

# Monterey County

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



## Action Minutes - Draft

Tuesday, January 12, 2016

9:00 AM

See separate agenda for Successor Agency to the Redevelopment  
Agency of Monterey County.

## Board of Supervisors

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

**9:00 A.M. - Call to Order**

The meeting was called to order by Chair Salinas.

**Roll Call**

**Present:** 4 - Supervisor Simón Salinas, Supervisor Jane Parker, Supervisor Fernando Armenta and Supervisor John M. Phillips

**Absent:** 1 - Supervisor Dave Potter

**Additions and Corrections for Closed Session**

There were no additions or corrections to Closed Session.

**NOTE: Supervisor Potter may call in for Closed Session from 68 South Street, Hingham, MA 02043**

Supervisor Potter did not call in for 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) John Blatnik v. County of Monterey, et al. (Monterey County Superior Court case no. M129323)
  - 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 54957.6, the Board will confer with labor negotiators:
    - (1) Designated representatives: Manuel Gonzalez and Brette NealEmployee Organization(s): Unit S
  - d. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:
    - (1) Property: SCRAMP Concession Agreement with Mazda Raceway at Laguna SecaAgency Negotiators: Nick Chiulos, Assistant CAO  
Negotiating Parties: Sports Car Racing Association of the Monterey Peninsula  
Under negotiation: Price and Terms
  - e. Pursuant to Government Code section 54957(a), the Board will confer with Sheriff and County Counsel regarding a potential threat to the security of

public facilities and services.

**CLOSED SESSION REPORT:**

Supervisor Potter did not call in to participate in Closed Session.

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) John Blatnik v. County of Monterey, et al. (Monterey County Superior Court case no. M129323)

CLOSED SESSION REPORT: The Board took no reportable action on item 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 created an Ad Hoc Committee that includes Supervisors Salinas and Phillips to advise how to handle litigation related to the Charter Communications application before the Public Utilities Commission to make sure services are adequate, up-to-date and modern. The Board approved initiation of litigation under GC Section 5496.9 (d) (4), which refers to an action at the California Public Utilities Commission. Counsel is working with the Information Technology Department and outside Counsel to initiate litigation.

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

(1) Designated representatives: Manuel Gonzalez and Brette Neal  
Employee Organization(s): Unit S

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

d. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:

(1) Property: SCRAMP Concession Agreement with Mazda Raceway at Laguna Seca

Agency Negotiators: Nick Chiulos, Assistant CAO

Negotiating Parties: Sports Car Racing Association of the Monterey Peninsula  
Under negotiation: Price and Terms

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

e. Pursuant to Government Code section 54957(a), the Board will confer with Sheriff and County Counsel regarding a potential threat to the security of public facilities and services.

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

### **Closed Session Report for January 7, 2016**

#### **1.1**

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

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

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

c. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the County Counsel. (ADDED VIA ADDENDUM)

**CLOSED SESSION REPORT: The Board took no reportable actions on items 1.1 a. b. and c.**

**10:30 A.M. - Reconvene**

**Roll Call**

*Present: Charlie Steves, Interpreter*

**Present:** 4 - Supervisor Simón Salinas, Supervisor Jane Parker, Supervisor Fernando Armenta and Supervisor John M. Phillips

**Absent:** 1 - Supervisor Dave Potter

**Pledge of Allegiance**

**The Pledge of Allegiance was led by Supervisor Parker.**

**2.** Nominate and elect members of the Monterey County Board of Supervisors to serve as:

- 1. 2016 Chair; and
- 2. 2016 Vice Chair

**A motion was made by Supervisor John M. Phillips, seconded by Supervisor Fernando Armenta to elect Supervisor Jane Parker as Chair and Supervisor Dave Potter as Vice Chair of the Monterey County Board of Supervisors for 2016 Calendar Year. 4-0 (Supervisor Potter Absent)**

**3.** Presentation of plaque to outgoing Chair Simón Salinas;

- 1. Comments by outgoing Chair;
- 2. Comments by incoming Chair; and
- 3. Comments by Supervisors

**Chair Parker presented the plaque of Service to outgoing Chair Salinas. The Supervisors thanked Supervisor Salinas for his leadership as Chair for 2015 and commended him for his service.**

**Additions and Corrections**

**There were no additions or corrections to the agenda.**

**Consent Calendar**

**4.** Approval of Consent Calendar (See Supplemental Sheet)

Dr. Gary Gray pulled item 28.

Hans Jongens pulled item 39 and commented.

