

# **Monterey County**

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



## **Meeting Agenda - Final-revised**

**Tuesday, July 10, 2018**

**9:00 AM**

### **Board of Supervisors**

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

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.**

**See separate agendas for Board of Supervisors of the Monterey County Water Resources Agency, East Garrison Community Service District and Successor Agency to the Redevelopment Agency of County of Monterey.**

**9:00 A.M. - Call to Order**

**Roll Call**

**Additions and Corrections for Closed Session:**

**Closed Session - May occur at any time**

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: Fort Ord Landfill Parcels APNS 031-101-039, 031-101-040, 031-101-41, 031-101-042, 031-101-056, 031-101-057, 031-101-058, 031-161-041, 031-161-058, and Parcel E8a.2 (No APN)  
Agency Negotiator(s): Carl Holm, Resource Management Agency Director  
Negotiating Parties: City of Marina  
Under negotiation: Price and terms
  - b. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the County Administrative Officer.
  - c. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
  - d. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee.
  - e. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:  
(1) Designated representatives: Irma Ramirez-Bough and Brette Neal  
Employee Organization(s): Units F, H, J, K, R and S

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

(1) Property: Laguna Seca Recreation Area

Agency Negotiator(s): Dewayne Woods, Assistant CAO

Negotiating Parties: Dept. of Defense and/or Interior Department

Under negotiation: Terms (ADDED VIA ADDENDA)

### **Pledge of Allegiance**

### **Additions and Corrections**

### **Consent Calendar- (See Supplemental Sheet)**

2. Approval of Consent Calendar (See Supplemental Sheet)

### **Ceremonial Resolutions**

3. ~~Adopt Resolution Commending William E. Harry, Director of Emergency-Communication on his retirement from 44 years of public service including 5 years of dedicated public service to Monterey County (Full Board).~~ (REVOMED VIA SUPPLEMENTAL)

**Attachments:** Harry Ceremonial Resolution

4. Adopt Resolution in honor and recognition of Dr. Anela Choy, Monterey Bay Aquarium Research Institute 2018 L'Oréal UNESCO Women in Science Award Recipient (Full Board).

**Attachments:** [Dr. Choy Ceremonial Resolution](#)

5. Adopt Resolution in honor and recognition of Kerstin Wasson, Ph.D, Elkhorn Slough National Estuarine Research Reserve 2018 National Wetlands Award for Science Research (Full Board).

**Attachments:** [Wasson Ceremonial Resolution](#)

- 5.1 Adopt Resolution Commending Manuel T. González, Assistant County Administrator on his retirement from 39 years of dedicated public service. (Full Board)

**Attachments:** [Gonzalez Ceremonial Resolution](#)

### **Appointments**

6. Reappoint Willard Lewallen to the Workforce Development Board with a term

ending July 10, 2021. (Full Board)

**Attachments:** [Notification to Clerk - Lewallen](#)

7. Reappoint Dr. Walter Tribley to the Workforce Development Board with a term ending July 10, 2021. (Full Board)

**Attachments:** [Notification to Clerk - Tribley](#)

8. Reappoint Jay Donato to the Workforce Development Board with a term ending July 10, 2021. (Full Board)

**Attachments:** [Notification to Clerk - Donato](#)

9. Appoint Amy Lehman to the Commission on Disabilities with a term ending December 31, 2020. (Full Board)

**Attachments:** [Notification to Clerk - Lehman](#)

10. Appoint Stephanie Lyon to the Commission on Disabilities with a term ending December 31, 2020. (Full Board)

**Attachments:** [Notification to Clerk - Lyon](#)

11. Appoint James Cameron to the Commission on Disabilities with a term ending December 31, 2020. (Full Board)

**Attachments:** [Notification to Clerk - Cameron](#)

12. Reappoint Wesley Hayes to the Community Restorative Justice Commission with a term ending June 9, 2021. (Full Board)

**Attachments:** [Notification to Clerk - Hayes](#)

13. Reappoint Deborah Carrillo to the Community Restorative Justice Commission with a term ending June 9, 2021. (Full Board)

