

Monterey County

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



Action Minutes - Draft

Tuesday, January 28, 2020

9:00 AM

Board of Supervisors

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

9:00 A.M. - Called to Order

The meeting was called to order by Chair Supervisor Chris Lopez.

Roll Called

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

Staff Present

Charles McKee, County Administrative Officer, Les Girard, 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. through e.(1).

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) Keith Wingo (Worker’s Compensation Appeals Board case no. ADJ10748041)
 - (2) Keith Wingo (Worker’s Compensation Appeals Board case no. ADJ10748042)
 - (3) James Landy (Worker’s Compensation Appeals Board case no. ADJ1089408)
 - (4) City of Marina, et al. v. County of Monterey, et al. (Superior Court case no. 19CV005270)
 - (5) Gregory Steshenko v. Foothill-De Anza Community College District, et al. (Santa Clara Superior Court case no. 19CV360490)
 - (6) James G. Collins v. County of Monterey, et al. (U.S. District Court case no. 19CV01214)
 - (7) Armando Escareno v. Boutonnet Farms, Inc., et al. (Superior Court Case No. 19CV004090)
 - b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.
 - c. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding three matters of potential initiation of litigation.

d. 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) Claim of Reginald Johnson

e. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:

(1) Designated representatives: Irma Ramirez-Bough and Kim Moore

Employee Organization(s): Unit J

Public Comment

Open for public comment; no public comments made.

The Board Recessed for Closed Session Agenda Items

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 appearing via teleconference

Staff Present

Charles McKee, County Administrative Officer, Les Girard, 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

Maria Avila, Spanish Interpreter present and announced Spanish interpreter services.

Additions and Corrections by the Clerk

Additions and corrections to the agenda that were recited for the recorded:

Consent Calendar:

Item No. 2 Consent Calendar - (See Supplemental Sheet) should read item numbers 29 - 48 and not item numbers 24 - 41.

1:30 P.M. - Scheduled Items:

Item No. 26 to be removed from the agenda; and

Item No. 28 the agenda title listed as supplemental is the correct agenda title.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Mary L. Adams to approve the additions and corrections.

Roll call vote taken pursuant to Government Code 54953:
Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

Consent Calendar- (See Supplemental Sheet)

- 2. Approval of Consent Calendar Items No. 24 through 41.

Open for public comments; no public comments made.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary L. Adams to approve as amended on additions and corrections Consent Calendar Item Numbers 29 through 48.

Roll call vote taken pursuant to Government Code 54953:
Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

Ceremonial Resolutions

Open for public comment; no public comments made.

- 3. Adopt Resolution honoring Teddy Hellam upon her retirement as Library Assistant III after almost fifty years with Monterey County Free Libraries. (Full Board)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to adopt Resolution No. 20-013 honoring Teddy Hellam upon her retirement as Library Assistant III after almost fifty years with Monterey County Free Libraries. (Full Board)

Roll call vote taken pursuant to Government Code 54953:
Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

Appointments

Open for public comment; no public comments made.

- 4. Appoint Kadidia Cooper to the East Garrison Advisory Committee with a term

ending on January 31, 2023. (Supervisor Parker)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary Adams to appoint Kadidia Cooper to the East Garrison Advisory Committee with a term ending on January 31, 2023. (Supervisor Parker)

**Roll call vote taken pursuant to Government Code 54953:
Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE**

- 5. Appoint Therese Kollerer as an alternate to the East Garrison Community Services District Advisory Committee with a term ending date of January 31, 2023. (Supervisor Parker)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary Adams to appoint Therese Kollerer as an alternate to the East Garrison Community Services District Advisory Committee with a term ending date of January 31, 2023. (Supervisor Parker)

**Roll call vote taken pursuant to Government Code 54953:
Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE**

- 6. Appoint Neil Poling to the East Garrison Community Services District Advisory Committee with a term ending on January 31, 2023. (Supervisor Parker)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary Adams to appoint Neil Poling to the East Garrison Community Services District Advisory Committee with a term ending on January 31, 2023. (Supervisor Parker)

