Monterey County

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

Meeting Agenda - Final-revised

Tuesday, September 26, 2017

9:00 AM

See separate agenda for Board of Supervisors of the Monterey County Water Resources 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
The Board of Supervisors welcomes you to its meetings, which are regularly scheduled each Tuesday. Your interest is encouraged and appreciated. Meetings are held in the Board Chambers located on the first floor of the Monterey County Government Center, 168 W. Alisal St., Salinas, CA 93901. As a courtesy to others, please turn off all cell phones and pagers prior to entering the Board Chambers.

ALTERNATE AGENDA FORMATS: If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals with a disability requiring a modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may make these requests to the Clerk of the Board Office.

CEREMONIAL/APPOINTMENTS/OTHER BOARD MATTERS: These items may include significant financial and administrative actions, and items of special interest, usually approved by majority vote for each program. The regular calendar also includes “Scheduled Items,” which are noticed hearings and public hearings.

CONSENT CALENDAR: These matters include routine financial and administrative actions, appear in the supplemental section by program areas, and are usually approved by majority vote.

TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Walk to the rostrum and wait for recognition by the Chair. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair, with equal time allocated to opposing sides of an issue insofar as possible. Allocated time may not be reserved or granted to others, except as permitted by the Chair. On matters for which a public hearing is required, please note that a court challenge to the Board’s action may be limited to only those issues raised at the public hearing or in correspondence delivered to the Board at or before the public hearing.

TO ADDRESS THE BOARD DURING PUBLIC COMMENT: Please complete a Speaker Request Form, available on the rostrum, and submit it to the Clerk of the Board before the commencement of that agenda item. Public comments shall not pertain to matters on the agenda.

DOCUMENT DISTRIBUTION: Documents related to agenda items that are distributed to the Board less than 72 hours prior to the meeting shall be available for public inspection at the Clerk of the Board Office, 168 W. Alisal Street, 1st Floor, Salinas, CA. Documents distributed to the Board at the meeting by County staff will be available at the meeting; documents distributed to the Board by members of the public shall be made available after the meeting.

INTERPRETATION SERVICE POLICY: The Monterey County Board of Supervisors invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the Clerk of
the Board located in the Monterey County Government Center, 168 W. Alisal St., Salinas - or by phone at (831) 755-5066. The Clerk will make every effort to accommodate requests for translation assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting of the Board of Supervisors.

La Cámara de Supervisores del Condado de Monterey invita y apoya la participación de los residentes del Condado de Monterey en sus reuniones. Si usted requiere la asistencia de un interprete, por favor comuníquese con la oficina de la Asistente de la Cámara de Supervisores localizada en el Centro de Gobierno del Condado de Monterey, (Monterey County Government Center), 168 W. Alisal, Salinas – o por teléfono al (831) 755-5066. La Asistente hará el esfuerzo para acomodar los pedidos de asistencia de un interprete. Los pedidos se deberán hacer lo mas pronto posible, y a lo mínimo 24 horas de anticipo de cualquier reunión de la Cámara de Supervisores.

All documents submitted by the public must have no less than ten (10) copies. The Clerk of the Board of Supervisors must receive all materials for the agenda packet by noon on the Tuesday one week prior to the Tuesday Board meeting. Any agenda related writings or documents distributed to members of the County of Monterey Board of Supervisors regarding any open session item on this agenda will be made available for public inspection in the Clerk of the Board's Office located at 168 W. Alisal St., 1st Floor, Salinas, California. during normal business hours and in the Board Chambers on the day of the Board Meeting, pursuant to Government Code §54957.5
NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to corresponding Board Report.

