

Monterey County

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



Action Minutes - Draft

Tuesday, November 15, 2016

9:00 AM

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

Board of Supervisors

*Chair Jane Parker - District 4
Vice Chair Dave Potter - District 5
Supervisor Fernando Armenta - District 1
Supervisor Simón Salinas - District 3
Supervisor John M. Phillips - District 2*

9:00 A.M. - Call to Order

The meeting was called to order by Chair Parker.

Roll Call

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

Additions and Corrections for Closed Session:

There were no additions or corrections to Closed Session.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) Carmel Valley Association v. Board of Supervisors of the County of Monterey, et al. (Monterey County Superior Court case no. M109442)
 - (2) The Open Monterey Project v. Monterey County Board of Supervisors (Monterey County Superior Court case no. M109441)
 - (3) Landwatch Monterey County v. County of Monterey, et al. (Monterey County Superior Court case no. M109434);
 - b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
 - (1) Designated representatives: Manuel Gonzalez and Brette NealEmployee Organization(s): Units A, B, C, E, L, M, N & S;
 - c. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:
 - (1) Property: Concession Agreement regarding Mazda Raceway at Laguna SecaAgency Negotiator(s): Dewayne Woods, Assistant County Administrative Officer;
Leslie J. Girard, Chief Assistant County Counsel
Negotiating Parties: Friends of Laguna Seca
Under negotiation: Price and Terms; and
 - d. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.

CLOSED SESSION REPORT:

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) Carmel Valley Association v. Board of Supervisors of the County of Monterey, et al. (Monterey County Superior Court case no. M109442)
- (2) The Open Monterey Project v. Monterey County Board of Supervisors (Monterey County Superior Court case no. M109441)
- (3) Landwatch Monterey County v. County of Monterey, et al. (Monterey County Superior Court case no. M109434);

CLOSED SESSION REPORT: The Board took no reportable action on items 1.a. (1), (2), and (3).

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

- (1) Designated representatives: Manuel Gonzalez and Brette Neal
- Employee Organization(s): Units A, B, C, E, L, M, N & S;

CLOSED SESSION REPORT: The Board took no reportable action on item 1.b. (1).

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

- (1) Property: Concession Agreement regarding Mazda Raceway at Laguna Seca

Agency Negotiator(s): Dewayne Woods, Assistant County Administrative Officer;

Leslie J. Girard, Chief Assistant County Counsel

Negotiating Parties: Friends of Laguna Seca

Under negotiation: Price and Terms; and

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

d. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.

CLOSED SESSION REPORT: The Board took no reportable action on one matter. The Board conferred with counsel on one matter regarding exposure to litigation regarding ballot Measure Z that was in the recent election cycle.

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

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

Pledge of Allegiance

The Pledge of Allegiance was led by Supervisor Potter.

Additions and Corrections

There were no additions or corrections to the agenda.

Consent Calendar

2. Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Phillips pulled item 22 and noted that his questions have been answered.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to approve the Consent Calendar (See Supplemental Sheet).

ALL AYES

Ceremonial Resolutions

3. Correct the title of Resolution No. 16-292 to read as follows: Adopt Resolution honoring Miles Reiter and Garland Reiter as recipients of the National Steinbeck Center's 2016 Valley of the World Hall of Fame Award. (Full Board)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to correct the title of Resolution No. 16-292 to read as follows: Adopt Resolution honoring Miles Reiter and Garland Reiter as recipients of the National Steinbeck Center's 2016 Valley of the World Hall of Fame Award. (Full Board) ALL AYES

- 3.1 Correct the title of Resolution No. 16-285 to read as follows: Adopt Resolution posthumously honoring William H. Barker as a recipient of the National Steinbeck Center's 2016 Valley of the World Hall of Fame Award. (Full Board)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to correct the title of Resolution No. 16-285 to read as follows: Adopt Resolution posthumously honoring William H. Barker as a recipient of the National Steinbeck Center's 2016 Valley of the World Hall of Fame Award. (Full Board) ALL AYES

Appointments

4. Appoint Anthony Rocha to the Mental Health Commission representing youth associates for a term ending December 31, 2016. (Supervisor Parker)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Dave Potter to appoint Anthony Rocha to the Mental Health Commission representing youth associates for a term ending December 31, 2016. (Supervisor Parker) ALL AYES

5. Appoint Greg Morrison to the Mission-Soledad Rural Fire Protection District for a term ending November 30, 2019. (Supervisor Salinas)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Dave Potter to appoint Greg Morrison to the Mission-Soledad Rural Fire Protection District for a term ending November 30, 2019. (Supervisor Salinas) ALL AYES

