

Monterey County

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



Action Minutes - Final

Tuesday, April 23, 2013

9:00 AM

**See separate agenda for Successor Agency to the Redevelopment
Agency of the County of Monterey**

Board of Supervisors

*Chair Louis R. Calcagno - District 2
Vice Chair Simón Salinas - District 3
Supervisor Fernando Armenta - District 1
Supervisor Jane Parker - District 4
Supervisor Dave Potter - District 5*

9:00 A.M Call to Order

The meeting was called to order by Chair Armenta.

Roll Call

Present: 5 - Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Simón Salinas, Supervisor Jane Parker and Supervisor Dave Potter

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) In re: Sean and Cindie Dillinger (United States Bankruptcy Court for the Western District of Arkansas case no. 6:11-bk-75640
 - (2) Monterey County v. Sean Dillinger (Monterey County Superior Court case no. DA35806/FSD55250-1
 - b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.
 - c. 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) Monterey-Salinas Transit District
 - d. Pursuant to Government Code section 54957(b)(1), the Board will provide performance evaluations for the following public employee positions:
 - (1) Natividad Medical Center CEO
 - (2) County Counsel
 - (3) County Administrative Officer

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.a. through d.

10:30 AM Reconvene**Roll Call**

Present: Charlie Steves, Interpreter

Present: 5 - Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Simón Salinas, Supervisor Jane Parker and Supervisor Dave Potter

Pledge of Allegiance

The Pledge of Allegiance was led by Chair Armenta.

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 correction:

Correction Under Appointments

18. Reappoint Bill Nye to the Fort Ord Veteran Cemetery Citizen's Advisory Committee, term ending December 31, 2015. (Terms are to be 3 years, with a maximum of 2 terms totaling 6 years. Mr. Nye was previously appointed to two 2-year terms. This final reappointment of two years will extend his total service to 6 years). (Supervisor Potter)

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar - Regular (See Supplemental Sheet)

Chris Burdett pulled item 44 for comment. Mike Novo responded.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas, to approve the Consent Calendar-Regular. ALL AYES

Ceremonial Resolutions

3. Adopt Resolution commending Bob Gray upon his selection as the National Steinbeck Center's 2013 Valley of the World Ag Leader Award. (Supervisor Potter)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-109 commending Bob Gray upon his selection as the National Steinbeck Center's 2013 Valley of the World Ag Leader Award. (Supervisor Potter). ALL AYES

4. Adopt Resolution designating the Week of April 21 - April 27, 2013 as National Crime Victims' Rights Week in Monterey County. (Supervisor Armenta)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-114 designating the Week of April 21 - April 27, 2013 as National Crime Victims' Rights Week in Monterey County. (Supervisor Armenta). ALL AYES

5. Adopt Resolution proclaiming the week of May 19, 2013 through May 25, 2013 as "National Public Works Week" in Monterey County. (Supervisor Armenta)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-115 proclaiming the week of May 19, 2013 through May 25, 2013 as "National Public Works Week" in Monterey County. (Supervisor Armenta). ALL AYES

6. Adopt Resolution proclaiming the week of April 21st through April 27th, 2013 as "National Volunteer Week" in Monterey County and honoring Natividad Medical Center Volunteer Auxiliary for 53 years of service commitment. (Supervisor Armenta)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-116 proclaiming the week of April 21st through April 27th, 2013 as "National Volunteer Week" in Monterey County and honoring Natividad Medical Center Volunteer Auxiliary for 53 years of service commitment. (Supervisor Armenta). ALL AYES

7. Adopt Resolution proclaiming the month of May 2013 as "Building Safety Month" in Monterey County. (Supervisor Armenta)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-117 proclaiming the month of May 2013 as "Building Safety Month" in Monterey County. (Supervisor Armenta) ALL AYES

8. Adopt Resolution proclaiming the month of May 2013 as "Clean Air Month" in Monterey County. (Supervisor Armenta)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-118 proclaiming the month of May 2013 as "Clean Air Month" in Monterey County. (Supervisor Armenta). ALL AYES

9. Adopt Resolution proclaiming April 2013 Cesarean Awareness month in Monterey County. (Supervisor Parker)

Public comment: Anna Matsumoto.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-119 proclaiming April 2013 Cesarean Awareness month in Monterey County. (Supervisor Parker) ALL AYES

