

Monterey County

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



Action Minutes - Final

Tuesday, October 17, 2017

9:30 AM

Final Revised at 5:00 P.M.

**See separate Minutes for East Garrison Community Service District;
Pajaro Community Service District, Boronda County Sanitation District
and the Board of Supervisor of the Monterey County Water Resource
Agency**

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*

9:30 A.M. - Call to Order

The meeting was called to order by Chair Adams.

Roll Call

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

County Counsel Charles McKee requested item 1. c. (2). be removed from today's agenda. The Board concurred.

Closed Session

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

b. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee.
CLOSED SESSION REPORT: The Board took no reportable action on item 1.b.

c. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
(1) Stagecoach Territory, Inc. v. County of Monterey, et al (Monterey Superior Court Case No. M104908 / Sixth District Court of Appeal H041076)
CLOSED SESSION REPORT: The Board took no reportable action on item 1.c. (1).

(2) Nicolas Aquino v. County of Monterey Sheriff's Department, et al. (United States District Court case no. 14-CV-03387-EJD. (ADDED VIA ADDENDUM)
CLOSED SESSION REPORT: Item 1.c.(2) was removed from the agenda via Additions/Corrections and was not discussed.

10:30 A.M. - Reconvened

Roll Call

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

Pledge of Allegiance

The Pledge of Allegiance was led by Supervisor Salinas.

Additions and Corrections

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

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Luis Alejo to accept this addition to the agenda. ALL AYES

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Parker pulled item 26.

Supervisor Adams pulled item 23.2

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to approve the Consent Calendar (See Supplemental Sheet), with the exception of items 23.2 and 26. ALL AYES

Supervisor Adams requested that members of the public be allowed to sit on the Ad Hoc Committee. County Counsel Charles McKee explained that Ad Hoc

committees are members of the Board of Supervisors.
Public comment regarding item 23.2: Kimberly Craig.

Item 23.2 : A motion was made by Supervisor Luis Alejo, seconded by Supervisor John M. Phillips to approve item 23.2 and appointed Supervisors Salinas and Adams to the Ad Hoc Committee. ALL AYES (See item)

Item No. 26: Supervisor Parker asked questions of staff and suggested revised language for the proposed ordinance. Dr. Qureshi responded. Sr. Deputy County Counsel Wendy Strimling suggested modified language to Section 3 as follows: "the ordinance shall become effective on the 31st day following its adoption and become operative on December 1, 2017 or until the effective date of a safe parking program, whichever is later".

Public comment: Anthony Lombardo; Steve Eklund.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Luis Alejo to approve item 26, with the modified language to Section 3 as follows: "the ordinance shall become effective on the 31st day following its adoption and become operative on December 1, 2017 or until the effective date of a safe parking program, whichever is later". 4-1 (Supervisor Phillips voted No) See item.

Ceremonial Resolutions

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

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Luis Alejo to adopt Resolution No. 17-358 commending Leo Gillespie Monterey County Deputy Sheriff upon his retirement after 28.5 Years of Service. (Full Board) ALL AYES
4. Adopt Resolution commending Julia W. Gross, Information Technology Department, upon her retirement from twenty-eight years of public service. (Full Board)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Luis Alejo to adopt Resolution No. 17-359 commending Julia W. Gross, Information Technology Department, upon her retirement from twenty-eight years of public service. (Full Board) ALL AYES

Appointments

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

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis Alejo to appoint Fire Chief Michael Urquides to the Emergency Medical Care Committee as an alternate representative to ALS - Fire Districts for a term ending June 30, 2019. (Full Board) ALL AYES
6. Appoint Fire Chief Brian Dempsey to the Emergency Medical Care Committee as

an alternate representative to the BLS - Fire Districts for a term ending June 30, 2019. (Full Board)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis Alejo to appoint Fire Chief Brian Dempsey to the Emergency Medical Care Committee as an alternate representative to the BLS - Fire Districts for a term ending June 30, 2019. (Full Board) ALL AYES

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

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis Alejo to appoint Dino Pick, City Manager of Del Rey Oaks to the Emergency Medical Care Committee as City Managers alternate representative for a term ending June 30, 2019. (Full Board) ALL AYES

8. Appoint Paul Miller to the Emergency Medical Care Committee as a Citizens alternate representative for a term ending June 30, 2019. (Full Board)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis Alejo to appoint Paul Miller to the Emergency Medical Care Committee as a Citizens alternate representative for a term ending June 30, 2019. (Full Board) ALL AYES

9. Appoint John Sherwin to the Emergency Medical Care Committee as an alternate representative for Citizen with a term ending June 30, 2019. (Full Board)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis Alejo to appoint John Sherwin to the Emergency Medical Care Committee as an alternate representative for Citizen with a term ending June 30, 2019. (Full Board) ALL AYES

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

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis Alejo to reappoint Maria Theresa Rodriguez to the Community Action Commission representing the private sector for a term ending July 1, 2010.2020. (Supervisor Alejo) (CORRECTED VIA SUPPLEMENTAL) ALL AYES

11. Reappoint Captain James Bass to the Community Restorative Justice Commission representing Local Corrections for a term ending November 1, 2020. (Full Board)

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis Alejo to reappoint Captain James Bass to the Community Restorative Justice Commission representing Local Corrections for a term ending November 1, 2020. (Full Board) ALL AYES

Other Board Matters**12.** Board Comments

Supervisor Alejo commended the local sheriff deputies and local firefighters that provided mutual aide to the northern California counties during the fires. He extended his prayers and condolences to local Salinas resident Monica Ocono and her family for the loss of her mother, who tragically passed away after trying to survive the fierce fire, while seeking refuge in a swimming pool in the northern California fires.