**Roll call vote taken pursuant to Government Code 54953:
Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE**

- 7. Appoint Brian Nelson to the East Garrison Community Services District Advisory Committee with a term ending date of January 31, 2023. (Supervisor Parker)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary Adams to appoint Brian Nelson to the East Garrison Community Services District Advisory Committee with a term ending date of January 31, 2023. (Supervisor Parker)

**Roll call vote taken pursuant to Government Code 54953:
Supervisor Alejo: AYE
Supervisor Phillips: AYE**

Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

- 8. Correct the term expiration date for Teri Short to the East Garrison Community Services District Advisory Committee from January 1, 2022 to January 31, 2022. (Supervisor Parker)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary Adams to correct the term expiration date for Teri Short to the East Garrison Community Services District Advisory Committee from January 1, 2022 to January 31, 2022. (Supervisor Parker)

Roll call vote taken pursuant to Government Code 54953:
Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

- 9. Reappoint Sasha F. Howard to the Commission on the Status of Women with a term ending on February 1, 2023. (Supervisor Adams)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary Adams to reappoint Sasha F. Howard to the Commission on the Status of Women with a term ending on February 1, 2023. (Supervisor Adams)

Roll call vote taken pursuant to Government Code 54953:
Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

- 10. Reappoint Kimberly Guilliam to the Monterey County Fish and Game Advisory Commission with a term ending on February 1, 2023. (Full Board)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary Adams to reappoint Kimberly Guilliam to the Monterey County Fish and Game Advisory Commission with a term ending on February 1, 2023. (Full Board)

Roll call vote taken pursuant to Government Code 54953:
Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

- 11. Reappoint Joan Crenshaw to the Commission on the Status of Women with a term ending on February 1, 2023. (Supervisor Adams)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary Adams to reappoint Joan Crenshaw to the Commission on the Status of Women with a term ending on February 1, 2023. (Supervisor Adams)

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

12. Appoint Christiana Alexander-Ahuja to the Area Agency on Aging Advisory Council with a term ending on January 1, 2023. (Full Board)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary Adams to appoint Christiana Alexander-Ahuja to the Area Agency on Aging Advisory Council with a term ending on January 1, 2023. (Full Board)

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

13. Reappoint Don Kent Brooks to the Soledad Cemetery District with a term ending on February 1, 2024. (Supervisor Lopez)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary Adams to reappoint Don Kent Brooks to the Soledad Cemetery District with a term ending on February 1, 2024. (Supervisor Lopez)

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

14. Reappoint Ramona Montoya to the Soledad Cemetery District with a term ending on February 1, 2024. (Supervisor Lopez)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary Adams to reappoint Ramona Montoya to the Soledad Cemetery District with a term ending on February 1, 2024. (Supervisor Lopez)

Roll call vote taken pursuant to Government Code 54953:

Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE

15. Consider removing Beatriz Vera-Morga from the Community Restorative Justice Commission effective January 28, 2020, due to unexcused absences as set forth in Section 10.3 of the Commission’s By-Laws. (Full Board)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary Adams to remove Beatriz Vera-Morga from the Community Restorative Justice Commission effective January 28, 2020, due to unexcused absences as set forth in Section 10.3 of the Commission’s By-Laws. (Full Board)

**Roll call vote taken pursuant to Government Code 54953:
Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE**

- 16.** Reappoint Jazmin Lopez to the Greenfield Public Recreation District with a term ending on December 31, 2022 (Full Board)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary Adams to reappoint Jazmin Lopez to the Greenfield Public Recreation District with a term ending on December 31, 2022 (Supervisor Lopez)

**Roll call vote taken pursuant to Government Code 54953:
Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE**

- 17.** Reappoint Graig R. Stephens to the Monterey County Historical Advisory Commission with a term ending date of February 1, 2024. (Supervisor Lopez)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary Adams to reappoint Graig R. Stephens to the Monterey County Historical Advisory Commission with a term ending date of February 1, 2024. (Supervisor Lopez)

**Roll call vote taken pursuant to Government Code 54953:
Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE**

- 18.** Reappoint J. Alan Fagan to the Housing Advisory Committee with a term ending on January 26, 2024. (Supervisor Parker)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary Adams to reappoint J. Alan Fagan to the Housing Advisory Committee with a term ending on January 26, 2024. (Supervisor Parker)

