County of Monterey

Government Center - Board Chambers 168 W. Alisal St., 1st Floor Salinas, CA 93901



Meeting Minutes - Draft

Tuesday, October 22, 2024 9:00 AM

Board of Supervisors

Chair Supervisor Glenn Church - District 2 Vice Chair Supervisor Chris Lopez - District 3 Supervisor Wendy Root Askew - District 4 Supervisor Mary L. Adams - District 5 Supervisor Luis A. Alejo - District 1

9:00 A.M. - Called to Order

The meeting was called to order by Chair Supervisor Glenn Church.

Roll Called

Present: 4 - Supervisor Mary L. Adams, Supervisor Glenn Church, Supervisor Chris Lopez and Supervisor Luis A. Alejo present

Absent: 1 - Supervisor Wendy Root Askew

Staff Present

Sonia De La Rosa, County Administrative Officer, Susan Blitch, County Counsel and Iracema Lopez, Assistant Clerk of the Board were present.

Additions and Corrections for Closed Session by County Counsel

There were no additions and corrections for 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) Claudia Mora (Workers' Compensation Appeals Board No. ADJ14327314)
 - (2) Claudia Mora (Workers' Compensation Appeals Board No. ADJ13839668)
 - b. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators:
 - (1) Designated representatives: Andreas Pyper, Kim Moore and Ariana Hurtado Employee Organization(s): All Units
 - c. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
 - d. Pursuant to Government Code 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.

Public Comments for Closed Session

Open for public comments; Christian Schneider commented.

The Board Recessed for Closed Session Agenda Items

10:30 A.M. - Reconvened on Public Agenda Items

Roll Call

Present: 4 - Supervisor Mary L. Adams, Supervisor Glenn Church, Supervisor Chris Lopez and Supervisor Luis A. Alejo present

Absent: 1 - Supervisor Wendy Root Askew

Staff Present

Sonia De La Rosa, County Administrative Officer, Susan Blitch, County Counsel and Iracema Lopez, Assistant Clerk of the Board were present.

Announcement of Interpreter

Diego Celis Spanish Interpreter present and announced Spanish interpreter services.

Pledge of Allegiance

The pledge of allegiance was led by Supervisor Luis A. Alejo.

Additions and Corrections by Clerk

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 and correction:

Correction to Item No. 43 under Consent Agenda – General Government

Revised Board Report received

Ceremonial Resolutions

Open for public comments; Brian Rosen commented.

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez to adopt Ceremonial Resolutions Numbers 2 through 19.

ALL AYES (4-0)

Supervisor Root Askew absent

2. Adopt a resolution honoring Michael McFadden's 24 years of service as a County of Monterey employee. (Supervisor Askew)

Adopted Resolution No. 24-360

3. Adopt a resolution recognizing Operation Green Light for Veterans designed to show support for our Nation's Veterans, raise awareness of the County's role in providing support and resources to Veterans in Monterey County. (Supervisor Alejo)

Adopted Resolution No. 24-361

4. Adopt a resolution commending Toni A. Carmona upon her retirement after forty years of public service with the Monterey County Sheriff's Office. (Supervisor Askew)

Adopted Resolution No. 24-362

5. Adopt a resolution honoring Arturo Perez as a Monterey County Military and Veterans Affairs Advisory Commission's Veteran of the Year for 2024. (Supervisor Lopez)

Adopted Resolution No. 24-363

6. Adopt a resolution honoring Daniel Joseph Ferguson as a Monterey County Military and Veterans Affairs Advisory Commission's Veteran of the Year for 2024. (Supervisor Lopez)

Adopted Resolution No. 24-364

7. Adopt a resolution honoring James M. Cullem ("Jim") as a Monterey County Military and Veterans Affairs Advisory Commission's Veteran of the Year for 2024. (Supervisor Adams)

Adopted Resolution No. 24-365

8. Adopt a resolution honoring John Murray as a County of Monterey Military and Veterans Affairs Advisory Commission's Veteran of The Year for 2024. (Supervisor Alejo)