10. Adopt Resolution honoring Chartwell School on its 30th Anniversary. (Supervisor Parker)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-120 honoring Chartwell School on its 30th Anniversary. (Supervisor Parker). ALL AYES

11. Adopt Resolution congratulating The AgKnowledge Program, as recipient of the Valley of the World Education Award from the National Steinbeck Center. (Supervisor Armenta)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-121 congratulating The AgKnowledge Program, as recipient of the Valley of the World Education Award from the National Steinbeck Center. (Supervisor Armenta). ALL AYES

12. Adopt Resolution recognizing Neil Ledford as the National Steinbeck Center 2013 Valley of the World Education Award recipient. (Supervisor Calcagno)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-122 recognizing Neil Ledford as the National Steinbeck Center 2013 Valley of the World Education Award recipient. (Supervisor Calcagno) ALL AYES**
13. Adopt Resolution honoring M.B. McFarland & Sons, Inc. upon being inducted into the National Steinbeck Center's Valley of the World Hall of Fame. (Supervisor Salinas)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-123 honoring M.B. McFarland & Sons, Inc. upon being inducted into the National Steinbeck Center's Valley of the World Hall of Fame. (Supervisor Salinas). ALL AYES**
14. Adopt Resolution honoring Laura Giudici Mills upon her selection as the National Steinbeck Center's 2013 Valley of the World Ag Leader. (Supervisor Salinas)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-124 honoring Laura Giudici Mills upon her selection as the National Steinbeck Center's 2013 Valley of the World Ag Leader. (Supervisor Salinas). ALL AYES**
15. Adopt Resolution Honoring Aurora Mendez upon her retirement after 35 years of teaching at Hartnell Community College. (Supervisor Salinas)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution 13-125 Honoring Aurora Mendez upon her retirement after 35 years of teaching at Hartnell Community College. (Supervisor Salinas). ALL AYES**

Appointments

16. Appoint Paul Cortopassi and Cesar Padilla to the Castroville Cemetery District, terms ending March 30, 2016. (Supervisor Calcagno)
- A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, that this Appointment be approved. ALL AYES**
17. Reappoint Rosemary Soto to the Commission on the Status of Women, term ending February 1, 2015. (Supervisor Potter)
- A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, that this Reappointment be approved. ALL AYES**
18. Reappoint Bill Nye to the Fort Ord Veteran Cemetery Citizen's Advisory Committee, term ending December 31, 2015. (Supervisor Potter)
- A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, that this ppointment be approved. ALL AYES**

19. Reappoint Joseph Hertlein to the Monterey County Parks Commission, term ending April 26, 2017. (Supervisor Potter)

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, that this Reappointment be approved. ALL AYES

Other Board Matters

20. Board Comments

Supervisor Calcagno commented on item 32 which is an outdated contract on the consent agenda that is almost a year old and it's something we should be concerned about. He noted this not a good practice.

Supervisor Parker attended the Transition ceremony for Recovery and Job Training graduates last Sunday. It was exciting to see the graduates taking the steps to live healthy, self sufficient lives. The ceremony was at Greater Victory Church in Seaside. She announced that Supervisors Salinas, Armenta attended the CAPSE breakfast. She honored Francine Rodd-First Five Monterey County, Francisco Ruiz-Counselor with Pueblo Del Mar, Jack Harpster-Consultant; Bob Brunson-Educator, Kelly McMillin-Salinas Chief of Police; Caitlin Harvey-Youth Leader at Boys & Girls Club, and The Boys & Girls Club of Monterey County. Supervisor Parker gave a "Hurray" to the Sea Otter Classic bringing 9,000 competitors and 55,000 people into Monterey County in support of outdoor recreation and the largest bicycle competition in the world.

Supervisor Parker noted that April is Ceasarean Awareness Month. She commented on the resolution adopted earlier and noted the resolution also honors Natividad Medical Center as the only hospital in Monterey County as the only hospital that offers V-Back births after prior ceasarean births. She commended the International Ceasarean Awareness Network and their work in the community.

Supervisor Armenta announced it was his honor and privilege to attend the Monterey County Central Labor Council annual dinner event last Friday. Supervisor Parker was also in attendance. On Sunday he joined the residents of Costa Plaza in celebration of The Day of Child with Mayor Joe Gunter. This morning about 50 parents and children Time for Grieving left for Sacramento. He hopes to get this group connected to better resources. Ray Bullick assisted in providing snacks for the parents and children that have lost children to violence in this community.

