

# **Monterey County**

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



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

**Tuesday, October 16, 2018**

**9:00 AM**

### **Board of Supervisors.**

*Chair Luis A. Alejo - District 1  
Vice Chair John M. Phillips - District 2  
Supervisor Simón 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 interpreter 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 agenda items are live web links. Click on the title to be directed to the corresponding Board Report.**

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

**Please refer to the separate agendas for Special Districts and Agencies governed by the Board of Supervisors that may be scheduled for agenda items today.**

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

**Roll Call**

**Additions and Corrections for Closed Session**

*County Counsel 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.*

**The Board Adjourned for Closed Session Agenda Items**

*Closed Session may be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting, before or after the scheduled time, announced by the Chairperson of the Board. 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 sections 54956.9(d)(2) and 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of significant exposure to litigation and/or 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) AWC Holding Trust et al., v. County of Monterey, et al. (United States District Court case no. 18CV04482NC)
  - c. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:  
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

### **10:30 A.M. - Reconvene on Public Agenda Items**

#### **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 Items No. 14 through 26.

#### **Ceremonial Resolutions**

3. Adopt Resolution honoring and recognizing Cosme Padilla for 15 years of dedicated service to the County of Monterey Planning Commission. (Full Board)

**Attachments:** [Padilla - Ceremonial Resolution](#)

4. Adopt a Resolution commending Billy F. DeBerry, for a lifetime of dedicated service to Monterey County. (Full Board)

**Attachments:** [Billy F. DeBerry - Ceremonial Resolution](#)

5. Adopt Resolution honoring Undisclosed Recipient upon her selection as the 2018 Monterey County Hospitality Association Papa Vince Award recipient. (Supervisor Adams- Full Board)

**Attachments:** [Undisclosed Recipient Ceremonial Resolution](#)

#### **Other Board Matters**

6. Board Comments

7. CAO Comments and Referrals

**Attachments:** [Referrals 10-16-18](#)

8. General Public Comments

*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**

- 9.
- a. Receive a report on the financial conditions of the lake resorts operations.
  - b. Authorize the Auditor-Controller to transfer \$1,993,149 from General Fund (001) contingencies to the Lake Resorts Fund (Fund 452, Appropriation Unit RMA102), where funding is a decrease in appropriations by \$1,993,149 in Appropriation Unit CAO020-001-8034-7811 and increase appropriations in CAO017-001-8038-7614 by \$1,993,149 (4/5ths vote).
  - c. Authorize the Auditor-Controller to transfer \$250,000 from General Fund (001) contingencies to the Lake Resorts Fund (Fund 452, Appropriation Unit RMA102), where funding is a decrease in appropriations by \$250,000 in CAO020-001-8034-7811 and increase appropriations in CAO017-001-8038-7614 by \$250,000 (4/5ths vote).
  - d. Authorize the Auditor-Controller to decrease appropriations by \$515,000 in Appropriation Unit CAO020-001-8034-7811 and increase appropriations in COU006-001-8429-6613 to fund fuel spill remediation at the Lakes (4/5ths vote).

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

[Attachment - Analysis on Fiscal Status of the Lake Resorts 9-26-18](#)

- 10.
- Adopt a Resolution to:
- a. Authorize the Auditor-Controller to amend the FY 2018-19 Adopted Budget, increasing appropriations by \$5,340,441 in Other Financing Uses, 1050-8038-CAO017-7614, where the financing source is the release of \$2,184,878 from the Capital Projects Assignment (BSA 001-3123) and \$3,155,563 from the NGEN Radio Assignment (BSA 001-3122) to fund a \$5,340,441 cash deficit in Resource Planning Fund 478 (4/5th vote required); and
  - b. Authorize the Auditor-Controller to transfer \$5,340,441 from Other Financing Uses, 1050-8038-CAO017-7614 to Enterprise Resource Planning, 1110-8479-AUD008-5940 (4/5th vote required).

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

[Resolution](#)

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

**1:30 P.M. - Reconvene****Roll Call****1:30 P.M. - Scheduled Matters**

11. REF180024 -Ag Land Trust Support
1. Adopt resolution to support the Ag Land Trust Agricultural Conservation Easement proposal to amend the acreage for the California Department of Conservation Sustainable Agricultural Lands Conservation (SALC) Program for the Mothershed Farm from 174 acres to 160 acres;
  2. Support the Ag Land Trust grant funding application to receive grant funds from the State of California Department of Conservation SALC Program to acquire an Agricultural Conservation Easement over the Mothershed Farm for 160 acres.