Adopted Resolution No. 24-366

9. Adopt a resolution honoring John Pinedo as a County of Monterey Military and Veterans Affairs Advisory Commission's Veteran of The Year for 2024. (Supervisor Alejo)

Adopted Resolution No. 24-367

10. Adopt a resolution honoring Mary Hostetler as a Monterey County Military and Veterans Affairs Advisory Commission's Veteran of the Year for 2024. (Supervisor Adams)

Adopted Resolution No. 24-368

11. Adopt a resolution honoring Mike Cabael as a Monterey County Military and Veterans Affairs Advisory Commission's Veteran of the Year for 2024. (Supervisor Church)

Adopted Resolution No. 24-369

12. Adopt a resolution honoring Paul Sullivan as a County of Monterey Military and Veterans Affairs Advisory Commission's Veteran of The Year for 2024. (Supervisor Askew)

Adopted Resolution No. 24-370

13. Adopt a resolution honoring Rick Johnson as a Monterey County Military and Veterans Affairs Advisory Commission's Veteran of the Year for 2024. (Supervisor Askew)

Adopted Resolution No. 24-371

14. Adopt a resolution honoring Robert Kramer as a Monterey County Military and Veterans Affairs Advisory Commission's Veteran of the Year for 2024. (Supervisor Askew)

Adopted Resolution No. 24-372

15. Adopt a resolution honoring Sherman Twisselman as a Monterey County Military and Veterans Affairs Advisory Commission's Veteran of the Year for 2024. (Supervisor Church)

Adopted Resolution No. 24-373

16. Adopt a resolution honoring William Breen as a County of Monterey Military and Veterans Affairs Advisory Commission's Veteran of The Year for 2024. (Supervisor Askew)

Adopted Resolution No. 24-374

17. Adopt a resolution recognizing November 11, 2024, as Veterans Day in the County of Monterey and to honor the service and sacrifice of the many Veterans who have safeguarded our Country, and to recognize the Veteran Organizations who in turn serve those who served us. (Supervisor Alejo)

Adopted Resolution No. 24-375

18. Adopt a resolution recognizing Susan K. Rimando, Registered Environmental Health Specialist (REHS), a County of Monterey Employee, for her 38 years of service with the Environmental Health Bureau, County of Monterey Health Department. (Supervisor Church)

Adopted Resolution No. 24-377

19. Adopt a resolution of appreciation of California State Senator Anna Caballero for her outstanding representation and advocacy on behalf of the County of Monterey. (Supervisor Alejo)

Adopted Resolution No. 24-380

Appointments

Open for public comments; no comments made.

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Mary L. Adams to appoint/reappoint Item Numbers 20 through 22.

ALL AYES (4-0)

Supervisor Root Askew absent

20. Reappoint Michael Martignoni to the Gonzales Rural Fire Protection District with a term ending on November 8, 2028. (District Specific - District 3, Supervisor Lopez)

Reappointed

21. Appoint Relindis Diaz to the Monterey County Children & Families Commission (First 5) as an At Large member with a term ending on October 22, 2027. (Nominated by the Monterey County

Children & Families Commission)

Appointed

22. Appoint Phillip Balestreri to the Spreckels Community Services District as a District 3 Representative with a term ending on November 5, 2024. (District Specific - District 3, Supervisor Lopez)

Appointed

Approval of Consent Calendar – (See Supplemental Sheet)

23. See Supplemental Sheet

Open for public comments; no comments made.

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Chris Lopez to approve Consent Calendar Item Numbers 29 through 53 excluding Item No. 31 where a separate vote will be taken on.

ALL AYES (4-0)

Supervisor Root Askew absent

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Chris Lopez with Supervisor Glenn Church, voting no, to approve Consent Calendar Item Number 31.

Motion passed 3 to 1
Supervisor Root Askew absent
Supervisor Church voted NAY

General Public Comments

24. General Public Comments

Open for general public comments for items not on the agenda today; Eloise Shim, Eric Peterson, Brian Rosen, Nina Beety, Israel CAYCJ, Lauren Moffet, Rosa Espinoza with the assistance of Diego Celis, Spanish Interpreter and Adam Juarez commented.

