

Monterey County

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



Action Minutes - Final

Tuesday, April 16, 2013

9:00 AM

See separate agendas for Pajaro County Sanitation District,
Boronda County Sanitation District, Carmel Valley County Sanitation
District, and Moss Landing County Sanitation District

Board of Supervisors

Chair Louis R. Calcagno - District 2

Vice Chair Simón Salinas - District 3

Supervisor 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) Timothy McCormick v. County of Monterey, et al. (Monterey County Superior Court case no. M117171)
 - b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter 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 a performance evaluation for the Natividad Medical Center CEO.
 - e. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:
 - (1) Property: 4041 Sunset Lane, Pebble Beach (APN 008-111-017)Agency negotiator: Deanna Hilbrants
Negotiating parties: County of Monterey and California-American Water
Under negotiation: Terms

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

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

There were no additions or corrections to the agenda.

Consent Calendar- (See Supplemental Sheet)

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

Supervisor Parker pulled item 18 and questioned staff. Elsa Jimenez responded.
A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to approve the Consent Calendar. (See Supplemental Sheet) ALL AYES

Ceremonial Resolutions

3. Adopt Resolution Proclaiming April 14 through April 20, 2013 as “Public Safety Dispatchers Week” in Monterey County. (Supervisor Armenta)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to Resolution No. 13-110 Proclaiming April 14 through April 20, 2013 as “Public Safety Dispatchers Week” in Monterey County. (Supervisor Armenta) ALL AYES

4. Adopt Resolution Commending Allen Rowe, District Attorney's Office, upon his retirement from 36 Years of Public Service. (Supervisor Armenta)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to Resolution No. 13-112 Commending Allen Rowe, District Attorney's Office, upon his retirement from 36 Years of Public Service. (Supervisor Armenta) ALL AYES**

Appointments

5. Appoint Paul Cortopassi and Cesar Padilla to the Castroville Cemetery District, terms ending March 30, 2016. (Supervisor Calcagno)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to Appoint James Massey to the South Monterey County Fire Protection District to fill an unexpired term ending December 20, 2013. (Supervisor Salinas) ALL AYES**
6. Reappoint Rosemary Soto to the Commission on the Status of Women, term ending February 1, 2015. (Supervisor Potter)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to Appoint Lawrence Barcelo, M.D. to the Natividad Medical Center Board of Trustees to fill an unscheduled vacancy term ending June 30, 2015. ALL AYES**

Other Board Matters

7. Board Comments
- Supervisor Calcagno thanked the Fish & Game Commission for funding \$500 towards the cleaning of the Pajaro River. Wiith the help of Water Resources Agency and the Sheriff's Code Enforcement, the homeless encampment is now about 90% cleaned up. Thanks to everyone that assisted on this successful endeavor.
- Supervisor Armenta advised he participated in the City of Salinas neighborhood park clean which was a homeless children's fundraiser event. He picked up trash and swept park sidewalks, as well as making a small contribution to this fundraiser.
8. CAO Comments and Referrals
- County Administrative Officer Dr. Lew Bauman advised of the following Board Referral from Supervisor Potter:
- 1) Request a report from the Sheriff and the CAO regarding budget and administrative actions taken regarding ongoing jail management and expansion plan for expansion of the Monterey County jail, with information on the impacts from the implementation of AB 109; requested that Administration, working in coordination with the Sheriff and RMA, provide a summary of progress to date on the budget resources, programs and projects being implemented to address the challenges.

County Administrative Officer Dr. Lew Bauman advised of the following Board Referral from Supervisor Parker:

2) Civic engagement training for County staff; referred to the Learning and Development Division.

9. General Public Comment

Hans Jongens; Eric Peterson; Gail Smith.

10:30 A.M. - Scheduled Matters

10. a. Receive a report from Resource Management Agency-Planning regarding the three possible appropriate authority processing options for lot line adjustment and minor subdivision applications related to the proposed elimination of the County's Minor and Standard Subdivision Committees;
- b. Consider staff's recommendation to implement *Option 1* which establishes the Planning Commission as the appropriate authority for lot line adjustment and minor subdivision applications; and
- c. Provide direction to staff on the preparation of the ordinances to be considered at a future date.

[REF100014 (Inland) and REF120004 (Coastal), Options for Application Processes with the Elimination of the Minor and Standard Subdivision Committees.] (Continued from March 19, 2013)

Public comment: David Swaggart; Eric Peterson; Michael Kling; Bob Perkins. A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno to: a. Receive a report from Resource Management Agency Planning regarding the three possible appropriate authority processing options for lot line adjustment and minor subdivision applications related to the proposed elimination of the County's Minor and Standard Subdivision Committees; b. Approve Option 3 which would result in the Director of Planning acting as the appropriate authority over non-controversial inland lot line adjustment and minor subdivision applications, while the Planning Commission would be the appropriate authority over controversial inland lot line adjustment and minor subdivision applications and all coastal lot line adjustment and minor subdivision applications; and c. Provided direction to staff on the preparation of the ordinances to be considered at a future date. [REF100014 (Inland) and REF120004 (Coastal), Options for Application Processes with the Elimination of the Minor and Standard Subdivision Committees.] (Continued from March 19, 2013). ALL AYES

11. a. Receive an oral report from the County Librarian regarding the Library Department's Three Year (2013-2016) Strategic Plan.
- b. Approve the Library Department's Three Year (2013-2016) Strategic Plan.
- c. Direct staff to begin implementation of the plan and update the plan regularly going forward.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to: a. Receive an oral report from the County Librarian regarding the Library Department's Three Year (2013-2016) Strategic Plan; b. Approve the Library Department's Three Year (2013-2016) Strategic Plan; and

c. Directed staff to begin implementation of the plan and update the plan regularly going forward.

