

Monterey County

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



Action Minutes - Draft

Tuesday, March 21, 2017

9:00 AM

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

Board of Supervisors

*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*

9:00 A.M. - Call to Order

The meeting was called to order by Chair Adams.

Roll Call

Supervisor Alejo arrived prior to Closed Session.

Present: 5 - Supervisor Mary L. Adams, Supervisor Luis Alejo, Supervisor John M. Phillips, Supervisor Simón Salinas and Supervisor Jane Parker

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) Friends, Artists and Neighbors of Elkhorn Slough v. Board of Supervisors of the County of Monterey, et al. (Monterey County Superior Court case no. M74104).
 - (2) County of Santa Clara v. Donald J. Trump, et al. (U.S. District Court case no. 5:17-CV-00574)
 - (3) City and County of San Francisco v. Donald J. Trump, et al. (U.S. District Court case no. 3:17-CV-00485)
 - b. 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.
 - 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: International Speedway Corporation
Under negotiation: Price and Terms
 - (2) ~~Property: 2700 Imjin road (Ord Market)~~
~~Agency Negotiator(s): Carl Holm~~
~~Negotiating Party: Darryl Choates~~
~~Under negotiation: Price and Terms (REMOVED VIA SUPPLEMENTAL)~~

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

(1) Designated representatives: Manuel Gonzalez and Brette Neal
Employee Organization(s): Units L, M and N

e. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the Public Defender.

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) Friends, Artists and Neighbors of Elkhorn Slough v. Board of Supervisors of the County of Monterey, et al. (Monterey County Superior Court case no. M74104).

(2) County of Santa Clara v. Donald J. Trump, et al. (U.S. District Court case no. 5:17-CV-00574)

(3) City and County of San Francisco v. Donald J. Trump, et al. (U.S. District Court case no. 3:17-CV-00485)

CLOSED SESSION REPORT: The Board conferred with counsel and took no reportable actions on items 1.a.(1), (2), or (3).

b. 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.

CLOSED SESSION REPORT: The Board conferred with counsel and took no reportable action on item 1.b.

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: International Speedway Corporation
Under negotiation: Price and Terms**

CLOSED SESSION REPORT: The Board conferred with real property negotiators and took no reportable action on item 1.c.(1).

(2) Property: 2700 Imjin road (Ord Market)

Agency Negotiator(s): Carl Holm

Negotiating Party: Darryl Choates

Under negotiation: Price and Terms (ITEM 1.c. (2) REMOVED VIA SUPPLEMENTAL)

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

**(1) Designated representatives: Manuel Gonzalez and Brette Neal
Employee Organization(s): Units L, M and N**

CLOSED SESSION REPORT: The Board conferred with labor negotiators and took no reportable actions regarding Units M and N. The Board conferred with labor negotiators and approved a tentative agreement with Unit L - Probation

Managers Association, and the Memorandum of Understanding will be available through the Human Resources Department.

e. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the Public Defender.

CLOSED SESSION REPORT: The Board met in Closed Session during lunch to discuss the performance evaluation of the Public Defender. The Board took no reportable action.

10:30 A.M. - Reconvene

Roll Call

Present: Diego Celis, Interpreter

Present: 5 - Supervisor Mary L. Adams, Supervisor Luis Alejo, Supervisor John M. Phillips, Supervisor Simón Salinas and Supervisor Jane Parker

Pledge of Allegiance

See East Garrison Minutes for Pledge of Allegiance.

Additions and Corrections

Due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda, as provided in Section 54954.2 of the California Government Code the Board is asked to make the following addition

Add Adjourn in Memory of
Pastor Herbert M. Valero

A motion was made by Supervisor Jane Parker, seconded by Supervisor Luis Alejo to approve the addition to the agenda. **ALL AYES**

Consent Calendar

2. Consent Calendar - (See Supplemental Sheet)

Supervisor Alejo pulled items 11, 15 & 17.
Supervisor Parker pulled item 24.

Re item No.11: Supervisor Alejo commented and expressed his support for the letter proposing acquisition and placement of the Vietnam era helicopter at the Salinas Vietnam Memorial.

