

Monterey County

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



Action Minutes - Final

Tuesday, May 14, 2013

9:00 AM

**See Item #11 -Joint Meeting-Monterey County Board of Supervisors
and Natividad Medical Center Board of Trustees**

**See separate agenda for the Board of Supervisors of the Monterey
County Water Resources Agency**

Board of Supervisors

*Chair Fernando Armenta - District 1
Vice-Chair Louis R. Calcagno - District 2
Supervisor Simón Salinas - District 3
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) John M. Kanalakis (WC 608-661124)~~(REMOVED VIA SUPPLEMENTAL)
 - 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 54957.6, the Board will confer with labor negotiators:
 - (1) Designated representatives: James May and Brette NealEmployee Organizations: All Units
 - 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) City of Carmel-by-the-Sea
 - (2) City of Del Rey Oaks
 - (3) City of Gonzales
 - (4) City of King City
 - (5) City of Marina
 - (6) City of Monterey
 - (7) City of Pacific Grove
 - (8) City of Salinas
 - (9) City of Sand City
 - (10) City of Seaside
 - (11) City of Soledad
 - e. Pursuant to Government Code section 54956.9(d)(2), the Board will confer

with legal counsel regarding two matters of significant exposure to litigation.

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) John M. Kanalakis (WC 608-661124) (REMOVED VIA SUPPLEMENTAL)

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 actions on item 1.b.

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

(1) Designated representatives: James May and Brette Neal

Employee Organizations: All Units

CLOSED SESSION REPORT: The Board took no reportable actions on item 1.c.

(1).

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) City of Carmel-by-the-Sea

(2) City of Del Rey Oaks

(3) City of Gonzales

(4) City of King City

(5) City of Marina

(6) City of Monterey

(7) City of Pacific Grove

(8) City of Salinas

(9) City of Sand City

(10) City of Seaside

(11) City of Soledad

CLOSED SESSION REPORT: The Board took no reportable actions on items

1.d. (1) through (11).

e. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.

CLOSED SESSION REPORT: The Board took no reportable action on item 1.e.

10:30 AM Reconvene

Roll Call

Present: Joan Chu, 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

There were no additions or corrections.

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Potter pulled item 27 and requested that it be brought before the Capital Improvements Committee. Supervisor Salinas concurred with this request.

Hans Jongens pulled and commented on item 29. Mike Derr responded.

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

Ceremonial Resolutions

3. Adopt Resolution designating the Week of May 19th, 2013 as “Emergency Medical Services Week” in Monterey County. (Supervisor Armenta)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-141 designating the Week of May 19th, 2013 as “Emergency Medical Services Week” in Monterey County. (Supervisor Armenta). ALL AYES

4. Adopt Resolution proclaiming the Week of May 12th- May 18th, 2013 as “National Hospital Week” in Monterey County. (Supervisor Armenta)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-140 proclaiming the Week of May 12th- May 18th, 2013 as “National Hospital Week” in Monterey County. (Supervisor Armenta). ALL AYES

5. Adopt Resolution Proclaiming the Week of May 6th - May 12th, 2013, as “National Nurses Week” in Monterey County. (Supervisor Armenta)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-142 Proclaiming the Week of May 6th - May 12th, 2013, as “National Nurses Week” in Monterey County. (Supervisor Armenta) ALL AYES

Appointments

6. Appoint Dr. Walter Tribley to fill an unscheduled vacancy to the Workforce Investment Board representing Education, with a term ending February 14, 2015. (Full Board) and appoint Jay Donato to the Workforce Investment Board representing Labor, with a term ending May 14, 2015. (Full Board)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that this Appointment be approved. ALL AYES

7. Reappoint Debra R. Bayard to the Commission on the Status of Women, term ending February 1, 2016. (Supervisor Armenta)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that this Reappointment be approved. ALL AYES

Other Board Matters

8. Board Comments

Supervisor Armenta advised there was a great turn out at the community forum at La Paz Middle School regarding youth and gang violence. He thanked County staff, the CAO, Maia Carroll, Ray Bullick and Silver Star, as well as the President of Salinas Union High School District, and Salinas City Councilmembers. He thanked his aides Alejandro Chavez and Jessica Martinez. The event allowed valuable input and this will help guide efforts related to youth and gang violence.

Supervisor Salinas thanked District 1 staff for their efforts on the community forum and noted the significant youth involvement in the focus groups. Constructive input was given and the tone was that of individual commitment.

Supervisor Calcagno announced Castroville hosted a community meeting last Wednesday and there were approximately 60 attendees. He commended staff for their work on setting up the event.

Supervisor Parker announced her community meeting at the Oldmeyer Center tonight at 6:00 p.m. All are welcome.