**Roll call vote taken pursuant to Government Code 54953:
Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE**

Chair Supervisor Lopez: AYE

- 19. Reappoint Elizabeth Downey to the Natividad Medical Center Board of Trustees with a term ending date of November 30, 2022. (Full Board)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary Adams to reappoint Elizabeth Downey to the Natividad Medical Center Board of Trustees with a term ending date of November 30, 2022. (Full Board)

Roll call vote taken pursuant to Government Code 54953:

- Supervisor Alejo: AYE
- Supervisor Phillips: AYE
- Supervisor Parker: AYE
- Supervisor Adams: AYE
- Chair Supervisor Lopez: AYE

- 19.1 Reappoint Paulina Mejia to the Commission on the Status of Women for a term ending on February 1, 2023. (Supervisor Phillips) ADDED VIA ADDENDUM

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary Adams to reappoint Paulina Mejia to the Commission on the Status of Women for a term ending on February 1, 2023. (Supervisor Phillips) ADDED VIA ADDENDUM

Roll call vote taken pursuant to Government Code 54953:

- Supervisor Alejo: AYE
- Supervisor Phillips: AYE
- Supervisor Parker: AYE
- Supervisor Adams: AYE
- Chair Supervisor Lopez: AYE

- 19.2 Appoint Josephine Cruz-Rios to the Community Restorative Justice Commission for a term ending on January 14, 2023. (Full Board) ADDED VIA ADDENDA

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary Adams to appoint Josephine Cruz-Rios to the Community Restorative Justice Commission for a term ending on January 14, 2023. (Full Board) ADDED VIA ADDENDA

Roll call vote taken pursuant to Government Code 54953:

- Supervisor Alejo: AYE
- Supervisor Phillips: AYE
- Supervisor Parker: AYE
- Supervisor Adams: AYE
- Chair Supervisor Lopez: AYE

Other Board Matters

- 20. Board Comments

Supervisor Mary L. Adams gave a shout to Kelsey Scanlon and the Office of the Emergency staff for putting together two District 5 hazard mitigation community meetings. They had a really good turnout in Big Sur and Carmel Valley as the residents are so concerned and engaged on these issues especially in terms of

fire hazards. They really appreciated the opportunity to have their voices heard. Secondly, she thanked those that turned out for her most recent Fireside Chat. She had a good turnout of about 30 people at each event and they may have to go to a larger venue for the next ones. Finally, they had a terrific event on the Monterey peninsula this past weekend called Whalefest. It was a terrific day, Saturday was great as the weather was nice, Sunday was a little colder but there were still a lot of people enjoying the events that took place. All of the focus was on whales and saving the ocean. There was a man that wrote an adorable book for children called Sip the Straw which is a really good introduction for one of the items on our agenda today which is the difficulty we have with single use plastics. It was a good weekend all in all.

Supervisor John M. Phillips commented on the apprehension and arrest on the projectile case. They worked with the Highway Patrol and the Sheriff's office and as he mentioned at the press conference these types of crimes have no witnesses, no motive over a big piece of time which are difficult. There was a lot of dedicated, hard investigative work done and the High Patrol and Sheriff's office should be commended as they made it safer for all. He commented a number of people that were taking alternate routes to avoid these situations. This was a nice resolution and fortunately no one got injured if you think about it people are driving 65 miles per hour and your window gets blown and how would you react to that, so this was a great resolution.

Supervisor Chris Lopez commented he is not appropriately dressed to sit up on the dias today. He has had an interesting last 26 hours so if we see him disappear quickly he is doing his part for the census to make sure we add one more body for the count for the year. He thanked everyone for bearing with him today as he may be in a little bit of a fog.

Supervisor Jane Parker and Supervisor Luis A. Alejo passed on comments this week.

21. County Administrative Officer Comments and Referrals.

Charles McKee, County Administrative Officer wished Supervisor Chris Lopez the best of luck today and shared several referrals:

Supervisor Luis Alejo requested the introduction of an ordinance to ban the sale of flavored tobacco and e-cigarettes and also requested the implementation of small infrastructure projects to improve public safety and voter accessibility. Next, Supervisor Jane Parker requested the installation of speed limit signs on West Camp and Watkins Gate Roads. Finally, Supervisor Mary Adams requested that staff explore how to invest in a proven strategy to stabilize renters and at-risk home providers, adding to Monterey County's effort to address the housing crisis.

