

Monterey County

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



Meeting Agenda - Final-revised

Tuesday, October 17, 2017

9:30 AM

Final Revised at 5:00 P.M.

See separate agendas for East Garrison Community Services District, Pajaro County Sanitation District and Boronda County Sanitation District and the Board of Supervisor of the Monterey County Water Resource Agency

**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**

The Board of Supervisors welcomes you to its meetings, which are regularly scheduled each Tuesday. Your interest is encouraged and appreciated. Meetings are held in the Board Chambers located on the first floor of the Monterey County Government Center, 168 W. Alisal St., Salinas, CA 93901.

As a courtesy to others, please turn off all cell phones and pagers prior to entering the Board Chambers.

ALTERNATE AGENDA FORMATS: If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals with a disability requiring a modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may make these requests to the Clerk of the Board Office.

CEREMONIAL/APPOINTMENTS/OTHER BOARD MATTERS: These items may include significant financial and administrative actions, and items of special interest, usually approved by majority vote for each program. The regular calendar also includes "Scheduled Items," which are noticed hearings and public hearings.

CONSENT CALENDAR: These matters include routine financial and administrative actions, appear in the supplemental section by program areas, and are usually approved by majority vote.

TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Walk to the rostrum and wait for recognition by the Chair. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair, with equal time allocated to opposing sides of an issue insofar as possible. Allocated time may not be reserved or granted to others, except as permitted by the Chair. On matters for which a public hearing is required, please note that a court challenge to the Board's action may be limited to only those issues raised at the public hearing or in correspondence delivered to the Board at or before the public hearing.

TO ADDRESS THE BOARD DURING PUBLIC COMMENT: Please complete a Speaker Request Form, available on the rostrum, and submit it to the Clerk of the Board before the commencement of that agenda item. Public comments shall not pertain to matters on the agenda.

DOCUMENT DISTRIBUTION: Documents related to agenda items that are distributed to the Board less than 72 hours prior to the meeting shall be available for public inspection at the Clerk of the Board Office, 168 W. Alisal Street, 1st Floor, Salinas, CA. Documents distributed to the Board at the meeting by County staff will be available at the meeting; documents distributed to the Board by members of the public shall be made available after the meeting.

INTERPRETATION SERVICE POLICY: The Monterey County Board of Supervisors invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the Clerk of

the Board located in the Monterey County Government Center, 168 W. Alisal St., Salinas - or by phone at (831) 755-5066. The Clerk will make every effort to accommodate requests for translation assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting of the Board of Supervisors.

La Cámara de Supervisores del Condado de Monterey invita y apoya la participación de los residentes del Condado de Monterey en sus reuniones. Si usted requiere la asistencia de un interprete, por favor comuníquese con la oficina de la Asistente de la Cámara de Supervisores localizada en el Centro de Gobierno del Condado de Monterey, (Monterey County Government Center), 168 W. Alisal, Salinas – o por teléfono al (831) 755-5066. La Asistente hará el esfuerzo para acomodar los pedidos de asistencia de un interprete. Los pedidos se deberán hacer lo mas pronto posible, y a lo mínimo 24 horas de anticipo de cualquier reunión de la Cámara de Supervisores.

All documents submitted by the public must have no less than ten (10) copies. The Clerk of the Board of Supervisors must receive all materials for the agenda packet by noon on the Tuesday one week prior to the Tuesday Board meeting. Any agenda related writings or documents distributed to members of the County of Monterey Board of Supervisors regarding any open session item on this agenda will be made available for public inspection in the Clerk of the Board's Office located at 168 W. Alisal St., 1st Floor, Salinas, California. during normal business hours and in the Board Chambers on the day of the Board Meeting, pursuant to Government Code §54957.5

NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to corresponding Board Report.

PUBLIC COMMENT: Members of the public may address comments to the Board concerning each agenda item. Timing of public comment shall be at the discretion of the Chair.

