

Monterey County

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



Action Minutes - Draft

Tuesday, September 26, 2017

9:00 AM

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

Board of Supervisors

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

9:00 A.M. - Called to Order

The meeting was called to order by Chair Adams.

Roll Call

Present: 5 - Supervisor Mary L. Adams, Supervisor Luis Alejo, Supervisor John M. Phillips, Supervisor Simón Salinas and Supervisor Jane Parker

Additions and Corrections for Closed Session:

There were no additions or corrections to Closed Session.

Public comment

Bill Carrothers; Eric Peterson.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.
 - b. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) Zhang v. County of Monterey, et al. (United States District Court case no. 17-CV-00007)
 - (2) Aera Energy LLC v. County of Monterey, et al. (Monterey County Superior Court case no. 16CV003980)
 - (3) California Resources Corporation v. County of Monterey, et al. (Monterey County Superior Court case no. 17CV000790)
 - (4) Chevron U.S.A. Inc., et al. v. County of Monterey, et al. (Monterey County Superior Court case no. 16CV003978)
 - (5) Eagle Petroleum LLC v. County of Monterey, et al. (Monterey County Superior Court case no. 17CV000935)
 - (6) National Association of Royalty Owners-California, Inc., et al. v. County of Monterey, et al. (Monterey County Superior Court case no. 17CV000871)
 - (7) Trio Petroleum LLC, et al. v. County of Monterey, et al. (Monterey County Superior Court case no. 17CV001012)
 - c. Pursuant to Government Code section 54957.6, the Board will confer with negotiators:
 - (1) Designated representatives: Irma Ramirez-Bough and Brette Neal

Employee Organization(s): Units F, H, J, K and S

d. Pursuant to Government Code section 54956.9(e)(3), the Board will confer with legal counsel regarding liability claims against the County of Monterey.

(1) Antonio Martinez, III and Jenny Martinez

(2) Curtis Andreus-Deshon Harper

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

f. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee.

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

CLOSED SESSION REPORT

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

a. 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 conferred with counsel and took no reportable action on item 1.a.

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

(1) Zhang v. County of Monterey, et al. (United States District Court case no. 17-CV-00007)

(2) Aera Energy LLC v. County of Monterey, et al. (Monterey County Superior Court case no. 16CV003980)

(3) California Resources Corporation v. County of Monterey, et al. (Monterey County Superior Court case no. 17CV000790)

(4) Chevron U.S.A. Inc., et al. v. County of Monterey, et al. (Monterey County Superior Court case no. 16CV003978)

(5) Eagle Petroleum LLC v. County of Monterey, et al. (Monterey County Superior Court case no. 17CV000935)

(6) National Association of Royalty Owners-California, Inc., et al. v. County of Monterey, et al. (Monterey County Superior Court case no. 17CV000871)

(7) Trio Petroleum LLC, et al. v. County of Monterey, et al. (Monterey County Superior Court case no. 17CV001012)

CLOSED SESSION REPORT: The Board conferred with counsel and took no reportable actions on items 1.b. (1), (2), (3), (4), (5), (6), and (7).

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

(1) Designated representatives: Irma Ramirez-Bough and Brette Neal

Employee Organization(s): Units F, H, J, K and S

CLOSED SESSION REPORT: The Board conferred with negotiators and took no reportable action on item 1.c. (1).

d. Pursuant to Government Code section 54956.9(e)(3), the Board will confer with legal counsel regarding liability claims against the County of Monterey.
 (1) Antonio Martinez, III and Jenny Martinez
 (2) Curtis Andreus-Deshon Harper
CLOSED SESSION REPORT: The Board conferred with counsel and voted unanimously to reject the claims of Antonio Martinez, III & Jenny Martinez and Curtis Andreus-Deshon Harper.

e. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the County Counsel.
CLOSED SESSION REPORT: The Board took no reportable action on item 1.e.

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

g. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
 (ADDED VIA ADDENDA)
CLOSED SESSION REPORT: The Board conferred with counsel and took no reportable action on item 1.g.

10:30 AM - Reconvened

Roll Call

Present: Diego Celis, Interpreter

Present: 5 - Supervisor Mary L. Adams, Supervisor Luis Alejo, Supervisor John M. Phillips, Supervisor Simón Salinas and Supervisor Jane Parker

Pledge of Allegiance

The Pledge of Allegiance was led by Supervisor Mary L. Adams.

Additions and Corrections

There were no additions or corrections to the agenda.

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Alejo pulled item 19.1 and clarified the item for the record.