22. General Public Comments

Open for general public comments for items not on today's agenda; no public comments made.

10:30 A.M. - Scheduled Matters

23. Conduct a public hearing to consider the 2019 Annual Carmel Valley Traffic Report on traffic volumes for Segments 3, 4, 5, 6, 7, and 10 (on Carmel Valley Road), pursuant to the 2010 General Plan, Carmel Valley Master Plan.

Public hearing commenced.

Randy Ishii, Chief of Public Works and Chad Alino, Civil Engineer with the Resource Management Agency presented via PowerPoint presentation.

Open for public comment; no public comments made.

**The Board upon consensus:
Received the 2019 Annual Carmel Valley Traffic Report on traffic volumes for Segments 3, 4, 5, 6, 7, and 10 (on Carmel Valley Road), pursuant to the 2010 General Plan, Carmel Valley Master Plan.**

24. Receive a report from the Health Department Environmental Health Bureau in response to Board referral No. 2019-11 addressing the use of single-use plastics (disposable food service-ware) in the prepared food industry, and for amenities provided by hotels in unincorporated Monterey County and recommend staff develop a proposed ordinance.

Ric Encarnacion, Assistant Bureau Chief and Robert Durham, Management Analyst with the Health Department, Environmental Health presented via PowerPoint presentation.

Open for public comment; Barbard Meister, Steven Rail, Jimina Blusboth, Lori Abay and Karen Harris commented.

**A motion was made by Supervisor Mary L. Adams, seconded by Supervisors Luis A. Alejo to:
Receive a report from the Health Department Environmental Health Bureau in response to Board referral No. 2019-11 addressing the use of single-use plastics (disposable food service-ware) in the prepared food industry, and for amenities provided by hotels in unincorporated Monterey County and recommend staff develop a proposed ordinance.**

**Roll call vote taken pursuant to Government Code 54953:
Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: AYE
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE**

12:00 P.M. - Recessed to Lunch at 11:35 a.m.

1:30 P.M. - Reconvened at 1:30 p.m. and not at 1:00 p.m.

Roll Call

Present: 4 - Supervisor Mary L. Adams, Supervisor Jane Parker, Supervisor John M. Phillips and Supervisor Luis A. Alejo appearing via teleconference

Absent 1 - Supervisor Chris Lopez

Staff Present

Charles McKee, County Administrative Officer, Les Girard, County Counsel and Valerie Ralph, Clerk of the Board

Announcement of Interpreter

Maria Avila, Spanish Interpreter present and announced Spanish interpreter services.

1:30 P.M. - Scheduled Matters

Vice Chair Supervisor Jane Parker chaired the meeting in Supervisor Chris Lopez' absence

25.

Consider recommendations from the Legislative Committee to:

- a. Adopt the 2019-20 Legislative Program Update;
- b. Adopt the 2020 Strategic Grant Services Program;
- c. Receive an annual report from Ballard Spahr LLP, the County's federal legislative advocate;
- d. Receive an annual report from Nossaman LLP, the County's state legislative advocate;
- e. Receive an annual report from Nossaman LLP, the County's grant consultant; and
- f. Receive an update and provide direction on County priority presentations for the Board's 2020 Legislative Workshop.

Nick Chiulos, Assistant County Administrative Officer and Annette D'Adamo, Management Analyst with the County Administrative Office, Intergovernmental and Legislative Affairs presented via PowerPoint presentation.

Brent Heberlee, Federal Legislative Advocate and Ashley Walker, State Legislative Advocate provided updates on the Legislative Program.

Open for public comment; no public comments made.