9:30 A.M. - Call to Order

Roll Call

Additions and Corrections for Closed Session

The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:
 - (1) Property: Sewer system of CSA-75-Chualar
Negotiators: Carl Holm and Nick Chiulos
Negotiating Parties: Monterey One Water; California American Water
Under negotiation: Price and terms
 - b. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee.
 - c. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) *Stagecoach Territory, Inc. v. County of Monterey, et al* (Monterey Superior Court Case No. M104908 / Sixth District Court of Appeal H041076)
 - (2) *Nicolas Aquino v. County of Monterey Sheriff's Department, et al.* (United States District Court case no. 14-CV-03387-EJD. (ADDED VIA ADDENDUM)
 - Continuance of Closed Session to be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board. The public may comment on Closed Session items prior to the Board's recess to Closed Session.*

10:30 A.M. - Reconvene**Roll Call****Pledge of Allegiance****Additions and Corrections**

The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar (See Supplemental Sheet)

Ceremonial Resolutions

3. Adopt Resolution commending Leo Gillespie Monterey County Deputy Sheriff upon his retirement after 28.5 Years of Service. (Full Board)

Attachments: [Gillespie Ceremonial Resolution](#)

4. Adopt Resolution commending Julia W. Gross, Information Technology Department, upon her retirement from twenty-eight years of public service. (Full Board)

Attachments: [Gross Ceremonial Resolution](#)

Appointments

5. Appoint Fire Chief Michael Urquides to the Emergency Medical Care Committee as an alternate representative to ALS - Fire Districts for a term ending June 30, 2019. (Full Board)

Attachments: [Notification to Clerk - Urquides](#)

6. Appoint Fire Chief Brian Dempsey to the Emergency Medical Care Committee as an alternate representative to the BLS - Fire Districts for a term ending June 30, 2019. (Full Board)

Attachments: [Notification to Clerk - Dempsey](#)

7. Appoint Dino Pick, City Manager of Del Rey Oaks to the Emergency Medical Care Committee as City Managers alternate representative for a term ending June 30, 2019. (Full Board)

Attachments: [Notification to Clerk - Pick](#)

8. Appoint Paul Miller to the Emergency Medical Care Committee as a Citizens alternate representative for a term ending June 30, 2019. (Full Board)
- Attachments:** [Notification to Clerk - Miller](#)
9. Appoint John Sherwin to the Emergency Medical Care Committee as an alternate representative for Citizen with a term ending June 30, 2019. (Full Board)
- Attachments:** [Notification to Clerk - Sherwin](#)
10. Reappoint Maria Theresa Rodriguez to the Community Action Commission representing the private sector for a term ending July 1, ~~2019~~2020. (Supervisor Alejo) (CORRECTED VIA SUPPLEMENTAL)
- Attachments:** [Notification to Clerk - Rodriguez](#)
11. Reappoint Captain James Bass to the Community Restorative Justice Commission representing Local Corrections for a term ending November 1, 2020. (Full Board)
- Attachments:** [Notification to Clerk - Bass](#)

Other Board Matters

12. Board Comments
13. CAO Comments and Referrals
- Attachments:** [Referrals 10-17-17](#)
14. General Public Comment

This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board of Supervisors. Board members may respond briefly to the statement made or questions posed. They may ask a question for clarification; make a referral to staff for factual information or request staff to report back to the Board at a future meeting.

10:30 A.M. - Scheduled Matters

15. a. Receive and approve the Board of Supervisors Strategic Initiatives (SI) Fiscal Year (FY) 2016-17 Annual Report with the Managing for Results (MFR) FY 2016-17 Addendum Report;
Provide direction regarding possible updates to the Strategic Initiative Policy Area Milestones and Performance Measures for FY 2017-18;
- b. Provide direction on MFR Department Performance Measure improvements and to include Targets, where feasible; and
- c. Provide direction to staff as appropriate.

Attachments: [Board Report](#)
 [A. Strategic Initiatives FY1617 Annual Rpt](#)
 [B. MFR 2016-17 Addendum](#)

12:00 P.M. - Recess to Lunch

1:30 P.M. - Reconvene

Roll Call

1:30 P.M. - Scheduled Matters

- 16. PLN140863 - FIRST BAPTIST CHURCH**
Public hearing to adopt a resolution to grant in part the appeal by the First Baptist Church from the August 9, 2017, decision of the Planning Commission to adopt a Negative Declaration and approve a Use Permit to convert a single-family dwelling into a church. First Baptist Church is challenging conditions regarding Permit Expiration (2 years) and Scope of Use (maximum occupancy of 65 persons).
Proposed CEQA Action: Adopt a Negative Declaration per Section 15074 of the CEQA Guidelines.
Project Location: 19345 Cachagua Road, Carmel Valley, Cachagua Area Plan

