

# Monterey County

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



## **Action Minutes - Draft**

**Tuesday, October 15, 2013**

**9:00 AM**

## **Board of Supervisors**

*Supervisor Fernando Armenta - District 1*

*Supervisor Philips - District 2*

*Supervisor Simón Salinas - District 3*

*Chair Jane Parker - District 4*

*Vice Chair, Dave Potter - District 5*

**9:00 AM 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. [CS 13-048](#) 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) Charles Vold and Juan Polanco v. Natividad Medical Center, et al. (Monterey County Superior Court case no. M122108)
  - b. 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
  - c. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the County Counsel.
  - 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.
  - e. 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

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

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

### **10:30 AM Reconvene**

#### **Roll Call**

- Present:** 6 - Supervisor Fernando Armenta, Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Simón Salinas, Supervisor Jane Parker and Supervisor Dave Potter
- Present:** 6 - Supervisor Fernando Armenta, 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. [13-1066](#) Approval of Consent Calendar (See Supplemental Sheet)
- Supervisor Calcagno pulled tem 18 for questions and comments. Paul Greenway responded.**
- A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to approve Consent Calendar (See Supplemental Sheet). ALL AYES**

#### **Ceremonial Resolutions**

3. [CR 13-101](#) Adopt Resolution proclaiming October 2013 as “Disability Employment Awareness Month” in Monterey County. (Supervisor Armenta)
- Attachments:** [Disability Employment Awareness Month Resolution](#)  
[Completed Resolution](#)  
[Completed Board Order](#)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 13-314 Proclaiming October 2013 as "Disability Employment Awareness Month" in Monterey County. (Supervisor Armenta) ALL AYES

### Appointments

4. [APP 13-128](#) Appoint Elisa M. Lagana, DPM to the Area Developmental Disabilities Board VII for a term ending January 1, 2016. (Supervisor Armenta)

**Attachments:** [Lagana Notification to Clerk](#)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to Appoint Elisa M. Lagana, DPM to the Area Developmental Disabilities Board VII for a term ending January 1, 2016. (Supervisor Armenta) ALL AYES

5. [APP 13-129](#) Appoint Sandy Fuerte to the Equal Opportunity Advisory Commission, term is concurrent with the Supervisors term. (Supervisor Armenta)

**Attachments:** [Fuerte Notification to Clerk](#)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to Appoint Sandy Fuerte to the Equal Opportunity Advisory Commission, term is at the pleasure of the Board. (Supervisor Armenta). ALL AYES

6. [APP 13-130](#) Appoint Pushpa Iyer to the Domestic Violence Coordinating Council, term ending January 1, 2016. (Supervisor Parker)

**Attachments:** [Iyer Notification to Clerk](#)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to Appoint Pushpa Iyer to the Domestic Violence Coordinating Council, term ending January 1, 2016. (Supervisor Parker) ALL AYES

### Other Board Matters

7. [13-1067](#) Board Comments

Supervisor Parker announced there will be two Juvenile Hall site selection open houses in Salinas tonight from 6-8 pm and Thursday in Marina from 6-8 pm. Details can be found on the main County website.

Supervisor Parker advised there will be a Healthcare reform community meeting tonight from 4-6 pm at the Marina Library. The next meeting will be on October 21 in Salinas from 3-5 pm. Check the Covered California website for more details.

Supervisor Armenta announced he attended the Binational Health week event. He also thanked Supervisor Salinas for attending the Bracero recognition event in Chualar. Supervisor Salinas advised that the signs were unveiled recognizing the contributions of the Braceros. The signs are very much appreciated by the community.

8. [13-1068](#) CAO Comments and Referrals

**Attachments:**     [Referrals 101513](#)

County Administrative Officer Dr. Lew Bauman advised there will be a prescribed burn at Fort Ord today. There is a health warning that there will be smoke along Highway 68 and those with breathing issues should avoid strenuous activity in the burn area.

9.     [13-1069](#)     General Public Comment

**Ron Eastwood; Steve Ecklund; Gary Richard Arnold; Hans Jongens.**

**10:30 A.M. Scheduled Matters**

- 9.1     [13-1054](#)     Public Hearing to consider:
- a. County initiated Notices of Non-Renewal of Williamson Act Land Conservation Contracts effective January 1, 2014;
  - b. Consider adoption of Resolution approving County-initiated Notices of Non-Renewal for portions of two (2) Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting Williamson Act Program and County Land Conservation Contract requirements and/or with the Property Owner's consent.
  - c. Direct the Clerk of the Board of Supervisors to record County-initiated Notices of Non-Renewal for portions of two (2) Contracts with the County Recorder on or before November 1, 2013 and to provide a copy of the recorded Notices of Non-Renewal to the Department of Conservation, Williamson Act Program.