9. CAO Comments and Referrals

County Administrative Officer Dr. Lew Bauman commended Director of Child Support Services Stephen Kennedy as the 2013 recipient of the Truly B. Knox Award for service with the State of California Child Support program. This award is the highest award and recognition of his "Lifetime of Service to Child Support program. This is prestigious award to those with a passion for these services. Steve has had

10. General Public Comment

Marisella Garcia; Jesus Corona; Ignacio Silva with Interpreter, Joan Chu; Angelica Navarro with Interpreter, Joan Chu; Francisco Perez with Interpreter Joan Chu; Ernesto Zaragosa with Interpreter Joan Chu; Tony Wolfe; Margie Kay; Hans Jongens.

Chair Armenta advised comments regarding Las Lomas were taken under consideration by the County Administrative Office and will be considered through meetings and Budget Hearings.

Adjournment - Monterey County Board of Supervisors

APPROVED:

/s/Fernando Armenta

**FERNANDO ARMENTA, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

BY: /s/Gail T. Borkowski

GAIL T. BORKOWSKI

CLERK OF THE BOARD

Approve August 27, 2013

12:00 PM Recess to Lunch and:

Joint Meeting of the Board of Supervisors of the Monterey County Water Resources Agency and the Monterey County Water Resources Agency Board of Directors (See separate agenda & Minutes)

2:30 PM Convene

**Joint Meeting of the Monterey County Board of Supervisors and the Natividad Medical Center Board of Trustees
Monterey Room, 168 W. Alisal St., Salinas, CA 93901**

Roll Call

Present: Joan Chu, Interpreter

Natividad Medical Center Board of Trustees: Roy Robbins, John O'Brien, Rod Braga, Dr. Kelly O'Keefe, Fernando Elizondo, Dr. Peter Chandler, Lew Bauman, Supervisor Dave Potter

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

Closed Session

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

a. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the following public employee positions:
(1) Natividad Medical Center CEO

CLOSED SESSION REPORT: The Boards took no reportable actions.

Adjournment - Joint Meeting

APPROVED:

**FERNANDO ARMENTA, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

**BY: _____
GAIL T. BORKOWSKI
CLERK OF THE BOARD**

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

12. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment #6 to the Agreement (A-11879) with Beacon Partners Inc., for Meditech Clinical Modules, Meditech 5.66 Software Upgrade, and Computerized Physician Order Entry (CPOE) Implementation and Support Services at NMC, extending the Agreement to April 15, 2015 and adding \$3,022,790 for a revised total Agreement amount not to exceed \$4,055,870 in the aggregate.

Approved - Agreement No. A-11879

13. a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Wolters Kluwer Health Inc. (ProVation Order Sets Software License and Maintenance) Agreement and the Wolters Kluwer Health Inc. Third Party Product Service Agreement for ProVation Order Sets Software Licensing & Installation, Professional and Maintenance Services at NMC in an amount not to exceed \$458,365 for the period April 15, 2013 to April 15, 2021; and
- b. Authorize a contingency (not to exceed 10% of the contract amount or \$45,835) to provide funding for maintenance charge increases after April 15, 2016.

Approved - Agreement Nos. A-12452 (ProVation); A-12453 (Third Party)

Health and Social Services

14. Authorize the Auditor-Controller to incorporate approved appropriation and estimated revenue modifications of \$100,000 to the FY 2012-13 Budget for Health Department Public Guardian HEA008 (4/5th vote required).

Approved

15. a. Approve and authorize the Director of the Department of Social Services, or his designee, to sign an agreement for \$286,174 with the Child & Family Policy Institute of California to provide Affordable Care Act training curriculum to California counties for the period April 15, 2013 - June 30, 2014; and
- b. Authorize the Director of the Department of Social Services, or his designee, 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; and
- c. Authorize the Auditor-Controller's Office to incorporate approved appropriation and estimated revenue modifications of \$78,000 to FY 2012-13 Budget, and the County Administrative Office to reflect \$208,174 of appropriations and estimated

revenues in the FY 2013-14 Adopted Budget, 5010-SOC005-8262 (4/5th Vote).

Approved - Agreement No. A-12454

16. a. Approve and authorize the Director of Health and the Sheriff to sign the Monterey County Behavioral Health Crisis Negotiation Team Inter-Agency Agreement with the California State University Monterey Bay, Cities of Carmel, Greenfield, King City, Marina, Monterey, Pacific Grove, Salinas, Sand City, Seaside, Soledad for the provision of mental health supportive services to Peace Officer(s) and as Peace Officer(s), respectively, when intervening with individual(s) during a crisis situation; and
- b. Authorize the Director of Health and the Sheriff to approve up to three future amendments to this Agreement where the amendments do not significantly change the scope of work or result in an increase to County General Fund Contribution.

