

Monterey County

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



Action Minutes - Draft

Tuesday, July 16, 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 Chris Lopez, Supervisor Luis A. Alejo and Supervisor John M. Phillips

Staff Present

Dr. Lew Bauman, County Administrative Officer, Charles McKee, 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.'s 1.a. through f.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Health & Safety Code section 1462, the Board will receive a report and confer regarding health care facility/hospital trade secret. Discussion will concern a new Health Care Facility/Hospital Trade Secret, New Program.
 - b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
 - c. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Director of Department of Social Services.
 - d. Pursuant to Government Code section 54957.6, the Board will provide direction to labor negotiators:
 - (1) Designated representatives: Lew Bauman and Charles McKee
 - Employee Position: Director of Department of Social Services
 - 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): All Units
 - f. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:

(1) Property: Lease of office space at 142 West Alisal St. Salinas CA 93901
Agency Negotiator(s): Carl Holm & Charles McKee
Negotiating Parties: Congressman Jimmy Panetta
Under negotiation: Price and terms

Public Comment

Open for public comment; no public comment made.

The Board Recessed for Closed Session Agenda Items at 9:01 a.m.

10:30 A.M. - Reconvened on Public Agenda Items at 10:44 a.m.

Roll Called

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

Staff Present

Dr. Lew Bauman, County Administrative Officer, Charles McKee, 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

Denise Ramero-Gutierrez, Spanish Interpreter present and announced Spanish interpreter services.

Additions and Corrections by Clerk

2. There were no additions and corrections to the agenda.

Consent Calendar- (See Supplemental Sheet)

3. Approval of Consent Calendar Items No. 12 through 27.

Supervisor Jane Parker commented on Item No. 25; Supervisor Mary L. Adams commented on Item No. 19; staff responded.

Open for public comment; no public comment made.

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo to approve Consent Calendar Items No. 12 through 27. (SEE SUPPLEMENTAL SHEET)

ALL AYES

Ceremonial Resolutions

Open for public comment; no public comment made.

4. Adopt Resolution recognizing and congratulating Paulette Lynch upon her retirement from fifteen years of service as the Executive Director of the Arts Council for Monterey County. (Full Board)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis A. Alejo to adopt Resolution No. 19-251 recognizing and congratulating Paulette Lynch upon her retirement from fifteen years of service as the Executive Director of the Arts Council for Monterey County. (Full Board)
ALL AYES

5. Adopt Resolution supporting the work of the Blue Zones Project. (Full Board-Supervisor Alejo)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis A. Alejo to adopt Resolution No. 19-252 supporting the work of the Blue Zones Project. (Full Board- Supervisor Alejo)
ALL AYES

Appointments

Open for public comment; no public comment made.

- 5.1 Appoint Mariano Parra to the Greenfield Public Recreation District for a term ending December 31, 2022. (Supervisor Lopez) (ADDED VIA ADDENDA)

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Jane Parker to appoint Mariano Parra to the Greenfield Public Recreation District for a term ending December 31, 2022. (Supervisor Lopez)
ALL AYES

- 5.2 Appoint Carla Stewart to the Animal Control Program Advisory Board for a term ending July 1, 2020. (Supervisor Lopez) (ADDED VIA ADDENDA)

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Jane Parker to appoint Carla Stewart to the Animal Control Program Advisory Board for a term ending July 1, 2020. (Supervisor Lopez)
ALL AYES

Other Board Matters

6. Board Comments

Supervisor Chris Lopez, Supervisor Mary L. Adams and Supervisor John M. Phillips made no comments this week.

Supervisor Jane Parker this Saturday is the Monterey Peninsula Pride Celebration and Parade starting at 11:00 a.m. there will be a parade through

downtown Monterey and then a celebration at custom house Plaza starting at 12:30 p.m. so everyone is welcome.