Attachments: [Board Report](#)
 [Attachment A - Discussion](#)
 [Attachment B - Draft Resolution](#)
 [Attachment C - Notice of Appeal](#)
 [Attachment D - Planning Commission Resolution No. 17-030](#)
 [Attachment E - Vicinity Map](#)
 [Attachment F - Cachagua LUAC Minutes](#)
 [Attachment G - Negative Declaration and Initial Study](#)
 [Attachment H - Comments on the Negative Declaration and Responses to Com](#)
 [Attachment I - Applicant TMF Correspondence](#)
 [Attachment J - Public Correspondence](#)
 [Attachment K - Draft Revisions to Conditions Nos. 10 and 30](#)

Adjournment

Supplemental Sheet, Consent Calendar**Department of Social Services**

17. Approve the Bylaws of the Area Agency on Aging Advisory Council.

Attachments: [Board Report](#)
[AAA Bylaws 101717](#)

18. a. Approve and authorize the Director of the Department of Social Services to sign an Agreement with Binti, Inc. for \$28,000 to provide licenses, training, and support for resource family approval software effective upon execution for a term of 12-months; and
- b. Approve and authorize the Director of the Department of Social Services to sign up to three (3) amendments to the agreement where the total amendments do not exceed 10% (\$2,800) of the original contract amount, and do not significantly change the scope of work.

Attachments: [Board Report](#)
[Binti, Inc. Agreement](#)

General Government

19. a. Authorize the Director of the Information Technology Department to execute a non-standard Agreement with Federal Engineering, Inc. to provide microwave backhaul upgrade assessment, design, and consulting services, for the period October 17, 2017 through October 16, 2020 for a total contract amount of \$587, 233;
- b. Accept non-standard contract provisions as recommended by the Director of the Information Technology Department; and
- c. Authorize the Director of the Information Technology Department to sign up to two (2) amendments to this Agreement, extending the term by one (1) year per amendment, where the increase in the amount of each amendment does not exceed ten percent of the original cost (\$58,723.30 maximum increase per amendment) and where the amendments do not significantly change the scope of work and do not alter the non-standard terms of the Agreement.

Attachments: [Board Report](#)
[Federal Engineering, Inc. Agrmt](#)

20. a. Waive the 180-day “waiting period” for PERS retirees to return to work for recently-retired appellate law specialist Cathie M. Giovannini, former Deputy County Counsel;
- b. Find that the appointment of Cathie Giovannini is necessary to fill a critically needed position; and
- c. Approve and Authorize the hiring of retiree Cathie Giovannini as a temporary

County employee for the period August 30, 2017 to June 30, 2018, as recommended by the County Counsel.

Attachments: [Board Report CG 101017 - Signed](#)

- 21.**
- a. Authorize the Director of the Information Technology Department (ITD) or his designee to execute a non-standard agreement with Visual Systems Group, Inc. (VSGi) for upgrade and maintenance of ITD's audio/visual and videoconferencing equipment in an amount not to exceed \$49,965, with an agreement term of October 17, 2017 through October 16, 2020; and
 - b. Accept the non-standard provisions as recommended by the Director of the Information Technology Department.

Attachments: [Board Report](#)
[Visual Systems Group Inc Agrmt](#)

- 22.**
- Adopt a resolution to extend the Proclamation of a Local Emergency dated January 12, 2017, ratified on January 19, 2017, and reviewed and extended on February 14, 2017, March 14, 2017, April 11, 2017, May 9, 2017, June 6, 2017, June 27, 2017, July 25, 2017, August 3, 2017, August 29, 2017, and September 19, 2017, in accordance with California Government Code Section 8630 for a succession of significant winter storm events which occurred between January 4, and 12, 2017, that resulted in significant damage to public infrastructure and private property within Monterey County. (4/5ths vote required)

Attachments: [Board Report Ext Emerg Proc Jan Winter Storm 10172017 revised](#)
[Board Resolution Winter Storms 01122017 ext 10172017](#)
[Emerg Proc signed Jan 12 2017](#)

- 23.**
- Adopt a resolution to extend the Proclamation of a Local Emergency dated February 15, 2017, ratified on February 22, 2017, and reviewed and extended on March 21, 2017, April 18, 2017, May 16, 2017, June 13, 2017, July 11, 2017, July 25, 2017, August 3, 2017, August 29, 2017, and September 19, 2017, in accordance with California Government Code Section 8630 for atmospheric river events which occurred between February 7, 2017 through February 20, 2017, that resulted in multiple significant rainfall events causing damage to public infrastructure and private property. (4/5ths vote required)