Supervisor Alejo commended the young people and agency organizers for the Ciclovía Open Streets event. The event was a success and continues to grow each year. He thanked the young people and agencies that supported the event.

Supervisor Alejo expressed concerns over the fees being charged for the use of Toro Park for local sports teams cross-country events. He advised he hopes to work with staff to properly adjust fees for local sports teams to use the park.

Supervisor Alejo announced he will hold his quarterly coffee & conversation meeting at La Plaza Bakery on Barden Road this Thursday. He invited the public to attend.

Supervisor Parker reminded the community of Alert Monterey County www.altertmontereycounty.org, which allows the County to provide residents with critical information quickly about events such as severe weather, fires, unexpected road closures, missing persons, and evacuation of buildings and neighborhoods. People who sign up can receive messages in various modes. She encouraged folks to sign up.

Supervisor Parker announced that the Emergency Medical Services department is doing community meetings to hear and inform residents about the emergency medical systems, including fire and hospital emergency. They are in the process of launching the contract RFP for ambulance provider service. This is an opportunity for community members to provide feedback. There is a meeting tonight from 5:00 pm - 6:30 pm at the Marina Library, Marina, tonight at 7:00 pm to Government Center, Schilling Place, tomorrow night at Carmel Middle School, and Thursday at the Greenfield Civic Center. They want to hear from folks on any aspects for emergency medical services.

Supervisor Parker announced the District 4 Hot Topics meeting will take place on Monday at 5:30 pm at Angelina's Bakery in Seaside to review the agenda and other issues. Special guests will include representatives from SCRAM to talk about what's going on at Laguna Seca.

Supervisor Adams gave a shout-out to her staff member Yuri Anderson for her responsiveness in updating District 5's website with information on the York fire.

Supervisor Adams announced that the Pfifer Bridge opening was a success. It was uplifting to see both sides of Big Sur reunited. It was a fantastic experience and there was lots of joy and happiness. She thanked her

colleagues and the community for keeping things going during the challenging times.

13. CAO Comments and Referrals

There were no CAO comments or referrals.

14. General Public Comment

Steve Eklund; Michael Dove.

10:30 A.M. - Scheduled Matters

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

By consensus, the Board:

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

12:00 P.M. - Recessed to Lunch

1:30 P.M. - Reconvened

Roll Call

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

1:30 P.M. - Scheduled Matters

Supervisor Phillips left the dais prior to the completion of the hearing on item 16.

16.

PLN140863 - FIRST BAPTIST CHURCH

Public hearing to adopt a resolution to grant in part the appeal by the First Baptist Church from the August 9, 2017, decision of the Planning Commission to adopt a Negative Declaration and approve a Use Permit to convert a single-family dwelling into a church. First Baptist Church is challenging conditions regarding Permit Expiration (2 years) and Scope of Use (maximum occupancy of 65 persons).

Proposed CEQA Action: Adopt a Negative Declaration per Section 15074 of the CEQA Guidelines.

Project Location: 19345 Cachagua Road, Carmel Valley, Cachagua Area Plan

Public comment: Anthony Lomardo; Pastor Orville Meyers; Marge Ingram; Doug Gardner; Kelly O'Brien; Greg Martin; Gary Tate; Richard LeWarne; John Hammond; Dane Bonsper; Gerald King; Susan Newton; David Hong; Don Tuttlebach; Leslie Voss; Mary Martin; Tom Gayno; Matt Shea; Claudia Gayno; Drew Hammond; Ben Soebels; Beverlyly Tennyson; Cash Swanson; Schott Lisnick.

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis Alejo to continue to October 24, 2017 for consideration of:

PLN140863 - FIRST BAPTIST CHURCH

Public hearing to adopt a resolution to grant in part the appeal by the First Baptist Church from the August 9, 2017, decision of the Planning Commission to adopt a Negative Declaration and approve a Use Permit to convert a single-family dwelling into a church. First Baptist Church is challenging conditions regarding Permit Expiration (2 years) and Scope of Use (maximum occupancy of 65 persons).

Proposed CEQA Action: Adopt a Negative Declaration per Section 15074 of the CEQA Guidelines.