Approved

17. Approve and authorize the Director of Health to sign Amendment No. 1 to Agreement A-11771 with Community Human Services to increase the existing Agreement amount by \$150,000, for a new total amount not to exceed \$1,478,400.

Approved - Agreement No. A-11771

18. a. Approve and authorize the Contracts/Purchasing Officer to sign a one year Agreement (July 1, 2013, to June 30, 2014) for the Health Department with the City of Seaside Police Department for the provisions of counseling services to youth at risk in the Youth Diversion Program; and
- b. Authorize the Contracts/Purchasing Officer, to approve up to three future amendments to this Agreement where the amendments do not significantly change the scope of work or result in an increase to County General Fund Contribution.

Approved

19. Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 7 to Agreement No. A-11565 with Medical Doctor Associates, LLC to increase the Agreement by \$26,020 for FY 2012-13, for the referral of Locum Tenens Physicians, for a revised total not to exceed \$2,160,020 for the period of December 1, 2009 to June 30, 2015.

Approved - Agreement No. A-11565

Criminal Justice

20. Adopt a Resolution:
- a. Declaring an emergency as defined by California Public Contract Code Section 1102 due to the urgent need to mitigate potential impairment of

employees' health in the Probation Department's Juvenile Division office located at 1422 Natividad Road in Salinas, CA;

b. Finding that the time-critical nature of the work will not permit a delay resulting from a formal solicitation of bids and that the action is necessary to respond to the emergency;

c. Finding that emergency work at 1422 Natividad Road in Salinas, CA is necessary to permit the continued conduct of county operations or services; and

d. Authorizing the Contracts/Purchasing Officer, or his designee, to enter into contracts and issue purchase orders to accomplish the required emergency work, and ratifying the execution of emergency contracts and actions taken by the Director of Public Works, or his designee, to respond to the emergency (4/5ths vote required).

A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to adopt Resolution No. 13-153:

a. Declaring an emergency as defined by California Public Contract Code Section 1102 due to the urgent need to mitigate potential impairment of employees' health in the Probation Department's Juvenile Division office located at 1422 Natividad Road in Salinas, CA;

b. Finding that the time-critical nature of the work will not permit a delay resulting from a formal solicitation of bids and that the action is necessary to respond to the emergency;

c. Finding that emergency work at 1422 Natividad Road in Salinas, CA is necessary to permit the continued conduct of county operations or services; and

d. Authorizing the Contracts/Purchasing Officer, or his designee, to enter into contracts and issue purchase orders to accomplish the required emergency work, and ratifying the execution of emergency contracts and actions taken by the Director of Public Works, or his designee, to respond to the emergency (4/5ths vote required). ALL AYES

21.

Adopt Resolution:

a. Authorizing the Chief Probation Officer to sign and submit a grant application to the Board of State and Community Corrections for Juvenile Accountability Block Grant (JABG) funds in the amount of \$26,610 for the Probation Department's Victim Restitution Program during Fiscal Year 2013-14; and

b. Authorizing the Chief Probation Officer to sign the Grant Agreement with the Board of State and Community Corrections, and related amendments.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to adopt Resolution No. 13-153:

a. Authorizing the Chief Probation Officer to sign and submit a grant application to the Board of State and Community Corrections for Juvenile Accountability Block Grant (JABG) funds in the amount of \$26,610 for the Probation Department's Victim Restitution Program during Fiscal Year 2013-14; and

b. Authorizing the Chief Probation Officer to sign the Grant Agreement with the Board of State and Community Corrections, and related amendments. ALL AYES

General Government

22. a. Accept the recommendation of the Monterey County Fish and Game Commission to award a funding grant to Coastal Habitat Education and Environmental Restoration (CHEER); and
b. Approve the distribution of Fish and Game grant funds in the amount of \$500 for a specific grant project for Fiscal Year 2012-13 and \$500 for Fiscal Year 2013-14.

Approved

23. Approve the use of Toro Park, Buckeye Area, on Sunday, September 8, 2013 for a function by Northside Assembly of God in compliance with Monterey County Code 14.12.130.

Approved

24. a. Approve and authorize the Contracts/Purchasing Officer to utilize the Oracle maintenance and support Agreement approved in November 2012 for services to be provided by Information Technology Department to the Monterey County Water Resources Agency as a master agreement for similar services to be provided for ITD clients county-wide.
b. Approve and authorize the Contracts/Purchasing Officer to issue purchase orders as requested by other County Departments who are already in possession of Oracle software licenses for maintenance/support from Oracle with the total of all purchase orders not to exceed \$100,000 per year; and
c. Authorize the Auditor/Controller's Office to issue payments on a yearly basis for the maintenance/support of the licenses purchased as the individual departments have determined are needed on a yearly basis.