Scheduled Matters

- a. Approve and authorize the Contracts and Purchasing Officer to execute a four (4) year Concession Lease Agreement based on selection criteria set forth in RFP#10859, effective upon execution with Alvarez Brothers and Sons, LLC for cafeteria space located at 1441 Schilling Place, Salinas, California (commonly known as the Schilling Place Café) for a minimum base rent of \$670 per month, plus a twenty (20%) percent commission fee based on annual net sales revenue; and
 - b. Authorize the Contracts and Purchasing Officer, PWFP-Real Property Specialist, and Assistant Auditor-Controller (collectively) to conduct an annual review of the annual net revenue and make adjustments to the commission fee in the best interest of the County; and
 - c. Authorize the Contracts and Purchasing officer to exercise the option to extend the Concession Lease Agreement for one (1) additional four (4) year period in accordance with terms and conditions

set within the Agreement.

Jessica Amezcua, Management Analyst II and Debra Wilson, Contracts and Purchasing Officer presented via PowerPoint presentation.

Sal Alvarez and Louie Diaz Infante (vendors) made comments on the project.

Open for public comments; no comments made.

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Chris Lopez to: a. Approve and authorize the Contracts and Purchasing Officer to execute a four (4) year Concession Lease Agreement based on selection criteria set forth in RFP#10859, effective upon execution with Alvarez Brothers and Sons, LLC for cafeteria space located at 1441 Schilling Place, Salinas, California (commonly known as the Schilling Place Café) for a minimum base rent of \$670 per month, plus a twenty (20%) percent commission fee based on annual net sales revenue; and

b. Authorize the Contracts and Purchasing Officer, PWFP-Real Property Specialist, and Assistant Auditor-Controller (collectively) to conduct an annual review of the annual net revenue and make adjustments to the commission fee in the best interest of the County; and

c. Authorize the Contracts and Purchasing officer to exercise the option to extend the Concession Lease Agreement for one (1) additional four (4) year period in accordance with terms and conditions set within the Agreement.

ALL AYES (3-0)

Supervisor Root Askew absent

Supervisor Alejo was absent when the vote was called

Supervisor Luis A. Alejo departed the meeting at 11:56 a.m. unexpectedly.

Other Board Matters

Referral Matrix and New Referrals

26. Referral Matrix and New Referrals (if any)

There were no new referrals for this weeks agenda.

County Administrative Officer Comments

27. County Administrative Officer Comments

Sonia De La Rosa, County Administrative Officers comments can be heard by clicking the following link:

http://monterey.granicus.com/EditFile.php?clip_id=5626

Board Comments

28. Board Comments

Board comments can be heard by clicking the following link:

http://monterey.granicus.com/EditFile.php?clip_id=5626

Read Out from Closed Session by County Counsel

There was no reportable read out from closed session.

Adjourned

The meeting was adjourned at 12:12 p.m. by Chair Supervisor Glenn Church.

Supplemental Sheet, Consent Calendar

Natividad Medical Center

- a. Authorize the Chief Executive Officer for Natividad Medical Center (NMC) or his designee to execute an agreement with DataBank IMX, LLC for onbase software maintenance services at NMC for an amount not to exceed \$49,132 with an agreement term retroactive from July 1, 2024 through June 30, 2025.
 - b. Approve the NMC's Chief Executive Officer's recommendation to accept non-standard indemnification, and insurance provisions within the agreement.

Approved

Health Department

- a. Approve and authorize the Director of Health Services or designee to execute an Agreement with the City of Marina for the County of Monterey Health Department Tobacco Retail License Program to provide administrative and enforcement services on behalf of the City's Tobacco Retail License program, with revenue being determined by the number of tobacco retailers within the City, for the term date upon execution to October 31, 2029; and
 - b. Approve a non-standard Agreement as recommended by the Director of Health Services; and c. Approve and authorize the Director of Health Services or designee to sign up to three future amendments where the combined amendments do not significantly change the scope of services.

