

# Monterey County

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



## Action Minutes - Final

**Tuesday, September 23, 2014**

**9:00 AM**

**See separate agendas for Board of Supervisors governed Agencies  
and Special Districts**

## **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 Calcagno.

**Roll Call**

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

**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) Keep Fort Ord Wild v. County of Monterey (Monterey County Superior Court case no. M114961); (2) Deputy Sheriffs' Association of Monterey County v. Scott Miller, et al. (United States District Court, San Jose Division, case no. 14-cv-04128-HRL).
  - b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding ~~two matters~~ three matters of significant exposure to litigation. (REVISED VIA SUPPLEMENTAL)
  - 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) Claim of Benito Flores, Sr.
  - d. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Resource Management Agency Director.

**CLOSED SESSION REPORT:**

**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) Keep Fort Ord Wild v. County of Monterey (Monterey County Superior Court case no. M114961); (2) Deputy Sheriffs' Association of Monterey County v. Scott Miller, et al. (United States District Court, San Jose Division, case no. 14-cv-04128-HRL).

**CLOSED SESSION REPORT: The Board took no reportable actions.**

- b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding three matters of significant exposure to litigation. (REVISED VIA SUPPLEMENTAL)

**CLOSED SESSION REPORT:** The Board took no reportable actions.

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) Claim of Benito Flores, Sr.

**CLOSED SESSION REPORT:** The Board conferred with legal counsel and unanimously rejected the claim of Benito Flores, Sr.

d. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Resource Management Agency Director.

**CLOSED SESSION REPORT:** The Board took no reportable actions.

**10:30 AM Reconvene**

**Roll Call**

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

**Pledge of Allegiance**

The Pledge of Allegiance was led by County Administrative Officer Dr. Lew Bauman.

**Additions and Corrections**

There were no additions or corrections to the agenda.

**Consent Calendar- (See Supplemental Sheet)**

2. Approval of Consent Calendar (See Supplemental Sheet)

A member of the public pulled item No. 14.  
Supervisor Parker commented on item 14. Manuel Real, Probation, provided an update to on the RFP process related to item 14.  
Public comment on item No. 14: Rene Casas; Raul Tapia; John Pineda; Adam Anda; Juan Gomez.  
A motion was made by Jane Parker, seconded by Supervisor Simón Salinas to approve the Consent Calendar (See Supplemental Sheet). **ALL AYES**

**Ceremonial Resolutions**

3. Adopt Resolution honoring Terry L. Spitz upon his retirement from the County of Monterey after 35 Years of Public Service with the District Attorney’s Office. (Supervisor Armenta)

A motion was made by Supervisor Fernando Armenta, seconded by Jane Parker to adopt Resolution No. 14-263 honoring Terry L. Spitz upon his retirement from the County of Monterey after 35 Years of Public Service with the District Attorney’s Office. (Supervisor Armenta) **ALL AYES**

### Appointments

4. Reappoint to the Agricultural Advisory Committee David Costa for a term ending June 30, 2017. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Jane Parker to Reappoint to the Agricultural Advisory Committee David Costa for a term ending June 30, 2017. (Full Board). ALL AYES**

### Other Board Matters

5. Board Comments
- Supervisor Parker thanked everyone that participated in the beach clean up last weekend.**
- Supervisor Parker advised of the annual presentation and report last week from the Restorative Justice Commission and noted that they mentioned the City of Marina's Restorative Justice Week from October 6-11th. There will be an open house on October 7th in Marina from 4:30-6:30 p.m. at 229 Reindollar Avenue in Marina to celebrate and educate the community. The Restorative Justice partners are recruiting volunteers for the victim offender reconciliation program. You must be 18 years old, make a one year commitment to mediate with the program, and provide skills for mediations between victims and juvenile offenders in the effort to increase accountability in a restorative and healing way. Applications are due Sept. 26th. Information can be found on flyers today or at [rjp.vorp@gmail.com](mailto:rjp.vorp@gmail.com).**
- Supervisor Armenta requested an update and timeline on the NMC Level II Trauma Center within the next 30 days.**
- Supervisor Armenta requested a summary presentation regarding the soccer field/complex MOU within the next 30 days. The presentation can be brief and should not compromise the confidential negotiations.**
- Supervisor Potter noted that the Monterey County Parks Department is planning for the future and requesting public input via a survey on the Monterey County Parks website. He encourage the public to participate in the survey.**
6. CAO Comments and Referrals
- County Administrative Officer Dr. Lew Bauman advised of a Board Referral from Supervisor Armenta requesting that Human Resources provide a review and analysis of bilingual pay for Units J, H, and F in order to be equal to Unit K and simplify the bilingual pay for the payroll system.**
7. General Public Comment
- Steve Ecklund**