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

9:00 A.M. - Call to Order

Roll Call

Additions and Corrections for Closed Session:

The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code. The public may comment on Closed Session items prior to the Board’s recess to Closed Session.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:

   a. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.

   b. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:

      (1) Zhang v. County of Monterey, et al. (United States District Court case no. 17-CV-00007)
      (2) Aera Energy LLC v. County of Monterey, et al. (Monterey County Superior Court case no. 16CV003980)
      (3) California Resources Corporation v. County of Monterey, et al. (Monterey County Superior Court case no. 17CV000790)
      (4) Chevron U.S.A. Inc., et al. v. County of Monterey, et al. (Monterey County Superior Court case no.16CV003978)
      (5) Eagle Petroleum LLC v. County of Monterey, et al. (Monterey County Superior Court case no. 17CV000935)
      (6) National Association of Royalty Owners-California, Inc., et al. v. County of Monterey, et al. (Monterey County Superior Court case no. 17CV000871)
      (7) Trio Petroleum LLC, et al. v. County of Monterey, et al. (Monterey County Superior Court case no. 17CV001012)

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

      (1) Designated representatives: Irma Ramirez-Bough and Brette Neal
Employee Organization(s): Units F, H, J, K and S

d. Pursuant to Government Code section 54956.9(e)(3), the Board will confer with legal counsel regarding liability claims against the County of Monterey.
(1) Antonio Martinez, III and Jenny Martinez
(2) Curtis Andreus-Deshon Harper

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

f. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee.

g. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation. (ADDED VIA ADDENDA)

Continuance of Closed Session to be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

10:30 AM - Reconvene

Roll Call

Pledge of Allegiance

Additions and Corrections

The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar (See Supplemental Sheet)

Ceremonial Resolutions

3. Adopt Resolution in honor and recognition of the 100th Anniversary of the Monterey County Farm Bureau. (Full Board)

Attachments: Monterey County Farm Bureau 100th Anniversary Ceremonial Resolution
4. Adopt Resolution proclaiming September 29 through October 8, 2017 as Binational Health Week. (Supervisor Adams)

*Attachments:* Binational Health Week Ceremonial Resolution

5. Adopt Resolution commending Special Agent John Jefferson, California Department of Corrections upon his retirement after Twenty-Eight Years of Public Service. (Full Board)

*Attachments:* Jefferson Ceremonial Resolution

5.1 Adopt Resolution recognizing Monterey Bay National Marine Sanctuary. (Full Board) (ADDED VIA ADDENDA)

*Attachments:* Monterey Bay National Marine Sanctuary

**Other Board Matters**

6. Board Comments

7. CAO Comments and Referrals

*Attachments:* Referrals 9-26-17

8. General Public Comment

*This portion of the meeting is reserved for persons to address the Board of Supervisors on any matter not on this agenda but under the jurisdiction of the Board of Supervisors. Board of Supervisors members may respond briefly to the statement made or questions posed. They may ask a question for clarification; make a referral to staff for factual information or request staff to report back to the Board of Supervisors at a future meeting.*

10:30 A.M - Scheduled Matters

9. a. Conduct a Public Hearing to take comments on the draft Urban County Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2016-17 (PY 16-17);

b. Approve the Urban County CDBG CAPER for PY 16-17 for submittal to the U.S. Department of Housing and Urban Development; and,

c. Authorize the Director of the Economic Development Department to make minor changes to the CAPER in response to comments from HUD.

*Attachments:* Board Report

Draft Urban County Consolidated Annual Performance and Evaluation Report

12:00 PM - Recess to Lunch
1:30 PM - Reconvene

Roll Call

1:30 P.M. - Scheduled Matters

10. PLN160348 - BLACK CROW LLC (MOORE)
Public hearing continued from June 27 and August 29, 2017. Public hearing to consider an appeal by Courtney Meyers from the April 27, 2017, decision of the Zoning Administrator to categorically exempt and approve a Coastal Administrative Permit and Design Approval to demolish an existing single-family dwelling with attached garage, and construct a new single-family dwelling with attached garage. Proposed CEQA Action: Categorically Exempt per Section 15302 of the CEQA Guidelines.
Project Location: 2874 Pradera Road, Carmel Meadows, Carmel Area Land Use Plan, Coastal Zone