(REF130093 - County initiated Notices of Non-Renewal 2014 - Portions of Williamson Act Agricultural Preserve Land Conservation Contract No. 68-087 and No. 68-094) (ADDED VIA ADDENDUM)

**Attachments:**     [Attachment A - County-wide Non-Renewal Map and individual Aerial Photo Maps](#)  
                              [Attachment B - Notice of Public Hearing](#)  
                              [Attachment C - \[Proposed\] Resolution](#)  
                              [Attachment D - \[Proposed\] County-initiated Notices Completed Board Order](#)  
                              [Completed Resolution](#)

**Public Hearing held. A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to consider:**

- a. County initiated Notices of Non-Renewal of Williamson Act Land Conservation Contracts effective January 1, 2014;
- b. adopted Resolution No. 13-373 approving County-initiated Notices of Non-Renewal for portions of two (2) Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting Williamson Act Program and County Land Conservation Contract requirements and/or with the Property Owner's consent;
- c. Directed the Clerk of the Board of Supervisors to record County-initiated Notices of Non-Renewal for portions of two (2) Contracts with the County

Recorder on or before November 1, 2013 and to provide a copy of the recorded Notices of Non-Renewal to the Department of Conservation, Williamson Act Program.

(REF130093 - County initiated Notices of Non-Renewal 2014 - Portions of Williamson Act Agricultural Preserve Land Conservation Contract No. 68-087 and No. 68-094). (ADDED VIA ADDENDUM) ALL AYES

10. [13-1046](#)

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

Attachments:     [2012-2013 Managing For Results Annual Report](#)  
[Completed Board Order](#)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to a. Receive, review and approve the Managing for Results (MFR) Fiscal Year (FY) 2012 2013 Annual Report; and b. Provided direction to staff to: i. Operationalize performance measures within the department organization by using output to outcome data as a management tool; ii. Present to the Board of Supervisors how departments use performance measures in their organization as a management tool; iii. Include department performance measurement participation in the performance evaluation for department heads reporting to the County Administrative Officer and the Board of Supervisors; iv. Identify 5 or 6 key performance measures for each department to include in the 2014 Budget Book. ALL AYES

**Recessed to lunch and continued Closed Session**

**Adjournment**

APPROVED:

\_\_\_\_\_  
MARY L. ADAMS, CHAIR  
BOARD OF DIRECTORS

ATTEST:

BY: \_\_\_\_\_  
GAIL T. BORKOWSKI  
CLERK OF THE BOARD  
APPROVED ON \_\_\_\_\_

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

11. [13-1039](#) Approve and authorize a Release from Liability and Hold Harmless Agreement between the County of Monterey and the City of Salinas to temporarily enter and utilize the property at Natividad Medical Center Building 700 and / or Building 740 to conduct SWAT Team training exercises.
- Attachments:** [NMC SWAT Training Agreement Rev.pdf](#)  
[Completed Board Order](#)
- Approved**
12. [A 13-241](#) Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute an Agreement with Nuance Communications Inc. for Dragon Medical 360 Edition Network Software/Hardware, Licensing, Installation, Training and Maintenance Services at NMC in an amount not to exceed \$792,755 for the period October 15, 2013 to August 31, 2016.
- Attachments:** [Nuance Communications Inc](#)  
[Completed Board Order](#)
- Approved - Agreement No. A-12588**

**Health Department**

13. [A 13-238](#)
- a. Approve and authorize the Contracts/Purchasing Officer to execute a five year Lease Agreement, effective October 1, 2013, with Shelter Outreach Plus, a non-profit 501 (c) (3) public benefit corporation, for approximately 1,596 rentable square feet of space located at 299 12th Street, in Marina, California, aka County of Monterey Integrated Health Care Services for the provision of homeless services to individuals and families; and
- b. Authorize the extension of the Lease Agreement for one additional five (5) year period 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.
- Attachments:** [BR A 13-238 Lease.pdf](#)  
[Completed Board Order](#)  
[Fully Executed Agreement between the County of Monterey and Shelter Outreach Plus](#)  
[Fully Executed Agreement between the County of Monterey and Community Homeless Solutions](#)
- Approved - Agreement No. A-12578**

**Criminal Justice**

14. [13-1049](#)
- a. Approve and authorize the Chief Probation Officer to sign the Memorandum of Understanding with the Monterey County Office of Education for the High Risk Youth Education and Public Safety Program - Through and Beyond Program to receive funds in the amount of \$185,909 from July 1, 2013 through June 30, 2014; and
  - b. Authorize the Chief Probation Officer to sign up to three (3) future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work.

**Attachments:**     [MCOE - Through and Beyond Grant 2013-2014.pdf](#)  
[Completed Board Order](#)

**Approved**

**General Government**

15. [13-1004](#)
- a. Approve and authorize the Contracts/Purchasing Officer to sign Master Agreements with La Sirenita Tree Service, New Image Landscape Company, South Bay Tree Care, Inc., Urban Lumberjacks, Inc., Topes Tree Service, Tree Tek Co., and West Coast Arborists, Inc., for the provision of tree pruning and tree removal services to the County of Monterey for the term of the date of signing through and including June 30, 2016, including the option to extend the Agreements for two (2) additional one (1) year periods, with an annual aggregate amount of not to exceed \$1,000,000 for all Agreements issued under RFP #10428 in accordance with the terms and conditions set within each Agreement; and
  - b. Authorize the Contracts/Purchasing Officer to sign additional Master Agreements for tree pruning and tree removal services with qualified contractors who meet the minimum requirements of the County of Monterey.