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

[Attachment A - Mothershed Vicinity Map](#)

[Attachment B - Draft Resolution of Support for Mothershed Farm](#)

12. REF180025 - Ag Land Trust ((Botta-Ikeda Farm, Sella Farm and Miller-Roth Ranch)
- Adopt resolutions to:
1. Support the Ag Land Trust Agricultural Conservation Easement proposal to the California Department of Conservation Sustainable Agricultural Lands Conservation (SALC) Program for the Botta-Ikeda Farm [105.87 acres];
  2. Support the Ag Land Trust Agricultural Conservation Easement proposal to the California Department of Conservation Sustainable Agricultural Lands Conservation (SALC) Program for the Sella Farm [176 acres];
  3. Support the Ag Land Trust Agricultural Conservation Easement proposal to the California Department of Conservation Sustainable Agricultural Lands Conservation (SALC) Program for the Miller-Roth Ranch [601.66 acres];
  4. Support the Ag Land Trust grant funding application to receive grant funds from the State of California Department of Conservation SALC Program to acquire Agricultural Conservation Easements over the Botta-Ikeda Farm, Sella Farm, and Miller-Roth Ranch, totaling 883.53 acres.

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

[Attachment A - Vicinity Maps](#)

[Attachment B - Draft Resolution of Support for Botta-Ikeda Farm](#)

[Attachment C - Draft Resolution of Support for Sella Farm](#)

[Attachment D - Draft Resolution of Support for Miller-Roth Ranch](#)

13. ITEM REMOVED

**Read Out from Closed Session****Adjournment****Supplemental Sheet, Consent Calendar****Natividad Medical Center**

14. Authorize payment to Modular Devices for outstanding invoices billed to Natividad totaling \$119,500 for the month of July 2018 for the Lease Agreement for a mobile Computerized Tomography (CT), a mobile Angiography/Interventional Radiology (IR) Laboratory, and a mobile Magnetic Resonance Imaging (MRI) unit which had a term of August 1, 2013 through July 31, 2018.

**Attachments:** [Board Report](#)  
[Modular Devices Agreement.pdf](#)  
[Modular Devices Amendment 1.pdf](#)  
[Modular Devices Amendment 2 .pdf](#)  
[Modular Devices Amendment 3.pdf](#)  
[Modular Devices Spend Sheet- Contract that expired 7-31-18.pdf](#)

**Health Department**

15. a. Accept a \$2,000 Community Grant Program Grant Award from the American Cancer Society (ACS) for the purpose of increasing colorectal cancer screening rates in high-need communities in Monterey County; and  
b. Approve and authorize the Director of Health or Assistant Director of Health to sign a Grant Agreement with American Cancer Society (ACS) in the amount up to \$2,000 for activities supporting the increase of colorectal screening in high-need communities, effective October 16, 2018 to December 1, 2019.

**Attachments:** [Board Report](#)  
[Agreement ACS Grant eff 10.16.18](#)

16. a. Approve and authorize the Director of Health or Assistant Director of Health to execute a two-year Facility Use Agreement for the term November 1, 2018 to December 31, 2020 with Central California Alliance for Health (“CCAH”) to use clinic space on County-leased premises located in Seaside, Marina and Salinas to conduct on-site Healthier Living workshops for eligible County patients at no cost; and  
b. Approve and authorize the Director of Health or the Assistant Director of Health to sign up to three (3) future amendments to this Agreement where the amendments do not significantly change the scope of work.



**Attachments:** [Board Report](#)  
[Agreement CCAH FUA\\_eff 11.1.18](#)

17. Approve and authorize the Health Department to use all remaining funds in the Waste Incentive Reserve Account Fund 019, Unit 8113, Appropriation HEA005, BSA 2603, to pay for costs associated with solid waste diversion programs to achieve State diversion mandates, for franchise agreement oversight, and for services related to waste management issues impacting rate payers within unincorporated Monterey County.

**Attachments:** [Board Report](#)  
[BoardOrder\\_11.9.10](#)  
[BoardReport\\_6.28.05](#)  
[Agmt\\_Western Franchise](#)  
[BoardReport\\_3.9.04](#)

### **Department of Social Services**

18. Approve and adopt a Tentative Side Letter Agreement between the Service Employees International Union (SEIU) Local 2015, representing the In Home Supportive Services Providers, effective upon Board approval, retroactively back to June 28, 2018.