Attachments: Board Report
Attachment A - Project Discussion
Attachment B - Draft Resolution
Attachment C - Notice of Appeal (5-8-17), w/additional contentions submitted
Attachment D - Zoning Administrator Resolution No. 17-026 (April 27, 2017)
Attachment E - Vicinity Map
Attachment F - Carmel Unincorporated Highlands LUA Minutes (April 17, 2017)
Attachment G - Applicant's Assessment of Appellant-Proposed Alternatives
Attachment H - Email from Appellant's Attorney (dated September 8, 2017)
Attachment I - Appellant's Response to Applicant's Assessment of Alternatives

11. Continued from September 19, 2017
Receive a presentation on the Capital Improvement Program Five Year Plan FY 2017-18 through FY 2021-22, Measure X/SB1 List of Projects (FY 2017/18), and Storm/Fire Damage Projects (FY 2017/18). (REVISED ATTACHMENT C SUBMITTED VIA SUPPLEMENTAL)

Attachments: Board Report
Attachment A - Measure XSB1 Priority List
Attachment B - Storm Damage Project Lists (Original and Revised)
Attachment C - Presentation to Board of Supervisors
REVISED Attachment C - Presentation to Board of Supervisors

Adjournment
Supplemental Sheet, Consent Calendar

Natividad Medical Center

12. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute the First Amendment to Professional Services Agreement with Candice Becker-Schwarm CNM to provide nurse midwife services, extending the term by twenty-four (24) months (October 1, 2017 to September 30, 2019) for a revised full agreement term of January 1, 2017 to September 30, 2019 and adding $350,000 for a revised amount not to exceed $450,000 in the aggregate; and
b. Authorize the Deputy Purchasing Agent for NMC to sign up to three (3) future amendments to this agreement where the total amendments do not exceed the term by more than twelve (12) months, do not significantly change the scope of work, and do not cause an increase of more than ten percent 10% ($10,000) of the original contract amount per each amendment.

Attachments: Board Report
Candice Becker-Schwarm First Amendment.pdf
Candice Becker-Schwarm CNM Agreement.pdf

13. a. Adopt the Natividad Medical Center Construction Task Catalog, Project Manuals, and Technical Specifications for the Job Order Contract Projects, Project No. JOC Bid Nos. NMC 2017-01, Bid Nos. NMC 2017-02, as part of the information to complete the Job Order Contract program; and
b. Authorize advertising the “Notice to Contractors” in a newspaper of general circulation.

Attachments: Board Report
NMC Construction Task Catalog.pdf
NMC Technical Specifications.pdf
NMC Project Manual 2017-18 JOC.pdf

14. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute the Second Amendment to the Professional and Call Coverage Services Agreement (A-12797) with Dansin, Inc. to provide neurosurgery services, extending the term by thirty-six (36) months (October 1, 2017 to September 30, 2020) for a revised full agreement term of September 1, 2014 to September 30, 2020. There is no additional cost for this amendment; and
b. Authorize the Deputy Purchasing Agent for NMC to sign up to three (3) future amendments to this agreement where the total amendments do not exceed the term by more than twelve (12) months, do not significantly change the scope of work, and do not cause an increase of more than ten percent 10% ($50,000) of the original contract amount per each amendment.
a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute the Professional and Call Coverage Services Agreement with Precision Orthopedics, a Medical Group to provide orthopedic surgery services at NMC for an amount not to exceed $6,573,300 for the period October 1, 2017 to September 30, 2020 (36 months); and

b. Authorize the Deputy Purchasing Agent for NMC or his designee to sign up to three (3) future amendments to this Agreement where the total amendments do not extend the term by more than twelve (12) months, do not significantly change the scope of work, and do not cause an increase of more than ten percent 10% ($657,330) of the original contract amount per each amendment.

