

# **Monterey County**

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



## **Action Minutes - Final**

**Tuesday, September 25, 2012**

**9:00 AM**

**See separate agendas for the Monterey County Water Resources  
Agency and Successor Agency to the Monterey County  
Redevelopment Agency**

**Board of Supervisors**

**9:00 A.M. - Call to Order****Roll Call**

*Supervisor Calcagno arrived prior to the Closed Session.*

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

**Additions and Corrections for 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(a), the Board will confer with legal counsel regarding existing litigation:
    - (1) Martin Sanchez, et al. v. Jack Robert Hudson, et al., and related cross-actions (Monterey County Superior Court case no. M108880)
    - (2) Gordon and Sandra Steuck v. County of Monterey, et al. (Monterey County Superior Court case no. M117451)
    - (3) Aguajito Property Owners Association, et al. v. County of Monterey, et al.; Gordon and Sandra Steuck, Real Parties in Interest (Monterey County Superior Court case no. M119247)
    - (4) Fernando Ramirez v. County of Monterey (Monterey County Superior Court case no. M109647)
    - (5) Daniel J. Mitchell, et al. v. County of Monterey (United States District Court, Northern District of California, case no. 5:08-cv-01166-JW)
  - b. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding liability claims against the County of Monterey.
    - (1) Abelardo Zambrano, Consuelo L. de Zambrano, Elpidia Llamas, and Maria A. Vargas-Manzo
    - (2) Mickey, Michelle, Mikayla and Jonathan Helms
  - c. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.

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

  - a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:
    - (1) Martin Sanchez, et al. v. Jack Robert Hudson, et al., and related cross-actions (Monterey County Superior Court case no. M108880)
    - (2) Gordon and Sandra Steuck v. County of Monterey, et al. (Monterey County Superior Court case no. M117451)
    - (3) Aguajito Property Owners Association, et al. v. County of Monterey, et al.;

Gordon and Sandra Steuck, Real Parties in Interest (Monterey County Superior Court case no. M119247)

(4) Fernando Ramirez v. County of Monterey (Monterey County Superior Court case no. M109647)

(5) Daniel J. Mitchell, et al. v. County of Monterey (United States District Court, Northern District of California, case no. 5:08-cv-01166-JW)

**CLOSED SESSION REPORT:** There were no reportable actions on items 1.a.(1) through (5).

b. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding liability claims against the County of Monterey.

(1) Abelardo Zambrano, Consuelo L. de Zambrano, Elpidia Llamas, and Maria A. Vargas-Manzo

**CLOSED SESSION REPORT:** The Board voted unanimously to reject the claims of Abelardo Zambrano, Consuelo L. de Zambrano, Elpidia Llamas, and Maria A. Vargas-Manzo

(2) Mickey, Michelle, Mikayla and Jonathan Helms

**CLOSED SESSION REPORT:** The Board voted unanimously to reject the claims of Mickey, Michelle, Mikayla and Jonathan Helms.

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

**CLOSED SESSION REPORT:** There were no reportable actions on item 1.c.

## **10:30 AM Reconvene**

### **Roll Call**

*Present: Virginia Valencia, Interpreter*

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

### **Pledge of Allegiance**

The Pledge of Allegiance was led by Supervisor Parker.

### **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 additions and corrections:

**Correction to Calendar Regular Consent – Public Works**

34. a. Approve an increase to Agreement No. A 12172 with William A. Thayer Construction, Inc., for the 1410 Natividad Refurbish Kitchen, Project No. 8532, Bid Package No. 10238, not to exceed \$52,951 \$48,371 for a total contract value of \$797,061\$797,061;

b. Authorize a contingency not to exceed \$4,500 to provide funding for future approved contract change orders;

c. Approve a project budget increase of \$59,580 \$55,000 for the 1410 Natividad Rd Refurbish Kitchen, Project No. 8532; Bid Package No. 10238; and

d. Authorize a reallocation of funds in the amount of \$59,580 \$55,000 within

Fund 401, Unit 8184, from Jail Restroom Renovation 1410 Natividad Rd,  
Project No. 8546, Bid Package No. 10345 to the 1410 Natividad Refurbish  
Kitchen, Project No. 8532, Bid Package No. 10238.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor  
Fernando Armenta, to approve Additions and Corrections. ALL AYES

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

2. Approve Consent Calendar - Regular (See Supplemental Sheet, items 17  
through 35)

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

### **Ceremonial Resolutions**

3. Adopt Resolution honoring Cardinale Moving & Storage, Inc. on their 40th  
Anniversary. (Supervisor Calcagno)

A motion was made by Supervisor Jane Parker, seconded by Supervisor  
Fernando Armenta, that Resolution No. 12-252 be adopted. ALL AYES

4. Adopt Resolution proclaiming October 5 through October 21, 2012 as  
“Binational Health Week” in Monterey County. (Supervisor Potter)