**Attachments:** [Board Report](#)  
[Tentative Side Letter Agreement](#)

### **General Government**

19. Adopt a Resolution to:
- a. Authorize the Assessor to accept a Grant from the California Department of Finance under the State Supplementation for County Assessors' Program (SSCAP); and
  - b. Approve and authorize the Auditor-Controller to amend the Fiscal Year 2018-19 Adopted Budget for Assessor-County Clerk/Recorder, 001-1180-ACR001-8003, increasing appropriations by \$255,000, funded by an increase of \$170,000 in estimated revenue and a \$85,000 decrease in appropriation in General Fund Contingencies 001-1050-CAO020-8034 (4/5th Vote Required); and
  - c. Authorize to amend the Assessor's Budget Unit (001-1180-ACR001-8003) to include (1.0) additional Appraiser II position and (1.0) additional Office Assistant II; and
  - d. Authorize the County Administrative Office to incorporate the changes into the 001-1180-ACR001-8003 FY 2018-19 Adopted Budget to reflect the change in position counts.

**Attachments:** [Board Report](#)  
[Resolution](#)  
[Exhibit A](#)

20. a. Approve and authorize the Director of Information Technology to sign a “County of Monterey Wireless Communication Site Lease Agreement” with Pacific Gas and Electric (PG&E) for an initial term of five (5) years, thereafter auto-renewing three times for five (5) years per renewal, to a total of twenty (20) years, beginning November 1, 2018 through October 31, 2038, at an annual rate of \$13,236, for PG&E’s sublease of tower space at the County’s “Roberts Knolls” radio communication site; and
- b. Authorize an auto-renewal and non-standard insurance provisions as recommended by the Director of Information Technology.

**Attachments:** [Board Report](#)  
[PG&E signed Sublease](#)

21. Adopt a Resolution to:
- a. Authorize the Treasurer-Tax Collector to sell 101 specified tax defaulted properties as set forth in the attached Attachment “A” at public auction via the Internet in accordance with Revenue and Taxation Code section 3691 et. seq., or as a sealed bid sale pursuant to Chapter 7, Part 6, Division 1 of the Revenue and Taxation Code, for at least the minimum bid.
- b. Authorize the Treasurer-Tax Collector to re-offer any unsold properties at a reduced minimum bid at the conclusion of the Sale or within a 90-day period.

**Attachments:** [Board Report](#)  
[Attachment A - Monterey County Auction Listing](#)  
[Attachment B - Authorization to Sell Tax Defaulted Properties Resolution](#)

22. Adopt a resolution to approve amendments to the Conflict of Interest Code of the Pacific Grove Unified School District.

**Attachments:** [BOS Resolution Pacific Grove USD](#)  
[Pacific Grove USD COI \(Redline\)](#)  
[Pacific Grove USD COI \(Clean\)](#)  
[Pacific Grove USD Minutes \(09-11-2018\)](#)  
[Pacific Grove USD Resolution \(09-11-2018\)](#)

23. Adopt a resolution to approve amendments to the Conflict of Interest Code of the Marina Coast Water District.

**Attachments:** [BOS Resolution Marina Coast Water District](#)  
[Marina Coast Water District \(Redline\)](#)  
[Marina Coast Water District COI \(Final\)](#)  
[Marina Coast Water District Resolution No. 2018-051](#)

**23.1**

Adopt a Resolution to:

- a. Approve the request to amend the FY 2018-19 Adopted Budget for the Clerk of the Board's Office (Appropriation COB001, Department 1300, Unit 8020, Fund 001) to reallocate one (1) Senior Secretary position to one (1) Board of Supervisors Clerk position, as indicated in Attachment A; and
- b. Authorize the Auditor-Controller and the County Administrative Office to incorporate these changes in the FY 2018-19 Adopted Budget. (ADDED VIA ADDENDA)

**Attachments:** [Board Report](#)  
[Attachment A](#)  
[Org Charts](#)  
[Cost Analysis](#)  
[Resolution](#)

**RMA - Land Use and Community Development****24.**

Adopt a resolution granting a stay of the time period for expiration of the Vesting Tentative Map for the Rancho Canada Village Subdivision Project, pursuant to Government Code Section 66452.6(c) and Monterey County Code Section 19.05.060.B for up to five years, up to January 12, 2022, while litigation regarding the project approval is pending.

