

Monterey County

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



Action Minutes - Final

Tuesday, May 3, 2016

9:00 AM

**See separate agenda for Board of Supervisors of the Monterey
County Water Resources Agency.**

Board of Supervisors

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

9:00 A.M. - Call to Order

The meeting was called to order by Chair Parker.

Roll Call

Present: 5 - Supervisor Jane Parker, Supervisor Fernando Armenta, Supervisor Dave Potter, Supervisor John M. Phillips and Supervisor Simón Salinas

Additions and Corrections for Closed Session:

There were no additions to Closed Session.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.
 - b. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding two matters of discipline, dismissal, or release of a public employee(s).
 - c. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Public Administrator/Public Guardian.
 - d. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) Application 12-04-019, Before the Public Utilities Commission of the State of California, of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates. (ADDED VIA ADDENDA)

Public comment: Enrique Flores.

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

a. 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 item 1.a.

b. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding two matters of discipline, dismissal, or release of a public employee(s). CLOSED SESSION REPORT: The Board took no reportable actions on item 1.b.

c. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Public Administrator/Public Guardian. **CLOSED SESSION REPORT:** The Board concurred in the appointment of Elsa Jimenez to the position of Public Administrator/Public Guardian.

d. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:

(1) Application 12-04-019, Before the Public Utilities Commission of the State of California, of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates. (ADDED VIA ADDENDA)

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

10:30 A.M. - Reconvene

Roll Call

Present: 5 - Supervisor Jane Parker, Supervisor Fernando Armenta, Supervisor Dave Potter, Supervisor John M. Phillips and Supervisor Simón Salinas

Pledge of Allegiance

The Pledge of Allegiance was led by Supervisor Salinas.

Additions and Corrections

Due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda, as provided in Section 54954.2 of the California Government Code the Board is asked to make the following corrections:

Correction to Appointments

9. Revised Notification to Clerk submitted; reason for unexpired term added
Appoint Bob Lockwood to the Greenfield Memorial District to fill an unscheduled vacancy with a term ending November 30, 2019. (Supervisor Salinas)

Correction from Consent Calendar – Department of Social Services

18. Correction to the title:

- a. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute a Standard Agreement for the term of July 1, 2016 through June 30, 2018 June 30, 2019 with LocumTenens.com to refer Locum Tenens Psychiatric Service Providers for the provision of mental health treatment services to adults and children with psychiatric impairments and disabilities in the amount of \$750,000 for Fiscal Year (FY) 2016 17 through FY 2018 19, for a total Agreement not to exceed the amount of \$750,000; and
- b. Authorize the Contracts Purchasing Officer, to approve up to three (3) future one year amendments that do not exceed ten percent (10%) (\$75,000) of the original Agreement amount and do not significantly alter the scope of services.

Remove from Consent Calendar – Department of Social Services

20. Approve and authorize the Director of Social Services and the Interim

Director of Health to sign Memorandums of Understanding (MOUs) between the County of Monterey and Community Hospital of the Monterey Peninsula, Natividad Medical Center, Salinas Valley Memorial Hospital and George L. Mee Memorial Hospital to ensure compliance with Penal Code §11165.13 and Health & Safety Code §1255.7 regarding substance exposed infants and Safely Surrendered Infants.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas to approve corrections to the agenda. ALL AYES

Consent Calendar

2. Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Armenta pulled item 26.1 and requested it be postponed.

#26.1 Public comment: Jay Donato addressed the Board. Mark Mariscal, Parks Director responded.

#26: A motion was made by Supervisor Simón Salinas, seconded by Supervisor Dave Potter to continue item 26.1 for one week to May 10, 2016. ALL AYES

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to approve the Consent Calendar (See Supplemental Sheet), with the exception of itm 26.1. ALL AYES

Ceremonial Resolutions

3. Adopt Resolution Commending Deputy Eric “Chiefy” Byrom, Monterey County Sheriff’s Office upon his retirement from 36 Years of Public Service. (Supervisor Parker)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-095 commending Deputy Eric “Chiefy” Byrom, Monterey County Sheriff’s Office upon his retirement from 36 Years of Public Service. (Supervisor Parker) ALL AYES