21. CAO Comments and Referrals

County Administrative Officer Dr. Lew Bauman introduced the new Assistant County Administrative Officer Manuel Gonzalez. He served as Assistant County Manager in Pinal County, Arizona for over seven years. He oversaw 10 county departments and acted as County Manager as required. He served over 15 years with the City of Phoenix and now brings over 25 years of experience to Monterey County. Dr. Bauman welcomed Mr. Gonzalez on behalf of the County.

22. General Public Comment

Steve Ecklund; Eric Peterson; Hans Jongens; Bud Reiwerts; Gail Smith.

10:30 A.M. - Scheduled Matters

- 23.**
- a. Receive, review and approve the Managing for Results (MFR) Fiscal Year 2012-2013 Semi- Annual Report; and
 - b. Provide direction to staff as appropriate.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to a. Receive, review and approve the Managing for Results (MFR) Fiscal Year 2012-2013 Semi- Annual Report; and b. Provide direction to staff as appropriate. ALL AYES

- 24.**
- a. Hold a Public Hearing on Monterey County's Community Development Block Grant (CDBG) Program Income Reuse Plan with Jurisdictional Certifications;
 - b. Approve the CDBG Program Income Reuse Plan with Jurisdictional Certifications; and
 - c. Authorize the Director of Economic Development to execute the CDBG Program Income Reuse Plan with Jurisdictional Certifications.

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas and a. Held a Public Hearing on Monterey County's Community Development Block Grant (CDBG) Program Income Reuse Plan with Jurisdictional Certifications; b. Approved the CDBG Program Income Reuse Plan with Jurisdictional Certifications; and c. Authorized the Director of Economic Development to execute the CDBG Program Income Reuse Plan with Jurisdictional Certifications. ALL AYES

12:00 PM Recess to Lunch - Continued Closed Session**Adjournment**

APPROVED:

/s/ Fernando Armenta

**FERNANDO ARMENTA, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

BY: /s/ Gail T. Borkowski

GAIL T. BORKOWSKI

CLERK OF THE BOARD

Approved August 27, 2013

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

25. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Seventh Amendment to the Professional Services Agreement (A-11427) with Medical Doctor Associates (MDA) to provide locum tenens services at NMC, adding \$100,000 for the remainder of Fiscal Year 2012/2013 for a revised total Agreement amount not to exceed \$1,500,000 in the aggregate (for the period February 1, 2009 to June 30, 2013).

Approved - Agreement No. A-11427

26. a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the First Amendment to Professional Medical Services Agreement Laurel J. Grimm M.D. to provide Hospitalist Services at NMC, extending the term of the Agreement to June 30, 2014 for a total amount not to exceed \$200,000 in the aggregate (for the period October 1, 2012 to June 30, 2014).
b. Authorize the Purchasing Manager for NMC to execute to sign up to three (3) amendments to this agreement where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

Approved - Agreement No. A-12443

27. a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Professional Services Agreement with Salinas Valley Radiologist Inc. to provide radiology services at NMC for an amount not to exceed \$687,000 for the period May 1, 2013 to April 30, 2016. The term of this Agreement is thirty six (36) months with an option that either party may terminate without cause with one hundred twenty (120) days written notice after the first twenty four (24) months of the Agreement.
b. Authorize the Purchasing Manager for NMC to execute to sign up to three (3) amendments to this agreement where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

Approved - Agreement No. A-12445

28. a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Professional Services Agreement with Monterey Bay Oncology Associates dba Pacific Cancer Care to provide hematology oncology and business consulting services at NMC in an amount not to exceed \$300,000 for the period May 1, 2013 to June 30, 2014.
b. Authorize the Purchasing Manager for NMC to execute the Holdover Acknowledgment with Monterey Bay Oncology Associates dba Pacific Cancer Care to ensure continuation of services and payment for services

during the holdover period of February 1, 2013 to April 30, 2013.

c. Authorize the Purchasing Manager for NMC to execute to sign up to three (3) amendments to this agreement where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

Approved - Agreement No. A-12444

Health and Social Services

29. Approve and authorize the Director of the Department of Social Services, or his designee, to sign an agreement with University Corporation at Monterey Bay-CSUMB (CSUMB) for \$38,122 to provide in-depth analysis of outcomes for child abuse prevention and early intervention programs, for the period October 1, 2012 to June 30, 2014, including non-standard mutual indemnification.

