

Monterey County

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



Action Minutes - Final

Tuesday, May 12, 2015

9:00 AM

**See separate agendas for Board of Supervisors governed Agencies
and Special Districts.**

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

Additions and Corrections for Closed Session

There were no additions or corrections 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) Landwatch Monterey County v. County of Monterey, et al. (Monterey County Superior Court case no. M109434)
 - (2) The Open Monterey Project v. Monterey County Board of Supervisors, et al. (Monterey County Superior Court case no. M109441)
 - (3) Deputy Sheriffs' Association of Monterey County v. Scott Miller, et al., (U.S. District Court case no. 5:14-cv-04128)
 - (4) Appeal of Claim for Short Term Disability Benefits by a Public Employee
 - 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 54957.6, the Board will confer with labor negotiators:
 - (1) Designated representatives: Manuel Gonzalez, Interim Director of Human Resources and Kimberley Moore, Assistant Director of Human Resources
Unit(s): ~~F, J, Q and V~~ (REVISED VIA SUPPLEMENTAL)
 - (2) Designated representatives: Manuel Gonzalez, Interim Director of Human Resources and Brette Neal, Human Resources Manager
Units: A, D, E, F, G, H, J, K, S, X and Y (ADDED VIA ADDENDUM)
 - d. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of potential initiation of litigation. (ADDED VIA ADDENDUM)

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

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

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

Pledge of Allegiance

The Pledge of Allegiance was led by Clerk of the Board Gail T. Borkowski.

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 correction:

Under Consent Calendar – General Government

20. Revised Title and Report submitted.

a. Approve and authorize an operating transfer of \$183,773.32 from the Information Technology Department (ITD), Fund 001, Unit 8436, Appropriation Unit INF002, to the NGEN Project Fund 405, Unit 8426, Appropriation Unit EME002, and the transfer of a fixed asset from the NGEN Project to ITD; and

b. revised-now reads as:

b. Approve and authorize an increase of appropriations and estimated revenue in the Information Technology Department 1930 Fund 001 INF002 8436 in the amount of \$187,773.32 (4/5th vote required)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to approve Corrections to the agenda. ALL AYES

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Potter pulled item 22 and expressed his appreciation on behalf of himself and the community that the lease for the Carmel library has come to fruition.

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to approve the Consent Calendar (See Supplemental sheet) ALL AYES

Ceremonial Resolutions

3. Adopt Resolution proclaiming the week of May 16 through May 22, 2015 as National Safe Boating Week. (Full Board)

A motion was made by Supervisor Fernando Armenta, seconded by Supervisor Dave Potter to adopt Resolution No. 15-106 proclaiming the week of May 16 through May 22, 2015 as National Safe Boating Week. (Full Board) ALL AYES

4. Adopt Resolution proclaiming the month of May as Mental Health Awareness

Month in Monterey County. (Full Board)

A motion was made by Supervisor Fernando Armenta, seconded by Supervisor Dave Potter to adopt Resolution No. 15-104 proclaiming the month of May as Mental Health Awareness Month in Monterey County. (Full Board) ALL AYES

- 5. Item Deleted

Other Board Matters

- 6. Board Comments

Supervisor wished Supervisor Parker a belated Happy Birthday.

Supervisor Armenta requested that the Mental Health Commission rotation of Board members should be done annually.

Supervisor Armenta announced that he received a letter from Jesse Herrera, an original founder of the Latino Network, requesting a donation of \$2,000 to fund Jose Gutierrez from Texas, as a speaker for the September Latino Network luncheon. He committed to finding funds and may contribute funds himself.

Supervisor Armenta advised that last Friday, the Presidio held a Language/Cultural Day, and paid special tribute to Vietnam Veterans. He and two of his brothers were honored at this ceremony. Fifty-four veterans attended. Each veteran had his own active duty military escort. He thanked the Presidio and U.S. Army for the V.I.P. treatment.

Supervisor Parker thanked the Alliance on Agency for their program where volunteers go to skilled living and assisted living facilities to present flowers to mothers in residence there. The pleasure of seeing the recipients take in the beauty of the flowers was a wonderful experience. Receiving a potted plant brought a great deal of pleasure to these women.

Supervisor Phillips concurred with Supervisor Armenta's suggestion to rotate the Board Mental Health Commission members annually.

- 7. CAO Comments and Referrals

There were no CAO comments or referrals.