Approved

a. Introduce, waive reading, and set November 12, 2024 at 10:30 a.m. as the date and the time to consider adoption of an ordinance amending Section 10.41.090 of the Monterey County Code outlining the County of Monterey's solid waste franchise agreement standards; and b. Find the action is categorically exempt under California Environmental Quality Act Guidelines section 15378(b)(5). (REVISED VIA SUPPLEMENTAL)

Approved

32. Adopt an ordinance of the County of Monterey, State of California, amending Section 10.41.090 of the Monterey County Code outlining the County's Solid Waste franchise agreement standards.

(REMOVED VIA SUPPLEMENTAL)

Proposed California Environmental Quality Act (CEQA) Action: Consider finding that the adoption of this ordinance is categorically exempt per Section 15378(b)(5) of the CEQA Guidelines because it is an administrative activity that will not result in direct or indirect changes to the environment.

Adopted

a. Set a public hearing for November 12, 2024 at 10:30 a.m. to consider and adopt a Resolution to approve Amendment No. 16 with [Proposed] Exhibit 1 "Approved Rates and Charges" to Unified Franchise Agreement A-11631 regarding proposed rates for services and adjustments to current rates for the Unified Franchise Agreement A-11631 between the County of Monterey and Waste Management, Inc. dba USA Waste of California dba Carmel Marina Corp., for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County; and b. Approve and authorize the Director of Health Services to execute Amendment No. 16 to the Unified Franchise Agreement (Agreement No. A-11631) between the County of Monterey and Waste Management, Inc. dba USA Waste of California, Inc., dba Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County.

Approved

Criminal Justice

34. Approve and authorize the Contracts/ Purchasing Officer or their designee to execute a retroactive Agreement back to July 1, 2024, through August 31, 2024, with Homeland Justice Systems, Inc., to provide a short-term license for Probation's legacy Service Management System (SMS), Smart Probation in the total amount of \$15,000 and aggregate term of July 1, 2024 through August 31, 2024.

Approved

35. Adopt a resolution approving the amended Conflict of Interest Code of the Office of the District Attorney.

Adopted

- a. Approve and authorize the Public Defender to execute an Agreement with Dataflow Business Systems Inc., to provide a multi-function Ricoh copier model IM C600 for the Public Defender's Office, in the amount of \$18,500, for a three-year term retroactive date of July 1, 2024 through June 30, 2027;
 - b. Approve and authorize the Public Defender to execute up to three (3) amendments, subject to County Counsel review, extending the agreement by one (1) year each, where total additional costs do not exceed 10% of the contract amount (\$1,850) and the amendments do not significantly alter the scope of work, and do not exceed the maximum amount of \$20,350.

Approved

- a. Approve and authorize the Public Defender or designee to execute an Agreement with Merideth Canham-Nelson, Licensed Clinical Social Worker, to provide supervision for California State University Monterey Bay student intern, in the amount of \$7,500 for a seventeen-month term retroactive date of August 1, 2024 through December 31, 2025;
 - b. Approve and authorize the Public Defender or designee to execute up to three (3) amendments,

extending the agreement by one (1) year each, where total additional costs do not exceed 10% of the contract amount (\$750) and the amendments do not alter significantly the scope of work, and do not exceed the maximum amount of \$8,250;

c. Accept the risk provisions as recommended by the Public Defender.

Approved

General Government

38. Approve and authorize the Director of the Emergency Communications Department to sign a National Association of State Procurement Officials (NASPA) ValuePoint Participating Addendum from Master Agreement #MA152 with Verizon Wireless to issue purchase orders to Verizon Wireless for a mobile hotspot and public safety Emergency Messaging Gateway for Short Messaging (SMS) Service messaging directly from the systems computer aided dispatch system for an estimated monthly cost of \$100 for the mobile hotspot and no cost for the Emergency Messaging Gateway.