ALL AYES

12:00 PM Recess to Lunch and:

**Special Joint Board Meeting of the Monterey County Board of Supervisors and the Natividad Medical Center Board of Trustees
Monterey Room, 168 W. Alisal St., 2nd Floor, Salinas, CA 93901**

Roll Call

Natividad Medical Center Board of Trustees Present: Kelly O'Keefe, John O'Brien; Roy Robbins; Rod Braga; Maggie Eaton; Harry Weis; Dave Potter; and Lew Bauman

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

Closed Session

12. 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 Natividad Medical Center CEO

b. 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 Boards took no reportable actions on items 12. a. and b.

Adjournment of Joint Meeting

2:00 P.M. - Reconvene - Monterey County Board of Supervisors

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

Scheduled Matters

13. a. Consider approval of the responses to the 2012 Monterey County Civil Grand Jury Final Report - Detention Facilities Inspections; and

b. Direct the County Administrative Officer to file the approved responses with the Presiding Judge of the Superior Court, County of Monterey, by May 4, 2013.

Public comment: Scott Miller.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas to approve the responses to the 2012 Monterey County Civil Grand Jury Final Report - Detention Facilities Inspections; and

b. Direct the County Administrative Officer to file the approved responses with the Presiding Judge of the Superior Court, County of Monterey, by May 4, 2013; additionally directed staff to provide broad brush overview of the variety of programs that our criminal justice partners, in collaboration with the Courts have brought forward and return with recommended changes on April 23, 2013.

ALL AYES

Adjournment

APPROVED:

/s/ Louis R. Calcagno

**LOUIS R. CALCAGNO, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

BY: /s/ Denise Hancock, for

GAIL T. BORKOWSKI

CLERK OF THE BOARD

APPROVED ON 03-18-14

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

14. a. Declaring an emergency as defined by the California Public Contract Code Section 1102 due to needed repair of the imaging equipment at Natividad Medical Center (NMC) Contractor - GE HealthCare; and
- b. Finding that the emergency will not permit a delay resulting from a formal solicitation of bids and that the action is necessary to respond to the emergency; and
- c. Finding that the repairs are necessary to permit the continued conduct of County operations or services; and
- d. Authorizing emergency repair of the imaging equipment at NMC without adopting plans and specifications and giving notice for bids to let contracts; and
- e. Authorizing the NMC Purchasing Manager, 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 NMC Purchasing Manager, or his designee, to respond to the emergency. (4/5th vote required).

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 13-127: a. Declaring an emergency as defined by the California Public Contract Code Section 1102 due to needed repair of the imaging equipment at Natividad Medical Center (NMC) Contractor - GE HealthCare; and

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

c. Finding that the repairs are necessary to permit the continued conduct of County operations or services; and

d. Authorizing emergency repair of the imaging equipment at NMC without adopting plans and specifications and giving notice for bids to let contracts; and

e. Authorizing the NMC Purchasing Manager, 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 NMC Purchasing Manager, or his designee, to respond to the emergency. (4/5th vote required). ALL AYES

15. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 6 to the Agreement (A-11719) with Bio Medical Systems Corporation for Cardiac Monitoring Services at NMC, extending the Agreement to June 30, 2013 and adding \$30,000 for a revised total Agreement amount not to exceed \$170,000 in the aggregate.

Approved – Agreement No. A-11719

16. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to

execute Amendment No. 1 to the Agreement (MYA 723) with B.E. Smith Inc. for Interim Employee Services at NMC, extending the Agreement to December 31, 2013 and adding \$576,200 for a revised total Agreement amount not to exceed \$676,200 in the aggregate.

Approved - Agreement No. A-12438

17. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 1 to the Agreement (A-12175) with Hibser Yamauchi Architects for 3rd Floor, Building 400, Tenant Improvement, per RFQ #9600-18 at Natividad Medical Center, extending the Agreement to June 30, 2015 and adding \$77,930 for a revised total Agreement amount of \$564,529 in the aggregate.

Approved – Agreement No. A-12175

18. a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute a Contract with County of Santa Clara (“Santa Clara County”) for the provision by NMC of Acute Psychiatric Inpatient Services at NMC’s In-Patient Facility to Santa Clara County Residents Referred by Santa Clara County, for the period February 1, 2013 to June 30, 2014; 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

19. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 1 to the Agreement with MD Buyline for Membership Services at NMC, extending the Agreement to August 31, 2017 and adding \$99,995 for a revised total Agreement amount not to exceed \$199,990 in the aggregate.

