25 lots, including 24 lots that could accommodate one unit on each lot and one lot that could accommodate up to seven affordable units (31 units total).Project Location: 26500 Val Verde Drive, Carmel Valley Master Plan Proposed CEQA Action: Find that denial of the project is Statutorily Exempt pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a).
PLN140089 CARMEL RIO ROAD LLC (CLARK) ALL AYES**

Adjournment

In Memory of Austin Meyer

APPROVED:

/ s/ Mary L. Adams

**MARY L. ADAMS, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

BY: / s/ Gail T. Borkowski

GAIL T. BORKOWSKI

CLERK OF THE BOARD

APPROVED ON December 12, 2017

Supplemental Sheet, Consent Calendar

Natividad Medical Center

16. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute renewal and Amendment No. 1 to the funding agreement with Healthcare Foundation of Northern and Central California (“Healthcare Foundation”), a California corporation, for assisting in meeting the direct costs of a Medical Respite Program (“MRP”) for homeless persons in Monterey County (Resolution No. 16-093), which has a direct and primary public purpose, benefiting Monterey County, in general, and NMC, in particular, to renew and extend the agreement an additional fourteen (14) month period (April 19, 2017 through June 30, 2018) for a revised full agreement term of April 19, 2016 through June 30, 2018, and adding \$93,500 for a revised total agreement amount not to exceed \$198,500.

Approved - Agreement No. A-13755

17. a. Adopt a Resolution finding that the expenditure of funds from the Natividad Medical Center (“NMC”) Fiscal Year 2017-18 Budget to support a Funding Agreement with California State University Monterey Bay (hereinafter called “CSUMB”), on behalf of the College of Health Sciences and Human Services, assisting CSUMB in meeting the direct operational costs of CSUMB’s Masters of Science Physician Assistant (“MSPA”) Program, has a direct and primary public purpose, benefiting Monterey County, in general, and NMC, in particular.
- b. Authorize the Deputy Purchasing Agent for NMC or his designee to execute a Funding Agreement with CSUMB to provide funding in an amount not to exceed \$250,000 to assist in meeting the direct costs of the MSPA Program, with an agreement term beginning September 12, 2017 through September 11, 2018.

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to adopt Resolution No. 17-354:

- a. Finding that the expenditure of funds from the Natividad Medical Center (“NMC”) Fiscal Year 2017-18 Budget to support a Funding Agreement with California State University Monterey Bay (hereinafter called “CSUMB”), on behalf of the College of Health Sciences and Human Services, assisting CSUMB in meeting the direct operational costs of CSUMB’s Masters of Science Physician Assistant (“MSPA”) Program, has a direct and primary public purpose, benefiting Monterey County, in general, and NMC, in particular.**
- b. Authorize the Deputy Purchasing Agent for NMC or his designee to execute a Funding Agreement (A13753) with CSUMB to provide funding in an amount not to exceed \$250,000 to assist in meeting the direct costs of the MSPA Program, with an agreement term beginning September 12, 2017 through September 11, 2018. ALL AYES**

18. Ratify the execution by the Director of Materials at Natividad Medical Center of Addendum No. 1 to the Master Agreement (A-12780) with MedAssets

Performance Management Solutions, Inc. (“MedAssets”) for Group Purchasing Organization (“GPO”) services, which designates Vizient, Inc. as the new parent company of MedAssets, with no significant changes to the scope of services or term of the agreement.

Approved - Agreement No. A-12780

- 19.
- a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute Amendment No. 2 to the agreement (A-12529) with Gallun Snow Associates, Inc. for interior design services pursuant to Request for Qualifications (RFQ #9600-48), extending the agreement an additional twenty (20) month period (August 1, 2018 through April 30, 2020) for a revised full agreement term of August 1, 2013 through April 30, 2020 and adding \$294,000 for a revised total agreement amount not to exceed \$1,044,000.
 - 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%) (\$75,000) of the original cost of the agreement per each amendment.