- 8. General Public Comment

Steve Ecklund; Lorna Moffat; Cynthia Hertlein; Gail Smith.

10:30 A.M. - Scheduled Matters

- 9.
 - a. Conduct a Public Hearing to take comments on the draft Urban County Action Plan for Fiscal Year 2015-2016 and proposed allocation of funds;
 - b. Approve the Fiscal Year 2015-2016 Action Plan containing recommendations for funding of projects and programs;

- c. Authorize the Director of Economic Development to submit the Fiscal Year 2015-2016 Action Plan to HUD and to execute any and all other necessary HUD documents;
- d. Authorize the Director of Economic Development to execute contracts and any and all other necessary and associated documents in regard to the allocations for projects and programs; and
- e. Approve an allocation of Urban County Community Development Block Grant funds for Fiscal Year 2015-2016 of \$896,616.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to: a. Conduct a Public Hearing to take comments on the draft Urban County Action Plan for Fiscal Year 2015 2016 and proposed allocation of funds; b. Approve the Fiscal Year 2015 2016 Action Plan containing recommendations for funding of projects and programs; c. Authorize the Director of Economic Development to submit the Fiscal Year 2015 2016 Action Plan to HUD and to execute any and all other necessary HUD documents; d. Authorize the Director of Economic Development to execute contracts and any and all other necessary and associated documents in regard to the allocations for projects and programs; and e. Approved an allocation of Urban County Community Development Block Grant funds for Fiscal Year 2015 2016 of \$896,616. ALL AYES

9.1

- a. Receive an update on the draft Marina-Salinas Multimodal Corridor Plan; and
- b. Provide input to the Transportation Agency of Monterey County (TAMC). (Marina-Salinas Multimodal Corridor Plan - REF150027, County-wide, Categorically Exempt per CEQA Guidelines Sections 15060 (c) (3) and 15378 [Information Only])

Public comment: Eric Peterson; Debbie Hale.

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to: a. Receive an update on the draft Marina-Salinas Multimodal Corridor Plan; and b. Provide input to the Transportation Agency of Monterey County (TAMC). (Marina-Salinas Multimodal Corridor Plan - REF150027, County-wide, Categorically Exempt per CEQA Guidelines Sections 15060 (c) (3) and 15378 [Information Only]) ALL AYES

12:00 PM Recess to Lunch**1:30 PM Reconvene - Monterey County Board of Supervisors****Roll Call**

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

1:30 P.M. - Scheduled Matters**10.**

- Public Hearing to consider further action on:
- a. Addendum No. 3 to the Final Environmental Impact Report for the 2010

Monterey County General Plan together with (#7-01, SCH #20071212001) (“FEIR”); and

b. Amendments to the 2010 Monterey County General Plan to implement litigation settlement agreements with LandWatch Monterey County and The Open Monterey Project.

(REF150010/General Plan Amendment No. 3)

A motion was made by Supervisor Fernando Armenta, seconded by Supervisor Jane Parker to: Hold a public hearing to consider further action on: a. Addendum No. 3 to the Final Environmental Impact Report for the 2010 Monterey County General Plan together with (#7 01, SCH #20071212001) (“FEIR”); and b. Amendments to the 2010 Monterey County General Plan to implement litigation settlement agreements with LandWatch Monterey County and The Open Monterey Project; c. The Board took no final action, continued to September 29, 2015 @ 1:30 p.m. ALL AYES

11.

Public hearing continued from April 14, 2015 to consider adopting a resolution to:

a. Deny the appeal by Paul and Linda Flores from the Planning Commission’s decision to deny a Combined Development Permit (Flores/PLN140300) consisting of: 1) Use Permit to allow after-the-fact removal of approximately 24 protected trees; 2) Use Permit to allow the removal of approximately 15 additional protected trees; and the Planning Commission’s decision to find incomplete the Design Approval application to allow the construction of a single family dwelling and accessory dwelling unit (ADU) until full site restoration has been completed;

b. Find the project Statutorily Exempt per Public Resources Code Section 21080(b)(5) and Section 15270(a) of the CEQA Guidelines; and

c. Deny a Combined Development Permit (Flores/PLN140300) consisting of: 1) Use Permit to allow after-the-fact removal of approximately 24 protected trees; 2) Use Permit to allow the removal of approximately 15 additional protected trees and 3) Design Approval to allow the construction of a 7,200 square foot single family dwelling and 1,200 square foot accessory dwelling unit (ADU).