A motion was made by Supervisor Luis Alejo, seconded by Supervisor Jane Parker to approve the Consent Calendar (See Supplemental Sheet), with the exception of item 19.1 ALL AYES

A motion was made by Sueprvisor Luis Alejo, seconded by Supervisor John M. Phillips to approve item 19.1. ALL AYES (See item)

Ceremonial Resolutions

3. Adopt Resolution in honor and recognition of the 100th Anniversary of the Monterey County Farm Bureau. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 17-336 in honor and recognition of the 100th Anniversary of the Monterey County Farm Bureau. (Full Board) ALL AYES**
4. Adopt Resolution proclaiming September 29 through October 8, 2017 as Binational Health Week. (Supervisor Adams)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 17-337 proclaiming September 29 through October 8, 2017 as Binational Health Week. (Supervisor Adams)ALL AYES**
5. Adopt Resolution commending Special Agent John Jefferson, California Department of Corrections upon his retirement after Twenty-Eight Years of Public Service. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 17-338 commending Special Agent John Jefferson, California Department of Corrections upon his retirement after Twenty-Eight Years of Public Service. (Full Board) ALL AYES**
- 5.1 Adopt Resolution recognizing Monterey Bay National Marine Sanctuary. (Full Board) (ADDED VIA ADDENDA)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 17-339 recognizing Monterey Bay National Marine Sanctuary. (Full Board) ALL AYES**

Other Board Matters

6. Board Comments
- Supervisor Parker highlighted Monterey County's accomplishments related to energy consumption savings. The County received the Gold Level Beacon Spotlight award for achieving real savings and reducing energy consumption by 15% since 2010. She thanked Dan Bertoldi, Sustainability Manager, for representing the County at the ceremony and for his great work. She thanked County staff for the activities that support energy savings, including installation of software, new light bulbs, new refrigeration units, and the solar project at the Public Works yard, to name a few. Supervisor Parker also thanked Elizabeth Russell at AMBAG for her work and advocacy related to energy savings. She thanked the Board of Supervisors, past and present, for their support of these efforts. She looks forward to continuing this trend.**
- Supervisor Alejo took a moment to reflect and send prayers to fellow Americans in Puerto Rico and the Virgin Islands, as well as Florida and Houston, Texas in light of the devastating floods and hurricanes. This reminds**

of us the need for preparedness. He requested an update, on a future Board's agenda, regarding the County's preparedness in the event of an earthquake.

Supervisor Alejo advised a report is coming out on September 28th regarding the Alisal Vibrancy Plan regarding existing conditions in the Alisal area. There will be a meeting for local businesses on October 4th and a community townhall on October 11th. Information can be found on the website: cityvision@salinas.org.

Supervisor Alejo acknowledged the groundbreaking for the new jail facility and thanked Senator Monning for his support and advocacy for this funding.

Supervisor Adams advised she and Supervisor Phillips represented the County at the Monterey Peninsula Chamber of Commerce Annual Leadership luncheon.

Supervisor Adams also announced the start of the Sam Farr Innovation Center for the New Plastics Economy at CSUMB. The Center will focus on redefining products and eliminating waste. The website is: thinkbeyondplastic.com. This is an exciting project for the community.

7. CAO Comments and Referrals

County Administrative Officer Dr. Lew Bauman advised of the following referrals from District 1 (Alejo):

1) Explore a lease agreement between the City of Salinas and the County of Monterey regarding the County's parcel adjacent to 855 East Laurel Drive in Salinas for the implementation of a BMX bike track, a new skate park, and a sidewalk on East Laurel Drive. Referred to the Resource Management Agency (RMA).

2) Expand access to Accessory Dwelling Units in Monterey County to address housing shortages in Monterey County. Referred to the Resources Management Agency (RMA).

8. General Public Comment

Steve Eklund; Ron Chesshire; Eric Peterson; Bill Carrothers.

10:30 A.M - Scheduled Matters

- 9.
- a. Conduct a Public Hearing to take comments on the draft Urban County Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2016-17 (PY 16-17);
 - b. Approve the Urban County CDBG CAPER for PY 16-17 for submittal to the U.S. Department of Housing and Urban Development; and,
 - c. Authorize the Director of the Economic Development Department to make minor changes to the CAPER in response to comments from HUD.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to:

- a. Conduct a Public Hearing to take comments on the draft Urban County Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2016-17 (PY 16-17);
- b. Approve the Urban County CDBG CAPER for PY 16-17 for submittal to the U.S. Department of Housing and Urban Development; and,
- c. Authorize the Director of the Economic Development Department to make minor changes to the CAPER in response to comments from HUD. ALL AYES

12:00 PM - Recessed to Lunch

The Board recessed to continued Closed Session.