A motion was made by Supervisor Luis Alejo, seconded by Supervisor Simón Salinas to:

- a. **Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute Amendment No. 2 to the agreement (A-12529) with Gallun Snow Associates, Inc. for interior design services pursuant to Request for Qualifications (RFQ #9600-48), extending the agreement an additional twenty (20) month period (August 1, 2018 through April 30, 2020) for a revised full agreement term of August 1, 2013 through April 30, 2020 and adding \$294,000 for a revised total agreement amount not to exceed \$1,044,000.**
- 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%) (\$75,000) of the original cost of the agreement per each amendment. ALL AYES**

Health Department

- 20.
- Approve and authorize the Director of Health or Assistant Director of Health to execute a no-extension Amendment No. 2 to Mental Health Services Agreement A-12760 with Medical Hill Rehabilitation Center, LLC dba Medical Hill Rehabilitation for the provision of skilled nursing services for organic brain syndrome, traumatic brain injured, and medically debilitated patients, and to add a Private Room provision and rate, increasing Fiscal Year (FY) 2016-17 by \$41,226 and FY 2017-18 by \$116,004, for a new maximum County obligation of \$3,017,875 for the full term of July 1, 2015 through June 30, 2018.

Approved - Agreement No. A-12760

Criminal Justice

21. a. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to execute an Agreement with Motorola Solutions, Inc, for the leasing of portable digital radios, for the period of October 1, 2017 through September 30, 2024, in the maximum amount of \$202,000.00;
- b. Accept non-standard contract provisions as recommended by the District Attorney;
- c. Authorize the Contract/Purchasing Officer or Contracts Purchasing Supervisor and the District Attorney to sign and execute the appropriate documents and verifications when required;
- d. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to issue purchase orders on an as-needed basis pursuant this Agreement over the period of October 1, 2017 through September 30, 2024.

Approved - Agreement No. A-13754

General Government

22. a. Approve and authorize the Director of the Information Technology Department to execute a non-standard Agreement with Black & Veatch Corporation in the maximum amount of \$600,000, for the period of October 15, 2017 through October 16, 2020, to provide architectural, engineering, and design services to support remedial work at County radio communications sites; and
- b. Approve non-standard agreement terms as recommended by the Director of the Information Technology Department; and
- c. Authorize the Director of the Information Technology Department to sign up to two (2) amendments to this Agreement, subject to County Counsel review, which extend services by one (1) year each, where any increased costs do not exceed 10% of the original contract amount (\$60,000 maximum increase per amendment), and do not significantly alter the terms of the Agreement, including non-standard terms approved by the Board.

Approved - Agreement No. A-13756

23. Approve the Go Green! Monterey County Program Waste Reduction Policy to be included in the Board Policy Manual.

Approved

24. Approve the Monterey County Board of Supervisors Draft Action Meeting Minutes for the following dates: Tuesday, June 6, 2017, Tuesday, June 20, 2017, Thursday, June 29, 2017 and Thursday, August 3, 2017.

Approved

RMA - Public Works and Facilities

25. Authorize the Resource Management Agency Director to issue a Request for Proposals (Referral Number 2017.15) seeking proposals for the adaptive reuse of the Old Monterey County Jail, 142 W. Alisal Street, Salinas from qualified interested parties.

A motion was made by Supervisor Luis Alejo, seconded by Supervisor Simón Salinas to authorize the Resource Management Agency Director to issue a Request for Proposals (Referral Number 2017.15) seeking proposals for the adaptive reuse of the Old Monterey County Jail, 142 W. Alisal Street, Salinas from qualified interested parties. ALL AYES

26. a. Authorize the Auditor Controller to amend the FY 2017-18 Road Fund adopted budget, Fund 002, Appropriation Unit RMA012, to increase revenues and appropriations by \$2,853,817, funded by Senate Bill 1 - the Road Repair and Accountability Act of 2017, Road Maintenance and Rehabilitation Account; (4/5th vote required) and
- b. Amend the FY 2017-18 adopted budget to incorporate the list of projects to be funded by the Senate Bill 1 - Road Repair and Accountability Act of 2017 revenues as provided in Attachment A.

A motion was made by Supervisor Luis Alejo, seconded by Supervisor Simón Salinas to adopt Resolution No. 17-356 to:

- a. Authorize the Auditor Controller to amend the FY 2017-18 Road Fund adopted budget, Fund 002, Appropriation Unit RMA012, to increase revenues and appropriations by \$2,853,817, funded by Senate Bill 1 - the Road Repair and Accountability Act of 2017, Road Maintenance and Rehabilitation Account; (4/5th vote required) and**
- b. Amend the FY 2017-18 adopted budget to incorporate the list of projects to be funded by the Senate Bill 1 - Road Repair and Accountability Act of 2017 revenues as provided in Attachment A. ALL AYES**