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

- a. Adopt the 2019-20 Legislative Program Update;**
- b. Adopt the 2020 Strategic Grant Services Program;**
- c. Receive an annual report from Ballard Spahr LLP, the County's federal legislative advocate;**
- d. Receive an annual report from Nossaman LLP, the County's state legislative advocate;**
- e. Receive an annual report from Nossaman LLP, the County's grant consultant; and**
- f. Receive an update and provide direction on County priority presentations for the Board's 2020 Legislative Workshop.**

Roll call vote taken pursuant to Government Code 54953:**Supervisor Alejo: AYE****Supervisor Phillips: AYE****Supervisor Adams: AYE****Vice Chair Supervisor Parker: AYE****Chair Supervisor Lopez: Absent****26.**

Public hearing to consider:

- a. An appeal by Cynthia Pura from the October 30, 2019 Planning Commission decision approving a Combined Development Permit allowing the reconstruction of a resort (Paraiso Hot Springs Resort/PLN040183).
- b. Certification of the Final Environmental Impact Report for the Paraiso Springs Resort and adoption of CEQA Findings and Statement of Overriding Considerations (Historic Resources); and
- c. Approval of a project for the reconstruction and expansion of a resort, including after-the-fact permit to demolish nine historic cottages to clear a code violation and Use Permit, General Development Plan, Vesting Tentative Map, and associated Use Permits to construct a resort with 103 hotel rooms, 77 timeshare units, and a variety of amenities available for resort guests, and a public use area with spa, visitor center, and commercial uses.

Project: PLN040183/ Paraiso Springs Resort LLC (Paraiso Hot Springs Resort)**Project Location:** 34358 Paraiso Springs Road, Soledad, Central Salinas Valley Area Plan (Assessor's Parcel Numbers 418-381-021-000, 418-361-004-000, and 418-381-022-000)**Proposed CEQA Action:** Certify an Environmental Impact Report for the Paraiso Springs Resort (SCH#2005061016).**Removed from the agenda via additions and corrections.****27.**

Consider certification of a Final Environmental Impact Report/Environmental Assessment for the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project.

Project: REF140048, County of Monterey-Resource Management Agency (Property owners: Big Sur Land Trust, California Department of Parks and Recreation, Monterey Peninsula Regional Parks District, and Clinton Eastwood and Margaret Eastwood).**Project Location:** Downstream end of the Carmel River Watershed, approximately one-half mile from the river mouth, immediately east and west of State Route 1 [APNs: 243-071-005-000, 243-071-006-000, 243-071-007-000, 243-021-007-000, 157-121-001-000, 243-081-005-000, and 243-071-008-000].**Proposed CEQA Action:** Certify a Final Environmental Impact Report/Environmental Assessment for the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project (SCH#2011021038).

Melanie Beretti, RMA Services Manager with the Resource Management Agency, Administration presented via PowerPoint presentation.

Open for public comment; Lorin Letendre, Ken White, Barbara Bvikeme, Bob Bogardus, Brian Leneve, Steve Park, Larry Levine, Ken Agle, Jeff Gorman, Margaret Robbins and Rachel Saunders commented.

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis A. Alejo to:
Consider certification of a Final Environmental Impact Report/Environmental Assessment for the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project; and
Adopt Resolution No. 20-015 to certify the Final Environmental Impact Report/Environmental Assessment for the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project.
Project: REF140048, County of Monterey-Resource Management Agency (Property owners: Big Sur Land Trust, California Department of Parks and Recreation, Monterey Peninsula Regional Parks District, and Clinton Eastwood and Margaret Eastwood).
Project Location: Downstream end of the Carmel River Watershed, approximately one-half mile from the river mouth, immediately east and west of State Route 1 [APNs: 243-071-005-000, 243-071-006-000, 243-071-007-000, 243-021-007-000, 157-121-001-000, 243-081-005-000, and 243-071-008-000].
Proposed CEQA Action: Certify a Final Environmental Impact Report/Environmental Assessment for the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project (SCH#2011021038).

Roll call vote taken pursuant to Government Code 54953:
Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Adams: AYE
Vice Chair Supervisor Parker: AYE
Chair Supervisor Lopez: Absent

3:34 P.M. - Ten minute break taken

3:44 P.M. - Reconvened

Chair Supervisor Chris Lopez returned to chair the meeting.

Les Girard, County Counsel recused himself from agenda Item No. 28, Susan Blitch, Deputy County Counsel present in his place.