1:30 PM - Reconvened

Roll Call

Present: Charlie Steves, Interpreter

Present: 5 - Supervisor Mary L. Adams, Supervisor Luis Alejo, Supervisor John M. Phillips, Supervisor Simón Salinas and Supervisor Jane Parker

1:30 P.M. - Scheduled Matters

10. PLN160348 - BLACK CROW LLC (MOORE)
Public hearing continued from June 27 and August 29, 2017. Public hearing to consider an appeal by Courtney Meyers from the April 27, 2017, decision of the Zoning Administrator to categorically exempt and approve a Coastal Administrative Permit and Design Approval to demolish an existing single-family dwelling with attached garage, and construct a new single-family dwelling with attached garage. Proposed CEQA Action: Categorically Exempt per Section 15302 of the CEQA Guidelines.
Project Location: 2874 Pradera Road, Carmel Meadows, Carmel Area Land Use Plan, Coastal Zone
Staff advised the Appellant and Applicant reached an agreement and the appeal has been withdrawn. This item was removed from the agenda.
11. Continued from September 19, 2017
Receive a presentation on the Capital Improvement Program Five Year Plan FY 2017-18 through FY 2021-22, Measure X/SB1 List of Projects (FY 2017/18), and Storm/Fire Damage Projects (FY 2017/18). (REVISED ATTACHMENT C SUBMITTED VIA SUPPLEMENTAL)
Public comment: Eric Peterson.
By consensus, the Board received a presentation on the Capital Improvement Program Five Year Plan FY 2017-18 through FY 2021-22, Measure X/SB1 List of Projects (FY 2017/18), and Storm/Fire Damage Projects (FY 2017/18). (Continued from September 19, 2017)

Adjournment

APPROVED:

**MARY L. ADAMS, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

BY: _____

**GAIL T. BORKOWSKI
CLERK OF THE BOARD**

APPROVED ON _____

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

12. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute the First Amendment to Professional Services Agreement with Candice Becker-Schwarm CNM to provide nurse midwife services, extending the term by twenty-four (24) months (October 1, 2017 to September 30, 2019) for a revised full agreement term of January 1, 2017 to September 30, 2019 and adding \$350,000 for a revised amount not to exceed \$450,000 in the aggregate; 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 exceed the term by more than twelve (12) months, do not significantly change the scope of work, and do not cause an increase of more than ten percent 10% (\$10,000) of the original contract amount per each amendment.

Approved - Agreement No. A-13752

13. a. Adopt the Natividad Medical Center Construction Task Catalog, Project Manuals, and Technical Specifications for the Job Order Contract Projects, Project No. JOC Bid Nos. NMC 2017-01, Bid Nos. NMC 2017-02, as part of the information to complete the Job Order Contract program; and
- b. Authorize advertising the "Notice to Contractors" in a newspaper of general circulation.

Approved

14. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute the Second Amendment to the Professional and Call Coverage Services Agreement (A-12797) with Dansin, Inc. to provide neurosurgery services, extending the term by thirty-six (36) months (October 1, 2017 to September 30, 2020) for a revised full agreement term of September 1, 2014 to September 30, 2020. There is no additional cost for this amendment; 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 exceed the term by more than twelve (12) months, 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 per each amendment.

Approved - Agreement No. A-12797

15. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute the Professional and Call Coverage Services

Agreement with Precision Orthopedics, a Medical Group to provide orthopedic surgery services at NMC for an amount not to exceed \$6,573,300 for the period October 1, 2017 to September 30, 2020 (36 months); and

- b. Authorize the Deputy Purchasing Agent for NMC or his designee to sign up to three (3) future amendments to this Agreement where the total amendments do not extend the term by more than twelve (12) months, do not significantly change the scope of work, and do not cause an increase of more than ten percent 10% (\$657,330) of the original contract amount per each amendment.

Approved - Agreement No. A-13737

16.
 - a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute the Second Amendment to the Professional and Call Coverage Services Agreement (A-12752) with Monterey Spine and Joint PC, a California professional corporation to provide neurosurgery services, extending the term by twelve (12) months (October 1, 2017 to September 30, 2018) for a revised full agreement term of October 1, 2014 to September 30, 2018 and adding \$600,000 for a revised amount not to exceed \$2,350,000 in the aggregate; 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 exceed the term by more than twelve (12) months, do not significantly change the scope of work, and do not cause an increase of more than ten percent 10% (\$125,000) of the original contract amount per each amendment.

Approved - Agreement No. A-12752

17.
 - a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute an agreement with Mark Ramirez for supply chain process and consulting services at NMC for an amount not to exceed \$350,000 with an agreement term October 2, 2017 through October 1, 2019.
 - 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%) (\$35,000) of the original cost of the agreement per each amendment.

