

Monterey County

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



Action Minutes - Draft

Tuesday, September 24, 2019

9:00 AM

Board of Supervisors

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

9:00 A.M. - Called to Order

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

Roll Called

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

Staff Present

Charles McKee, County Administrative Officer, Les Girard Acting 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 g.

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) Ellen Hatcher and Mark Allen Summers
 - b. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.
 - c. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
(1) Teri Scarlett v. County of Monterey, et al. (Monterey County Superior Court case no. 19CV003490)
 - d. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:
(1) Designated representatives: Irma Ramirez-Bough and Kim Moore
Employee Organization(s): All Units
 - e. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the County Administrative Officer.
 - f. Pursuant to Government Code section 54957.6, the Board will provide direction to labor negotiators:
(1) Designated representatives: John Phillips, Chair and Chris Lopez, Vice Chair of

the Board of Supervisors
Employee Position: Acting County Counsel

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

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

Staff Present

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

Pledge of Allegiance

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

Announcement of Interpreter

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

Additions and Corrections by Clerk

There were no additions and corrections for the agenda.

Consent Calendar- (See Supplemental Sheet)

- 2. Approval of Consent Calendar Items No. 11 through 25.

Open for public comment; no public comments made.

Supervisor Mary L. Adams had a question on Item No. 21; Sheriff Bernal and Under Sheriff Mineau responded.

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo to approve Consent Calendar Item No.'s 11 – 25.

ALL AYES

Ceremonial Resolutions

Open for public comment; no public comments made.

- 3. Adopt a Resolution Proclaiming the Weeks of October 14, 2019 through November 22, 2019 as the Monterey County Employee Giving Campaign and Designate October 24, 2019 as the day to “Embrace Your Cape”. (Full Board)

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Mary L. Adams to adopt Resolution No. 19-321 proclaiming the Weeks of October 14, 2019 through November 22, 2019 as the Monterey County Employee Giving Campaign and Designate October 24, 2019 as the day to “Embrace Your Cape”. (Full Board) ALL AYES

- 4. Adopt Resolution honoring Karen Elizabeth Smith Araujo for her work to promote social justice and to protect the human rights of all people. (Full Board)

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Mary L. Adams to adopt Resolution No. 19-322 honoring Karen Elizabeth Smith Araujo for her work to promote social justice and to protect the human rights of all people. (Full Board) ALL AYES

- 5. Adopt Resolution proclaiming every September as “Wine Month in Monterey County.” (Full Board)

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Mary L. Adams to adopt Resolution No. 19-323 proclaiming every September as “Wine Month in Monterey County.” (Full Board) ALL AYES

Appointments

Open for public comment; no public comments made.

- 5.1 Reappoint John Ordunez to the Soledad Cemetery Board for a term ending on February 1, 2023. (Supervisor Lopez)

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo to reappoint John Ordunez to the Soledad Cemetery Board for a term ending on February 1, 2023. (Supervisor Lopez) ALL AYES

Other Board Matters

- 6. Board Comments

Supervisor Chris Lopez commented they had a great little community meeting last week in Chular, at the bakery, and out of that came a larger resource fair so they are shooting for November 6th to have a large resource fair at the school and they will bring more information forward as that gets closer.

Supervisor Mary L. Adams commented on two items one future and one past. She wanted to remind everyone this weekend is the Monterey County Jazz

Festival over at the fairgrounds in Monterey. It is always a fantastic event there is just so much music, food and activity. One of things she is pleased about is the continuing focus on the younger and emerging jazz musicians. The younger people who are in engaged in this reflects the importance of not just looking at what we can do with jazz in the school which is one of the things that benefits from the jazz festival itself but also to ensure we attract the younger and growing market. Many of the people who started the jazz festival are not able to enjoy it as they had as they are in another era enjoying again. Secondly, she wanted to make a quick shout out to the Laguna Seca races. They had the IndyCar car finals on Sunday, it was a tremendous success. She gauges success with is that her office did not receive one telephone call about the traffic that came forward from the event, one about the noise but that was about it. Her understanding that the ticket sales were very good, the merchandise sales great and the sponsorship sales which are the driving forces on the economy on the event itself were really good. She mentioned Supervisor Phillips and Alejo were present who may want to make comments on it as well. Looking at it from her perspective which is the economic driver it sounds like it was a very successful event.