Re item No. 15: Supervisor Alejo noted that aligning school district and community college elections to the same day as Statewide General Elections, pursuant to SB 415, will support greater turnout and more community involvement and participation.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to approve the Consent Calendar (See Supplemental Sheet), with the exception of items 17 and 24. **ALL AYES**

Re item No. 17: Supervisor Alejo reiterated his concerns that the current Community Power JPA structure does not provide equitable representation for all Monterey County cities to have a seat at the table. The JPA does have the opportunity to correct this. He stated he will not support today's recommended action.

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to approve item 17, as recommended. 3-2 (Supervisors Alejo and Salinas voted No)

Re item 24: Supervisor Parker asked questions of staff regarding the Parks strategic plan and community engagement. Supervisor Alejo noted the lack of parks in District 1 and suggested looking into converting blighted areas into pocket parks. Supervisor Salinas stated this is an exciting opportunity to work with the City of Salinas for park development and to bring the community together.

A motion was made by Supervisor Simon Salinas, seconded by Supervisor Luis Alejo to approve item 24, as recommended. ALL AYES

Ceremonial Resolutions

3. Adopt Resolution proclaiming the week of March 26 - April 1, 2017 as "Tsunami Preparedness Week" in Monterey County. (Full Board)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to adopt Resolution No. 17-085 proclaiming the week of March 26 - April 1, 2017 as "Tsunami Preparedness Week" in Monterey County. (Full Board) ALL AYES

Appointments

4. Reappoint Kevin Healy to the Housing Authority of the Monterey County for a term ending January 1, 2020. (Supervisor Phillips)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to reappoint Kevin Healy to the Housing Authority of the Monterey County for a term ending January 1, 2020. (Supervisor Phillips) ALL AYES

Other Board Matters

5. Board Comments

Supervisor Adams commemorated Morris "Morry" Fisher a longtime Monterey County resident who recently passed away. She noted he was a three term Mayor of Pacific Grove and served on a number of local Boards and Commissions, including Monterey-Salinas Transit District, AMBAG, FORA, Monterey Peninsula Water Management District; SCRAMP, Rape Crisis Center, and the Jaycees. He was a lifetime member of the NAACP. She requested everyone send a good thought to Morry and his daughters. She added, he was a pretty good guy.

6. CAO Comments and Referrals

County Administrative Officer Dr. Lew Bauman advised of the following referral from Supervisor Adams- District 5:
Request staff bring a campaign finance reform ordinance to the Board. This item is referred to County Counsel.

7. General Public Comment

Hans Jongens; Eric Peterson; Steve Eklund.

10:30 A.M. - Scheduled Matters

8. Conduct a public hearing to consider:
- Traffic volumes on Carmel Valley Road for segments six (6) and seven (7), pursuant to the 2010 General Plan, Carmel Valley area; and
 - If additional road segments need to be evaluated annually.

Public comment: Eric Sand; Chair Adams read and anonymous letter from a Monterey County resident into the record.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor John M. Phillips to: a. Accept the traffic volumes on Carmel Valley Road for segments six (6) and seven (7), pursuant to the 2010 General Plan, Carmel Valley area; and
b. Determine that no additional road segments need to be evaluated annually.
ALL AYES

9. Consider adoption of the Go Green! Monterey County Work Plan.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt the Go Green! Monterey County Work Plan. ALL AYES

Recessed to Lunch and Continued Closed Session

Adjournment

In Memory of Pastor Herbert M. Valero

APPROVED:

MARY L. ADAMS, CHAIR
BOARD OF SUPERVISORS

ATTEST:

BY: _____

GAIL T. BORKOWSKI
CLERK OF THE BOARD

APPROVED ON _____

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

10. Adopt Resolution to:
- a. Amend Personnel Policies and Practices Resolution No. 98-394 Appendix A and B to add the new non-represented Unit U classifications of: Colon & Rectal Surgeon, Neurosurgeon, Trauma Surgeon, and Vascular Surgeon with salary ranges as indicated in the attached resolution;
 - b. Amend Personnel Policies and Practices Resolution No. 98-394 Appendix A to increase the negotiable salary range for the current non-represented classification of Contract Physician from a maximum \$192.306 per hour to a maximum \$240.385 per hour (increase maximum of salary range from \$399,996 to \$500,000 per year);
 - c. Amend Personnel Policies and Practices Resolution No. 98-394 to add Section A.1.7: Physician Salary Rates, as indicated in the attached resolution; and
 - d. Direct the Human Resources Department to implement the changes in the Advantage HRM System.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 17-095 to:

- a. Amend Personnel Policies and Practices Resolution No. 98-394 Appendix A and B to add the new non-represented Unit U classifications of: Colon & Rectal Surgeon, Neurosurgeon, Trauma Surgeon, and Vascular Surgeon with salary ranges as indicated in the attached resolution;**
- b. Amend Personnel Policies and Practices Resolution No. 98-394 Appendix A to increase the negotiable salary range for the current non-represented classification of Contract Physician from a maximum \$192.306 per hour to a maximum \$240.385 per hour (increase maximum of salary range from \$399,996 to \$500,000 per year);**
- c. Amend Personnel Policies and Practices Resolution No. 98-394 to add Section A.1.7: Physician Salary Rates, as indicated in the attached resolution; and**
- d. Direct the Human Resources Department to implement the changes in the Advantage HRM System. ALL AYES**

Department of Social Services

11. Adopt a resolution supporting the future placement of a Vietnam era combat helicopter at the Monterey County Vietnam Veterans Memorial.
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 17-090 supporting the future placement of a Vietnam era combat helicopter at the Monterey County Vietnam Veterans Memorial. ALL AYES**
12. Approve and authorize the Director of the Department of Social Services to sign a no cost agreement with California Department of Social Services (CDSS),

effective upon execution through October 1, 2019, to ensure the privacy and security of the Department's customer's Personally Identifiable Information (PII).

Approved - Agreement No. A-13489

General Government

13. a. Approve and authorize the Contracts/Purchasing Officer to sign a Renewal and Amendment No. 1 to Agreement No. A-13188 between the County of Monterey and UNUM, retroactive to February 1, 2017, and extending the term of the agreement through January 31, 2018, and replacing Exhibit B, in its entirety, with Exhibit B-1; and
- b. Authorize the Contracts/Purchasing Officer to sign future amendments to the agreement where the amendments do not significantly change the scope of work or cause an increase in the agreement rates to a total of more than ten percent (10%) of the aggregate total of the contract.

Approved - Agreement No. A-13188

14. a. Award a contract to Avila Brother's, Inc., dba Avila Construction Company; the lowest responsible and responsive bidder, for the Monterey County Government Center East/West Wing Renovation, Project No. 8864, Bid Package No.10599, in the total amount of \$22,706,220;
- b. Approve the Performance and Payment Bonds executed and provided by Avila Brother's, Inc., dba Avila Construction Company, and Great American Insurance Company;
- c. Authorize a contingency not to exceed ten percent (10%) of the contract amount, to provide funding for approved contract change orders;
- d. Authorize the Interim RMA Deputy Director of Public Works and Facilities, to execute the contract and, subject to the terms of the Revised Contract Change Order Procedure for Construction Contracts Administered by the Public Works Department approved by the Board on August 28, 2001, and after review by the Assistant County Administrative Officer, approve contract change orders where each change order does not exceed \$25,000, plus five percent (5%) of the amount of the original contract cost in excess of \$250,000; and
- e. Authorize the Interim RMA Deputy Director of Public Works and Facilities to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when the Interim Director determines the contract is complete in all respects in accordance with the Plans and Special Provisions for the construction for the Monterey County Government Center East/West Wing Renovation, Project No. 8864, Bid Package No.10599, performed by Avila Brother's, Inc., dba Avila Construction Company.

Approved - Agreement No. A-13181

15. Adopt Resolution to approve the election date change for the governing board members of school and community college districts, members of the county

board of education and directors of special districts to the same day as the Statewide General Election in accordance with the attached list pursuant to the Uniform District Election Law and SB 415

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 17-09 to approve the election date change for the governing board members of school and community college districts, members of the county board of education and directors of special districts to the same day as the Statewide General Election in accordance with the attached list pursuant to the Uniform District Election Law and SB 415. ALL AYES

16. Approve the Monterey County Board of Supervisors Action Meeting Minutes for the following meeting dates: Tuesday, December 6, 2016, Thursday, December 8, 2016, Wednesday, January 11, 2017, Thursday, January 12, 2017, Thursday, January 19, 2017 and Tuesday, February 14, 2017.

Approved

17. Adopt an ordinance authorizing the County of Monterey to implement a Community Choice Aggregation program within the unincorporated area of the County by joining with other participating counties and cities in the tri-county region of Monterey, Santa Cruz, and San Benito Counties to form the Monterey Bay Community Power Authority.