4. Adopt Resolution honoring Cheryl Miller upon her retirement from the Health Department, Behavioral Heath Bureau after a combined 34 ½ years of dedicated public service. (Full Board)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-096 honoring Cheryl Miller upon her retirement from the Health Department, Behavioral Heath Bureau after a combined 34 ½ years of dedicated public service. (Full Board) ALL AYES

5. Adopt Resolution declaring May 2016 as Older American’s Month in Monterey County. (Supervisor Parker)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-097 declaring May 2016 as Older American’s Month in Monterey County. (Supervisor Parker) ALL AYES

6. Adopt Resolution recognizing Bruce A. Welden, REA, REHS, a Monterey County Employee, for his 27 years of service with the Environmental Health Bureau, Monterey County Health Department. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-098 recognizing Bruce A. Welden, REA, REHS, a Monterey County Employee, for his 27 years of service with the Environmental Health Bureau, Monterey County Health Department. (Full Board) ALL AYES**
7. Adopt Resolution of the Board of Supervisors of the County of Monterey, State of California, Honoring Public Service Recognition Week and the Employees Providing Public Service. (Supervisor Parker)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-099 honoring Public Service Recognition Week and the Employees Providing Public Service. (Supervisor Parker) ALL AYES**

Appointments

8. Concur in the appointment of Interim Director of Health Elsa Jimenez to also serve as Monterey County Public Administrator/Public Guardian.
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to concur in the appointment of Interim Director of Health Elsa Jimenez to also serve as Monterey County Public Administrator/Public Guardian. ALL AYES**
9. Appoint Bob Lockwood to the Greenfield Memorial District to fill an unscheduled vacancy with a term ending November 30, 2019. (Supervisor Salinas)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to appoint Bob Lockwood to the Greenfield Memorial District to fill an unscheduled vacancy with a term ending November 30, 2019. (Supervisor Salinas) (Revised via Additions and Corrections) ALL AYES**

Other Board Matters

10. Board Comments
- Supervisor Armenta requested that the County Administrative Officer consider having a meeting with all Parks Department employees before the budget hearings to talk about the future of the department, layoffs, the lack of leadership and support for these employees, and where to take the department in the future. He requested that Parks Management be excluded from the meeting.**
- Supervisor Parker announced that she will be convening and co-hosting a meeting for residents of the Salinas City Elementary School District regarding traffic and pedestrian safety. The School District, the City and TAMC will be participating, with the goal of working together to address community**

concerns. The meeting will be held at Mission Park School multi-purpose room, located at 403 W. Acacia St. at 6 pm.

11. CAO Comments and Referrals

There were no CAO comments or referrals.

12. General Public Comment

Frank Garden; Mario Robles; Alvin Maynard; Dora Renteria; Justin Ramirez; Vanessa Soto; Michael Smith; Ricardo Islas; Anthony Hielman; Jorge Duarte; Ernesto Ibarra; Danny Togafau; Geore Maestas; Jacqueline Simon; Joe Vierra; Hans Jongens; Wes White.

10:30 A.M. - Scheduled Matters

13. Public hearing to consider adoption of a resolution to amend Article XIX (Resource Management Agency-Building Services) of the Monterey County Fee Resolution to establish new fees and revise existing fees for County construction permitting and inspection services.

Public hearing held.

Public comment: Sheryl World; Jill Campbell; Hans Jongens.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to adopt Resolution No. 16-100 to amend Article XIX (Resource Management Agency-Building Services) of the Monterey County Fee Resolution to establish new fees and revise existing fees for County construction permitting and inspection services. ALL AYES

12:00 P.M. - Recess to Lunch

1:30 P.M. - Reconvene Monterey County Board of Supervisors

Roll Call

Supervisor Potter arrived on the dais before the completion of item 14.

Present: 5 - Supervisor Jane Parker, Supervisor Fernando Armenta, Supervisor Dave Potter, Supervisor John M. Phillips and Supervisor Simón Salinas

1:30 P.M. - Scheduled Matters

14. a. Receive a presentation on the Monterey Bay Community Power Project.
b. Provide direction to staff as appropriate.

Public comment: Eric Peterson.

By consensus, the Board: a. Received a presentation on the Monterey Bay Community Power Project; and b. Provided direction to staff as appropriate.