Approved - Agreement No. A-12435

20. Adopt Resolution to:
a. Accept the Certificate of Completion for Seismic Upgrade Project for Natividad Medical Center (NMC), located at 1441 Constitution Blvd., Salinas, CA 93906, Project No. 9600-27, Bid Package No. NMC-1001; and
b. Authorize the NMC Assistant Administrator of Operations & Support Services to execute and record the Notice of Completion.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 13-128 to:

- a. Accept the Certificate of Completion for Seismic Upgrade Project for Natividad Medical Center (NMC), located at 1441 Constitution Blvd., Salinas, CA 93906, Project No. 9600-27, Bid Package No. NMC-1001; and
b. Authorize the NMC Assistant Administrator of Operations & Support Services to execute and record the Notice of Completion. ALL AYES**

Health and Social Services

21. Approve and authorize the Director of Health to sign Amendment No. 3 to a Professional Services Agreement between the County of Monterey and Bagley Enterprises, Inc., to increase the amount payable by \$35,000, for an amount not to exceed \$130,000 for the period January 5, 2010, through June 30, 2013, to inspect and maintain used oil pump-out equipment, including the relocation and reconstruction of a double-wall oil recycling container at Breakwater Cove Marina, in the city of Monterey, for Environmental Health's Used Oil Recycling Program.

Approved - Agreement No. A-12436

Criminal Justice

22. a. Approve and Authorize the District Attorney to sign, submit and execute twelve applications, including any extensions or amendments thereof, for continued funding for FY 2013-14 from Federal and State agencies for the District Attorney's Office Victim Assistance Unit and various Prosecution Programs as identified in the attached Board Order.
- b. Approve and Authorize the District Attorney to submit a joint grant application with the City of Salinas to the Federal Government under the Justice Assistance Grant (JAG) Program, and authorize the County Administrative Officer to sign a Memorandum of Agreement as well as joint application for the grant with the City of Salinas.

Approved

23. Approve transfer of appropriations in the amount of \$68,673 from Services and Supplies to Fixed Assets in Department 2550-Probation for the purchase of three vehicles during fiscal year 2012-13.

Approved

24. Authorize the Contracts/Purchasing Officer to sign the Professional Service Agreement with Honeywell for preventative maintenance and on-call emergency services at the Monterey County Sheriff's Office, Public Safety Building and Jail, in the amount of \$357,920 for the period of July 1, 2012 through June 30, 2015.

Approved- Agreement No. A-12439

25. Authorize the Contracts/Purchasing Officer to sign and execute Amendment No.4 to Professional Service Agreement with Commercial Services Co. to increase the total amount of the Agreement by \$160,000 for a cumulative total of \$240,000 in the term period of July 1, 2010 to June 30, 2014 for repair services at the Sheriff's Office.

Approved - Agreement No. A-12437

26. Approve and authorize the Contracts/Purchasing Officer to execute a County of Monterey Standard Agreement with effective terms of February 25, 2013 through June 30, 2014, with Karpel Solutions, Inc, not to exceed \$474,500.00, to provide the District Attorney with an automated case management system.

Approved - Agreement No. A-12429**General Government**

27. Adopt Resolution to approve the Conflict of Interest Code of the San Lucas County Water District.
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 13-129 to approve the Conflict of Interest Code of the San Lucas County Water District. ALL AYES**
28. a. Approve and authorize the Contracts / Purchasing Officer to sign a “County of Monterey Wireless Communication Site Lease Agreement” between the County of Monterey and Weathertop Ranch LLC for a 5 year term beginning April 1, 2013 with 3 additional 5 year renewals and an autorenewal clause after that for a cost of \$500 per year; and
b. Accept Non-Standard County Indemnification Provisions as recommended by the Acting Director of Emergency Communications.
- Approved - Agreement No. A-12440**
29. Adopt a Resolution to approve the request of Carmel Valley Recreation and Parks District to replace biennial audits with yearly financial reviews as contemplated by California Government Code Section 26909. (Unanimous Vote Required.)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to Resolution No. 13-130 to approve the request of Carmel Valley Recreation and Parks District to replace biennial audits with yearly financial reviews as contemplated by California Government Code Section 26909. (Unanimous Consent Required.) ALL AYES**
30. Adopt a Resolution:
- a. Accepting the Certificate of Completion for the Mount Toro Grounding Project No. 5108, Bid Package No. 10395, located at 20600 Corral de Cielo, Salinas, California, performed by Golden State Utility Company; and
b. Authorizing the Director of Information Technology to execute and record the Notice of Completion for the Mount Toro Grounding Project No. 5108, Bid Package No. 10395.
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 13-131:**
- a. Accepting the Certificate of Completion for the Mount Toro Grounding Project No. 5108, Bid Package No. 10395, located at 20600 Corral de Cielo,**

Salinas, California, performed by Golden State Utility Company; and
b. Authorizing the Director of Information Technology to execute and record
the Notice of Completion for the Mount Toro Grounding Project No. 5108, Bid
Package No. 10395. ALL AYES