**Attachments:** [Notification to Clerk - Carrillo](#)

14. Appoint Susan Salcedo to the Animal Control Program Advisory Board for a term ending July 1, 2021. (Full Board)

**Attachments:** [Notification to Clerk - Salcedo](#)

15. Reappoint Frank Kocher to the Animal Control Program Advisory Board for a term ending July 1, 2021. (Full Board)

**Attachments:** [Notification to Clerk - Kocher](#)

16. Appoint Dennis Sites to the Agricultural Advisory Committee with a term ending June 30, 2021. (Full Board)

**Attachments:** [Notification to Clerk - Sites](#)

### **Other Board Matters**

- 17. Board Comments
- 18. CAO Comments and Referrals

**Attachments:** [Referrals 7-10-18](#)

- 19. General Public Comment

### **9:00 A.M. - Scheduled Matters**

- 20.
  - a. Receive report on City of Salinas Economic Development Element; and
  - b. Consider amendment of the Greater Salinas Area Memorandum of Understanding by and between the City of Salinas and County of Monterey to reflect the City's Plan.

**Attachments:** [Board Report](#)  
[Exhibit A - GSA MOU](#)  
[Exhibit B - Letters to City re DEIR](#)  
[Exhibit C - Figure 1](#)  
[Exhibit D - Figure 3A](#)

### **10:30 A.M. - Scheduled Matters**

- 21. PLN150755/SCOTT AND CHARLYSE RAVEN  
Public hearing to consider an appeal by Ted Muhs and Elizabeth McGinnis, Glen and Angela Charles, Richard and Kathleen Doerr, Charles and Helen Schwab, and Sally Lucas from the April 26, 2018 decision of the Zoning Administrator approving an application (Raven/PLN150755) for a single family dwelling and attached garage within 750 feet of an archaeological resource. The application also includes a request for Variances to exceed lot coverage by 3.9% (totaling 18.9%) and Floor Area Ratio (FAR) by 5.3% (totaling 22.8%).  
Proposed CEQA Action: Adopt a Negative Declaration  
Project Location: 3213 Whitman Lane, Pebble Beach, Del Monte Forest Land Use Plan, coastal zone.

**Attachments:**    [Board Report](#)  
[Attachment A - Project Data Sheet](#)  
[Attachment B - Draft Resolution](#)  
[Attachment C - Notice of Appeal \(5-10-18\)](#)  
[Attachment D - Zoning Administrator Resolution No. 18-024 \(4-26-18\)](#)  
[Attachment E - Vicinity Map](#)  
[Attachment F - Del Monte Forest LUAC Minutes \(9-21-17\)](#)  
[Attachment G - Negative Declaration and Initial Study](#)

### **12:00 P.M. - Recess to Lunch**

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

#### **Roll Call**

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

22.                    a. Consider approval of the response to the 2017 - 2018 Monterey County Civil Grand Jury Report: "WHO'S IN CHARGE? Stepping up on Homelessness: The need for strategic leadership and comprehensive planning" and  
                          b. Authorize the County Administrative Officer to submit the approved response to the Judge of the Superior Court, County of Monterey, by September 1, 2018.

**Attachments:**    [Board Report](#)  
[CGJ 2017 - 2018 WHO'S IN CHARGE Stepping up on Homelessness](#)  
[MCO Response to CGI 2017 - 2018 Homelessness](#)

23.                    a. Consider approval of the response to the 2017 - 2018 Monterey County Civil Grand Jury Report: "Animal Control in Monterey County"; and  
                          b. Authorize the County Administrative Officer to submit the approved response to the Judge of the Superior Court, County of Monterey, by August 7, 2018.