Approved - Agreement No. A-12446

30. Approve and authorize the Director of the Department of Social Services, or his designee, to sign and execute standard funding agreements and amendments for continued funding from state agencies for designated programs on behalf of the County for Fiscal Year 2013-14 and Calendar Year 2014.

Approved

31. a. Approve Department of Social Services Area Agency on Aging 2013-2014 Area Plan Update; and
b. Authorize the Chair of the Board of Supervisors to sign the Area Plan Update Transmittal Letter.

Approved

32. a. Approve and authorize the Director of the Department of Social Services, or his designee, to sign Amendment #1 to Agreement #A-12260 with Peacock Acres adding \$104,000 to fund additional housing, services and supports for former foster youth for the period July 1, 2012 through June 30, 2013, increasing the total contract amount to \$309,350; and
b. Authorize the Director of the Department of Social Services, or his designee, to sign up to three (3) amendments to the agreement that do not exceed 10% of the original contract amount, and do not significantly change the scope of work;

Approved - Agreement No. A-12260

33. a. Approve and authorize the Contracts/Purchasing Officer to execute a five year Lease Agreement, effective on or around May 1, 2013, with Nieto L.P., for approximately 5,868 rentable square feet of space located at 355-359

Gabilan Drive, Soledad, California, for use by the Health Department;

b. Authorize the Auditor-Controller to make lease payments of \$6,500.00 per month and in accordance with the terms of the agreement; and

c. Authorize the extension of the Lease Agreement for two additional three-year periods under the same terms and conditions, and make minor revisions to the Lease Agreement if deemed by the Contracts/Purchasing Officer to be in the best interests of the County.

Approved - Agreement No. A-12447

Criminal Justice

34. Authorize the Chair of the Board of Supervisors to sign Cooperative Law Enforcement Agreement No. 11-LE-11051360-229, between the Monterey County Sheriff's Office and United States Department of Agriculture, Forest Service, Los Padres National Forest, for the period beginning October 1, 2012 through September 30, 2013, in the amount of \$10,000.

Approved

35. a. Approve the transfer of \$19,475 from the Juvenile Ward Trust Fund 020 to Fund 001, Department 2550-Probation for the purchase of recreational equipment, audio visual equipment and furnishings for juveniles in the Monterey County Youth Center and Juvenile Hall; and
- b. Approve and authorize the Auditor-Controller to increase FY 2012-13 estimated revenues and appropriations totaling \$19,475 in Department 2550-Probation, Budget Units 8163-Juvenile Hall and 8164-Youth Center (4/5th vote required).

Approved

General Government

36. a. Approve a Subrecipient Grant Agreement with the Aromas Community Center Foundation (Foundation) to transfer Housing Related Parks Program grant funds for the construction of restroom facilities at the A.R. Wilson Community Park;
- b. Authorize the Director of Economic Development to execute the Agreement and any amendments which do not alter the scope of work or increase the amount of the Agreement;
- c. Recognize the California Housing and Community Development's Housing Related Parks Program grant and increase revenue and appropriations in Fund 013 Community Development), Unit 8200 (Community Development Grants), Appropriation Unit DEO003 by the \$127,625 amount of the HRPP grant; and
- d. Authorize the Auditor-Controller to incorporate approved appropriation and estimated revenue modifications to the FY 2012-13 Budget and the County Administrative Office to reflect these approved changes in the FY

2013-14 Adopted Budget.

Approved

37. Receive and Accept the Treasurer's Report of Investments for the quarter ending March 31, 2013

Approved

38. a. Approve and authorize the Contracts/Purchasing Officer to sign Master Agreements with Casey Printing, Office Depot and Staples Advantage to provide Countywide Print Shop and Copy Services on an as-needed basis, to the County of Monterey for the initial term of the date of signing the Agreements, through and including April 1, 2016, including the option to extend the Agreements for two (2) additional one (1) year periods, with a yearly aggregate value estimated not to exceed \$500,000; and
b. Authorize the Contracts/Purchasing Officer to sign similar additional Agreements for Print Shop and Copy Services with qualified contractors who meet the minimum requirements of the County of Monterey.