**Attachments:** [09-25-13 ConPur - La Sirenita Tree Service Agreement](#)  
[09-25-13 ConPur - New Image Landscape Co Agreement](#)  
[09-25-13 ConPur - South Bay Tree Care Inc Agreement](#)  
[09-25-13 Urban Lumberjacks Inc Agreement](#)  
[09-25-13 ConPur - Topes Tree Service Agreement](#)  
[09-25-13 ConPur - Tree Tek Co Agreement](#)  
[09-25-13 West Coast Arborists Inc Agreement](#)  
[Completed Board Order](#)  
[EXECUTED AGREEMENT - La Sirenita](#)  
[EXECUTED AGREEMENT - New Image](#)  
[EXECUTED AGREEMENT - South Bay Tree Care](#)  
[EXECUTED AGREEMENT - Urban Lumberjacks](#)  
[EXECUTED AGREEMENT - Topes Tree Service](#)  
[EXECUTED AGREEMENT - Tree Tek](#)  
[EXECUTED AGREEMENT - West Coast Arborists](#)

**Approved - Agreement Nos. A-12579 (La Sernita Tree Service); A-12580 (New Image Landscape Co.) A-12581 (South Bay Tree Care, Inc.); A-12582 (Urbarn Lumberjacks, In.); A-12583 (Topes Tree Service); A-12584 (Tree Trek, Co.); A-125j85 (West Coast Arborists, Inc.)**

16. [13-1053](#)
- a. Receive a report on the Pajaro Neighborhood Park project;
  - b. Authorize the Auditor-Controller to increase appropriations in the Successor Agency Castroville/Pajaro Fund 406-1070-8421-6613-DEO023 in the amount of \$3,204,941;
  - c. Authorize the Auditor-Controller to increase revenues in the Successor Agency Castroville/Pajaro Fund 406-1070-8421-5050-DEO023 in the amount of \$3,204,941; and
  - d. Authorize the Auditor-Controller's Office to incorporate the approved appropriation and revenue increases into the FY2013-14 Budget.

**Attachments:** [Completed Board Order](#)

**Approved**

### **RMA - Public Works**

17. [A 13-232](#)
- a. Approve Amendment No. 4 to Professional Services Agreement MYA #3000\*282 with Kitchell/CEM, Incorporated to continue to provide services associated with on-call facilities, architecture and engineering services and landscape architecture design services (RFQ #10249), in the amount of \$56,200 for a total amount not to exceed \$570,633, of which \$148,200 is towards the 20 East Alisal Street 2nd Floor Tenant Improvements - Probation Project, Project No. 8787; and
  - b. Authorize the Contracts/Purchasing Officer to execute Amendment No. 4 to

Professional Services Agreement MYA #3000\*282 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

**Attachments:** [Amendment No.4 to the PSA with Kitchell/CEM Inc.](#)  
[Attachment A - Summary of Professional Services Agreement Location Map.docx](#)  
[Completed Board Order](#)  
[Fully Executed Agreement, Amendment No. 4 CoMo & Kitchell/CEM, Incorporated](#)  
[Fully Executive Agreement between the County of Monterey and Kitchell/CEM, Incorporated](#)  
[Fully Executed Agreement between the County of MOnterey and Kitchell/CEM, Incorporated Amendment No. 6](#)

**Approved**

18. [13-1017](#) Accept a report on Pavement Management for FY 2013-14.

**Attachments:** [Pavement Management Fiscal 2014](#)  
[Completed Board Order](#)

**Approved**

19. [13-1031](#)
- a. Approve and ratify a Professional Services Agreement with Axiom Engineers, Inc. to provide mechanical engineering services including construction support services for the 20 E. Alisal Street Second Floor Tenant Improvements, Project No. 8787, for a total amount not to exceed \$2,900, for a term of August 8, 2013 to June 30, 2014;
  - b. Approve and ratify a Professional Services Agreement with Aurum Consulting Engineers Monterey Bay, Inc. to provide electrical construction support services for the 20 E. Alisal Street Second Floor Tenant Improvements, Project No. 8787, for a total amount not to exceed \$2,500, for a term of August 23, 2013 to June 30, 2014; and
  - c. Authorize the Contracts/Purchasing Officer to execute the Professional Services Agreements and future amendments to these Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.

**Attachments:** [PSA with Axiom Engineers, Inc.](#)  
[PSA with Aurum Consulting Engineers Monterey Bay, Inc.](#)  
[Location Map](#)  
[Completed Board Order](#)  
[Fully Executed Agreement, CoMo and Aurum Consulting Engineers Monterey Bay, Inc.](#)  
[Fully Executed Agreement, CoMo and Axiom Engineers, Inc.](#)

**Approved - Agreement No. A-12586; Construction No. 2013-007**