**Attachments:**    [Board Report](#)  
[CGJ 2017 - 2018 Animal Control in Monterey County](#)  
[County Responses Civil Grand Jury Report 2017-2018 Animal Control final](#)

24.                    Introduce, waive reading, and set for adoption on July 24, 2018, an ordinance revising Chapter 7.100 of the Monterey County Code to reduce the commercial cannabis business tax rates and penalties, and align definitions with state law and other portions of the Monterey County Code.

**Attachments:**    [Board Report](#)  
[Attachment 1 - Draft ordinance \(redlined\)](#)  
[Attachment 2 - Draft ordinance \(clean\)](#)



**25.**

REF150048 - INLAND &amp; REF160042 - COASTAL

OUTDOOR COMMERCIAL CANNABIS (MARIJUANA) CULTIVATION

Consider options for regulating outdoor cannabis cultivation in the unincorporated areas of Monterey County.

Location: County-wide

Proposed CEQA action: Draft regulations for outdoor cannabis cultivation would be evaluated pursuant to the requirements of CEQA.

**Attachments:** [Board Report](#)

[Attachment A - Discussion](#)

[Attachment B - Status of Regulations in Other Counties](#)

[Attachment C - Big Sur Farmers Association Correspondence](#)

[Attachment D - South County Industry Correspondence](#)

[Attachment E - Letters in opposition to outdoor cultivation](#)

## **Adjournment**

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

26. a. Approve Natividad Medical Center to increase the project cost for the Radiology Modernization by \$2,710,455 for construction, inspection and permit fees and incorporate a 15% or \$1,942,050 as contingency reserve for unforeseen future cost to the project. The total cost of the project will be \$18,373,081; and
- b. Award an agreement in the total amount of \$12,947,000 for the construction component to John F. Otto, Inc. dba Otto Construction the lowest responsible and responsive base bidder, for Natividad Medical Center for the above mentioned projects; and
- c. Approve the Performance and Payment Bonds executed and provided by John F. Otto, Inc. dba Otto Construction and
- d. Authorize the Chief Executive Officer of Natividad Medical Center to execute a Certificate of Completion and to execute and record with County Recorder a Notice of Completion, when it is determined that the contract for construction of the Radiology Modernization, Project 9600-54, Bid Package No. NMC-1013, is complete in all respects in accordance with the Plans and Specifications.

**Attachments:**    [Board Report.pdf](#)  
                              [Otto Construction - Agreement](#)  
                              [Otto Construction - Performance and Payment Bonds](#)

**Health Department**

27. a. Approve the release of the Warranty Security in the amount of \$27,517.30 held in Bank of America Certificate of Deposit account 00818-05430 for the Saddle Road Group Minor Subdivision Water System Improvement Project (PLN 050469); and
- b. Approve release the Warranty Security in the amount of \$8,739.50 held in First National Bank Certificate of Deposit account 0102228467 for the Saddle Road Group Minor Subdivision Water System Improvement Project (PLN 050469).

**Attachments:**    [Board Report](#)

28. a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Mental Health Services Agreement for the term retroactive to October 1, 2017 to June 30, 2020 with Kids Behavioral Health of Alaska, Inc. DBA Copper Hills Youth Center for the provision of mental health and residential services in the amount of \$109,533 for Fiscal Year (FY) 2017-18, \$216,883 for FY 2018-19, and \$216,883 for FY 2019-20, for a total Agreement amount not to exceed \$543,299; and

- b. Accept the recommendation of the Director of Health or Assistant Director of Health to approve the non-standard insurance provisions in the Agreement; and
- c. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments that do not exceed ten percent (10%) (\$54,329.90) of the original Agreement amount and do not significantly change the scope of services.