Supervisor Luis A. Alejo commented it is good to be back as he was gone last week to his first trip to Europe. He was there for the running of the bulls and he brought all his colleagues a banuelo or a handkerchief officially from Pamplona. He was lucky not to get gored or stomped on by the bulls. Speaking of the bulls he wanted to announce and welcome everyone for Big Week, the California Salinas Rodeo officially starts tonight with banda night, tomorrow PBR and a lot of other events throughout the week and it's something he thinks that all the residents of Monterey County and surrounding communities really appreciate. He wanted to wish this year rodeo a very successful one. Last Sunday he participated in Chevrons' Soccer Academy held at CSU Monterey Bay. This is the first year it has taken place here in Monterey County which is a free soccer academy for the youth of our community. They hope to continue the academy with every year but during Sunday's festivities they also contributed \$50,000 towards our Salinas regional soccer complex and he wanted to thank Chevron for that support. They also indicated they might try to provide additional support next year to get phase two (2) off the ground. Again, thank you Chevron for being a partner with us in that effort. Lastly, he took a few moments to say a few words that last Sunday they also had a immigrant rights, know your rights, forum in East Salinas and he wanted to take opportunity to express and denounce the threatened raids against immigrant families. Monterey County our county has the highest percentage of non-citizens out of any county in California so there's obviously a lot of fear, anxiety, frustration about what this means to local communities. He was thankful for the Alisal Union School District, the Alisal Family Resource Center and other community organizations that came to go to begin educating and reminding people about their rights in case ice agents end up into the front door. He also wanted to encourage people to look for these cards around the community. There is a number to call if people do see raids or immigration enforcement taking place that number is 831-643-5225 which is the rapid response number that if there's anything taking place in our community a wide network of immigration lawyers and community organizations would be alerted to what is happening. If you do see something happening, you are lawfully allowed to record or take photos from a short distance and that way we can verify what is happening and shed light on how these raids are impacting local families. There is nothing more powerful than to publicize how this tears communities apart. He wanted to encourage people to be alert and know they are not alone. That we are here with you and that are County agencies will not be participating in Immigration raids or enforcement. This is not our role that is the jurisdiction of the federal government but he wanted to reassure that we are here with you and that we we worry for you but we will do everything possible to defend you as well. Our state leaders are on the same page as he is.

7. County Administrative Officer Comments and Referrals

Dr. Lew Bauman had no referrals; he made opening remarks for Nick Chiulos, Assistant County Administrative Officer who presented the award for Energy Efficiency Improvements at the Monterey County Jail.

8. General Public Comments

Open for general public comment for item's not on today's; Carol Harney, John Gay, Ken Eklund, Christian Snyder and Eric Peterson commented.

12:00 P.M. - Recessed to Lunch at 12:05 p.m.

1:30 P.M. - Reconvened

Roll Called

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

Staff Present

Dr. Lew Bauman, County Administrative Officer, Charles McKee, County Counsel and Valerie Ralph, Clerk of the Board

Announcement of Interpreter

Denise Ramero-Gutierrez, Spanish Interpreter present and announced Spanish interpreter services.

1:30 P.M. - Scheduled Matters

INTRODUCING SUPERVISOR LUIS A. ALEJO'S YOUNG SUPERVISORS PROGRAM CLASS OF 2019 (ADDED VIA ADDENDA)

Supervisor Luis A. Alejo introduced the Young Supervisor Program and it's participants.

- 9.** Receive a presentation from state and local agency representatives on qualified Opportunity Zones.

Debby Bradshaw, Management Analyst III with the County Administrative Intergovernmental Affairs and Legislative Office made opening remarks.

Josh Metz, FORA Economic Development Manager and Andy Myrick with the City of Salinas presented via PowerPoint presentation.

Open for public comment; no public comment made.

**Upon consensus, the Board:
Received a presentation from state and local agency representatives on qualified Opportunity Zones.**

- 10.** Consider options for an ordinance related to attorney and non-attorney communications with members of the Board of Supervisors and other decision-makers acting in an adjudicative capacity.

Charles McKee, County Counsel from the County County office presented via PowerPoint presentation.

Open for public comment, no public comment made.

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

Consider options for an ordinance related to attorney and non-attorney communications with members of the Board of Supervisors and other decision-makers acting in an adjudicative capacity; and Directed Counsel to draft rules allowing ex parte contacts: County attorneys (CoCo, Bos/PC, other County staff) and private attorneys. Also, to draft rules prohibiting contact by attorneys with low-level County employees when represented by County Counsel.

ALL AYES

11.

Public hearing to consider the following amendments to the Monterey County Fee Resolution relating to fees for processing applications for land use permits and entitlements:

- a. Amend and update Article XIX (RMA-Building Services) to revise building fees to reflect updates to inspection rates based on valuation;
- b. Amend and update Article IX - (RMA- Planning) to update and consolidate land use application fees for Planning, Public Works and Environmental Services;
- c. Rescind and Reserve Article X (RMA-Public Works);
- d. Rescind and Reserve Article XX - (RMA -Environmental Services); and
- e. Amend and update Article XVII (County Counsel) to align with revisions to Article IX.

This matter was called out of order and before Items No. 9 and 10.

Carl Holm, Director of Resources Management Agency from the Resources Management Agency requested a continuance.

Open for public comment; no public comment made.

A motion was made by Supervisor John M. Phillips. seconded by Supervisor Mary L. Adams to:

Continue the public hearing to Tuesday, September 17, 2019, to consider the following amendments to the Monterey County Fee Resolution relating to fees for processing applications for land use permits and entitlements:

- a. Amend and update Article XIX (RMA-Building Services) to revise building fees to reflect updates to inspection rates based on valuation;
- b. Amend and update Article IX - (RMA- Planning) to update and consolidate land use application fees for Planning, Public Works and Environmental Services;
- c. Rescind and Reserve Article X (RMA-Public Works);
- d. Rescind and Reserve Article XX - (RMA -Environmental Services); and
- e. Amend and update Article XVII (County Counsel) to align with revisions to Article IX.