Supervisor Parker pulled item 33.1 and 36.

**#28:** Dr. Gray suggested that the item proceed to today and a presentation to the Board be scheduled for a future date.

**#33:** Supervisor Parker asked questions of staff regarding operating with the existing agreement and interest rates. Elsa Jimenez responded.

**#33.1:** Supervisor Parker expressed her appreciation for the work done to expand services.

**#36:** Supervisor Parker asked questions regarding written communications and incorporating the public into the RFP process. Mark Mariscal, Parks, responded.

**#39:** Public comment: Hans Jongens. Carl Holm responded to public comments.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to approve the Consent Calendar (See Supplemental Sheet items 25-40). 4-0 (Supervisor Potter Absent)

### **Ceremonial Resolutions**

5. Adopt Resolution honoring Antonio R. Rivas upon his retirement from the Salinas Union High School District after 45 Years of Public Education Service. (Supervisor Armenta)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-001 honoring Antonio R. Rivas upon his retirement from the Salinas Union High School District after 45 Years of Public Education Service. (Supervisor Armenta) 4-0 (Supervisor Potter Absent)**

6. Adopt Resolution honoring Probation Services Manager Jerry Dudek upon his retirement from the Monterey County Probation Department after a combined thirty-one years of dedicated county service. (Full Board)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-002 honoring Probation Services Manager Jerry Dudek upon his retirement from the Monterey County Probation Department after a combined thirty-one years of dedicated county service. (Full Board) 4-0 (Supervisor Potter Absent)**

### **Appointments**

7. Appoint Daniel Dobrilovic to the Commission on Disabilities with a term ending December 31, 2018. (Full Board)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to appoint Daniel Dobrilovic to the Commission on Disabilities with a term ending December 31, 2018. (Full Board) 4-0 (Supervisor Potter Absent)**

8. Reappoint Wayne Johnson to the Commission on Disabilities with a term ending December 31, 2018. (Full Board)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to reappoint Wayne Johnson to the Commission on Disabilities with a term ending December 31, 2018. (Full Board) 4-0 (Supervisor Potter Absent)**

9. Reappoint Paul C. Getzelman to the Monterey County Planning Commission with a term ending January 23, 2020. (Supervisor Salinas)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to reappoint Paul C. Getzelman to the Monterey County Planning Commission with a term ending January 23, 2020. (Supervisor Salinas) 4-0 (Supervisor Potter Absent)**

10. Reappoint Tom Hicks to the Commission on Disabilities with a term ending December 31, 2018. (Full Board)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to reappoint Tom Hicks to the Commission on Disabilities with a term ending December 31, 2018. (Full Board) 4-0 (Supervisor Potter Absent)**

11. Reappoint Keith Vandevere to the Monterey County Planning Commission with a term ending January 23, 2020. (Supervisor Potter)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to reappoint Keith Vandevere to the Monterey County Planning Commission with a term ending January 23, 2020. (Supervisor Potter) 4-0 (Supervisor Potter Absent)**

12. Appoint Rita Dady to the Housing Authority of Monterey County with a term ending January 12, 2018. (Supervisor Potter)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to appoint Rita Dady to the Housing Authority of Monterey County with a term ending January 12, 2018. (Supervisor Potter) 4-0 (Supervisor Potter Absent)**

13. Appoint Anthony P. Ivanich to the Community Restorative Justice Commission for a term ending January 12, 2018. (Full Board)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to appoint Anthony P. Ivanich to the Community Restorative Justice Commission for a term ending January 12, 2018. (Full Board) 4-0 (Supervisor Potter Absent)**

14. Appoint Melissa Duflock to the Monterey County Planning Commission with a term ending January 23, 2018. (Supervisor Salinas)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to appoint Melissa Duflock to the Monterey County Planning Commission with a term ending January 23, 2018. (Supervisor Salinas) 4-0 (Supervisor Potter Absent)**

15. Reappoint Laura Alladeen to the CSA 15 Advisory Committee for a term ending January 1, 2019. (Supervisor Potter)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to reappoint Laura Alladeen to the CSA 15 Advisory Committee for a term ending January 1, 2019. (Supervisor Potter) 4-0 (Supervisor Potter Absent)**

16. Reappoint Margaret Robbins to the CSA 50 Advisory Committee for a term ending January 1, 2019. (Supervisor Potter)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to reappoint Margaret Robbins to the CSA 50 Advisory Committee for a term ending January 1, 2019. (Supervisor Potter) 4-0 (Supervisor Potter Absent)**