Supervisor Luis A. Alejo commented it was good to be in District 5 again Laguna Seca last Sunday. It was well attended grand stands were packed full of people and it was a hot day. He commended the security CHP as going in and out was with ease; the volunteers did a great job it was a festive atmosphere and the weather was ideal. We had national press with NBC covering the entire IndyCar race. It really was a great attraction for a lot of tourism and business coming to our County. Hats off to DeWayne Woods and all the team at the Laguna Seca raceway for their tremendous work for bringing this back after a 15-year hiatus. Also, he commended our local boxer champion Ruben Villa who proved his record undefeated 17-0 he was on national television on Showtime boxing last Friday night. It is good to see him continue to rise, to continue to build a record. He is an international boxing champion WBO. He hopes to see him fight for a world championship as well. Another reminder of the great people we have in this County. Lastly, he thanked his staff and security for bringing an incident to his attention last Friday where an ICE agent arrested an individual coming to court or he was here seeking court services. The county staff saw that he was arrested and brought back across the walk way into the parking lot where they detained him. Our security informed him that this isn't the first time but may be the fourth time in the last (12) twelve months that ICE is arresting people coming to court which is alarming because it undermines our justice system and public safety. We want to encourage any citizen regardless of immigration status to come to court or to this county government campus and not feel this is a place they are going to feel targeted when they are trying to attend their court hearing or seek public services. We want to encourage those to attend their court hearings and also those as coming as victims or witnesses or supporting family members as it has a tremendous impact on our entire community especially since we are a county with the largest percentage of non-citizens. He wanted to take an opportunity to personally urge them to stop making these types of civil arrest at our courthouse and undermining the message our Chief Justice Tani Cantil-Sakauye has repeatedly told ICE and not to use our courthouses as places to target and do civil arrests to individuals coming and leaving court. There is a bill pending Assembly Bill 668 that is on the governor's desks that will prohibit ICE from making civil arrests at the courthouse obtaining services. He hopes the governor signs this bill to provide

additional protection. He thanked staff for bringing it to his attention and being able to educate the community about what has happened here repeatedly over the last year.

Supervisor Jane Parker expressed her appreciation to Monterey Bay Community Power who held their Second Annual Community Power Festival at the Custom House Plaza. That was held on Saturday at the Custom House Plaza. It was a great opportunity for people to test drive electric vehicles, e-bikes and learn more about clean energy and the clean power we have available to us not only in our county but in Santa Cruz and San Benito counties. There is interest being expressed in San Luis Obispo County and Santa Barbara County to join with our clean power organization. She thanked Monterey Bay Community Powers and thanked all the volunteers that were there who assisted in allowing those to test drive electric cars and bikes.

Supervisor John M. Phillips commented it was a busy weekend. On Saturday he, Supervisor Lopez and Supervisor Alejo were at the soccer complex for the big dedication and it was a great event. It was nice to see the whole communities come together even state wide to make this a reality and there was a lot of pride on that day. He did go to Laguna Seca to enjoy the races. It was facilitated well and enjoyable. They had him there to make sure Supervisor Alejo didn't move the track over to District 1. Yesterday, he went to Castroville for the dedication of the new housing complex that the Housing Authority has done that the County has partnered with them. It is nice to see as we all know when people are living in substandard housing it is not good for them for a lot of reasons especially for the kids growing up in that. To see the nice facilities for our workforce is really nice. There are two locations they did the dedication for and the real meaningful thing was they named one of the housing projects after Simon Salinas one of our former colleagues who is highly respected.

8. General Public Comments

Open for general public comments for items not on today's agenda; Larry Hiraahara, James Sand, Eris Tynan and Abby Taylor commented.

7. County Administrative Officer Comments and Referrals

Charles McKee, County Administrative Officer stated one referral was received from Chair Phillips' office to request the County become the ground water sustainability agency limited to the area necessary to avoid any of 180 & 400 ft aquifers being declared unmanaged or probationary as a result of any overlaps declared by the state and his understanding of the intent is to only become the GSA insofar as it might become necessary to avoid any ramifications from the overlap that would have those areas be declared probationary or unmanaged and they would be happy process this through the County to see what they can do to effectuate this .

10:30 A.M. - Scheduled Matters

9. a. Conduct a Public Hearing and take comments on the draft Urban County Community Development Block Grant Consolidated Annual Performance and Evaluation Report for FY18/19;

- b. Approve the Urban County Community Development Block Grant Consolidated Annual Performance and Evaluation Report for FY18/19 for submittal to the U.S. Department of Housing and Urban Development; and,
- c. Authorize the Housing Program Manager to make minor changes to the report as needed or in response to comments from HUD.

Public hearing commenced.

Anastacia Wyatt, Housing Program Manager with CAO, IGLA Division of Housing and Economic Development presented.

Open for public comment; no public comments made.

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

- a. Conduct a Public Hearing and take comments on the draft Urban County Community Development Block Grant Consolidated Annual Performance and Evaluation Report for FY18/19;
- b. Approve the Urban County Community Development Block Grant Consolidated Annual Performance and Evaluation Report for FY18/19 for submittal to the U.S. Department of Housing and Urban Development; and,
- c. Authorize the Housing Program Manager to make minor changes to the report as needed or in response to comments from HUD.