Approved

- a. Approve and authorize the Director of the Emergency Communications Department to sign an agreement with RapidSOS, Inc. in an amount not to exceed \$121,250 effective upon execution for a term of five (5) years, for public safety dispatch analytics software;
 - b. Accept nonstandard terms as recommended by the Director of the Emergency Communications Department; and
 - c. Authorize the Director of the Emergency Communications Department to sign up to three (3) additional amendments to this Agreement where the amendments do not significantly change the scope of services and do not add more than 10% (\$12,125), of the original agreement amount for a maximum aggregate agreement total of \$133,375.

Approved

- 40. a. Authorize the Chief Information Officer to execute a non-standard Agreement with California Multiple Award Schedule (CMAS) for Information Technology Goods & Services AMS.NET Incorporated (CMAS 3-18-70-0291AE) and (CMAS 3-21-08-1104), awarded vendor for low voltage cabling, Wi-Fi, fiber, network connectivity, and other technology products and services for terms of October 22, 2024, through July 26, 2027 (CMAS 3-18-70-0291AE), and October 22, 2024, through February 19, 2025 (CMAS 321-08-1104), and for a total contract amount of \$1,000,000; and
 - b. Authorize the Chief Information Officer or his designee to execute order forms and such documents as necessary to implement the agreement with AMS.NET Incorporated for the purchase of Information Technology Goods & Services; and
 - c. Accept non-standard contract provisions as recommended by the Chief Information Officer; and
 - d. Authorize the Chief Information Officer or his designee to sign up to three (3) amendments to this agreement of one (1) year each, provided the cost of each amendment does exceed 10% (\$100,000)

of the cost of the original Agreement subject to County Counsel review and provided the terms of the agreement remain substantially the same, bringing the maximum compensation Not to Exceed amount to \$1,300,000.

Approved

41. Adopt a resolution to approve a newly established Conflict of Interest Code for the Monterey County Workforce Development Board

Adopted

42. Approve a request from the North County Fire Protection District for dry period loan of \$1,000,000 for the Fiscal Year ending June 30, 2025

Approved

a. Approve and authorize the County Administrative Officer, or designee, to participate in the Pacific Gas and Electric Government K-12 Energy Efficiency Program by executing a non-standard agreement to replace gas water heaters with highly efficient electric heat pump water heaters in several County facilities for a project valued at \$238,090 at no cost to the County; and b. Approve and authorize the County Administrative Officer, or designee, to enter into, execute, and deliver all documents necessary to implement this project subject to review and approval of the Office of the County Counsel as to form and legality.

Board Action: Upon motion by Supervisor Mary L. Adams, seconded by Supervisor Chris Lopez, and carried unanimously, the Board approved Consent Items through .

- 44. a. Approve the sale of two parcels located at 183 Soledad Street, Soledad California (APNs 022-026-001 and 022-026-002) ("the parcels") to the Soledad Unified School District by the City of Soledad and the City of Soledad Successor Agency to the Soledad Redevelopment Agency; b. Accept the County of Monterey's share, on behalf of the County General Fund, County Library Fund, and Educational Revenue Augmentation Fund, of the net unrestricted proceeds from the sale of the parcels; and
 - c. Authorize the County Administrative Officer to execute all necessary documents to effectuate the transfer of proceeds.

Approved

45. a. Approve expenditure of \$25,000 to fund the Aromas Community Center Foundation ("ACCF") for costs incurred from the maintenance and development of Aromas Community Park facilities from District 2's discretionary funds.

Approved

46. Approve the County of Monterey Board of Supervisors Draft Action Meeting Minutes for the following meeting dates: Tuesday, October 15, 2024.

Housing and Community Development

a. Approve and authorize the Contracts/Purchasing Officer or their designee to execute Amendments No.2 to the On-Call Planning Consultant Agreements with Denise Duffy & Associates, Inc. (DDA) (A-15573), Harris & Associates, Inc. (Harris) (A-15574), and Rincon Consultants, Inc. (Rincon) (A-15575) to extend the term of each Agreement to October 31, 2025, and to increase the not to exceed amount of \$260,000 by \$60,000 for each agreement, resulting in three (3) amended Agreements in the amount of \$320,000 each; and

b. Authorize the Contracts/Purchasing Officer or their designee to execute one (1) additional one (1) -year amendment to each Agreement where the additional cost of each Amendment does not exceed \$60,000 bringing the total maximum per Agreement amount to \$380,000, subject to review by County Counsel.