A motion was made by Supervisor Jane Parker, seconded by Supervisor  
Fernando Armenta, that Resolution No. 12-253 be adopted. ALL AYES

5. Adopt Resolution recognizing and congratulating Jesse Herrera, LCSW,  
Behavioral Health Services Manager II upon his retirement from the Monterey  
County Health Department after sixteen (16) years of public service.  
(Supervisor Potter)

A motion was made by Supervisor Jane Parker, seconded by Supervisor  
Fernando Armenta, that Resolution No. 12-254 be adopted. ALL AYES

6. Adopt Resolution to recognize Ofelia Sanchez for her over 36 years of  
service as an Eligibility Worker for the County of Monterey Department of  
Social and Employment Services. (Supervisor Potter)

A motion was made by Supervisor Jane Parker, seconded by Supervisor  
Fernando Armenta, that Resolution No. 12-256 be adopted. ALL AYES

### **Appointments**

7. Appoint Tom Adams to the Carmel Valley Recreation & Park District, term  
ending November 30, 2015. (Full Board)

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

8. Reappoint Ken Scherpinski to the Monterey County Workforce Investment  
Board, term ending September 1, 2015. (Full Board)

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

9. Reappoint Tina Rosa to the Youth Council Monterey County Workforce Investment Board, term ending July 27, 2014. (Full Board)

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

10. Appoint Dr. Eduardo Ochoa to the Economic Development Committee to fill an unscheduled vacancy, term ending Pleasure of Board. (Full Board)

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

### **Other Board Matters**

11. Board Comments

**Supervisor Salinas thanked everyone and the groups that made the Chualar Community Clean-up possible. He thanked Environmental Health, Public Works, County Counsel, the school district parent/teacher club, Starbucks, Risk Management, Monterey Regional Waste Management. It was good see those that came out to take control of their neighborhood. This provides a template for future Supervisor sponsored clean-up.**

**Supervisor Calcagno announced he is getting ready to appoint a committee to review the North County Coastal Plan and have them work with staff beginning in January 2013.**

12. CAO Comments and Referrals

**County Administrative Officer Lew Bauman advised of the following referral: Solicit input from the Ag Community related to regulations for permitting of ag wells and incorporate those recommendations into the 2010 General Plan Ordinance process. Referred to Resource Management Agency with Carl Holm taking the lead. (Supervisor Calcagno)**

13. General Public Comments

**Nina Beety; Hans Jongens.**

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

14. Consider adoption of an ordinance amending section 12.12.010 of the Monterey County Code to decrease an existing speed limit on a portion of Reservation Road in the unincorporated area of the County of Monterey from 55 miles per hour to 50 miles per hour. The 50 miles per hour limit will apply from milepost 0.82 generally southeast to a point 685 feet southeast of the centerline of East Garrison Drive (milepost 1.72).

Public comment: Hans Jongens, Eric Petersen

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, adopting Ordinance 5206 amending section 12.12.010 of the Monterey County Code to decrease an existing speed limit on a portion of Reservation Road in the unincorporated area of the County of Monterey from 55 miles per hour to 50 miles per hour. The 50 miles per hour limit will apply from milepost 0.82 generally southeast to a point 685 feet southeast of the centerline of East Garrison Drive (milepost 1.72) be adopted. ALL AYES

### **12:00 PM Recess to Lunch and:**

## **Joint Meeting of the Monterey County Board of Supervisors and Natividad Medical Center Board of Trustees**

### **Roll Call**

*Present: Virginia Valencia, Interpreter*

*Trustees Present: Robbins, O'Brien, O'Keefe, Chandler, Potter, Bauman, Weis*

*Trustees Absent: Braga, and Eaton*

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

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

### **Closed Session**

15. Closed Session under Government Code section 54950, relating to the following items:
- a. Pursuant to Government Code section 54957, the Boards will provide a performance evaluation for the Natividad Medical Center CEO
- CLOSED SESSION REPORT: There were no reportable actions on item 15. a. taken by either Board.**

### **Scheduled Matter**

16. Natividad Medical Center Annual Report: Accomplishments Fiscal Year 2012
- By Consensus, the Board of Supervisors and the Natividad Medical Center Board of Trustees received the Natividad Medical Center Annual Report: Accomplishments Fiscal Year 2012.**

## **Adjournment of the Joint Meeting of the Board of Supervisors and Natividad Medical Center Board of Trustees**

**APPROVED:**

/s/ Fernando Armenta

**DAVE POTTER, CHAIR**  
**BOARD OF SUPERVISORS**

**ATTEST:**

**BY:** /s/ Gail T. Borkowski

**GAIL T. BORKOWSKI**  
**CLERK OF THE BOARD**

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

17. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the First Amendment to the Professional Services Agreement (A-11862) with John Schatz MD to provide cardiology services at NMC, extending the Agreement from October 1, 2012 to September 30, 2013 and adding \$268,000 for a revised total Agreement amount not to exceed \$536,000 in the aggregate.