28. County acting as the Monterey County Groundwater Sustainability Agency to consider:
- Presentation by the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA) on the Groundwater Sustainability Plan for the 180/400 ft. Aquifer Subbasin;
 - Approving a Cooperation Agreement with the SVBGSA, requesting that SVBGSA take all actions necessary to finalize and implement the Agreement, and

authorizing the Chair to execute the Agreement; and
c. Directing staff to provide the required notice(s) to develop and adopt a GSP in the event that the SVBGSA does not adopt a GSP for the entire 180/400 Subbasin, including the CEMEX property.

Brian Briggs, Deputy County Counsel from the County Counsel's office and Gary Peterson, General Manager of the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA) presented via PowerPoint presentation.

Open for public comment; Robert Rathie, Norm Groodt and Terry Williams commented.

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

- a. Hear a presentation by the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA) on the Groundwater Sustainability Plan (GSP) for the 180/400 ft. Aquifer Subbasin;**
- b. Adopt Resolution No. 20-016 approving a Cooperation Agreement with the SVBGSA, request that SVBGSA take all actions necessary to finalize and implement the Agreement, and authorize the Chair to execute the Agreement; and**
- c. Open a public hearing and receive public comment on the GSP, direct staff to provide the required notice(s) to develop and adopt a GSP for the CEMEX property, and continue the public hearing for a minimum of 90 days.**

Motion carried (4 to 1)

Roll call vote taken pursuant to Government Code 54953:

**Supervisor Alejo: AYE
Supervisor Phillips: AYE
Supervisor Parker: NAY
Supervisor Adams: AYE
Chair Supervisor Lopez: AYE**

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) Keith Wingo (Worker's Compensation Appeals Board case no. ADJ10748041)**
- (2) Keith Wingo (Worker's Compensation Appeals Board case no. ADJ10748042)**
- (3) James Landy (Worker's Compensation Appeals Board case no. ADJ1089408)**
- (4) City of Marina, et al. v. County of Monterey, et al. (Superior Court case no. 19CV005270)**
- (5) Gregory Steshenko v. Foothill-De Anza Community College District, et al. (Santa Clara Superior Court case no. 19CV360490)**
- (6) James G. Collins v. County of Monterey, et al. (U.S. District Court case no. 19CV01214)**
- (7) Armando Escareno v. Boutonnet Farms, Inc., et al. (Superior Court Case No. 19CV004090)**

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.a. (1) through (7).

b. 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 actions on items 1.b.

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

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

d. 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) Claim of Reginald Johnson

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

e. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:

(1) Designated representatives: Irma Ramirez-Bough and Kim Moore
Employee Organization(s): Unit J

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

Adjourned

The meeting was adjourned In Memory of Mike Payne at 4:25 p.m. by Chair Supervisor Chris Lopez.

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

29. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute a no cost education agreement with the Department of Veteran Affairs (VA) Palo Alto for graduate medical education services with NMC with an agreement term of February 1, 2020 through April 30, 2029.
- b. Approve the NMC Chief Executive Officer's recommendation to accept non-standard indemnification and insurance provisions within the agreement.

Approved - Agreement No. A-14600

Health Department

30. Approve and authorize the Director of Health or Assistant Director of Health to execute an Agreement with Access Support Network not to exceed the amount of \$251,100 for the provision of Human Immunodeficiency Virus (HIV) non-medical case management services to Ryan White Part B clients for the retroactive period of October 1, 2019 to September 15, 2022.

Approved - Agreement No. A-14601

31. Approve and authorize the Director of Health, the Assistant Director of Health, or the Emergency Medical Services (EMS) Agency Director to execute Amendment No. 1 to extend the Paramedic Service Provider Agreement with City of Salinas on the same terms and conditions through January 31, 2022.

Approved - Agreement No. A-14602, Amendment No. 1

32. Approve and authorize the Director of Health, the Assistant Director of Health, or the Emergency Medical Services (EMS) Agency Director to execute Amendment No. 1 to extend the Paramedic Service Provider Agreement with City of Monterey on the same terms and conditions through January 31, 2022.

Approved - Agreement No. A-14603, Amendment No. 1

33. Approve and authorize the Director of Health, the Assistant Director of Health, or the Emergency Medical Services (EMS) Agency Director, to execute Amendment No. 4 to extend the Paramedic Service Provider Agreement with Monterey County Regional Fire District on the same terms and conditions through January 31, 2022.