6. Appoint Diane Dossche to the Mission-Soledad Rural Fire Protection District for a term ending November 30, 2019. (Supervisor Salinas)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Dave Potter to appoint Diane Dossche to the Mission-Soledad Rural Fire Protection District for a term ending November 30, 2019. (Supervisor Salinas)ALL AYES**
7. Appoint Mark Mirassou to the Mission-Soledad Rural Fire Protection District for a term ending November 30, 2019. (Supervisor Salinas)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Dave Potter to appoint Mark Mirassou to the Mission-Soledad Rural Fire Protection District for a term ending November 30, 2019. (Supervisor Salinas). ALL AYES**

Other Board Matters

8. Board Comments
- Supervisor Potter was pleased to announce that as of January 3, 2017, Kathleen Lee will begin serving at the District Director for the 20th congressional District for Congressman Jimmy Panetta. He noted that she brings a wealth of skills and knowledge of local issues, including those of the 5th District and the county. She will be a tremendous asset to the Congressman, his constituents and Monterey County as a whole.**
9. CAO Comments and Referrals
- County Administrative Officer Dr. Lew Bauman advised of the following referral from Supervisor Armenta-District 1: Review public access to the County Law Library. Staff will confer with the Law Library Board and staff regarding issues of access.**

10. General Public Comment

Thelma McIntosh; Hans Jongens; Bill Carrothers.

10:30 A.M. - Scheduled Matters

11. Receive a presentation from the County's Natividad Medical Center and Health Department staff on Medi-Cal 2020: the five year renewal of California's Section 1115 Medicaid Waiver.

Public comment: Jay Donato.

By consensus, the Board received a presentation from the County's Natividad Medical Center and Health Department staff on Medi-Cal 2020: the five year renewal of California's Section 1115 Medicaid Waiver.

12. Receive an oral update on the remaining Uninsurable in Monterey.

Public comment: Juan Urranga.

By consensus, the Board received an oral update on the remaining Uninsurable in Monterey.

12:00 P.M. - Recess to Lunch

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

Roll Call

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

1:30 P.M. - Scheduled Matter

13. Receive a report regarding a proposed Joint Powers Authority to be the Groundwater Sustainability Agency for the greater Salinas Valley Groundwater Basin.

Public comment: Bill Carrothers; Brett Herald; Bill Lipe; Abby Taylor-Silva; Tom Vrsick; Margie Kay; Tom Adcock; Jocelyn Bridsen; Brenda Grenue.

A motion was made by Supervisor Fernando Armenta, seconded by Supervisor Dave Potter to receive a report regarding a proposed Joint Powers Authority to be the Groundwater Sustainability Agency for the greater Salinas Valley Groundwater Basin. ALL AYES

Adjournment

APPROVED:

MARY L. ADAMS, CHAIR
BOARD OF SUPERVISORS

ATTEST:

BY: _____
GAIL T. BORKOWSKI
CLERK OF THE BOARD
APPROVED ON _____

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

14. a. Approve and authorize the Director of the Department of Social Services to sign an agreement for \$350,000 with Aspiranet for operation of the Visitation Center retroactive for the period November 1, 2016 through June 30, 2017; and
- b. Authorize the Director of the Department of Social Services to sign up to (3) amendments to this agreement where the total amendments do not exceed 10% (\$35,000) of the original contract amount, and do not significantly change the scope of work.

Approved - Agreement No. A-13357

Criminal Justice

15. a. Approve and authorize the Contracts Purchasing Officer or Contracts Purchasing Supervisor to execute the Renewal of and Amendment #1 to an agreement with Salinas Union High School District (SUHSD) for provision of HiSET high school equivalency testing and services, for the period retroactive to July 1, 2016 through June 30, 2018, and adding \$38,000 to the agreement, for a total cost of \$98,000; and
- b. Authorize the Contracts Purchasing Officer or Contracts/Purchasing Supervisor to sign one (1) amendment of up to ten (10) percent (\$9,800) to the agreement where the amendment does not significantly change the scope of work and the total cumulative cost of the contract does not exceed \$107,800.

Approved - Agreement No. A-13354

16. a. Accept non-standard contract provisions as recommended by the Public Defender;
- b. Authorize the Contracts Purchasing Officer to execute an Agreement with West Publishing Corporation for CLEAR Government Fraud Investigative Software, for the period retroactive to November 1, 2016 through October 31, 2019, in the maximum amount of \$24,000.00;
- c. Authorize the Contracts Purchasing Officer and the Public Defender to sign and execute the appropriate documents and verifications when required; and
- d. Authorize the Contracts Purchasing Officer to issue purchase orders as needed pursuant to this Agreement for the period retroactive to November 1, 2016 through October 31, 2019.