ALL AYES

- 10. Receive a presentation by Katy Castagna, CEO United Way Monterey County, providing an overview of the Impact Monterey County 2019 Assessment process.

Krista Hanni, Public Health Program Manager II from the Health Department introduced Katy Castagna with the United Way and Yoselinne Gonzales, CSUMB Student who presented via PowerPoint.

Open for public comment; no public comments made.

**Upon consensus the Board:
Received a presentation by Katy Castagna, CEO United Way Monterey County, providing an overview of the Impact Monterey County 2019 Assessment process.**

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(e)(3), the Board will confer with legal counsel regarding liability claims against the County of Monterey. (1) Ellen Hatcher and Mark Allen Sumners

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

- b. Pursuant to Government Code section 54956.9(d)(4), the Board will confer

with legal counsel regarding one matter of potential initiation of litigation.

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

c. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
(1) Teri Scarlett v. County of Monterey, et al. (Monterey County Superior Court case no. 19CV003490)

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

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

CLOSED SESSION REPORT: The Board came to a tentative agreement with the Monterey County Sheriff's Manager Association Unit C and the Monterey County Probation Department Unit L a Memorandum of Understanding is forthcoming on item d.(1).

e. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the County Administrative Officer.

CLOSED SESSION REPORT: The Board recessed to closed session at 11:42 a.m. for further discussions on item e.

f. Pursuant to Government Code section 54957.6, the Board will provide direction to labor negotiators:
(1) Designated representatives: John Phillips, Chair and Chris Lopez, Vice Chair of the Board of Supervisors
Employee Position: Acting County Counsel.

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

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

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

Adjourned

The meeting will be adjourned by Chair Supervisor John M. Phillips after closed session on Item number:

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

e. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the County Administrative Officer has concluded.

APPROVED:

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

ATTEST:

BY: _____

**VALERIE RALPH
CLERK OF THE BOARD**

APPROVED ON _____

Supplemental Sheet, Consent CalendarNatividad Medical Center

11. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute the Professional and Call Coverage Services Agreement with Monterey Spine and Joint PC to provide neurosurgery services for an amount not to exceed \$500,000 for the period October 1, 2019 to September 30, 2021; 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% (\$50,000) of the original contract amount.

Approved - Agreement No. A-14514

12. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute the Professional and Call Coverage Services Agreement with Frank Acosta M.D. to provide neurosurgery services for an amount not to exceed \$500,000 for the period October 1, 2019 to September 30, 2021; 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% (\$50,000) of the original contract amount.

Approved - Agreement No. A-14515

13. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute the Professional and Call Coverage Services Agreement with Gregory M. Helbig, MD, Inc. to provide neurosurgery services for an amount not to exceed \$500,000 for the period October 1, 2019 to September 30, 2021; 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% (\$50,000) of the original contract amount.

Approved - Agreement No. A-14516

14. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute an agreement with Key & Young, Inc. dba Commercial Service Co. to provide parts, installation and repair services on commercial refrigeration, HVAC systems and food service equipment for an amount not to exceed \$200,000 with an agreement term October 1, 2019 through September 30, 2024.

Approved - Agreement No. A-14517

15. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute a Service Order Q-16809-1 with Cyxtera Technologies, Inc. for co-location and disaster recovery services for Natividad during the period retroactive July 1, 2019 through June 30, 2020 at a cost of \$105,487, under the terms and conditions of the existing county Master Agreement (A-14052) which has a term of July 21, 2018 through June 30, 2020.
- b. Authorize the Deputy Purchasing Agent for NMC or his designee to execute up to four (4) additional annual renewal Service Orders with Cyxtera Technologies, Inc. provided additional costs do not exceed ten percent (10%) of the cost of Amendment No. 4 (\$11,000 maximum additional cost), subject to County Counsel review and under the same terms and conditions of the existing Master Agreement (A-14052).
- c. Authorize the Deputy Purchasing Agent for NMC or his designee to execute amendment No. 5 to the Agreement with CenturyLink Communications LLC (A-12812) to add continued data circuit services for Natividad at a cost of \$157,471, with no change to the agreement term of July 21, 2015 through June 30, 2020.
- d. Authorize the Deputy Purchasing Agent for NMC or his designee to execute up to four (4) additional annual renewal Service Orders with CenturyLink Communications LLC provided additional costs do not exceed ten percent (10%) of the cost of Amendment No. 4 (\$16,000 maximum additional cost), subject to County Counsel review and under the same terms and conditions of the existing Master Agreement (A-14052).