17. Reappoint Nancy Skager to the CSA 15 Advisory Committee for a term ending January 1, 2019. (Supervisor Potter)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to reappoint Nancy Skager to the CSA 15 Advisory Committee for a term ending January 1, 2019. (Supervisor Potter) 4-0 (Supervisor Potter Absent)**

18. Reappoint Mark Kennedy to the CSA 15 Advisory Committee for a term ending January 1, 2019. (Supervisor Potter)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to reappoint Mark Kennedy to the CSA 15 Advisory Committee for a term ending January 1, 2019. (Supervisor Potter) 4-0 (Supervisor Potter Absent)**

19. Reappoint Gretchen Cardinale to the CSA 15 Advisory Committee for a term ending January 1, 2019. (Supervisor Potter)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to reappoint Gretchen Cardinale to the CSA 15 Advisory Committee for a term ending January 1, 2019. (Supervisor Potter) 4-0 (Supervisor Potter Absent)**

20. Appoint Ana Ambriz to the Planning Commission with a term ending January 23, 2018. (Supervisor Armenta)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to appoint Ana Ambriz to the Planning Commission with a term ending January 23, 2018. (Supervisor Armenta) 4-0 (Supervisor Potter Absent)**

21. Appoint Richard Kuehn to the Area Agency on Aging Advisory Council with a term ending January 1, 2019. (Supervisor Potter)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to appoint Richard Kuehn to the Area Agency on Aging Advisory Council with a term ending January 1, 2019. (Supervisor Potter) 4-0 (Supervisor Potter Absent)**

- 21.1                    a. Approve proposed assignment of Board of Supervisors members and staff to boards, committees and commissions for calendar year 2016; and  
b. Disband the Natividad Medical Center & Salinas Valley Memorial Healthcare System Affiliation Ad Hoc Committee. (REVISED VIA SUPPLEMENTAL AGENDA)

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to a. Approve proposed assignment of Board of Supervisors members and staff to boards, committees and commissions for calendar year 2016; and  
b. Disband the Natividad Medical Center & Salinas Valley Memorial Healthcare System Affiliation Ad Hoc Committee; and formed an Ad Hoc Committee regarding the Charter Communication litigation. (REVISED VIA SUPPLEMENTAL AGENDA) 4-0 (Supervisor Potter Absent)**

### **Other Board Matters**

22.                    Board Comments

**Supervisor Armenta noted that the Board's previous direction included discussion on the tunnel water project and he believes there is a proposal to modify that direction, as well as preliminary efforts to consider work with stakeholders on a Project Labor Agreement (PLA). He requested that any request for modification return to the Board for approval.**

**Charles McKee advised that the comments by Supervisor Armenta can be relayed to David Chardavoyne, Water Resources Agency General Manager, to assure he is adhering to the directions provided by the Board of Supervisors of the Water Resources Agency, because this is a meeting of the County Board of Supervisors.**

**Supervisor Phillips pointed out that the flap gates at Moro Coro have been repaired. Dr. Bauman, Carl Holm, Les Girard got involved and it was an effective partnership.**

**Supervisor Salinas thanked the Department of Social Services and Elliott Robinson for their work and services to the homeless community. He also wished everyone a Happy New Year.**

23.                    CAO Comments and Referrals

**County Administrative Officer Dr. Lew Bauman thanked Supervisor Salinas for his leadership as Chair in 2015. He commended Supervisor Parker on her election as Chair for 2016, noting this is her second time Chair.**

24.                    General Public Comment

**Hans Jongens; Joe Vierra.**

### **Adjournment**

**In Memory of Richard Smith**



**APPROVED:**

\_\_\_\_\_  
**JANE PARKER, CHAIR  
BOARD OF SUPERVISORS**

**ATTEST:**

**BY:** \_\_\_\_\_  
**GAIL T. BORKOWSKI  
CLERK OF THE BOARD  
APPROVED ON** \_\_\_\_\_

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

25. Authorize payment of invoice number 395415 and invoice number 394552 for a total amount of \$23,594 to Medical Doctor Associates (MDA) for locum tenens services provided at Natividad Medical Center (NMC) in July 2015.