**Approved - Agreement No. A-11862**

18. a. Authorize the Purchasing Manager of Natividad Medical Center (NMC) to execute atwo-year External Peer Review Services Agreement with AllMed Healthcare Management (AllMed) to provide external peer review services to NMC for a total of \$20,000 for the period October 1, 2012 to September 30, 2014, with an automatic renewal for successive one year terms thereafter unless terminated; and
- b. Authorize the Purchasing Manager of NMC to exercise the automatic renewal clause to extend the Agreement for three additional one-year terms, by executing up to three (3) future amendments, each of which does not increase the aggregate liability of the Agreement by more than ten percent (10%) of the current aggregate liability of \$20,000, does not significantly alter the scope of work, and does not result in an increase to the General Fund Contribution.

**Approved - Agreement No. A-12327**

**Health and Social Services**

19. a. Amend FY 2012-13 Health Department Budget 4000, to transfer a filled 1.0 FTE Department Information Systems Coordinator (DISC) from HEA005-8117 to HEA003-8124; and,
- b. Direct the County Administrative Office to incorporate approved changes into FY 2012-13 Health Department Budget 4000, HEA005-8117 and HEA003-8124 to reflect the position transfer. (4/5th vote required)

**Approved**

20. a. Approve and authorize the Director of Health to sign a Mental Health Services Agreement (May 1, 2012-June 30, 2012, FY 2012-13 and FY 2013-14) with Milhous Children's Services for the provision of mental health services in the amount of \$21,609 for FY 2011-12, \$128,237 for FY 2012-13 and \$128,237 for FY 2013-14, for a total of \$278,083, for the period May 1, 2012 through June 30, 2014; and
- b. Authorize the Director of Health to approve up to three (3) future

amendments that do not exceed ten percent (10%) of the annual amount, which does not significantly alter the scope of work or result in an increase to General Fund Contribution.

**Approved - Agreement No. A-12328**

21. Approve and authorize the Emergency Medical Services (EMS) Agency Director to sign and execute a Paramedic Service Provider Agreement with City of Carmel-by-the-Sea to provide paramedic services in the County of Monterey.

**Approved - Agreement No. A-12329**

### **Criminal Justice**

22. a. Authorize the Auditor-Controller to amend the FY 2012-13 budget for the District Attorney, DIS001, Unit 8063, in support of AB 109, criminal justice realignment, by increasing the revenues and appropriations by \$77,888 (4/5ths vote required) and;
- b. Authorize the County Administrative Office to create one new position in the District Attorney's Department (2240), for a Legal Secretary.

**Approved**

23. a. Authorize the Auditor-Controller to increase revenues and appropriations totaling \$4,500,278 in multiple departments in Fiscal Year 2012-13 from the State AB109 Public Safety Realignment (4/5ths vote required); and
- b. Authorize the CAO's Office to add 7.0 FTE positions in Probation's Budget PRO001; 2.0 FTE in Sheriff's Office Budget SHE003; and 1.0 FTE in Health Department's Budget HEA012, for a total of 10 new positions.

**Approved**

### **General Government**

24. Approve and authorize the Contracts/Purchasing Officer to increase the County Master Agreement with Manpower Inc./California Peninsula, Robert Half International, Inc., Spherion Staffing LLC, and Select Staffing for the provision of temporary staffing services for the County of Monterey by the total annual amount of \$1,500,000 for an aggregate annual amount of \$3,500,000 for all Agreements on an as-needed basis.

**Approved - Agreement Nos. A12330 (Manpower); A-11820 (Select Staffing); A-11818 (Robert Half International); A-11819 (Spherion)**

25. a. Approve and authorize the Contracts and Purchasing Officer to sign an Agreement with Charles Nechtem Associates, Inc. for the provision of an Employee Assistance Program for the County of Monterey per Request for Proposal (RFP) #10309, with the initial Agreement term beginning November

1, 2012 through September 30, 2015, including the option to extend the Agreement for up to three (3) additional one (1) year periods in an amount not to exceed \$810,000 for the term of the contract; and

b. Authorize the Contracts and Purchasing Officer to sign future Amendments to the Agreement where the Amendments do not significantly change the scope of work or cause an increase in the Agreement annual rates of more than ten percent (10%).

**Approved - Agreement No. A-12330**

26. Authorize the Registrar of Voters to assign any worker of the Elections Department the duty to administer voter registration in the County of Monterey.

**Approved**

27. Approve and authorize the Contracts/Purchasing Officer to execute Amendment No. 3 of Agreement #11606 with The Lipman Company (TLC) for benefits administration services, extending the term of the Agreement to September 30, 2013 on a month to month basis and increasing the amount of the contract by \$25,000 to a total of \$150,000.