Approved - Agreement No. A-12360

25. Approve and authorize advanced step placement for Mr. William E. Harry at Step 5 of the Director of Emergency Communications salary range, effective June 24, 2013, in accordance with Personnel Policies and Practices Resolution (PPPR) #98-394, Sections A.1.11.1

Approved

RMA - Public Works

26. Acting on behalf of County Service Area 17 - Rancho Tierra Grande:
a. Accept report on financial condition of County Service Area 17 - Rancho Tierra Grande;
b. Authorize the Auditor-Controller to amend the FY 2012-13 Budget for County Service Area 17 - Rancho Tierra Grande, Fund 057, Appropriation Unit RMA053, Account 6613 by increasing appropriations by \$20,000 (4/5th

vote required); and

c. Authorize the Auditor-Controller to incorporate approved appropriations and estimated revenue modifications to the FY 2012-13 Budget.

Approved

27.

a. Adopt Plans and Special Provisions for the 20 East Alisal Street Second Floor Tenant Improvements, Project No. 8787, Bid Package No. 10416;

b. Authorize the Director of Public Works to advertise the "Notice to Contractors" in the Monterey County Weekly; and

c. Find that the 20 East Alisal Street Second Floor Tenant Improvements required code alterations and replacement of existing mechanical equipment is categorically exempted from California Environmental Quality Act per Section 15301 Existing Facilities- Class 1 of California Environmental Quality Act Guidelines.

Approved - Construction No. 2013-007

28.

a. Award a contract to Castlewood Construction Company, Inc., the lowest responsible and responsive bidder for the Pajaro Mansion Windows, Siding, and Paint, Project 8545, Bid Package No. 10321, in the total amount of \$61,050;

b. Approve the Performance and Payment Bonds executed and provided by Castlewood Construction Company, Inc., and Western Surety Company;

c. Authorize a contingency (not to exceed 20 percent of the contract amount) to provide funding for approved contract change orders; and

d. Authorize the Director of Public Works to execute the contract and, subject to the terms of the Public Contract Code, approve change orders to the contract that do not exceed twenty percent of the original contract amount, and do not significantly change the scope of work;

e. Authorize the Director of Public Works to execute a Certificate of Completion when he determines that the contract is complete in all respects in accordance with the Plans and Special Provisions for the construction of Pajaro Mansion Windows, Siding, and Paint, Project 8545, Bid Package No. 10321, performed by Castlewood Construction Company, Inc.; and

f. Authorize the Director of Public Works to execute and record a Notice of Completion with the County Recorder for the construction of Pajaro Mansion Windows, Siding, and Paint, Project 8545, Bid Package No. 10321, performed by Castlewood Construction Company, Inc.

Approved - Agreement No. A-12457

29.

a. Approve an Agreement with Fender Mender Autobody to provide auto body repair services to the County of Monterey Resource Management Agency - Public Works (Request for Quotations #10338), in an aggregate total amount paid to all contractors not to exceed \$1,000,000 over the term of the Agreements from execution of the Agreement through and including August 31, 2015, with the option to extend the Agreement for two (2) additional one

(1) year periods, in accordance with the terms and conditions of the Agreement;

b. Approve an Agreement with Salinas Collision Repair to provide auto body repair services to the County of Monterey Resource Management Agency - Public Works (Request for Quotations #10338), in an aggregate total amount paid to all contractors not to exceed \$1,000,000 over the term of the Agreements from execution of the Agreement through and including August 31, 2015, with the option to extend the Agreement for two (2) additional one (1) year periods, in accordance with the terms and conditions of the Agreement; and

c. Authorize the Contracts/Purchasing Officer to execute the Agreements with Fender Mender Autobody and Salinas Collision Repair and future amendments to said Agreements where the amendments do not exceed ten percent (10%) of the original aggregate total amount and do not significantly alter the scope of work.

Approved - Agreement Nos. A-12455 (Fender Mender); A-12456 (Salinas Collision Repair)

30.

a. Authorize an additional contingency of 5% of the contract amount with R.M. Harris Co. Inc., for the Schulte Road Bridge at Carmel River, County Bridge No. 501, State Bridge No. 44C-0115, Project No. 382065, State Project No. EA 05-141004L, Federal Aid Project No. BRLO-5944 (010), to provide funding for approved contract change orders; and

b. Authorize the Director of Public Works to execute contract change orders where the total value of change orders does not exceed 15% of the original contract amount, and do not significantly change the scope of work.

Approved - Agreement No. A-12195

31.

Introduce, waive the reading, and set June 11, 2013, at 10:30 a.m., as the date and time to consider adoption of an ordinance amending section 12.24.020 of the Monterey County Code to establish a stop intersection on Pollock Lane at the north entrance to Pesante Road in Prunedale in the unincorporated area of the County of Monterey.

Approved