Approved - Agreement No. A-13365

17. a. Accept non-standard contract provisions as recommended by the Public Defender;
- b. Authorize the Contracts Purchasing Officer to execute an Agreement with

West Publishing Corporation for West Complete Library, for the period retroactive to November 1, 2016 through October 31, 2019, in the maximum amount of \$4,000.00;

- c. Authorize the Contracts Purchasing Officer and the Public Defender to sign and execute the appropriate documents and verifications when required; and
- d. Authorize the Contracts Purchasing Officer to issue purchase orders as needed pursuant to this Agreement over the period retroactive to November 1, 2016 through October 31, 2019.

Approved - Agreement No. A-13355

18.

- a. Accept non-standard contract provisions as recommended by the Public Defender;
- b. Authorize the Contracts Purchasing Officer to execute an Agreement with West Publishing Corporation for Westlaw Pro Government Plan Online Legal Research, for the period retroactive to November 1, 2016 through October 31, 2021, in the maximum amount of \$230,000.00;
- c. Authorize the Contracts Purchasing Officer and the Public Defender to sign and execute the appropriate documents and verifications when required; and
- d. Authorize the Contracts Purchasing Officer to issue purchase orders as needed pursuant to this Agreement over the period retroactive to November 1, 2016 through October 31, 2021.

Approved - Agreement No. A-13366

19.

- a. Approve and Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to sign a Non-Standard Information Technology Agreement with LexisNexis for a law library kiosk for the Monterey County Jail in the amount of \$25,256 for two years, retroactive from September 1, 2016 through and to August 31, 2018; and
- b. Accept the non-standard County Liability and Indemnification provisions pursuant to the recommendation of the Sheriff/Coroner; and
- c. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to sign up to three (3) amendments of up to ten (10) percent (\$2,525.60) to the agreement where the amendment does not significantly change the scope of work and the total cumulative cost of this contract does not exceed \$27,781.60.

Approved - Agreement No. A-13356

General Government

20.

Adopt Resolution to approve the amendments to the Conflict of Interest Code of the Economic Development Department.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to adopt Resolution No. 16-310 to approve the amendments to the Conflict of Interest Code of the Economic Development Department. ALL AYES

21. Adopt Resolution to approve the amendments to the Conflict of Interest Code of Marina Coast Water District.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to adopt Resolution No. 16-307 to approve the amendments to the Conflict of Interest Code of Marina Coast Water District. ALL AYES

22. a. Receive a report on the General Liability and Workers' Compensation programs for Fiscal Year Ending 2015-16; and
b. Approve the recommended 70% Confidence Level Funding Allocations for FY 2017-18.

Approved

23. Receive the notice of adjustment of the annual salary of the members of the Board of Supervisors, in accordance with Section 2.04.370C of the County of Monterey Code, consistent with the Fiscal year 2016-17 salary increase of 1.36% provided to the superior court judges. The salary adjustment will be implemented November 26, 2016 with an effective date of July 1 2016.

Approved

24. a. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to execute a non-standard Agreement with Democracy Live, Inc. to provide initial configuration and training, grant a license for use of LiveBallot software for accessible electronic voter guide and ballot delivery, and provide annual maintenance, hosting and support for the period retroactive to October 1, 2016 through December 31, 2020, for a total amount not to exceed \$50,000;
b. Approve the non-standard terms and conditions contained in the vendor's contact pursuant to the recommendation of the Registrar of Voters; and
c. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor to execute one future Extension for no more than one (1) successive term of one (1) year which does not significantly impact the scope of work or exceed \$10,000 per additional year.

Approved - Agreement No. A-13364

25. Adopt a Proclamation terminating the Proclamation of Local Emergency for the Soberanes fire approved under Board Resolution No. 16-271 on October 18, 2016.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to adopt Resolution No. 16-308 terminating the Proclamation of Local Emergency for the Soberanes fire approved under Board Resolution No. 16-271 on October 18, 2016. ALL AYES

26. Continue to December 14, 2016, the public hearing regarding:
a. Addendum No. 3 to the Final Environmental Impact Report for the 2010 Monterey County General Plan (#7-01, SCH #20071212001)("FEIR"); and
b. Amendments to the 2010 Monterey County General Plan to implement

litigation settlement agreements with Land Watch Monterey County and The Open Monterey Project. (REF150010/General Plan Amendment No. 3)

Approved continuance to December 14, 2016.