**Approved - Agreement No. A-11606**

28. a. Approve the Acquisition and Rehabilitation Loan Agreement, Acquisition and Rehabilitation Promissory Note and Deed of Trust for the County's Neighborhood Stabilization Program 3;  
b. Authorize the Interim Director of Economic Development or the Director of Economic Development to make minor changes to the loan documents as necessary to implement the program; and  
c. Authorize the Interim Director of Economic Development or the Director of Economic Development to execute the loan documents.

**Approved**

29. a. Approve assignment of Monterey County's 2012 allocation from the California Debt Limit Allocation Committee (CDLAC) to California Rural Homebuyers Fund Authority (CRHMFA) Homebuyers Fund (CHF) for inclusion in their Mortgage Revenue Bond financing for the Mortgage Credit Certificate (MCC) program and authorizing and consenting to all CHF 2012 and 2013 Programs; and  
b. Authorize the County Administrative Officer to send a letter to the California Debt Limit Allocation Committee requesting the assignment and certifying that the use is consistent with the County's adopted Housing Element.

**Approved**

### **RMA - Planning**

30. a. Approve the Parcel Map for the Ramirez/Lopez/Moya Minor Subdivision of a 1.18 acre parcel into 4 parcels of 11,524 square feet, 12,446 square feet, 13,009 square feet, and 14,382 square feet each; and  
b. Direct the Clerk of the Board to submit the Parcel Map, the Indemnification Agreement, the Permit Approval Notice, and the Deed Restriction to the County Recorder for filing.  
(Parcel Map - PC93018/Lopez Et Al, 40 Las Lomas Drive, Royal Oaks, North County Land Use Plan, Coastal Zone)

**Approved**

### **RMA - Public Works**

31. a. Authorize the placement of Mr. Robert K. Murdoch at Step 4 of the Public Works Director salary range in accordance with Personnel Policies and Practices Resolution No. 98-394, as updated January 7, 2009, Section A.1.11.1, Non-Elected Unit Y Salary Steps, General Provisions; and  
b. Authorize the County Administrative Officer to approve reasonable moving expenses, not to exceed \$10,000 per the Personnel Policies and Practices Resolution, Section A.49.3 Employee Relocation/Moving Allowance, subject to IRS regulations.

**Approved**

32. a. Accept a Grant of Public Utility Easement over a portion of APN 031-161-023 (“East Garrison Parcel D”) from the Successor Agency to the Redevelopment Agency of the County of Monterey, for purpose of ingress and egress, and constructing, maintaining, using, and operating utility connections in conjunction with the East Garrison Development Project on the former Fort Ord;  
b. Approve and authorize the Chair to execute the Certificate of Acceptance and Consent to Recordation for the Grant of Public Utility Easement; and  
c. Authorize the Director of Public Works to submit the executed Grant of Public Utility Easement to the County Recorder for recordation.

**Approved**

33. a. Accept a Grant of Public Utility Easement over a portion of APN 031-164-129 from UCP East Garrison, LLC, a Delaware limited liability company for purpose of ingress and egress, and constructing, maintaining, using, and operating utility connections in conjunction with the East Garrison Development Project on the former Fort Ord;  
b. Authorize the Chair to execute the Certificate of Acceptance and Consent to Recordation for the Grant of Public Utility Easement; and  
c. Authorize the Director of Public Works to submit the executed Grant of Public Utility Easement to the County Recorder for recordation.

**Approved**

- 34.** a. Approve an increase to Agreement No. A-12172 with William A. Thayer Construction, Inc., for the 1410 Natividad Refurbish Kitchen, Project No. 8532, Bid Package No. 10238, not to exceed \$52,951, for a total contract value of \$797,061;
- b. Authorize a contingency not to exceed \$4,500 to provide funding for future approved contract change orders;
- c. Approve a project budget increase of \$59,580 for the 1410 Natividad Rd Refurbish Kitchen, Project No. 8532; Bid Package No. 10238; and
- d. Authorize a reallocation of funds in the amount of \$59,580 within Fund 401, Unit 8184, from Jail Restroom Renovation - 1410 Natividad Rd, Project No. 8546, Bid Package No. 10345 to the 1410 Natividad Refurbish Kitchen, Project No. 8532, Bid Package No. 10238.

**Approved - Agreement No. A-12172; Construction No. 2012-009**

- 35.** Approve Change Order No. 03 to Agreement No. A-12209 with Tombleson, Inc. for the Jail Restroom Renovation - 1410 Natividad Rd, Project No. 8546, Bid Package No. 10345, in the amount of \$4,098.03, for a total contract value of \$72,161.

**Approved - Agreement No. A-12209; Construction No. 2012-001**