**Approved**

26. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute a Hospital Participation Agreement with the American College of Surgeons (ACS) for participation in the ACS Trauma Quality Improvement Program in an amount not to exceed \$75,000 for a 5-year term of January 25, 2016 through January 24, 2021; and
- b. Accept the non-standard insurance, indemnification, warranty and governing law language; and
- c. Authorize the Deputy Purchasing Agent for NMC or his designee to execute up to three (3) future amendments to the agreement which do not significantly alter the scope of work and do not cause an increase of more than ten percent (10%) of the original cost of the agreement per each amendment.

**Approved - Agreement No. A-13032**

27. Item deleted

28. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute Amendment No. 1 to the Agreement (A-12650) with Natividad Medical Foundation (NMF) for philanthropic services and other specialty services defined as “donor cultivation and solicitation (e.g., The Agricultural Leadership Council); special events; annual giving programs; major gift planning and fundraising; community outreach in connection with fundraising; preparing and submitting foundation and government grant applications; administering current/future foundation grants; and supporting and coordinating NMC/NMF joint community relations” to provide ongoing support for NMC, extending the Agreement an additional two (2) year period for a revised full term of January 1, 2015 through December 31, 2017 and adding \$1,818,555 for a revised total Agreement amount not to exceed \$2,694,574.

**Approved - Agreement No. A-12650**

29. a. Approve and authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute an Agreement with NeuroLogic, LLC for Intraoperative Neurophysiological Monitoring Services at NMC for an amount not to exceed \$306,000 for the term October 1, 2015 through

September 30, 2017.

- b. Authorize the Deputy Purchasing Agent for NMC or his designee to execute up to three (3) future amendments to the agreement which do not significantly alter the scope of work and do not cause an increase of more than ten percent (10%) of the original cost of the agreement per each amendment.

**Approved - Agreement No. A-13026**

**30.**

Adopt Resolution to:

- a. Authorize NMC to Delete 1.0 FTE Food Service Worker II and Add 1.0 FTE Cashier Positions in the Natividad Medical Center (Unit 9600) FY 2015-16 Adopted Budget and Reclassify the Incumbent Indicated by the Position Number in the Attached Resolution;
- b. Authorize the Auditor-Controller to Incorporate the Approved Changes in the Natividad Medical Center (Unit 9600) FY 2015-16 Adopted Budget;
- c. Direct the County Administrative Office to Incorporate the Approved Changes in the Natividad Medical Center (Unit 9600) FY 2015-16 Adopted Budget; and
- d. Direct the Human Resources Department to Implement the Changes in the Advantage HRM System.

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to adopt Resolution No. 16-003 to:**

- a. Authorize NMC to Delete 1.0 FTE Food Service Worker II and Add 1.0 FTE Cashier Positions in the Natividad Medical Center (Unit 9600) FY 2015-16 Adopted Budget and Reclassify the Incumbent Indicated by the Position Number in the Attached Resolution;**
- b. Authorize the Auditor-Controller to Incorporate the Approved Changes in the Natividad Medical Center (Unit 9600) FY 2015-16 Adopted Budget;**
- c. Direct the County Administrative Office to Incorporate the Approved Changes in the Natividad Medical Center (Unit 9600) FY 2015-16 Adopted Budget; and**
- d. Direct the Human Resources Department to Implement the Changes in the Advantage HRM System. 4-0 (Supervisor Potter Absent)**

### **Health Department**

**31.**

- a. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 1 to the Service Agreement with Robinson and Associates Consulting, LLC. to increase Agreement amount by \$288,220 for a total Agreement amount not to exceed of \$387,820 and extend Agreement for the revised term of May 1, 2015 through December 31, 2017, for the provision of consulting and evaluation services to develop requirements in support of the issuance of a Request for Proposal (RFP) for the consideration, identification, and selection of a unified Electronic Health Record (EHR) solution for the Health Department and Natividad Medical Center (NMC); and
- b. Authorize the Contracts and Purchasing Officer or Contracts/Purchasing

Supervisor to sign up to three future amendments to this agreement where the amendments do not exceed 10% of the approved Amendment No.1 amount (\$38,782) and does not significantly change the scope of work. (REVISED VIA SUPPLEMENTAL AGENDA)

**Approved - Agreement No. A-13025**

- 32.**
- a. Approve and authorize the Director of Health or Assistant Director of Health to sign a Medi-Cal Capacity Grant Agreement (“Grant Agreement I”) between Central California Alliance for Health and the County of Monterey on behalf of the Health Department - Clinic Services Bureau (“County”) in the amount not to exceed \$470,000, for the purpose of funding provider recruitment, medical equipment and practice coaching, effective on date of execution by County and terminating no earlier than one year after the date the last grant payment is made to County or on County’s behalf under Grant Agreement I; and
  - b. Approve and authorize the Director of Health or Assistant Director of Health to sign a Medi-Cal Capacity Grant Agreement (“Grant Agreement II”) between Central California Alliance for Health and the County of Monterey on behalf of the Health Department - Behavioral Health Bureau (“County”) in the amount not to exceed \$470,000, for the purpose of funding psychiatrist recruitment and Intensive Team equipment, effective on the date of execution by County and terminating no earlier than one year after the date the last grant payment is made to County or on County’s behalf under Grant Agreement II.