A motion was made by Supervisor Jane Parker, seconded by Supervisor John M. Phillips to adopt Ordinance No. 5284 authorizing the County of Monterey to implement a Community Choice Aggregation program within the unincorporated area of the County by joining with other participating counties and cities in the tri-county region of Monterey, Santa Cruz, and San Benito Counties to form the Monterey Bay Community Power Author. 3-2 (Supervisors Alejo and Salinas voted No)

18. Adopt a Resolution approving the amended Conflict of Interest Code of the County Administrative Office.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 17-096 approving the amended Conflict of Interest Code of the County Administrative Office. ALL AYES

19. Adopt a resolution to extend the Proclamation of a Local Emergency dated February 15, 2017, ratified on February 22, 2017, in accordance with California Government Code 8630 for winter storm events which occurred between February 7, 2017 through February 12, 2017 that resulted in multiple significant rainfall events causing damage to public infrastructure and private property. (4/5ths vote required)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 17-079 to extend the Proclamation of a Local Emergency dated February 15, 2017, ratified on February 22, 2017, in accordance with California Government Code 8630 for winter storm events which occurred between February 7, 2017 through February 12, 2017 that resulted in multiple significant rainfall events causing damage to public

infrastructure and private property. (4/5ths vote required). **ALL AYES**

- 20.** Adopt a resolution to extend the Proclamation of a Local Emergency dated February 15, 2017, ratified on February 22, 2017, in accordance with California Government Code 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)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 17-078 to extend the Proclamation of a Local Emergency dated February 15, 2017, ratified on February 22, 2017, in accordance with California Government Code 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) ALL AYES

- 20.1** Adopt a Resolution authorizing the Office of Emergency Services to submit an application and designating County staff positions to authorize and execute documents and applications for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act. (ADDED VIA ADDENDA)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 17-080 authorizing the Office of Emergency Services to submit an application and designating County staff positions to authorize and execute documents and applications for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act. (ADDED VIA ADDENDA). ALL AYES

RMA - Administration

- 21.** Adopt a Resolution to:
- Receive the County Service Area 75 - Chualar Consolidated Draft Wastewater Rate Study;
 - Approve the Rate Alternative 1B - No Loan Payback, Three (3)-Year Phase-In; and
 - Approve the forgiveness of four (4) loans totaling \$1,166,483, and
 - Find that the forgiveness of said loans constitutes a public benefit.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 17-092 to:

- Receive the County Service Area 75 - Chualar Consolidated Draft Wastewater Rate Study;**
- Approve the Rate Alternative 1B - No Loan Payback, Three (3)-Year Phase-In; and**
- Approve the forgiveness of four (4) loans totaling \$1,166,483, and**
- Find that the forgiveness of said loans constitutes a public benefit. ALL**

AYES

- 22.**
- a. Accept the recommendation of the Monterey County Fish and Game Advisory Commission to award the remaining \$6,000 of a \$10,000 grant request to the Ventana Wildlife Society (VWS) for a Non-lead Ammo project; and
 - b. Approve the distribution of \$6,000 from Fish and Game Propagation Fund to Ventana Wildlife Society for Fiscal Year 2016 - 2017.

Approved

- 23.**
- a. Approve retroactive payments and approve Amendment No. 5 to Professional Services Agreement No. A-12755, Multi-Year Agreement #3000*364, with ES Engineering Services, LLC, a Delaware Limited Liability Company to: provide funding to pay the Contractor for previously rendered on-call landfill monitoring services (Request for Qualifications #10249) in the amount of \$28,520.46 from June 30, 2016 through January 31, 2017; increase the not to exceed amount of \$200,000 by \$300,000 for a total amount not to exceed \$500,000; and extend the expiration date from March 21, 2017 for one (1) additional year through March 21, 2018, for a revised term from March 21, 2012 to March 21, 2018; and
 - b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 5 to Professional Services Agreement.

Approved - Agreement No. A-12755**RMA - Parks**

- 24.** Receive an update on implementation of the Parks Strategic Plan.

Supervisor Parker asked questions of staff regarding the Parks strategic plan and community engagement. Supervisor Alejo noted the lack of parks in District 1 and suggested looking into converting blighted areas into pocket parks. Supervisor Salinas stated this is an exciting opportunity to work with the City of Salinas for park development and to bring the community together.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Luis Alejo to receive an update on implementation of the Parks Strategic Plan.

ALL AYES