Approved - Agreement No. A-12448

39. Approve and authorize advanced step placement for Mr. Johnathan H. Lewin at step 7 of the Director of Emergency Communications salary range, effective June 1, 2013, in accordance with Personnel Policies and Practices Resolution (PPPR) #98-394, Sections A.1.11.1 and A.1.11.5

Approved

40. Approve the Monterey County Board of Supervisor Action Minutes of Wednesday, June 6, 2012.

Approved

41. a. Award construction contract to Conley General Engineering, Inc., low bidder in the amount of \$172,520 for Track Drainage Improvements at Laguna Seca Recreation Area, Bid No.10416;
b. Authorize the Chair of the Board to sign the contract;
c. Authorize the Director of Parks to approve change orders up to 10% of the bid; and
d. Authorize the retention of 10% from progress payments per contract requirement.

Approved - Agreement No. A-12441; Construction No. 2013-006

42. a. Approve and authorize the Contracts / Purchasing Officer to sign a "Letter of Intent / Consent for Temporary Installation" with Onesimo Parcel C for use of an Existing Communications Site near Post Ranch Inn; and
b. Accept Non-Standard County Indemnification Provisions as recommended by the Sheriff and Director of Information Technology.

Approved

- 42.1
- a. Approve amended response to the 2012 Monterey County Civil Grand Jury Final Report - Detention Facilities Inspections; and
 - b. Direct the County Administrative Officer to file the approved amended response with the Presiding Judge of the Superior Court, County of Monterey, by May 4, 2013. (ADDED VIA ADDENDUM)

Approved**RMA - Public Works**

- 43.
- a. Approve Amendment 1 to the Monterey County Subdivision Improvement Agreement Fox Creek Ranch, Phase II, with Carmel Cutting Horses, Inc to update the Engineer's Estimate to complete the subdivision improvements, extend the time for completion of the improvements, and substitute the type of security for the improvements;
 - b. Accept the Deed of Trust as security for performance of the amended Monterey County Subdivision Improvement Agreement Fox Creek Ranch, Phase II;
 - c. Authorize the Chair of the Board to execute Amendment 1 to the Monterey County Subdivision Improvement Agreement Fox Creek Ranch Phase II; and
 - d. Approve the release of the Faithful Performance Bond in the amount of \$1,621,620 and the Laborers and Materialmen Bond in the amount of \$810,810 issued by the Insurance Company of the West (Bond No. 2187518) for infrastructure improvements.

Approved**RMA - Planning**

- 44.
- Adopt Resolution to:
- a. Support and agree to the County of Monterey participating in the Pre-Development and Feasibility Phase of Community Choice Aggregation for the Monterey Bay Region, without financial obligation;
 - b. Authorize the Planning Director, or his designated representative, to serve on the Project Development Advisory Committee; and
 - c. Authorize the Chief Administrative Officer, or his designee, to request on the behalf of Monterey County, the Planning Development Advisory Committee, and Planning Development Advisory Committee consultants, energy usage load data from Pacific Gas & Electric Company for use in the feasibility study.
- (REF130023/Community Choice Aggregation - Feasibility Study)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-134 to:

- a. **Support and agree to the County of Monterey participating in the Pre-Development and Feasibility Phase of Community Choice Aggregation for**

the Monterey Bay Region, without financial obligation;
b. Authorize the Planning Director, or his designated representative, to serve on the Project Development Advisory Committee; and
c. Authorize the Chief Administrative Officer, or his designee, to request on the behalf of Monterey County, the Planning Development Advisory Committee, and Planning Development Advisory Committee consultants, energy usage load data from Pacific Gas & Electric Company for use in the feasibility study.
(REF130023/Community Choice Aggregation - Feasibility Study) ALL AYES

RMA - General

45. a. Approve a Professional Services Agreement with Denise Duffy & Associates, Inc. to provide a Programmatic Biological Assessment and Initial Study for projects located in the Carmel River Lagoon Area and a Carmel River Lagoon Restoration and Management Plan (RFP #2012-CRL-1) for Phases 1 and 2, in the amount not to exceed \$353,100, for a term to April 23, 2014; and
b. Authorize the Contracts/Purchasing Officer to execute the Professional Services Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount. (ADDED VIA ADDENDUM)

Approved - Agreement No. A-12442