Approved - Agreement No. A-13738

Health Department

18.
 - a. Authorize the Director of Health or Assistant Director of Health to accept the \$6,000,000 Proposition 47 Grant entitled "No Zip Code Left Behind: Addressing Inequalities Through Collaborative Partnerships" from the State of California Board of State and Community Corrections ("BSCC") to fund mental health services, substance use disorder services, housing related assistance, and community based supportive services; and
 - b. Authorize the Director of Health or Assistant Director of Health to execute the

Grant Agreement No. BSCC 543-17 with BSCC for a total Grant amount of \$6,000,000 for the grant period from June 16, 2017 to August 15, 2020.

Approved

19. a. Introduce, waive reading and consider an ordinance amending Section 15.40.042 of Chapter 15.40 of the Monterey County Code which details the competitive process to be used for the selection of an emergency ambulance provider for the County's exclusive operating area; and
b. Set October 10, 2017 at 10:30 a.m. for adoption of the ordinance.

Approved

Department of Social Services

- 19.1 a. Approve and authorize the Director of the Department of Social Services to sign an MOU with the City of Salinas on homeless shelter strategies.
b. Proposed CEQA action: statutory exemption per CEQA guidelines section 15269(c). (ADDED VIA ADDENDA)

A motion was made by Supervisor Luis Alejo, seconded by Supervisor Jane Parker to:

- a. Approve and authorize the Director of the Department of Social Services to sign an MOU with the City of Salinas on homeless shelter strategies.
b. Proposed CEQA action: statutory exemption per CEQA guidelines section 15269(c). (ADDED VIA ADDENDA) ALL AYES**

Criminal Justice

20. Receive and accept the Annual Real Estate Fraud Report for Fiscal Year ("FY") 2016-17 submitted by the District Attorney's Office in accordance with California Government Code section 27388(d).

Approved

General Government

21. Accept the Monterey County Agricultural Advisory Committee Annual Report covering the period of July 1, 2016, through June 30, 2017.

Approved

22. a. Approve and authorize the Chair of the Board of Supervisors, as the Chief Elected Official for the Monterey County local workforce development area, to execute Amendment No. 1 to the Memorandum of Understanding between the Monterey County Workforce Development Board and Monterey County Office for Employment Training, for the provision of Proposition 39 Pre-Apprenticeship services, reducing funds from \$115,181 to \$98,984 to

account for a decrease in participants; and

- b. Approve and authorize the Interim Executive Director of the Monterey County Workforce Development Board to sign the MOU Amendment No. 1.

Approved - Agreement No. A-13750

- 23.
 - a. Approve and authorize the Chair of the Board of Supervisors, as the Chief Elected Official for the Monterey County local workforce development area, to execute Amendment No. 1 to the Memorandum of Understanding between the Workforce Development Boards of Monterey and San Benito Counties, for the provision of Proposition 39 Pre-Apprenticeship services, adjusting funds from \$19,486 to \$65,244 to account for an increase in participants; and
 - b. Approve and authorize the Interim Executive Director of the Monterey County Workforce Development Board to sign the MOU Amendment No. 1.

Approved - Agreement No. A-13497

- 24.
 - a. Approve and authorize the Chair of the Board of Supervisors, as the Chief Elected Official for the Monterey County local workforce development area, to execute Amendment No. 1 to the Memorandum of Understanding between the Workforce Development Boards of Monterey and Santa Cruz Counties, for the provision of Proposition 39 Pre-Apprenticeship services, reducing funds from \$123,533 to \$99,904 to account for a decrease in participants; and
 - b. Approve and authorize the Interim Executive Director of the Monterey County Workforce Development Board to sign the MOU Amendment No. 1.

Approved - Agreement No. A-13749

- 25. Receive the action minutes from the August 14, 2017 meeting of the Legislative Committee.

Approved

RMA - Administration

- 26.
 - a. Accept and authorize the Chair to execute the Conservation Easement Deed.
 - b. Direct the Clerk of the Board to submit the Conservation Easement Deed to the County Recorder for filing.
(Conservation Easement Deed - PLN140171/Guidon, portion of 26334 Carmelo Street, Carmel)

Approved

RMA - Public Works and Facilities

- 27.
 - a. Adopt Plans and Special Provisions for the San Jon Road and Boronda Road

Bridges-Rail Replacement, Project No. 1141, Federal Aid Project No. STPLX-5944(124); and

b. Authorize the Resource Management Agency Director to advertise the “Notice to Bidders” in the Monterey County Weekly.

Approved - Construction No. 2017-004

28.

- a. Award a contract to Telfer Oil Company, the lowest responsible bidder, for the Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat FY18, Project No. 5518, in the total amount of \$161,115.27;
- b. Approve the Performance and Payment Bonds executed and provided by Telfer Oil Company;
- c. Authorize a contingency (not to exceed 10% of the contract amount) 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 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 determines that the contract is complete in all respects in accordance with Plans and Special Provisions for the construction of Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat FY18, Project No. 5518, performed by Telfer Oil Company.

Approved - Agreement No. A-13710 ; Construction No. 2017-002