Approved - Agreement No. A-14604, Amendment No. 4

34. Approve and authorize the Director of Health, the Assistant Director of Health, or the Emergency Medical Services (EMS) Agency Director to execute Amendment

No. 1 to extend the Paramedic Service Provider Agreement with Carmel Highlands Fire Protection District on the same terms and conditions through January 31, 2022.

Approved - Agreement No. A-14605, Amendment No. 1

35. Approve and authorize the Director of Health, the Assistant Director of Health, or the Emergency Medical Services (EMS) Agency Director to execute Amendment No. 1 to extend the Paramedic Service Provider Agreement with Cypress Fire Protection District on the same terms and conditions through January 31, 2022.

Approved - Agreement No. A-14606, Amendment No. 1

36. Approve and authorize the Director of Health, the Assistant Director of Health, or the Emergency Medical Services (EMS) Agency Director to execute Amendment No. 1 to extend the Paramedic Service Provider Agreement with Pebble Beach Community Services District on the same terms and conditions through January 31, 2022.

Approved - Agreement No. A-14607, Amendment No. 3

37. Approve and authorize the Emergency Medical Services (EMS) Agency Director to execute Amendment No. 3 to extend the Paramedic Service Provider Agreement with Carmel-by-the-Sea on the same terms and conditions through January 31, 2022.

Approved - Agreement No. A-14608, Amendment No. 1

Criminal Justice

38. a. Approve and Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign Amendment #1, with Idemia Identity and Security USA, LLC in the amount of \$248,767.22 for the period of June 1, 2018 through June 30, 2021, for a new contract amount of \$388,576.05, and;
b. Authorize the Monterey County Sheriff's Office Information Systems Manager to sign the Idemia Identity and Security proposal, Reference No. IDCA-L100419-02A for 11 existing LiveScan Systems to Windows 10 Operating System and the purchase of six (6) LiveScan Systems.

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

39. a. Approve and Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign Agreement with Fred D Hardee dba Hardee Investigations for an initial term of February 24, 2020 to February 24, 2023 for an amount not to exceed \$250,000.00; and
b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign two (2) additional one (1) year amendments to the agreement where the amendment does not significantly change the scope of work.

Approved - Agreement No. A-14609

- 40.
- a. Approve the Monterey County Sheriff's Office to amend the Fiscal Year (FY) 2019-20 Adopted Budget to delete 1.0 FTE Sheriffs Commander from the jail operations budget 001-2300-SHE003-8238 and add 1.0 FTE Accountant II and 2.0 FTE Senior Account Clerks in Sheriff's Office Fiscal Division Budget 001-2300-SHE001-8224; and
 - b. Approve the Monterey County Sheriff's Office to amend the Fiscal Year (FY) 2019-20 Adopted Budget to delete 1.0 FTE Sheriffs Investigative Sergeant from Investigations Unit Budget 001-2300-SHE001-8245 and add 1.0 FTE Senior Sheriff's Records Specialist and 2.0 FTE Sheriffs Records Specialist II in Records & Warrants Division Budget 001-2300-SHE001-8229; and
 - c. Adopt a Resolution Authorizing and directing the Auditor-Controller and the County Administrative Office to incorporate these position changes in the Sheriff's Office FY 2019-20 Adopted Budget. (4/5ths vote required).

Adopted Resolution No. 20-017

- 41.
- a. Authorize the Contracts Purchasing Officer to execute an Agreement with West Publishing Corporation for CLEAR Government Fraud Investigative Software, for the period retroactive to November 1, 2019 through November 30, 2022, in the maximum amount of \$36,500.00;
 - b. Accept non-standard contract provisions as recommended by the Public Defender;
 - c. Authorize the Contracts Purchasing Officer and the Public Defender to sign and execute the appropriate documents and verifications when required;
 - d. Authorize the Contracts Purchasing Officer to issue purchase orders as needed pursuant to this Agreement for the period retroactive to November 1, 2019 through November 30, 2022.