**Attachments:** [Board Report](#)

[Agreement Copper Hills Youth Center 20171001-20200630](#)

**29.**

- a. Approve and authorize the Director of Health or the Assistant Director of Health to sign an Agreement with LexisNexis Risk Solutions Bureau LLC and LexisNexis Risk Solutions FL Inc. ("LexisNexis") incorporating by reference the terms set forth in the Master Service Agreement No. 5-17-70-12 between RELX Inc. and the State of California, Department of General Services to give the Monterey County Public Guardian Office access to the Accurant public-records database for the term August 1, 2018 through December 31, 2020, for an Agreement amount of \$7,300; and
- b. Approve recommendation of Director of Health to accept non-standard risk terms (disclaimer of warranties, limitation of liability, indemnification).

**Attachments:** [Board Report](#)

[LexisNexis AGM 20180801](#)

**30.**

Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign an Amendment No. 3 to Agreement No. A-13438 with Access Support Network (ASN), adding \$70, 968, for a revised total amount not to exceed \$424,432 for the full term retroactive from April 18, 2016 to March 31, 2019, to continue providing services to Ryan White Part B eligible clients in Monterey County.

**Attachments:** [Board Report](#)

[Amendment No. 3 - Access Support Network - CARE](#)

## **Criminal Justice**

**31.**

Adopt Resolution to:

- a. Approve and Authorize the Sheriff or Undersheriff to sign a two (2) year Memorandum of Understanding (MOU) with the California Department of Justice (Agreement DOJ-PROP56-2017-18-1-013) for a Tobacco Law Enforcement Grant in the amount of \$667,349 for the period from June 1, 2018 to June 30, 2020;
- b. Adopt a Resolution to accept this grant, and any additional funding allocated, as required by MOU guidelines and grant documents;
- c. Add one (1.0) FTE Deputy Sheriff-Enforcement to the Sheriff's Office Budget Unit 001-2300-SHE001-8250 (Community Services) (4/5th vote required);
- d. Authorize the County Administrative Office to incorporate the position change into the Sheriff's Office FY 2018-19 budget (4/5th vote required); and
- e. Authorize the Auditor-Controller to increase appropriations and revenues for FY

2018-19 in Sheriff's Office Budget Unit 001-2300-SHE001-8250-6111 and 001-2300-SHE001-8250-5050 by \$341,534 each for Year 1 of this MOU (4/5th vote required).

**Attachments:** [Board Report](#)

[Board Resolution \(new\) for DOJ Grant.pdf](#)

[5-21-18 MOU DOJ-PROP56-2017-18-1-013 between the California Department](#)

## **General Government**

32. In its role as Chief Elected Official of the Monterey County local workforce area, approve and authorize the Executive Director of the Monterey County Workforce Development Board to execute renewal and Amendment No. 1 to the Agreement with the Council for Adult and Experiential Learning, a non-profit corporation, to develop career pathways mapping materials in the healthcare, agriculture/winemaking, and hospitality industry sectors; to increase the amount of the agreement by \$20,000, from \$75,000 to \$95,000; and to extend the term of the agreement for an additional five (5) months for a revised term of April 4, 2018 through October 31, 2018

**Attachments:** [Board Report](#)

[Monterey County Agreement Council of Adult and Experiential Learning](#)

[CAEL\\_2018-19\\_Amend1.doc 6.20.2018.doc](#)

33. Adopt a recommendation by the Legislative Committee to support a statewide ballot measure, the Veterans and Affordable Housing Bond Act of 2018, which will appear on the November 6, 2018 ballot.

**Attachments:** [Board Report](#)

[Exhibit A - SB 3. Beall. Veterans and Affordable Housing Bond Act of 2018.](#)

## **RMA - Administration**

34. a. Approve the use of the Quail Meadow Picnic Area at Toro Park on July 10, 2018 for a fund-raising event held by the Rotary Club of Salinas Santa Lucia in compliance with Monterey County Code Section 14.12.130(A)(14); and  
b. Find that leasing a picnic area at an existing County park for a one-time event is Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines.