15. Hold a noticed public hearing to:

a. Receive a report regarding the status of Condition of Approval No. 74 for

the Monterra Ranch Standard Subdivision (SB 826, Resolution No. 87-527), calling for the construction of a 20-car park and ride lot; and

b. Give direction to staff to process a modification of the condition or other appropriate action.

Held a noticed public hearing.

Public comment: Mike Weaver; Eric Peterson; Richard Rosenthal; Alan Williams.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to:

a. Receive a report regarding the status of Condition of Approval No. 74 for the Monterra Ranch Standard Subdivision (SB 826, Resolution No. 87-527), calling for the construction of a 20-car park and ride lot; continue the the matter to a date uncertain; and

b. Direct staff to work with MST and CalTrans to discuss other locations and funding opportunities; and consult with Nossaman regarding grant opportunities. ALL AYES

Adjournment

APPROVED:

/s/ Jane Parker
JANE PARKER, CHAIR
BOARD OF SUPERVISORS

ATTEST:

BY: /s/ Gail T. Borkowski
GAIL T. BORKOWSKI
CLERK OF THE BOARD
APPROVED ON 06-07-2016

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

16. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute Amendment No. 3 to the Agreement (A-12739) with Schipper Design, LLC. for Marketing and Design Services at NMC, extending the Agreement for one (1) year with the option to extend for one additional one (1) year period remaining as per the provisions within RFP 9600-47, for a revised full term of January 1, 2014 through June 30, 2017 and adding \$570,000 for a revised total Agreement amount not to exceed \$1,070,000.

Approved - Agreement No. A-12739

Health Department

17. a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Mental Health Services Agreement for a term from September 1, 2015 through June 30, 2018 with Greenacre Homes, Inc. for the provision of mental health services to Monterey County boys and young men ages 8-19 with developmental delays or emotional disturbances, in the amount of \$77,460 for Fiscal Year (FY) 2015-16, \$92,952 for FY 2016-17, and \$92,952 for FY 2017-18 for a total Agreement not to exceed the amount of \$263,364; and
- b. Authorize the Director of Health or Assistant Director of Health to approve up to three (3) future one year amendments that do not exceed (10%) (\$26,336.40) of the original Agreement amount and do not significantly alter the scope of services.

Approved - Agreement No. A-13115

18. a. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute a Standard Agreement for the term of July 1, 2016 through June 30, ~~2018~~ 2019 with LocumTenens.com to refer Locum Tenens Psychiatric Service Providers for the provision of mental health treatment services to adults and children with psychiatric impairments and disabilities in the amount of \$750,000 for Fiscal Year (FY) 2016-17 through FY 2018-19, for a total Agreement not to exceed the amount of \$750,000; and
- b. Authorize the Contracts Purchasing Officer, to approve up to three (3) future one year amendments that do not exceed ten percent (10%) (\$75,000) of the original Agreement amount and do not significantly alter the scope of services. (REVISED VIA ADDITIONS & CORRECTIONS)

Approved as revised; Agreement No. A-13117

Department of Social Services

19. a. Approve and authorize the Director of the Department of Social Services to sign Amendment No. 1 to agreement A-12864 with Aspiranet for operation of the CHERISH Receiving Center adding \$39,326 to include Emergency Shelter Foster Homes (ESFH), increasing the total contract amount to \$208,461 for the period July 1, 2015 - June 30, 2016; and
- b. Authorize the Director of the Department of Social Services to sign up to (3) amendments to this agreement where the total amendments do not exceed 10% (\$16,914) of the original contract amount, and do not significantly change the scope of work.

Approved - Agreement No. A-12864

20. Approve and authorize the Director of Social Services and the Interim Director of Health to sign Memorandums of Understanding (MOUs) between the County of Monterey and Community Hospital of the Monterey Peninsula, Natividad Medical Center, Salinas Valley Memorial Hospital and George L. Mee Memorial Hospital to ensure compliance with Penal Code §11165.13 and Health & Safety Code §1255.7 regarding substance-exposed infants and Safely Surrendered Infants.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas to remove this item from the agenda. ALL AYES

21. a. Approve and authorize the Director of the Department of Social Services to sign an agreement with American Public Human Services Association for \$137,690 to provide consultation and technical assistance to the Department of Social Services and its Family and Children's Services Branch, retroactive from April 15, 2016 through April 30, 2017; and
- b. Authorize the Director of the Department of Social Services to sign up to (3) amendments to this agreement where the total amendments do not exceed 10% of the original contract amount (\$13,769), and does not significantly change the scope of work.