(Appeal - PLN140300/Flores, 564 Monhollan Road, Carmel, Greater Monterey Peninsula Area Plan)

Anthony Lombardo addressed the Board on behalf of the Appellant; Sam Ezekiel addressed the Board on behalf of the opposition.

Public comment: Roberto Ruen; Zach Goldman; David Beech.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to: Public hearing continued from April 14, 2015 held to consider adopting a Resolution to:

a. Deny the appeal by Paul and Linda Flores from the Planning Commission’s decision to deny a Combined Development Permit (Flores/PLN140300) consisting of: 1) Use Permit to allow after the fact removal of approximately 24 protected trees; 2) Use Permit to allow the removal of approximately 15 additional protected trees; and the Planning Commission’s decision to find incomplete the Design Approval application to allow the construction of a single family dwelling and accessory dwelling unit (ADU) until full site restoration has been completed;

- b. Find the project Statutorily Exempt per Public Resources Code Section 21080(b)(5) and Section 15270(a) of the CEQA Guidelines; and
- c. Deny a Combined Development Permit (Flores/PLN140300) consisting of: 1) Use Permit to allow after the fact removal of approximately 24 protected trees; 2) Use Permit to allow the removal of approximately 15 additional protected trees and 3) Design Approval to allow the construction of a 7,200 square foot single family dwelling and 1,200 square foot accessory dwelling unit (ADU)
- d. Additionally, the Board directed that site be returned to its natural grade; added fill be removed; provide a site restoration and vegetation plan, to include tree replacement at a 3 to 1 ratio; provide a drainage plan addressing soil stability and site run-off control; clarify water source & sustainability; preserve the existing barn/garage; any additional dwelling unit should be no larger than the existing dwelling unit; any new permit application should be submitted with the required fee and this should occur within one year of this decision or the enforcement will commence. (Appeal PLN140300/Flores, 564 Monhollan Road, Carmel, Greater Monterey Peninsula Area Plan) ALL AYES

Adjournment

APPROVED:

/s/ Simón Salinas

**SIMÓN SALINAS, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

BY: /s/ Gail T. Borkowski

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

APPROVED ON 07-28-2015

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

12. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) to execute an Agreement with Mobile Instrument Service and Repair Inc. for Repair and Maintenance of Surgical Instruments at NMC for an amount not to exceed \$270,000 for the period May 12, 2015 through May 11, 2018; and
- b. Authorize the Deputy Purchasing Agent for NMC 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-12693

13. a. Approve and Amend Personnel Policies and Practices Resolution No. 98-394, Appendix A, to Adjust the Salary Range for the Classification of: Rehabilitative Services Manager; and
- b. Direct the Monterey County Human Resources Department to Implement the Changes in the Advantage HRM System.

Approved

Health Department

14. a. Authorize the Contracts/Purchasing Officer to execute 340B Prime Vendor Program, Participant Agreement with Cardinal Health 110, LLC and Cardinal Health 411, Inc. ("Cardinal") for the purchase of discounted outpatient pharmaceuticals for the Monterey County Health Department, for an amount not to exceed \$30,000, in the period of April 28, 2015 through August 31, 2018; and
- b. Authorize the Contracts/Purchasing Officer to execute Apexus LLC, 340B Prime Vendor Participation Agreement ("Apexus"), for the period April 28, 2015 through April 30, 2016, and which shall automatically renew for additional one year terms, unless terminated earlier upon ninety days' written notice.
- c. Accept the non-standard contract provisions in the Cardinal and Apexus Agreements as recommended by the Director of Health; and
- d. Authorize the Contracts Purchasing Officer to approve up to three future amendments to the Cardinal Health 110, LLC and Cardinal Health 411, Inc. Agreement where the amendments do not exceed 10% of the annual amount and do not significantly change the scope of services.

Approved - Agreement No. A-12694

Department of Social Services

15. a. Approve the Area Agency on Aging 2015-16 Area Plan Update; and
b. Authorize the Chair of the Board of Supervisors to sign the Area Plan Transmittal Letter

Approved

16. Approve and authorize the Director of Department of Social Services, or his designee, to execute standard funding agreements and amendments for continued funding from state agencies for designated programs on behalf of the County for the period February 1, 2015 through December 31, 2016.