ALL AYES

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 Health & Safety Code section 1462, the Board will receive a report and confer regarding health care facility/hospital trade secret. Discussion will concern a new Health Care Facility/Hospital Trade Secret, New Program.

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

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

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

c. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Director of Department of Social Services.

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

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

(1) Designated representatives: Lew Bauman and Charles McKee
Employee Position: Director of Department of Social Services

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

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): All Units

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

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

(1) Property: Lease of office space at 142 West Alisal St. Salinas CA 93901
Agency Negotiator(s): Carl Holm & Charles McKee
Negotiating Parties: Congressman Jimmy Panetta
Under negotiation: Price and terms

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

Adjourned

The meeting was adjourned at 2:50 p.m. by Chair Supervisor John M. Phillips.

APPROVED:

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

ATTEST:

BY: _____

**VALERIE RALPH
CLERK OF THE BOARD**

APPROVED ON _____

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

12. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute amendment No. 2 to the agreement with Applied Statistics & Management Inc. for subscription to access web-based medical staff database services for verifying and tracking medical care provider licenses and adding \$12,834 for a revised total agreement amount not to exceed \$112,634, with no changes to the term of the Agreement July 1, 2015 through June 30, 2020.
- Approved - Agreement No. A-14440, Amendment No. 2**
13. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute amendment No. 3 to the agreement (A-13464) with Pacific Medical, Inc. for orthopedic soft goods, durable medical equipment and orthotics and prosthetics services, adding \$163,000 for a revised total agreement amount not to exceed \$488,000 and with no change to the current agreement term of May 1, 2015 through April 30, 2020.
- Approved - Agreement No. A-13464, Amendment No. 3**
14. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute amendment No. 1 to the Addendum with The Gordian Group to the Sourcewell (formerly NJPA) Contract 071415 for administrative services of the Job Order Contracting (JOC) program, to increase the total amount an additional \$175,000 for a revised total spending limit not to exceed \$275,000 for NMC JOC projects initiated during the term of the Sourcewell Contract September 15, 2015 through September 15, 2020.
- Approved - Agreement No. A- 14441, Amendment No. 1**

Health Department

15. Approve and authorize the Director of Health or the Assistant Director of Health to sign an Agreement with Sun Street Centers for the provision of Whole Person Care Access Services (“WPCAS”) for transportation and accompaniment of Whole Person Care (“WPC”) enrollees to medical, mental health, social services, housing services, and meetings with housing providers and prospective landlords as coordinated by the County of Monterey Health Department (Health), for a total Agreement amount of \$206,501, for the term retroactive to July 1, 2019 through December 31, 2020.
- Approved - Agreement No. A-14442**
16. Approve and authorize the Director of Health or the Assistant Director of Health to

sign an Agreement with MidPen Resident Services Corporation (MidPen) for case management services for clients in the Whole Person Care program (WPC) qualifying for permanent supportive housing at Moon Gate Plaza, coordinated by the County of Monterey Health Department (Health) for the term retroactive to July 1, 2019 through June 30, 2024 for a total agreement, not to exceed, \$929,099.

Approved - Agreement No. A-14443

17. Adopt a Resolution Amending Article I.B - Public Health Bureau of the Monterey County Master Fee Resolution effective August 16, 2019, to adjust fees pursuant to the attached Fee Schedule relating to services provided by the Health Department's Administration and Public Health Bureau.

Adopted Resolution No. 19-253

Criminal Justice

18. Approve and authorize the Contracts/Purchasing Officer to sign, Amendment No. 3 to the Professional Service Agreement with Jan Lindberg for providing legal representation of indigent criminal defendants through the Alternate Defender's Office, extending the terms by one year, retroactive from July 1, 2019 to June 30, 2020 and adding \$96,000 for a total agreement amount of \$336,000.00.

Approved - Agreement No. A- 14444, Amendment No. 3

19. Approve and adopt a Resolution amending Article VII of the Master Fee Resolution to set fees and authorize collection of fees by the Sheriff's Office effective August 9, 2019, as set forth in the attached in Exhibit A.

Adopted Resolution No. 19-254

General Government

20. Adopt a resolution authorizing the Office of Emergency Services to submit an application in the amount of \$214,452 and designating County staff positions to authorize and execute documents and applications for the purpose of obtaining financial assistance with the California Office of Emergency Services Fiscal Year 2019 Emergency Management Performance Grant Program.