**Approved - Agreement Nos. A-13033 (CAH); A-13034 (CAH)**

- 33.**
- a. Approve and authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute Amendment No. 2 to Lease Agreement No. A-12467 (“Lease”) with Community Hospital Properties (“CHP”), a California non-profit corporation and a division of Community Hospital of the Monterey Peninsula for approximately 19,962 rentable square feet of space located at 1150-1154 Fremont Boulevard, Seaside, California, with an option to purchase, for use by the Health Department’s Clinic Services Bureau, to take effect January 12, 2016;
  - b. Authorize the Auditor-Controller to make lease payments in an amount not to exceed \$37,555.25 per month and in accordance with the terms of the Lease, Amendment No. 1 and Amendment No. 2; and
  - c. Authorize the establishment of a committed fund up to \$6.8 million from the Health and Welfare Realignment Fund (Fund 025-Unit 8424) in accordance with Article 5 of the Lease, solely for that purpose.

**Approved - Agreement No. A-12467**

**Department of Social Services**

- 33.1** Ratify and approve the execution by the Contracts/Purchasing Officer of the agreement with Franciscan Workers of Junipero Serra for \$114,129 to extend operations of Dorothy's Place Drop-In Center and provide case management services from 4 hours per day for 5 days per week, to 10.5 hours per day for 7 days per week through March 31, 2016.

**Approved - Agreement No. A-13027**

**Criminal Justice**

- 34.**
- a. Approve and authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to sign Amendment No. 2 to a Non-Standard Information Technology Agreement (Amend No. 1 A-12834, \$99,000, Original A-12411, \$965,000, total of \$1,064,000) with TracNet, Inc. in the amount of \$619,660; bringing the total value of this agreement to \$1,683,660;
  - b. Authorize a modification of the County standard liability language as recommended by the Sheriff/Coroner; and
  - c. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to sign up to two (2) amendments to the agreement where the amendment does not significantly change the scope of work, and the amendments in total do not exceed the amount of \$50,000 for a total cumulative not to exceed contract amount of \$1,733,660.

**Approved - Agreement Nos. A-12411 & A-12834.**

**General Government**

- 35.** Authorize the County Clerk/Recorder (CCR) to enter into negotiations with Tyler Technologies, Inc. (Tyler) for their Eagle Computer Software System and implementation services to replace the Office's current internal Symphony/AS400 recording, filing, cashiering, reconciliation, and reporting system, to return for final approval of such an agreement at a later date.

**Approved - Agreement No. A-13028**

- 36.** Status update on Board of Supervisors' Referral Number 2015.08 - RFQ/RFP for Mazda Raceway Laguna Seca Concession Agreement and BOS report 15-1227.

**Approved**

- 37.** Approve the Bingo License Application for San Antonio Community Betterment Association pursuant to Chapter 7.08 of the Monterey County Code effective January 12, 2016 through January 11, 2017.