Approved

Criminal Justice

17. a. Approve the transfer of \$5,700 from the Juvenile Ward Trust Fund 020 to Fund 001, Department 2550-Probation for the purchase of recreational equipment, audio visual equipment and property boxes for juveniles in the Monterey County Youth Center and Juvenile Hall; and
b. Approve and authorize the Auditor-Controller to increase FY 2014-15 estimated revenues and appropriations totaling \$5,700 in Department 2550-Probation, Budget Units 8163-Juvenile Hall and 8164-Youth Center (4/5th vote required).

General Government

18. Approve and Authorize the Contract/Purchasing Officer to sign Amendment Number 8 to the Contractual Agreement No. A-07625 between the County of Monterey and the Megabyte Systems Inc. to implement the additional year of maintenance for the Megabyte Property Tax System for the fiscal year 2015-16 at a 0.8% COLA increase from the current annual rate not to exceed \$2,617.

Approved - Agreement No. A-07625

19. Approve and authorize the write off of \$29,429.27 in delinquent principal, and to forgo collection of approximately \$8,100 in interest and late fees, as of May 5, 2015, on a Small Business Revolving Loan Fund loan made to Craig Heath, doing business as Castroville Ace Hardware, as uncollectible debt.

Approved

20. a. Approve and authorize an operating transfer of \$183,773.32 from the Information Technology Department (ITD), Fund 001, Unit 8436, Appropriation Unit INF002, to the NGEN Project Fund 405, Unit 8426, Appropriation Unit EME002, and the transfer of a fixed asset from the NGEN Project to ITD; and
b. Approve and authorize an increase of appropriations and estimated revenue

in the Information Technology Department 1930 Fund 001-INF002-8436 in the amount of \$187,773.32 (4/5th vote required)

Approved

21. Set June 2, 2015 at 9:00 A.M. or thereafter for a public hearing to consider adoption of the Fiscal Year 2015-16 Appropriation Limits pursuant to Article XIII B of the California Constitution.

Approved

22. a. Approve and authorize the Contracts/Purchasing Officer to execute a fifteen-year Lease Agreement with WLKST Partners, LP, for 4,857 square feet of space located at 65 West Carmel Valley Road, Carmel Valley, California, for use by the Monterey County Free Libraries, Carmel Valley Branch;
b. Direct the Auditor-Controller to make lease payments of \$5,965.00 per month, effective July 1, 2015, and in accordance with the terms of the agreement; and
c. Authorize the Contracts/Purchasing Officer to make minor revisions to the Lease Agreement if deemed to be in the best interest of the County.

Approved - Agreement No. A-12695

23. Adopt Resolution to:
a. Approve the Record Retention Schedule for the Assessor and the County Clerk/Recorder Department for the storage and/or destruction of County records as set forth by federal and state laws, county codes, and policies; and
b. Authorize the Assessor-County Clerk-Recorder or designee to destroy or cause the destruction of County records in accordance with the approved Records Retention Schedule for the Assessor and the County Clerk/Recorder Department.

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to adopt Resolution No. 16-107 to:

**a. Approve the Record Retention Schedule for the Assessor and the County Clerk/Recorder Department for the storage and/or destruction of County records as set forth by federal and state laws, county codes, and policies; and
b. Authorize the Assessor-County Clerk-Recorder or designee to destroy or cause the destruction of County records in accordance with the approved Records Retention Schedule for the Assessor and the County Clerk/Recorder Department. ALL AYES**

24. Approve the Monterey County Board of Supervisors Draft Action Meeting Minutes for the following dates: Tuesday, January 27, 2015, Tuesday, February 3, 2015, Tuesday, March 3, 2015, Tuesday, March 10, 2015, Tuesday, April 7, 2015 and Tuesday, April 14, 2015.

Approved

- 24.1 a. Receive and accept the FY 2014-15 Financial Status Report through March

2015 for Parks General Fund 001; and
b. Approve and authorize the Auditor-Controller to amend the Parks Department FY 2014-15 Adopted Budget, Fund 001, Department 7500, Appropriation PAR001, to increase estimated revenue and appropriation by \$538,590 (4/5th vote required).

Approved

24.2

a. Receive and accept the FY 2014-15 Financial Status Report through March 2015 for Parks Enterprise Fund 452; and
b. Approve and authorize the Auditor-Controller to release \$300,000 from the Laguna Seca Track Maintenance and Repairs Assignment - Fund 001 Balance Sheet Account 3129 and increase \$300,000 in appropriations in General Fund CAO Other Financing Uses - Fund 001 Department 1050 Appropriation CAO017 Unit 8038. Transfer \$300,000 from General Fund CAO Other Financing Uses - Fund 001 Department 1050 Appropriation CAO017 Unit 8038 Object 7614 to Parks Fund 452 Department 7500 Appropriation PAR004 Unit 8391 Object 5940 (4/5th vote required).