### 10:30 A.M. - Scheduled Matters

8. Receive a presentation on Managing for Results (MFR) from the Elections Department.
- A motion was made by Jane Parker, seconded by Supervisor Simón Salinas to receive a presentation on Managing for Results (MFR) from the Elections Department. ALL AYES**
9. a. Conduct a Public Hearing on Monterey County's Community Development Block Grant (CDBG) Program Income Reuse Agreement; Authorize establishment of a Business Assistance Revolving Loan Fund (new title);
- b. Authorize the Economic Development Director to sign the Program Income Reuse Agreement;
- c. Authorize the Economic Development Director to implement the Agreement and use specified CDBG Program Income to establish a Business Assistance Revolving Loan Fund; and,
- d. Authorize the Economic Development Director to notify the State Department of Housing and Community Development that the County will transfer other CDBG Program Income to the Urban County CDBG Program.
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Dave Potter: a. Conducted a Public Hearing on Monterey County's Community Development Block Grant (CDBG) Program Income Reuse Agreement; Authorize establishment of a Business Assistance Revolving Loan Fund (new title);**
- b. Authorized the Economic Development Director to sign the Program Income Reuse Agreement;**
- c. Authorized the Economic Development Director to implement the Agreement and use specified CDBG Program Income to establish a Business Assistance Revolving Loan Fund; and**
- d. Authorized the Economic Development Director to notify the State Department of Housing and Community Development that the County will transfer other CDBG Program Income to the Urban County CDBG Program.**
- ALL AYES**

**12:00 PM Recess to Lunch**

**1:30 PM Reconvene**

**Roll Call**

**Present:** 4 - Supervisor Fernando Armenta, Supervisor Simón Salinas, Supervisor Dave Potter and Jane Parker

**Absent:** 1 - Supervisor Louis R. Calcagno

**1:30 P.M. - Scheduled Matters**

- 10. Receive presentation by the California Department of Conservation regarding oil and gas extraction, with focus on state regulation of hydraulic fracturing, acid matrix stimulation, and acid well stimulation treatments.

**Public comment:** Luana Connelly; Nancy Iverson; Ken Bellart; Robert Gunn; Tia Lepartz; Margaret Duflock; Cynthia Supacraft; Jody Hanson; Bill Lipe; Ed Mitchell; Tom Shields; Norm Groot; Michael Redry; Dennis Pollard David Armanasco; Kata Barios; Sam Teal; Jose Velasquez, Mary Orradre; Lonnie Ratliff; Ann Myrie; Kevin Collins; Mike Lebarve; Steve Ecklund; Bud Riewertz; Ricky Cabrera; Marry Huggins; Demetorio Runeda; Paula Getzleman; Jason Retterer; Judy Kara; Carla; Mary Lyn Dumbler; Karen; John Huerta; Mike Bernal; Don Chesterman; Melissa Duflock; Nina Beety; Justin Salters; Barbar Joycom; Christina Chavez-Wyatt; Don King; Jeff Taylor.

A motion was made by Jane Parker, seconded by Supervisor Fernando Armenta to receive public workshop by the California Department of Conservation regarding oil and gas extraction, with focus on state regulation of hydraulic fracturing, acid matrix stimulation, and acid well stimulation treatments. 4-0 (Supervisor Calcagno Absent)

**Adjournment**

**APPROVED:**

/s/ Louis R. Calcagno  
**LOUIS R. CALCAGNO, CHAIR**  
**BOARD OF SUPERVISORS**

**ATTEST:**

**BY:** /s/Gail T. Borkowski  
**GAIL T. BORKOWSKI**  
**CLERK OF THE BOARD**  
**APPROVED ON** 11-04-14

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## Supplemental Sheet, Consent Calendar

### Natividad Medical Center

11. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 8 to the Agreement (A-11938/MYA444) with Green Line Liquid Waste Hauler for Quarterly Grease Trap Cleaning and Plumbing/Drain Cleaning Services at NMC, extending the Agreement to June 30, 2015 for a total Agreement amount not to exceed \$113,000 in the aggregate; no increase from the previously approved amount.