Attachments: [Board Report Reso Ext Emerg Proc Feb Winter Storm 10172017](#)
[Board Reso Ext Emerg Feb proc 10172017](#)
[Emerg Proc Winter Storm signed 02152017 County of Monterey](#)

- 23.1**
- a. Approve Change Order No. 7 to Agreement No. A-13481 with Avila Brother's, Inc., dba Avila Construction Company for the Monterey County Government Center East/West Wing Renovation, 240 Church Street, Salinas CA, Project No. 8864, Bid Package No. 10599 in the amount of \$177,856;

b. Authorize the Deputy Director of Public Works & Facilities to execute Change Order No. 7 to Agreement No. A-13481 with Avila Brother's, Inc., dba Avila Construction Company for the Monterey County Government Center East/West Wing Renovation, 240 Church Street, Salinas CA, Project No. 8864, Bid Package No. 10599 in the amount of \$177,856.

Attachments: [Board Report](#)
 [Project Budget](#)
 [Location Map](#)

23.2 Appoint an ad hoc committee on election campaign financing.

Attachments: [Board Report](#)

23.3 Approve a Property Tax Transfer for the proposed "Miravale II (b) Reorganization" involving Sphere of Influence amendment, annexation of 45 acres to the City of Soledad and detachments from the Monterey County Resource Conservation District and Mission Soledad Rural Fire Protection District. (ADDED VIA ADDENDUM)

Attachments: [Reso](#)
 [Att. A-2014 Resolution.Miravale II Reorganization](#)
 [Att. B-Miravale II Reorganization.Map](#)

RMA-Administration

24. Acting on behalf of County Service Area 75 - Chualar:

- a. Set a Public Hearing on December 5, 2017, at 1:30 p.m. to hear protests against proposed increased wastewater service fees by property owners pursuant to Proposition 218 requirements;
- b. Direct Resource Management Agency to mail the Notice of Public Hearing to property owners in CSA 75 - Chualar not less than 45 (forty-five) days prior to the date of hearing; and
- c. Direct Resource Management Agency to publish the Notice of Public Hearing in the Monterey County Weekly not less than 45 (forty-five) days prior to the date of hearing.

Attachments: [Board Report](#)
 [Attachment A - Notice of Public Hearing](#)
 [Attachment B - CSA 75 - Final Wstewtr Rate Study](#)
 [Attachment C - CSA 75 Location Map](#)

RMA-Public Works and Facilities

25. Approve adding the 1200 Aguajito Road Seismic Assessment, Project No. 8584, to the approved FY 2017-18 Fund 401 - Facilities Maintenance Project list in the amount of \$125,000 where the funding source would be out of the FY 2017-18 Adopted Budget in Fund 401 Project Improvements To Be Determined (TBD) line item budgeted at \$1,575,096.

Attachments: [Board Report](#)

[Attachment A - Project Budget](#)

[Attachment B - Monterey Courthouse Facility-Plan View of Major Structure](#)

[Attachment C - Location Map](#)

26. Introduce, waive reading, and set October 24, 2017 at 10:30 a.m. to consider adoption of an ordinance adding Section 12.28.011 of the Monterey County Code to authorize the County to prohibit parking at any time on certain County streets and highways and to tow away vehicles that violate the prohibition. This ordinance also applies this restriction specifically to the entirety of Lapis Road near the community of Marina in the unincorporated area of the County of Monterey, effective December 1, 2017.

Attachments: [Board Report](#)

[Attachment 1 - Ordinance](#)

Board of Supervisors Addendum

27. Board of Supervisors Addendum / Supplemental for the meeting of Tuesday, October 17, 2017.

ADDENDUM**Add to Closed Session**

1. Closed Session under Government Code section 54950, relating to the following items:
 - c. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (2) Nicolas Aquino v. County of Monterey Sheriff's Department, et al. (United States District Court case no. 14-CV-03387-EJD.

Addition to Consent Calendar - General Government

- 23.3 Approve a Property Tax Transfer for the proposed "Miravale II (b) Reorganization" involving Sphere of Influence amendment, annexation of 45 acres to the City of Soledad and detachments from the Monterey County

Resource Conservation District and Mission Soledad Rural Fire Protection District.

SUPPLEMENTAL

Correction to Appointments

10. Reappoint Maria Theresa Rodriguez to the Community Action Commission representing the private sector for a term ending July 1, ~~2010~~, 2020.
(Supervisor Alejo)