Approved

- a. Find that execution of the Agricultural Buffer Easement Deed is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines California Code of Regulations (CCR) section 15317;
 - b. Accept the Agricultural Buffer Easement Deed and Map for Bengard Family Partnership I, L.P; Barden E. Bengard; Tracy M. Pezzini; Thomas A. Bengard;
 - c. Authorize the Chair of the Board of Supervisors to execute the Agricultural Buffer Easement Deed and the Acceptance and Consent to Recordation; and
 - d. Direct the Clerk of the Board to submit the Agricultural Buffer Easement Deed and Map to the County Recorder for recording with all applicable recording fees paid by the applicant.

(Agricultural Buffer Easement Deed and Map - PLN230035/Bengard Family Partnership I, L.P; Barden E. Bengard; Tracy M. Pezzini; Thomas A. Bengard, 1981, 1983 and 1985 Alisal Road, Salinas, (Assessor's Parcel Number 153-011-064-000), Greater Salinas Area Plan)

Approved

Public Works, Facilities and Parks

49. Adopt a resolution to revise and approve amendments to, and revise, the Public Works, Facilities, and Parks Department of the County of Monterey's Conflict of Interest Code.

Adopted

- a. Ratify the project list submitted to the California Department of Transportation (Caltrans) as candidate projects for Cycle 12 of the Highway Safety Improvement Program (HSIP), totaling \$31,534,770 in grant funds requested; and
 - b. Authorize the Director of Public Works, Facilities & Parks (PWFP), or designee, to act as the agent

for the County in processing all documentation to secure these funds; and c. Direct PWFP to return to the Board for approval prior to acceptance of any grant award(s).

Approved

a. Approve Professional Services Agreement with TRC Engineers, Inc. to provide professional engineering services for the Chualar Community and School Connections Project through the Active Transportation Program, Request for Proposals #10911, for an initial term of three years from October 22, 2024 to October 21, 2027, with the option to extend the Agreement for two additional years, for an amount not to exceed \$576,608; and

b. Authorize the Contracts & Purchasing Officer or their designee to execute the Professional Services Agreement and future amendments to the Agreement where the amendments do not significantly alter the scope of work or increase the amount by more than 10% (\$57,661) of the original approved Agreement amount of \$576,608, bringing the potential overall aggregate not to exceed amount to \$634,269, subject to review and approval as to form by the Office of the County Counsel and as to fiscal provisions by the Auditor-Controller's Office.

Approved

a. Approve Amendment No. 4 to Professional Services Agreement No. A-14464, Multi-Year Agreement #3200*4615, with CONSOR North America, Inc. to continue to provide on-call construction management services for projects in Monterey County, Request for Qualifications #10709, to extend the expiration date for six additional months through April 30, 2025, with no increase to the maximum amount of \$750,000 and for a revised term from July 16, 2019 to April 30, 2025;

b. Authorize the Contracts & Purchasing Officer or their designee to execute Amendment No. 4 to Professional Services Agreement No. A-14464 and future amendments to the Agreement where the amendments do not significantly alter the scope of work or increase the approved Agreement amount.

Approved

Please refer to the Board Orders for the approved and adopted Agreement, Resolution and Ordinance numbers.

Addenda/Supplemental

53. Addenda/Supplemental

Revised language on Item No. 31 under General Government - Consent to read as follows: "a. Introduce, waive reading, and set November 12, 2024 at 10:30 a.m. as the date the time to consider adoption of an ordinance amending Section 10.41.090 of the Monterey County Code outlining the County of Monterey's solid waste franchise agreement standards; and

b. Find the action is categorically exempt under California Environmental Quality Act Guidelines section 15378(b)(5)."

Attached a Revised Board Report to Item No. 31 under General Government -

Consent

Removed Item No. 32 under General Government - Consent