**Approved - Agreement No. A-11938**

12. a. Authorize and direct the Purchasing Manager for Natividad Medical Center (NMC) to execute the Third Amendment to the Professional Services Agreement with Juan Calzetta M.D. to provide vascular surgery services at NMC, extending the term of the agreement to June 30, 2016 and adding \$450,000, for an amount not to exceed \$1,287,400 in the aggregate (for the period July 1, 2011 to June 30, 2016); and  
b. Authorize the Purchasing Manager for NMC 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-11735**

### Health Department

13. a. Approve and Authorize the Director of Health to sign Amendment No. 4 to the Physician Services Agreement with Lucile Salter Packard Children's Hospital at Stanford University for perinatology services, extending the term two (2) additional years to September 30, 2016, and increasing the amount by \$240,000, for a revised total contract amount not to exceed \$960,000; and  
b. Authorize the Director of Health to sign up to three (3) future amendments to this Agreement where the amendments do not exceed 10% of the annual amount and do not significantly change the scope of work.

**Approved - Agreement No. A-11332**

### Criminal Justice

14. a. Authorize the Chair to sign and submit a Letter of Interest to the Board of State and Community Corrections for participation in the Community Recidivism Reduction Grant;  
b. Accept funding in the amount of \$100,000; and

c. Distribute these funds to service providers as specified in statute

**Approved**

### **General Government**

15. a. Amend the County's Neighborhood Stabilization Program 3 (NSP3) Action Plan to increase funding for Interim, Inc.'s Rockrose Gardens project by up to \$14,643.26 and decrease funding for Administration by up to \$14,643.26;  
b. Authorize the Economic Development Director to enter into an Amendment #2 to the Neighborhood Stabilization Program 3 (NSP3) Grant Agreement to memorialize the additional grant funding of up to \$14,643.26 of NSP3 funding to Rockrose Housing Corporation.

**Approved**

16. a. Approve and authorize the Contracts / Purchasing Officer to sign a Lease Agreement with the State of California Department of General Services for use of tower space at the "Calandra LO" radio communications site for the term of ten (10) years in an amount not to exceed \$18,546 in year one with 3% annual increases after the first year term;  
b. Approve payment of back-rent in an amount not to exceed \$5,818;  
c. Accept Non-Standard County Liability, Indemnification, and Insurance Provisions as recommended by the Director of Emergency Communications;  
and  
d. Authorize an auto-renewal clause as recommended by the Director of Emergency Communications.

**Approved - Agreement No. A-12749**

17. Adopt Resolution to:  
a. Amend Fiscal Year (FY) 2014-15 Information Technology Budget 1930, Unit 8433, Appropriation Unit INF002 to approve reallocations and reclassifications from Programmer Analyst - Confidential to Software Programmer Analyst III as shown in Attachment A; and  
b. Authorize the Auditor-Controller and County Administrative Office to incorporate these changes into the FY 2014-15 Adopted Budget.

**A motion was made by Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 14-272 to:**

- a. Amend Fiscal Year (FY) 2014-15 Information Technology Budget 1930, Unit 8433, Appropriation Unit INF002 to approve reallocations and reclassifications from Programmer Analyst - Confidential to Software Programmer Analyst III as shown in Attachment A; and**  
**b. Authorize the Auditor-Controller and County Administrative Office to incorporate these changes into the FY 2014-15 Adopted Budget. ALL AYES**



18. Approve the Monterey County Board of Supervisor Action Minutes of Tuesday, April 22, 2014 and Tuesday, June 17, 2014.

**Approved**

**RMA - Public Works**

19. a. Approve and authorize the Resource Management Agency - Public Works Director to sign an electric agreement, Contract ID: 1178063: Las Lomas - 60 New Street Lights, with Pacific Gas & Electric Company in the amount of \$11,803.25, for installation of sixty new streetlights in the Community of Las Lomas (Phase two of three phases);
- b. Authorize the payment of \$11,803.25 to Pacific Gas & Electric Company from the Facilities Master Plan Implementation Project Fund 404, Las Lomas Lighting Project, Project 1722; and
- c. Authorize the payment of monthly utility bills generated from this Project against the Utilities Unit 001-3000-8182-RMA098 until such time as a method to assess property owners these on-going operating costs is implemented.

**Approved - Agreement No. A-12747**