Approved

RMA-Planning

25.

a. Ratify approval of an award from the California Ocean Protection Council for a grant in the amount of \$150,000 for “Collaborative Efforts to Assess Sea level Rise (SLR) Impacts and Evaluate Policy Options for the Monterey Bay Coast”;
b. Ratify the authorization by the RMA Director, or his designee, to accept, administer, and execute documents to secure these funds from the California Ocean Protection Council;
c. Ratify the approval of a sub-recipient agreement with Coastal Conservation and Research to undertake the grant work program;
d. Approve an increase in appropriations and estimated revenue in the amount of \$50,000 in the FY 2014-15 Adopted Budget RMA Planning 001-3000-8172-RMA001 where the financing source is from grant reimbursements(4/5 vote required); and
e. Authorize the Auditor Controller to modify the FY 2014-15 Adopted Budget to reflect the approved increases in appropriations and estimated revenue.
(Climate Adaptation Planning Grant/REF130044)

Approved

25.1

Adopt a Resolution:
a. Certifying that the Board has considered the Environmental Impact Report for the Monterey County Government Center and the Supplemental Environmental Impact Report for the East and West Wings Renovation

Project;

- b. Adopting Findings for project approval pursuant to the California Environmental Quality Act;
- c. Authorizing the East and West Wing and Administration Building tenant improvements and modular removal at the Government Center Facility located at 230 Church Street and 168 West Alisal Street, and modular removal at 111 West Alisal Street, Salinas; and
- d. Adopting a Mitigation Monitoring and Reporting Program.
(REF140014/East/West Wing Improvements and Modular Removal, Government Center, Salinas) (ADDED VIA ADDENDUM)

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to adopt Resolution No. 15-108 to:

- a. Certify that the Board has considered the Environmental Impact Report for the Monterey County Government Center and the Supplemental Environmental Impact Report for the East and West Wings Renovation Project;**
- b. Adopt Findings for project approval pursuant to the California Environmental Quality Act;**
- c. Authorize the East and West Wing and Administration Building tenant improvements and modular removal at the Government Center Facility located at 230 Church Street and 168 West Alisal Street, and modular removal at 111 West Alisal Street, Salinas; and**
- d. Adopt a Mitigation Monitoring and Reporting Program.
(REF140014/East/West Wing Improvements and Modular Removal, Government Center, Salinas) (ADDED VIA ADDENDUM) ALL AYES**

RMA-Public Works

26. Adopt Resolution to:
- a. Accept the 2014 Mileage of Maintained County Roads annual report; and
 - b. Direct the Director of Public Works to forward said Resolution and tabulations to the California Department of Transportation.
- A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to adopt Resolution No. 15-109 to:**
- a. Accept the 2014 Mileage of Maintained County Roads annual report; and**
 - b. Direct the Director of Public Works to forward said Resolution and tabulations to the California Department of Transportation. ALL AYES**
27. Adopt Resolution to extend the time to complete the Moss Landing Area Rule 20A and 20B Underground Utility District No. 14 in the Community of Moss Landing from June 2015 to June 2020.
- A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to adopt Resolution No. 15-110 to extend the time to complete the Moss Landing Area Rule 20A and 20B Underground Utility District No. 14 in the Community of Moss Landing from June 2015 to June 2020. ALL AYES**
28.
 - a. Award a contract to Granite Rock Company, the lowest responsible bidder, for the construction of the River Road Overlay project, Project No. 1724, with the bid amount of \$1,469,668;
 - b. Approve the Performance and Payment Bonds executed and provided by

Granite Rock Company;

c. Authorize a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change orders;

d. Authorize the Director of Public Works to execute the contract and, subject to the terms of the Public Contract Code, approve change orders to the contract that do not exceed the 10% of the original contract amount, and do not significantly change the scope of work; and

e. Authorize the Director of Public Works to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when he determines that the contract is complete in all respects in accordance with the Plans and Special Provisions for the construction of the River Road Overlay project, Project No. 1724, performed by Granite Rock Company.

Approved - Agreement No. A-12696; Construction No. 2015-007