(Stay of Map Expiration - PLN040061 / Rancho Canada Ventures, LLC (Rancho Canada Village Subdivision), 4860 Carmel Valley Road, Carmel Valley Road, Carmel Valley Master Plan)

Proposed CEQA action: Statutorily exempt per CEQA Guidelines Sections 15060(c) (3) and 15378(b)(5).

**Attachments:** [Board Report](#)  
[Attachment A - Draft Resolution](#)  
[WORD VERSION of Draft Resolution](#)  
[Attachment B - Letter from Applicant dated September 13, 2018](#)

**RMA – Public Works and Facilities****25.**

- a. Award Roads & Bridges Job Order Contracts (JOC) for a term of either: (1) one year from date signed by County, or; (2) payment by County to Contractor of the maximum amount payable under the agreement, whichever occurs earlier with a minimum contract value of \$25,000 and maximum contract value of \$4,904,581 to

the following bidders: 2018-01 Granite Construction Company; 2018-02 Granite Rock Company; and 2018-03 A. Teichert & Son, Inc. Db. Teichert Construction.;

b. Award Facilities Job Order Contract (JOC) for a term of either: (1) one year from date signed by County, or; (2) upon the payment by County to Contractor of the maximum amount payable under the agreement, whichever occurs earlier, with a minimum contract value of \$25,000 and maximum contract value of \$4,904,581 to the following bidders: 2018-01 Jacobs Construction & Design, Inc; 2018-02 Staples Construction Company; and 2018-03 Ausonio Incorporated;

c. Approve the Performance and Payment Bonds for Roads & Bridges JOC in the amount of \$4,904,581 each by Granite Construction Company; Granite Rock Company; and A. Teichert & Son, Inc. Db. Teichert Construction;

d. Approve the Performance and Payment Bonds for Facilities JOC in the amount of \$2,500,000 each by Jacobs Construction & Design, Inc; Staples Construction Company; and Ausonio Incorporated; and

e. Authorize the RMA - Interim Deputy Director of Public Works, Parks & Facilities to execute the Roads & Bridges and Facilities Job Order Contracts.

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

[Attachment A - Bid Summaries](#)

[Attachment B - JOC R&B 2018-01 Granite Construction Agreement Packet](#)

[Attachment C - JOC R&B 2018-02 Granite Rock Company Agreement Packet](#)

[Attachment D - JOC R&B 2018-03 A. Teichert & Son, Inc. Db. Teichert Construc](#)

[Attachment E - JOC FAC 2018-01 Jacobs Construction & Design, Inc. Agreeeme](#)

[Attachment F - JOC FAC 2018-02 Staples Construction Agreement Packet](#)

[Attachment G - JOC FAC 2018-03 Ausonio Inc. Agreement Packet](#)

[Attachment H - JOC R&B 2018-01 Granite Construction Company Bonds](#)

[Attachment I - JOC R&B 2018-02 Granite Rock Company Bonds](#)

[Attachment J - JOC R&B 2018-03 A. Teichert & Son, Inc. Db. Teichert Construc](#)

[Attachment K - JOC FAX 2018-01 Jacobs Construction & Design Inc. Bonds](#)

[Attachment L - JOC FAX 2018-02 Staples Construction Bonds](#)

[Attachment M - JOC FAX 2018-03 Ausonio Inc. Bonds](#)

**26.**

a. Approve issuance of Proposed Change Order No. 80 for the Jail Housing Addition Project, Project No. 8819 to add labor and materials, in the amount of \$1,400,000, to complete the removal and replacement of two underground fuel tanks and a generator to S.J. Amoroso Construction Co., Inc.'s construction contract.;

b. Authorize the Acting Deputy Director of Public Works, Parks & Facilities to execute Proposed Change Order No. 80 to Amoroso Construction's construction contract for the Jail Housing Addition Project, Project No. 8819.

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

[Attachment A - Kitchell Estimate for Proposed Change Order](#)

**Board of Supervisors Addenda****27.                    ADDENDA****Added to General Government - Consent**

23.1    Adopt a Resolution to:

- a. Approve the request to amend the FY 2018-19 Adopted Budget for the Clerk of the Board's Office (Appropriation COB001, Department 1300, Unit 8020, Fund 001) to reallocate one (1) Senior Secretary position to one (1) Board of Supervisors Clerk position, as indicated in Attachment A; and
- b. Authorize the Auditor-Controller and the County Administrative Office to incorporate these changes in the FY 2018-19 Adopted Budget.