**Attachments:** [Board Report](#)

[Attachment A - Facility Use Agreement](#)

35. Introduce, waive reading, and set for adoption on July 24, 2018, an ordinance amending Subsection 14 of Subsection A of Section 14.12.130 of the Monterey County Code to remove the requirement that any fundraising activity, or religious service or function held in a County Park requires prior authorization by the Board of Supervisors.

**Attachments:**   [Board Report](#)  
[Attachment 1 - Draft Ordinance \(redlined\)](#)  
[Attachment 2 - Draft Ordinance \(clean\)](#)

## **RMA - Land Use and Community Development**

- 36.
- a. Approve Amendment No. 4 to Agreement No. A-12490 with Michael Baker International, Inc. to continue to provide services associated with permit application review services, Request for Qualifications (RFQ) #10382, to increase the not to exceed amount by \$100,000 for fiscal year (FY) 2018 - 2019 for a total amount not to exceed \$1,200,000 and extend the expiration date for approximately one (1) additional year, for a revised term from July 16, 2013 to June 30, 2019; and
  - b. Approve Amendment No. 3 to Agreement No. A-12548 with Rincon Consultants, Inc. to continue to provide services associated with permit application review services, RFQ #10382, to increase the not to exceed amount by \$100,000 for FY 2018 - 2019 for a total amount not to exceed \$1,200,000 and extend the expiration date for approximately eleven (11) additional months, for a revised term from August 16, 2013 to June 30, 2019; and
  - c. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 4 to Agreement No. A-12490 with Michael Baker International, Inc. and Amendment No. 3 to Agreement No. A-12548 with Rincon Consultants, Inc.; and
  - d. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute future amendments to each Agreement to extend the term beyond the original term authorized in RFQ #10382 where the amendments do not significantly alter the scope of work or change the approved amount of each Agreement.

**Attachments:**   [Board Report](#)  
[Attachment A - Amendment No. 4 to Agreement with MBI](#)  
[Attachment B - Amendment No. 3 to Agreement with Rincon](#)  
[Attachment C - Amendment No. 3 to Agreement with MBI](#)  
[Attachment D - Amendment No. 2 to the Agreement with MBI](#)  
[Attachment E - Amendment No. 2 to the Agreement with Rincon](#)  
[Attachment F - Amendment No. 1 to the Agreement with MBI](#)  
[Attachment G - Amendment No G to Agreement with Rincon Consultants, Inc.](#)  
[Attachment I - Agreement with Rincon](#)  
[Attachment J - Summary of Agreements](#)  
[Attachment K - Summary of Agreements Annual Expenditures and Balance](#)

**RMA - Public Works and Facilities**

37. a. Approve a Standard Agreement with JGPG Corporation dba Green Line Underground Plumbing Video to provide on-call grease trap and sewer lift station pumping, water jetting and video inspection of sewer lines and storm drain lines at various locations throughout the County, Request for Proposals #10652, in a total amount not to exceed \$300,000, for a period of three (3) years from June 19, 2018 to June 18, 2021, with the option to extend the Agreement for two (2) additional one (1) year periods; and
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute the Standard Agreement and up to three (3) future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount.

**Attachments:**    [Board Report](#)  
                              [Attachment A - SA](#)  
                              [Attachment B - RFP #10652](#)

**Board of Supervisors Addenda/Supplemental**

38. Board of Supervisors Addenda/Supplemental Agenda for the meeting of Tuesday, July 10, 2018.

**ADDENDA**

1. f. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:
- (1) Property: Laguna Seca Recreation Area
- Agency Negotiator(s): Dewayne Woods, Assistant CAO
- Negotiating Parties: Dept. of Defense and/or Interior Department
- Under negotiation: Terms

**Adjournment**

Adjourn in Memory of Gary Craft.

**SUPPLEMENTAL**

3. Adopt Resolution Commending William E. Harry, Director of Emergency Communication on his retirement from 44 years of public service including 5 years of dedicated public service to Monterey County (Full Board).