RMA - Administration

27. a. Approve and authorize increasing appropriations in the amount of \$25,000 in the FY 2016-2017 Adopted Budget for Resource Management Agency (RMA) Facilities Project Fund Appropriation Unit 401-3000-8184-RMA004 where the funding source is unassigned fund balance, to fund the completion of the San Ardo Landfill Cap Repair project (4/5th vote required) and;
- b. Authorize the Auditor Controller's Office to incorporate approved modifications in the FY 2016-2017 Adopted Budget (4/5th vote required).

Approved

RMA - Land Use and Community Development

- 27.1 REF160046- Williamson Act 2017 Contract Applications (BOS Consent Item; 11.15.2016)
- a. Set a public hearing for December 6, 2016 at 1:30 p.m. to consider the 2017 applications, including two (2) continued applications, to create a total of eight (8) Farmland Security Zones ("FSZ") and FSZ Contracts and establish two (2) Agricultural Preserves ("AgP") and Land Conservation Contracts;
- b. Direct the Clerk of the Board of Supervisors to publish Notice of Public Hearing for the Public Hearing to take place on December 6, 2016 at 1:30 p.m. to consider the 2017 applications, including two (2) continued applications, to create eight (8) Farmland Security Zones ("FSZ") and FSZ Contracts and establish two (2) Agricultural Preserves ("AgP") and Land Conservation Contracts.
- (REF160046- Williamson Act 2017 Contract Applications, County-wide)

Approved

RMA - Public Works and Facilities

28. a. Award Roads & Bridges Job Order Contracts (JOC) for a term of one year, with a minimum contract value of \$25,000 and maximum contract value of \$4.659 million to the lowest responsive bidders as follows: 2016-01 Granite Rock Company; 2016-02 Granite Construction Company; and 2016-03 Newton Construction;
- b. Award Facilities Job Order Contract (JOC) for a term of one year, with a minimum contract value of \$25,000 and maximum contract value of \$4.659 million to the lowest responsive bidders as follows: 2016-01 Sea Pac Engineering Inc.; 2016-02 Staples Construction Company, Inc.; and 2016-03 Ausonio Incorporated;

- c. Approve the Performance and Payment Bonds for Roads & Bridges JOC in the amount of \$4,659,196 each by Granite Rock Company; Granite Construction Company; and Newton Construction;
- d. Approve the Performance and Payment Bonds for Facilities JOC in the amount of \$4,659,196 each by Sea Pac Engineering Inc.; Staples Construction Company, Inc.; and Ausonio Incorporated; and
- e. Authorize the RMA - Interim Deputy Director of Public Works & Facilities to execute the Roads & Bridges and Facilities Job Order Contracts.

Approved - Agreement Nos. A-13358 - Granite Rock Co./Construction No. 2016-007; A-13359 - Granite Construction Co./Construction No. 2016-008; A-13360 - Newton Construction Co./Construction No. 2016-009; A-13361-Sea Pack Engineering, Inc./Construction No. 2016-010; A-13362 - Staples Construction Co., Inc./Construction No. 2016-011; A-13363 - Ausonio, Inc./Construction No. 2016-012

- 29.** Adopt an ordinance amending the Monterey County Code, Title 12, Section 12.24.020 to establish a stop intersection on Bishop Street at Florence Street, on Cayetano Street at Florence Street, and on Jonathan Street at Florence Street in Pajaro, an unincorporated area of the County of Monterey.

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to adopt Ordinance No. 5279 amending the Monterey County Code, Title 12, Section 12.24.020 to establish a stop intersection on Bishop Street at Florence Street, on Cayetano Street at Florence Street, and on Jonathan Street at Florence Street in Pajaro, an unincorporated area of the County of Monterey. ALL AYES

- 30.**
- a. Approve and authorize the Auditor-Controller to amend the FY16-17 Adopted Budget by increasing appropriations in the amount of \$317,727 for County Service Area 50 - Rioway Tract, Fund 077, Appropriation Unit RMA073, where the financing source is Unassigned Fund Balance, to fund grading for the Lower Carmel River Notch Expansion, emergency notch opening (if necessary due to potential flood threat); and, a permanent easement along the Rio Road Tie-Back Levee (4/5th vote required);
 - b. Ratify payment of \$150,000 for the permanent easement from Resource Management Agency, Fund 401, Appropriation Unit RMA004 to be reimbursed by County Service Area 50 - Rioway Tract when appropriations become available; and
 - c. Authorize the Auditor-Controller to transfer an amount not to exceed \$150,000 in FY16-17 from the County Service Area 50 - Rioway Tract, Fund 077, Appropriation Unit RMA073, to Resource Management Agency, Fund 401, Appropriation Unit RMA004 to reimburse the payment for the permanent easement (4/5th vote required).

Approved