Approved - Agreement No. A-13038

**RMA - General**

38. Adopt a Resolution to:  
Appoint the Monterey County Traffic Engineer as Road Commissioner.
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to adopt Resolution No. 16-005 to:  
Appoint the Monterey County Traffic Engineer as Road Commissioner. 4-0  
(Supervisor Potter Absent)**
- 38.1 Acting on behalf of County Service Area 50
- a. Approve an increase in appropriations in the amount of \$350,000 in the FY 2015-16 Adopted Budget for CSA 50 - Rioway Tract Fund 077-3000-8198-RMA073, where the financing source is Unassigned Fund Balance, to fund the Lower Carmel River Notch Expansion that will increase the flood plain capacity and reduce the flood elevation at the east end of CSA 50 (4/5th vote required);
  - b. Authorize the Auditor-Controller to amend the Adopted Budget for CSA 50 - Rioway Tract Fund 077-3000-8198-RMA073, for FY 2015-16 by increasing appropriations in the amount of \$350,000 where Fund 077 Unassigned Fund Balance is the financing source. (4/5th vote required);
  - c. Find that Phase 1 of the Lower Carmel River Notch Expansion qualifies as a Class 4 Categorical Exemption under Section 15304 of the CEQA Guidelines (Minor Alterations to Land consisting of Grading of land with a slope of less than 10%).
  - d. Find that Phase 2 of the Lower Carmel River Notch Expansion qualifies as a Statutory Exemption from CEQA under Section 15269 (Emergency Projects).
  - e. Approve and Authorize the Resource Management Agency Director to execute an Indemnification Agreement between the County of Monterey, the Big Sur Land Trust, the Margaret Eastwood Trust U/D/T/ dated 8/21/90, and the 1988 Clinton Eastwood Trust U/D/T dated May 16, 1988 and future amendments to this Agreement where the amendments do not significantly alter the terms of this agreement;
  - f. Authorize the Resource Management Agency Director to complete the Lower Carmel River Notch Expansion project Phase 1-Agricultural Grading to increase flood plain capacity immediately upon approval, and Phase 2-Notch Lowering to reduce the flood elevation at the east end of CSA 50 as an emergency measure if flood conditions materialize. (ADDED VIA ADDENDUM)

Approved - Agreement No. A-13031

**RMA - Planning**

- 39.
- a. Approve Amendment No. 6 to Professional Services Agreement No. A-12306 with EMC Planning Group, Inc. (EMC) where the Base budget is increased by \$127,159 to \$283,573 and a Contingency budget is added in the amount of \$19,074, for a total amount not to exceed \$302,647 to prepare a Revised Draft Environmental Impact Report (EIR) to include significant new information to the Biological Resources, Cultural and Historic Resources, Hydrology, Traffic, Water Quality, and Noise sections, and to include evaluation of an additional alternative to the Paraiso Hot Springs Resort EIR (PLN040183), in Soledad, and extend the term to December 31, 2016; and
  - b. Approve Renewal and Amendment No. 1 to Funding Agreement No. A-12313 with Thompson Holdings, LLC, where the Base budget is increased by \$127,159 to \$270,713, a Contingency budget is added in the amount of \$19,074, the County Surcharge is unchanged at \$16,742, and the County Contract Administration Fee is unchanged at \$3,170, for a total amount not to exceed \$309,699 to allow funding to Monterey County for costs incurred by EMC and County departments to prepare a Revised Draft EIR to include significant new information to the Biological Resources, Cultural and Historic Resources, Hydrology, Traffic, Water Quality, and Noise sections, and to include evaluation of an additional alternative to the Paraiso Hot Springs Resort EIR (PLN040183), in Soledad, and renew the term retroactively to June 30, 2013 through and including December 31, 2016; and
  - c. Authorize the Director of Planning or designee to execute Amendment No. 6 to Professional Services Agreement No. A-12306, Renewal and Amendment No. 1 to Funding Agreement No. A-12313 and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.

(PLN040183 / EIR for the Paraiso Hot Springs Resort, in Soledad)

**Approved - Agreement No. A-12306 (EMC Planning Group, Inc.); A-12313 (Thompson Holdings, LLC)**

- 40.
- a. Approve a Standard Agreement with Michael L. Bench, Consulting Arborist, where the Base budget is \$25,000 and the Contingency budget is \$3,750, for a total amount not to exceed \$28,750 to provide tree risk assessment(s) for trees located in the public rights-of-way and on County property identified for preservation/trimming/removal by Pacific Gas and Electric Company's Gas Transmission Pipeline Safety Program, Countywide, for a term from January 13, 2016 to September 30, 2016;
  - b. Approve a Funding Agreement with Pacific Gas and Electric Company where the Base budget is \$25,000, the Contingency budget is \$3,750, and the County contract administration fee is \$3,170, for a total amount not to

- exceed \$31,920 to allow funding to Monterey County for costs incurred by Michael L. Bench, Consulting Arborist, to provide tree risk assessment(s) for trees located in the public rights-of-way and on County property identified for preservation/trimming/removal by Pacific Gas and Electric Company's Gas Transmission Pipeline Safety Program, Countywide, for a term from January 13, 2016 to September 30, 2016; and
- c. Authorize the RMA Director to execute the Standard Agreement, Funding Agreement and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.  
(REF150075; PG&E Gas Pipeline Program/County Property Tree Risk Assessment)

**Approved - Agreement Nos. A-13029 (Michael L. Bench); A-13030 (PG&E)**