Attachments: Board Report.pdf
Dansin Inc Second Amendment.pdf
Dansin Inc First Amendment.pdf
Dansin Inc Agreement.pdf

16. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute the Second Amendment to the Professional and Call Coverage Services Agreement (A-12752) with Monterey Spine and Joint PC, a California professional corporation to provide neurosurgery services, extending the term by twelve (12) months (October 1, 2017 to September 30, 2018) for a revised full agreement term of October 1, 2014 to September 30, 2018 and adding $600,000 for a revised amount not to exceed $2,350,000 in the aggregate; and

b. Authorize the Deputy Purchasing Agent for NMC to sign up to three (3) future amendments to this agreement where the total amendments do not exceed the term by more than twelve (12) months, do not significantly change the scope of work, and do not cause an increase of more than ten percent 10% ($125,000) of the original contract amount per each amendment.

Attachments: Board Report.pdf
Precision Orthopedics Agreement.pdf

17. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute an agreement with Mark Ramirez for supply chain process and consulting services at NMC for an amount not to exceed $350,000 with an agreement term October 2, 2017 through October 1, 2019.

b. Authorize the Deputy Purchasing Agent for NMC or his designee to execute up to three (3) future amendments to the agreement which do not significantly alter the scope of work and do not cause an increase of more than ten percent (10%) ($35,000) of the original cost of the agreement per each amendment.
Attachments: Board Report.pdf
Mark Ramirez Agreement.pdf

Health Department

18. a. Authorize the Director of Health or Assistant Director of Health to accept the $6,000,000 Proposition 47 Grant entitled “No Zip Code Left Behind: Addressing Inequalities Through Collaborative Partnerships” from the State of California Board of State and Community Corrections (“BSCC”) to fund mental health services, substance use disorder services, housing related assistance, and community based supportive services; and
b. Authorize the Director of Health or Assistant Director of Health to execute the Grant Agreement No. BSCC 543-17 with BSCC for a total Grant amount of $6,000,000 for the grant period from June 16, 2017 to August 15, 2020.

Attachments: Board Report
Prop 47 BSSC Agreement for BOS Approval_09072017.pdf

19. a. Introduce, waive reading and consider an ordinance amending Section 15.40.042 of Chapter 15.40 of the Monterey County Code which details the competitive process to be used for the selection of an emergency ambulance provider for the County’s exclusive operating area; and
b. Set October 10, 2017 at 10:30 a.m. for adoption of the ordinance.

Attachments: Board Report Ordinance EMS.pdf
Ordinance red line Section 15.40.042 Competitive Process Redline FINAL.pdf
09-26-17 Sect. 15.40.042 Competitive Process CLEAN and Signed by CoCo

Department of Social Services

19.1 a. Approve and authorize the Director of the Department of Social Services to sign an MOU with the City of Salinas on homeless shelter strategies.
b. Proposed CEQA action: statutory exemption per CEQA guidelines section 15269(c). (ADDED VIA ADDENDA)

Attachments: Board Report
Shelter Resolution
Exhibit 1 - Shelter Services MOU

Criminal Justice

20. Receive and accept the Annual Real Estate Fraud Report for Fiscal Year (“FY”) 2016-17 submitted by the District Attorney’s Office in accordance with California Government Code section 27388(d).
General Government


22. 
   a. Approve and authorize the Chair of the Board of Supervisors, as the Chief Elected Official for the Monterey County local workforce development area, to execute Amendment No. 1 to the Memorandum of Understanding between the Monterey County Workforce Development Board and Monterey County Office for Employment Training, for the provision of Proposition 39 Pre-Apprenticeship services, reducing funds from $115,181 to $98,984 to account for a decrease in participants; and
   b. Approve and authorize the Interim Executive Director of the Monterey County Workforce Development Board to sign the MOU Amendment No. 1.