Approved - Agreement No. A-13116

Criminal Justice

22. Approve and Authorize the District Attorney to sign, submit and execute a Grant Application and Grant Acceptance for the Workers Compensation Insurance Fraud Grant, including any extensions or amendments thereof under similar terms and conditions, for continued programming and funding for FY 2016-17 from the California Department of Insurance, for the local Office of the District Attorney Workers Compensation Insurance Fraud Program.

Approved

23. Approve and Authorize the Monterey County Sheriff's Office as the agency to collect restitution, fines and/or fees from Penal Code Section 1170(h)(1)(2)(3) offenders currently imprisoned in the Monterey County Jail pursuant to Penal Code Section 2085.5.

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to adopt Resolution No. 16-101 approving and authorizing the Monterey County Sheriff's Office as the agency to collect restitution, fines and/or fees from Penal Code Section 1170(h)(1)(2)(3) offenders currently imprisoned in the Monterey County Jail pursuant to Penal Code Section 2085.5.
ALL AYES**

General Government

24. Authorize the Registrar of Voters to consolidate and provide specified election services to certain districts relating to the conduct of the June 7, 2016, Presidential Primary Election.

Approved

25. Authorize the Auditor-Controller to transfer FY2015 - 16 General Fund 001 appropriations of \$387,000 from County Counsel Enterprise Risk Appropriation Unit COU006, to County Counsel Appropriation Unit COU001 (4/5th vote required).

Approved

26. a. Approve and authorize the Contracts/Purchase Officer or Contracts Purchasing Supervisor to sign a Memorandum of Sublease Agreement with Sprint Spectrum Realty Company, L.P., to provide access and provide access to property located at the corner of Parker Flats Cut-Off Road and Eucalyptus Road located in Seaside, California 93955 within the property of Marina Coast Water District for the purpose of the construction, operation and maintenance Next Generation Radio Project (NGEN) site for a term of five (5) years from the Commencement date,
- b. Approve and authorize the Contracts/Purchase Officer or Contracts Purchasing Supervisor to sign up to four (4) additional five (5) year extension periods for the Memorandum of Sublease Agreement with Sprint Spectrum Realty Company, L.P. as requested by the Director of Emergency Communications,
- c. Approve Collocation Sublease Agreement with Sprint Spectrum Realty Company, L.P., for space up to (5) antenna(s), comprised of (2) microwaves to be specifically mounted at the Tenant's option and ground space in the location described in the Agreement at said location for a term of (5) years, monthly fee payable at \$2,500.00 with an annual cost increase of 3%,
- d. Approve and authorize the Contracts/Purchase Officer or Contracts Purchasing Supervisor to sign up to one (1) additional five (5) year extension period of the Collocation Sublease Agreement with Sprint Spectrum Realty Company, L.P., as requested by the Director of Emergency Communications,

- e. Approve and authorize signature of the Sprint/County Collocation Sublease Agreement letter addressed to Howard Gustafson at Marina Coast Water acknowledging the modification of Standard Terms and Payment Provisions as an adjunct to the initial five year sublease agreement between Sprint Spectrum Realty Company and the County, and
- f. Accept Non-Standard County Liability, Indemnification, and Insurance Provisions as recommended by the Director of Emergency Communications.

Approved - Agreement Nos. A-13113 (Sprint Spectrum Realty Co., L.P.); A-13114 (Sprint Spectrum Realty, Co. L.P.)