Project Location: 19345 Cachagua Road, Carmel Valley, Cachagua Area Plan.
4-0 (Supervisor Phillips Absent)

Adjournment**APPROVED:**

/ s/ Mary L. Adams

**MARY L. ADAMS, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

BY: / s/ Gail T. Borkowski

GAIL T. BORKOWSKI

CLERK OF THE BOARD

APPROVED ON December 12, 2017

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

17. Approve the Bylaws of the Area Agency on Aging Advisory Council.
- Approved**
18. a. Approve and authorize the Director of the Department of Social Services to sign an Agreement with Binti, Inc. for \$28,000 to provide licenses, training, and support for resource family approval software effective upon execution for a term of 12-months; and
- b. Approve and authorize the Director of the Department of Social Services to sign up to three (3) amendments to the agreement where the total amendments do not exceed 10% (\$2,800) of the original contract amount, and do not significantly change the scope of work.
- Approved - Agreement No. A-13766**

General Government

19. a. Authorize the Director of the Information Technology Department to execute a non-standard Agreement with Federal Engineering, Inc. to provide microwave backhaul upgrade assessment, design, and consulting services, for the period October 17, 2017 through October 16, 2020 for a total contract amount of \$587,233;
- b. Accept non-standard contract provisions as recommended by the Director of the Information Technology Department; and
- c. Authorize the Director of the Information Technology Department to sign up to two (2) amendments to this Agreement, extending the term by one (1) year per amendment, where the increase in the amount of each amendment does not exceed ten percent of the original cost (\$58,723.30 maximum increase per amendment) and where the amendments do not significantly change the scope of work and do not alter the non-standard terms of the Agreement.
- Approved - Agreement No. A-13758**
20. a. Waive the 180-day "waiting period" for PERS retirees to return to work for recently-retired appellate law specialist Cathie M. Giovannini, former Deputy County Counsel;
- b. Find that the appointment of Cathie Giovannini is necessary to fill a critically needed position; and
- c. Approve and Authorize the hiring of retiree Cathie Giovannini as a temporary County employee for the period August 30, 2017 to June 30, 2018, as recommended by the County Counsel.

Approved

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

Approved - Agreement No. A-13757

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

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to adopt Resolution No. 17-379 to extend the Proclamation of a Local Emergency dated January 12, 2017, ratified on January 19, 2017, and reviewed and extended on February 14, 2017, March 14, 2017, April 11, 2017, May 9, 2017, June 6, 2017, June 27, 2017, July 25, 2017, August 3, 2017, August 29, 2017, and September 19, 2017, in accordance with California Government Code Section 8630 for a succession of significant winter storm events which occurred between January 4, and 12, 2017, that resulted in significant damage to public infrastructure and private property within Monterey County. (4/5ths vote required) ALL AYES

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

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Simón Salinas to adopt Resolution No. 17-374 to extend the Proclamation of a Local Emergency dated February 15, 2017, ratified on February 22, 2017, and reviewed and extended on March 21, 2017, April 18, 2017, May 16, 2017, June 13, 2017, July 11, 2017, July 25, 2017, August 3, 2017, August 29, 2017, and September 19, 2017, in accordance with California Government Code Section 8630 for atmospheric river events which occurred between February 7, 2017 through February 20, 2017, that resulted in multiple significant rainfall events

causing damage to public infrastructure and private property. (4/5ths vote required) ALL AYES

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

Approved - Agreement No. A-13481

- 23.2**
- Appoint an ad hoc committee on election campaign financing.

Public comment: Kimberly Craig.

A motion was made by Supervisor Luis Alejo, seconded by Supervisor John M. Phillips to appoint Supervisors Salinas and Adams an ad hoc committee on election campaign financing. ALL AYES

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

Approved

RMA-Administration

- 24.**
- Acting on behalf of County Service Area 75 - Chualar:
- a. Set a Public Hearing on December 5, 2017, at 1:30 p.m. to hear protests against proposed increased wastewater service fees by property owners pursuant to Proposition 218 requirements;
 - b. Direct Resource Management Agency to mail the Notice of Public Hearing to property owners in CSA 75 - Chualar not less than 45 (forty-five) days prior to the date of hearing; and
 - c. Direct Resource Management Agency to publish the Notice of Public Hearing in the Monterey County Weekly not less than 45 (forty-five) days prior to the date of hearing.

Approved

RMA-Public Works and Facilities

- 25.**
- Approve adding the 1200 Aguajito Road Seismic Assessment, Project No. 8584,

to the approved FY 2017-18 Fund 401 - Facilities Maintenance Project list in the amount of \$125,000 where the funding source would be out of the FY 2017-18 Adopted Budget in Fund 401 Project Improvements To Be Determined (TBD) line item budgeted at \$1,575,096.

Approved

26.

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

A motion was made by Supervisor Jane Parker, seconded by Supervisor Luis Alejo to Introduce, waive reading, and set October 24, 2017 at 10:30 a.m. to consider adoption of an ordinance adding Section 12.28.011 of the Monterey County Code to authorize the County to prohibit parking at any time on certain County streets and highways and to tow away vehicles that violate the prohibition. This ordinance also applies this restriction specifically to the entirety of Lapis Road near the community of Marina in the unincorporated area of the County of Monterey, effective December 1, 2017; including amended language to Section 3 as follows: "the ordinance shall become effective on the 31st day following its adoption and become operative on December 1, 2017 or until the effective date of a safe parking program, whichever is later". 4-1 (Supervisor Phillips voted No)