Adopt Resolution No. 19-255

21. Approve and authorize the Contracts Purchasing Officer or his designee, to execute Amendment No. 3 to the Non-Standard Agreement with Qualys, Inc. on behalf of the Information Technology Department, adding \$130,645.00 to the existing contract amount of \$391,935, for an amended total of \$522,580, to continue to provide QualysGuard Vulnerability Management Enterprise services, and to extend the term of the agreement by an additional year, ending on July 19, 2020.

Approved - Agreement No. A-14445, Amendment No. 3

22. Approve and authorize the Director of the Information Technology Department to sign a non-standard Professional Services Agreement with David Lloyd, doing business as Jane's Answering Service, for after-hours telephone answering services for the County Information Technology Department, in the maximum amount of sixty-thousand dollars (\$60,000) for a term retroactive to July 1, 2019 through June 30, 2022.

Approved - Agreement No. A-14446

23. a. Authorize the Director of Information Technology, or his designee, to execute a Software Subscription Agreement with DoCircle, Inc. dba Trumpia, for subscription to use and access the Trumpia Media Messaging Toolkit, in the maximum amount of \$1,872 for the term of August 9, 2019 through August 8, 2020;
- b. Authorize the Director of Information Technology, or his designee, to execute order forms and such documents as are necessary to implement the agreement with DoCircle, Inc. for the County's use of subscription services; and
- c. Accept non-standard contract provisions as recommended by the Director of Information Technology.

Approved - Agreement No. A-14447

24. a. Approve and authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor, on behalf of the County Clerk/Recorder (CCR) to execute an agreement with Iron Mountain Information Management, LLC (Iron Mountain), for microfilm/microfiche storage in an amount not to exceed \$28,000, retroactive from July 1, 2019 to June 30, 2021; and
- b. Accept non-standard language in the agreement provided by the vendor as recommended by the County Clerk/Recorder (CCR); and
- c. Authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to sign up to three future amendments to the agreement, each for a one-year extension, with the same scope of services and the same non-standard language provisions, each amendment/year shall not exceed \$15,400 annually.

Approved - Agreement No. A-14448**RMA - Administration**

25. Approve the release of Indemnification Bond for Stormwater, Grading, and Erosion Control in the amount of \$1,000,000, Bond No. SUR0043485, related to said improvements in accordance with Combined Development Permit No. PLN030204 Condition of Approval No. 235 and *Indemnification Agreement* terms.

Approved

RMA - Land Use and Community Development

26. **PLN140910-AMD1 - STRAINE KERRY KEVIN & MCLEOD OLIVIA DEE TRS**
- a. Find that the project involves acceptance of a Conservation and Scenic Easement Deed and Map, which qualifies as a Class 17 Categorical Exemption pursuant to Section 15317 of the CEQA Guidelines and there are no exceptions pursuant to Section 15300.2;
 - b. Accept the Conservation and Scenic Easement Deed and Map to satisfy Condition No. 8 of Monterey County Planning File No. PLN140910-AMD1;
 - c. Authorize the Chair to execute the Conservation and Scenic Easement Deed and Map; and
 - d. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed and Map to the County Recorder for recording with all applicable recording fees paid by the applicant.

Project Location: 1145 Spyglass Hill Road, Pebble Beach, Del Monte Forest Land Use Plan, Coastal Zone.

Proposed CEQA action: Categorically Exempt per Section 15317 of the CEQA Guidelines

Accepted

RMA – Public Works and Facilities

- 27.
- a. Award a contract to Precision Grade, Inc., the lowest responsible bidder, for the Slope Repairs at Various Locations Project (Hall Road @ Sill Road, Hall Road @ Pini Road, Hall Road @ Las Lomas Road, Aromas Road @ MP 0.5, and San Juan Road @ Aromas Road), in the total amount of \$1,732,748;
 - b. Approve the Performance and Payment Bonds executed and provided by Precision Grade, Inc;
 - c. Authorize a contingency, not to exceed ten percent (10%) of the contract amount or \$173,275 to provide funding for approved contract change orders;
 - d. Authorize the Resource Management Agency Director to execute the contract and, subject to the terms of the Public Contract Code, approve change orders to the contract that do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work; and
 - e. Authorize the Resource Management Agency Director to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when the Director or Deputy Director determines that the contract is complete in all respects in accordance with Plans and Special Provisions for the construction of the Slope Repairs at Various Locations Project by Precision Grade, Inc.

Approved - Agreement No. 14449

Addenda/Supplemental

28.

ADDENDA

Add to Appointments

- 5.1 Appoint Mariano Parra to the Greenfield Public Recreation District for a term ending December 31, 2022. (Supervisor Lopez)
- 5.2 Appoint Carla Stewart to the Animal Control Program Advisory Board for a term ending July 1, 2020. (Supervisor Lopez)

Add to 1:30 P.M. - Scheduled Matters

Introducing Supervisor Luis A. Alejo's Young Supervisors Program Class of 2019