26.1

Agreement between Monterey County and Urban Park Concessionaires, doing business locally as “Monterey Lakes Recreation Company”, approving the Agreement retroactively to February 1, 2015 and extending the current term through October 31, 2017 for management services of resort business operations at Monterey County Parks lakes resort

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Dave Potter to continue to May 10, 2016 consideration of:
Agreement between Monterey County and Urban Park Concessionaires, doing business locally as “Monterey Lakes Recreation Company”, approving the Agreement retroactively to February 1, 2015 and extending the current term through October 31, 2017 for management services of resort business operations at Monterey County Parks lakes resort. ALL AYES**

RMA - Public Works**27.**

Acting on behalf of County Service Area 66 - Oak Tree Views:

- a. Approve an increase in appropriations in the amount of \$5,756 in the FY 2015-16 Adopted Budget for County Service Area 66 - Oak Tree Views, Fund 087-3000-8198-RMA083, where the financing source is Unassigned Fund Balance, to fund open space mowing (4/5th vote required); and
- b. Authorize the Auditor-Controller to amend the budget for County Service Area 66 - Oak Tree Views, Fund 087-3000-8198-RMA083, for FY 2015-16 by increasing appropriations in the amount of \$5,756 where Fund 087 Unassigned Fund Balance is the financing source to balance the appropriation increase. (4/5th vote required)

Approved

28.

Acting on behalf of County Service Area No. 30 - Rancho Mar Monte:

- a. Approve an increase in appropriations in the amount of \$5,200 in the FY 2015-16 Adopted Budget for County Service Area No. 30 - Rancho Mar Monte, Fund 064-3000-8198-RMA060, where the financing source is Unassigned Fund Balance, to fund tree removal projects (4/5th vote required); and
- b. Authorize the Auditor-Controller amend the budget for County Service Area No. 30 - Rancho Mar Monte, Fund 064-3000-8198-RMA060, for FY 2015-16 by increasing appropriations in the amount of \$5,200 where RMA

Fund 064 Unassigned Fund Balance is the financing source to balance the appropriation increase.

Approved

RMA - Planning

- 29.** a. Approve Amendment No. 2 to Professional Services Agreement No. A-12775 with Denise Duffy & Associates, Inc. to increase the not to exceed amount of \$321,769 by \$6,095 for a total amount not to exceed \$327,864 to allow the completion of tasks required by the United States Fish and Wildlife Services (USFWS) and the California Department of Transportation (Caltrans) to complete the Carmel River Floodplain Restoration and Environmental Enhancement Project in the Carmel Area Land Use Plan, for a term beginning July 29, 2014 through July 29, 2017; and
- b. Authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute Amendment No. 2 to Professional Services Agreement No. A-12775 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-12775

- 30.** a. Approve Amendment No. 2 to Professional Services Agreement (PSA) No. A-12772 with ICF Jones & Stokes, Inc. where the Base Budget in the amount of \$205,665 is increased by \$46,695 to \$252,360 and the Contingency Budget is unchanged at \$30,850, which increases the PSA amount from a total amount not to exceed \$236,515 to a total amount not to exceed \$283,210 to provide additional services for existing tasks associated with the completion of The Pebble Beach Company's Inclusionary Housing Environmental Impact Report (EIR) (PLN130447) in Pebble Beach, and extend the expiration date from June 30, 2016 for an additional six (6) months through December 31, 2016; and
- b. Approve Amendment No. 2 to Funding Agreement (FA) No. A-12781 with The Pebble Beach Company where the Base Budget in the amount of \$205,665 is increased by \$46,695 to \$252,360, the Contingency Budget is unchanged at \$30,850, and the County Contract Administration Fee is unchanged at \$3,170, which increases the FA amount from a total amount not to exceed \$239,685 to a total amount not to exceed \$286,380 to allow funding to Monterey County for costs incurred by ICF Jones & Stokes, Inc. and County departments to provide additional services for existing tasks associated with the completion of The Pebble Beach Company's Inclusionary Housing Environmental Impact Report (EIR) (PLN130447) in Pebble Beach, and extend the expiration date from June 30, 2016 for an additional six (6) months through December 31, 2016; and
- c. Authorize the Resource Management Agency Director to execute Amendment No. 2 to Professional Services Agreement No. A-12772,

Amendment No. 2 to Funding Agreement No. A-12781 and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.
[Permit Type: PLN130447 / EIR for The Pebble Beach Company's Inclusionary Housing Project]

Approved - Agreement Nos. A-12772 (ICF Jones & Stokes, Inc.); A-12781 (The Pebble Beach Co.)