Approved - Agreement No. A-14610

- 42.
- a. Approve the Monterey County Sheriff Office (MCSO) Cyber Security Project to update the Automated Fingerprint Identification System (AFIS) Livescan devices.
 - b. Adopt a Resolution Authorizing and directing the Auditor-Controller to amend the Sheriff's Office Fiscal Year 2019-20 Adopted Budget to increase appropriations by \$197,170 (001-2300-SHE001-8245-6231-CALID) financed by recognition of revenues from the Homeland Security Grant and Partner Agencies amounting to \$162,225 (001-2300-SHE001-8245-5050) and \$34,945 (001-2300-SHE001-8245-5855), respectively. (4/5ths vote required).

Adopted Resolution No. 20-018

- 43.
- a. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing

Supervisor to execute an Agreement with Karpel Solutions, for the Monterey County Public Defender's case management System in the amount of \$345,444.00, for a five year term date retroactive to January 1, 2020 through June 30, 2025.

b. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute up to there (3) amendments, subject to County Counsel review, extending the Agreement by one (1) year each, where total additional costs do not exceed 10% of the contract amount (\$34,544.40 maximum total additional cost) and the amendments do not alter significantly the scope of work.

Approved-Agreement No. A-14611

General Government

44. Authorize the Registrar of Voters to consolidate and provide specified election services to certain districts relating to the conduct of the March 3, 2020 Presidential Primary Election.

Approved

45. Receive and accept the Treasurer's Report of Investments for the quarter ending December 31, 2019.

Approved

46. a. Authorize the Agricultural Commissioner to execute, on behalf of the County of Monterey, a Standard Agreement with the State of California Department of Food and Agriculture (CDFA) to perform work under the Exotic Pest Detection Trapping Program for a period retroactive from July 1, 2019, through June 30, 2020, in the maximum amount of \$335,700.00 with payment by the CDFA to the County of Monterey; and,
b. Approve and authorize the Agricultural Commissioner, or Commissioner's designee, to sign up to three (3) Amendments to the Agreement where the Amendment does not significantly change the scope of work.

Approved - Agreement No. A-14612

Resource Management Agency

47. a. Approve an Agreement for Grant of Easement in Real Property between the County of Monterey and Dynegy Moss Landing, LLC for the Monterey Bay Sanctuary Scenic Trail - Moss Landing Segment, Project No. 8668, accept the Amended and Restated Public Access Easement Deed and Declaration of Restrictions, and approve the Right of Entry License
b. Approve an Agreement for Grant of Easement in Real Property between the County of Monterey and Moss Landing Harbor District for the Monterey Bay Sanctuary Scenic Trail - Moss Landing Segment, Project No. 8668, and accept Easement Deed; and

c. Authorize the Resource Management Agency Director to execute the agreements for Grant of Easement in Real Property for the Monterey Bay Sanctuary Trail Project, the Easement Deeds, Amended and Restated Public Access Easement Deed and Declaration of Restrictions and the respective Certificate of Acceptance and Consent to Recordation of said Easement Deed on behalf of the County, and the Right of Entry License.

Approved - Agreement No. A-14613 and A-14614

48.

ADDENDA

Add to Appointments

- 19.1 Reappoint Paulina Mejia to the Commission on the Status of Women for a term ending on February 1, 2023. (Supervisor Phillips)
- 19.2 Appoint Josephine Cruz-Rios to the Community Restorative Justice Commission for a term ending on January 14, 2023. (Full Board)

SUPPLEMENTAL

Revised Attachment to 10:30 A.M. - Scheduled Matters

24. Receive a report from the Health Department Environmental Health Bureau in response to Board referral No. 2019-11 addressing the use of single-use plastics (disposable food service-ware) in the prepared food industry, and for amenities provided by hotels in unincorporated Monterey County and recommend staff develop a proposed ordinance.

Revised Board Report and Attachments to 1:30 P.M. - Scheduled Matters

28. County acting as the Monterey County Groundwater Sustainability Agency to consider:
 - a. Presentation by the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA) on the Groundwater Sustainability Plan (GSP) for the 180/400 ft. Aquifer Subbasin;
 - b. Adopting a resolution approving a Cooperation Agreement with the SVBGSA, requesting that SVBGSA take all actions necessary to finalize and implement the Agreement, and authorizing the Chair to execute the Agreement; and
 - c. Opening a public hearing and receiving public comment on the GSP, directing staff to provide the required notice(s) to develop and adopt a GSP for the CEMEX property, and continuing the public hearing for a minimum of 90 days.