Approved - Agreement No. A-14518

16. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute amendment No. 2 to the purchase agreement (A-13703) with Kit Check, Inc. for scanning equipment and web-based software to automate the pharmacy kit processing at NMC, adding \$44,000 for a revised total agreement amount not to exceed \$226,000, with no changes to the term of the agreement August 15, 2014 through August 14, 2020.
- 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%) (\$9,500) of the original cost of the agreement.

Approved - Agreement No. A- 13703, Amendment No. 2

17. Item Deleted

Item was deleted from the agenda.

Health Department

18. Approve and authorize the Director of Health or Assistant Director of Health to execute a no-extension Amendment No. 1 to Mental Health Services Agreement A-14354 with Edgewood Center for Children and Families to add \$20,916 of additional services, for a revised total Agreement amount of \$1,396,959 for the same term July 1, 2019 through June 30, 2022.

Approved - Agreement No. A- 14354, Amendment No. 1

19. a. Approve the recommendation of the Director of Health to accept modifications to the indemnification and insurance provisions for the Student Placement Agreement (Agreement) with Arizona Board of Regents for and on behalf of Northern Arizona University (NAU) for the placement of students within the Health Department to complete internship/externship assignments as part of their respective field education and service learning requirements for Fiscal Years (FYs) 2019-20 through FYs 2020-21; and
- b. Authorize the Director of Health or Assistant Direct of Health to execute the Student Placement Agreement with NAU, with an effective date of August 16, 2019.

Approved - Agreement No. A-14519

20. Approve and authorize the Director of Health or Assistant Director of Health to sign Amendment No. 2 with SkillSurvey Inc., increasing the amount by \$46,072 for a total Agreement not to exceed, \$128,541, for online employment reference assessment software system retroactive to September 18, 2019 through September 17, 2022 for a total term from September 17, 2013 through September 18, 2022.

Approved - Agreement No. A- 14213, Amendment No. 2

Criminal Justice

21. Adopt a Resolution authorizing and directing the Auditor-Controller to increase appropriations by \$184,251 for the Sheriff's Office FY 18-19 Adopted Budget to cover a deficiency in appropriations. Increase appropriations in 001-SHEOOI-2300-8497-6111 in the amount of \$184,251 financed by a decrease in appropriations of \$184,251 from general fund contingency appropriation 001-CA0020-1050-8034; (4/5ths Vote Required).

Adopted Resolution No. 19-323

22. a. Accept a federal grant award in the amount of \$32,400 allocated to Monterey County Probation by the Board of State and Community Corrections to provide mental health-related training to Standards and Training for Corrections (STC)

eligible staff from May 1, 2019 through September 30, 2020; and
b. Authorize the Chief Probation Officer to sign all related documents as required by the grant.

Accepted

General Government

23. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to ratify and approve an Agreement with Whitson & Associates, Inc., dba Whitson Engineers, for the purpose of performing specialized track design services for WeatherTech Raceway Laguna Seca. County shall pay Whitson Engineers an amount not to exceed \$116,000.00.

Approved - Agreement No. A-14520

RMA – Public Works and Facilities

24. a. Approve Amendment No. 7 to Professional Services Agreement No. A-11432 with Biggs Cardosa Associates, Inc. to continue to provide additional tasks associated with completion of the Plans, Specifications and Estimate, environmental permitting, bidding assistance; and to include Design Support during Construction for the Nacimiento Lake Drive Bridge Replacement at San Antonio River, County Bridge No. 449, State Bridge No. 44C-0009, Project No. 2202, Federal Aid Project No. STPLZ-5944 (040), to increase the not to exceed amount by \$629,000 for a total amount not to exceed \$1,444,080, and to extend the expiration date for approximately thirty-nine (39) additional months through December 31, 2022, for a revised term from February 9, 2009 to December 31, 2022; and
b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 7 to Professional Services Agreement No. A-11432 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

Approved - Agreement No. A-11432, Amendment No. 7

25. a. Approve Amendment No. 2 to Standard Agreement No. A-13748 with Granite Rock Company dba FMG to continue to provide on-call rental of fully operated, fueled and maintained asphalt grinding and paver machines at various locations in the County to: update the Price Lists; increase the not to exceed amount by \$300,000 for a total amount not to exceed \$510,000; and to extend the expiration date for three (3) additional years through September 30, 2022, for a revised term from October 3, 2017 to September 30, 2022; and
b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 2 to Standard Agreement No. A-13748 and future amendments to the Agreement where the amendments do not significantly alter the

scope of work or change the approved Agreement amount.

Approved - Agreement No. A-13748, Amendment No. 2

SUPPLEMENTAL

26.

SUPPLEMENTAL

Added Under Closed Session:

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

(ADDED VIA SUPPLEMENTAL)