23. 
   a. Approve and authorize the Chair of the Board of Supervisors, as the Chief Elected Official for the Monterey County local workforce development area, to execute Amendment No. 1 to the Memorandum of Understanding between the Workforce Development Boards of Monterey and San Benito Counties, for the provision of Proposition 39 Pre-Apprenticeship services, adjusting funds from $19,486 to $65,244 to account for an increase in participants; and
   b. Approve and authorize the Interim Executive Director of the Monterey County Workforce Development Board to sign the MOU Amendment No. 1.

24. 
   a. Approve and authorize the Chair of the Board of Supervisors, as the Chief Elected Official for the Monterey County local workforce development area, to execute Amendment No. 1 to the Memorandum of Understanding between the Workforce Development Boards of Monterey and Santa Cruz Counties, for the provision of Proposition 39 Pre-Apprenticeship services, reducing funds from $123,533 to $99,904 to account for a decrease in participants; and
   b. Approve and authorize the Interim Executive Director of the Monterey County Workforce Development Board to sign the MOU Amendment No. 1.
25. Receive the action minutes from the August 14, 2017 meeting of the Legislative Committee.

Attachments: Board Report
2017-09-26 BR LC AM August
2017-08-14 LC Action Minutes

RMA - Administration

26. a. Accept and authorize the Chair to execute the Conservation Easement Deed.
    b. Direct the Clerk of the Board to submit the Conservation Easement Deed to the County Recorder for filing.

    (Conservation Easement Deed - PLN140171/Guidon, portion of 26334 Carmelo Street, Carmel)

Attachments: Board Report
Attachment A - Resolution 14-040
Attachment B - Conservation Easement Deed

RMA - Public Works and Facilities

27. a. Adopt Plans and Special Provisions for the San Jon Road and Boronda Road Bridges-Rail Replacement, Project No. 1141, Federal Aid Project No. STPLX-5944(124); and
    b. Authorize the Resource Management Agency Director to advertise the “Notice to Bidders” in the Monterey County Weekly.

Attachments: Board Report
Attachment A - Project Budget
Attachment B - Book 1 Notice to Bidders
Attachment C - Book 2 Bid Form
Attachment D - Location Map

28. a. Award a contract to Telfer Oil Company, the lowest responsible bidder, for the Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat FY18, Project No. 5518, in the total amount of $161,115.27;
    b. Approve the Performance and Payment Bonds executed and provided by Telfer Oil Company;
    c. Authorize a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change orders;
    d. Authorize the Resource Management Agency Director to execute the contract
and subject to the terms of the Public Contract Code approve change orders to the contract that do not exceed 10% of the original contract amount and do not significantly change the scope of work; and

e. Authorize the Resource Management Agency Director to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when the Director determines that the contract is complete in all respects in accordance with Plans and Special Provisions for the construction of Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat FY18, Project No. 5518, performed by Telfer Oil Company.

Attachments: Board Report
Attachment A - Contract Telfer Pavement Technologies
Attachment B - Performance and Payment Bonds
Attachment C - Bid Summary
Attachment D - Project Budget
Attachment E - Location Map

Board of Supervisors Addenda/Supplemental

29. Board of Supervisors Addenda/Supplemental Agenda for the meeting of Tuesday, September 26, 2017.

ADDENDA

Add to Closed Session under Government Code section 54950, relating to the following items:
1.g. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.

Add to Ceremonial Resolutions
5.1 Adopt Resolution recognizing Monterey Bay National Marine Sanctuary. (Full Board)

Add to Consent - Department of Social Services
19.1 a. Approve and authorize the Director of the Department of Social Services to sign an MOU with the City of Salinas on homeless shelter strategies.
b. Proposed CEQA action: statutory exemption per CEQA guidelines section 15269(c).

SUPPLEMENTAL

1:30 P.M. Scheduled Matters
11. Continued from September 19, 2017
Receive a presentation on the Capital Improvement Program Five Year Plan FY 2017-18 through FY 2021-22, Measure X/SB1 List of Projects (FY 2017/18), and Storm/Fire Damage Projects (FY 2017/18).
Revised Attachment Submitted: Attachment C - Presentation to Board of Supervisors