



Monterey County

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

Action Minutes - Draft 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

Tuesday, October 8, 2013

9:00 AM

See separate agenda for Special Joint Meeting of the Monterey County Board of Supervisors and the Natividad Medical Center Board of Trustees

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. 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) Carmel Rio Road, LLC v. County of Monterey (Monterey County Superior Court case no. M18773)
 - (2) In the matter of Laurel Family Practice Clinic; Laurel Internal Medicine Clinic; Laurel Pediatric Clinic; Laurel Women's Health Clinic; Seaside Family Health Center; Monterey County Clinic at Marina; Alisal Health Center, Fiscal Period Ending June 30, 2011:
Administrative Hearing & Appeal No. FQ13-0611-132E-MR;
FQ13-0611-133E-MR; FQ13-0611-134E-MR; FQ13-0611-135E-MR;
FQ13-0611-136E-MR
 - 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 54957.6, the Board will confer with

labor negotiators:

(1) Designated representatives: James May and Brette Neal

Employee Organization(s): All Units

d. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for County Counsel.

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

URGENCY ADD

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:

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(2) In the matter of Laurel Family Practice Clinic; Laurel Internal Medicine Clinic; Laurel Pediatric Clinic; Laurel Women's Health Clinic; Seaside Family Health Center; Monterey County Clinic at Marina; Alisal Health Center, Fiscal Period Ending June 30, 2011:

Administrative Hearing & Appeal No. FQ13-0611-132E-MR; FQ13-0611-133E-MR; FQ13-0611-134E-MR; FQ13-0611-135E-MR; FQ13-0611-136E-MR

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.a.(1) & (2).

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.

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 Organization(s): All Units

CLOSED SESSION REPORT: The Board conferred with legal counsel and labor negotiators and approved tentative labor agreements with Units M, N, Q, V and L. These tentative agreements have been approved these Units and can go into effect immediately. Staff will return to the Board with the fully executed Memorandums of Understanding (MOU) for ratification on a future date.

d. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for County Counsel.

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

The Board reconvened at approximately 1:47 p.m. The Board found that 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 was asked to make the following addition:

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

The A motion was made by Supervisor Dave Potter, seconded by Supervisor Salinas to add item 1.e. (1) through (11) to today's agenda. 4-0 (Supervisor Calcagno Absent)

The Board recessed to continued Closed Session. The Board reconvened at approximately 2:10 p.m.

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

10:30 AM Reconvene

Roll Call

Present: Marisela Quezada, 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

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:

20.1. Submitted a revised attachment "The SPCA Easement" in which page 6 now lists the Grantee Name.

Approve and authorize the Contracts Purchasing Manager to execute a Grant of Easement Agreement, effective October 8, 2013, to the Society for the Prevention of Cruelty to Animals (SPCA) for the purpose of providing a sewer

pipeline route to install a sewer main pipeline and connections from the SPCA Animal Shelter on Highway 68 to the Pasadera Waste Water Treatment Plant, over a portion of the County owned property known as Laguna Seca Recreation Area. (ADDED VIA ADDENDUM)

20.2 Revised report title submitted and should now read as:

a. Consent for FORA to sign a loan agreement with the David and Lucille Packard Foundation, such that the Fort Ord Reuse Authority (FORA) would take on a debt obligation of \$350,000, and to authorize FORA owned land which will be transferred to the County of Monterey as collateral for a bridge loan and subordinate FORA, Seaside, and the County's rights to the deed of trust to be held by the Packard Foundation to finance the California Central Coast Veterans Cemetery. The bridge loan will be a 1% loan due within one year, with two semi-annual payments to the Packard foundation.”; and

b. Clarify that Parcel I only would be used as collateral (parcel H is not needed), and there is a slight correction to the Parcel I legal description (attached).

Revised legal description submitted on Parcel I

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simon Salinas to approve Additions and Corrections to the agenda. 4-0 (Supervisor Potter Absent)

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Parker pulled item 12 and questioned staff. This item was trailed to 1:30 p.m.

Supervisor Calcagno pulled item 20.2 and questioned staff. Carl Holm responded.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas to approve the Consent Calendar, with the exception of item 12. ALL AYES

Ceremonial Resolutions

3. Adopt Resolution proclaiming the week of October 20th - 26th, 2013 as “Freedom From Workplace Bullying Week” in Monterey County. (Supervisor Armenta)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 13-310 proclaiming the week of October 20th - 26th, 2013 as “Freedom From Workplace Bullying Week” in Monterey County. (Supervisor Armenta) ALL AYES

4. Adopt Resolution proclaiming the Week of October 11th through October 20th, 2013 as “Binational Health Week” in Monterey County. (Supervisor Armenta)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 13-312 proclaiming the Week of October 11th through October 20th, 2013 as “Binational Health Week”. (Supervisor Armenta). ALL AYES

Appointments

5. Appoint Mary Estrada to the Military & Veterans Affairs Advisory Commission to fill an unscheduled vacancy, term ending January 1, 2014. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to Appoint Mary Estrada to the Military & Veterans Affairs Advisory Commission to fill an unscheduled vacancy, term ending January 1, 2014. (Full Board) ALL AYES**

Other Board Matters

6. Board Comments
- Supervisor Parker thanked County Counsel for the prompt release of information about the decision and process regarding the trauma center. She noted it was disappointing that this information was not available at the time or in advance of the Board's decision. She believes the Board followed a good process.
- Supervisor Parker thanked Senator Monning and Senator Stone and their staffs for attending the first community event she held regarding the Affordable Care Act. There was a good turn-out and attendees posed good questions ranging from the specific to the general. There were also community members interested in learning the information to share with neighbors and friends. The next community meeting she will be holding will be at the Marina Library on October 15th from 4 - 6 p.m. Anyone that is interested is welcome to attend.
- Supervisor Armenta thanked all County leaders and departments for their work and contributions to the Ciclovía event in Salinas. He asked the County Administrative Officer to provide a summary of the event in the near future.
- Supervisor Armenta announced the Welcome Home Troops Ceremony will take place on October 22nd at 10:30 a.m. This is the 10th year of this event recognizing the Monterey County residents serving in the United States Armed Forces.
- Supervisor Armenta wished Supervisor Salinas Happy Birthday.
7. CAO Comments and Referrals
- County Administrative Officer Dr. Lew Bauman announced that Tammy Young, Vehicle Abatement Officer received a Congressional Citation from Congressman Sam Farr for her work in addressing and cleaning up homeless encampments along the Pajaro River levee. She was part of the team that involved a number of agencies, including Monterey County Water Resources Agency, Public Works, California Dept. of Fish and Wildlife and NOAA. That work continues today. He congratulated Tammy and the team for the work.
8. General Public Comment

Hans Jongens; Millie Perea; Eric Peterson; Eloa Shim

10:30 A.M. - Scheduled Matters

9. Receive a legislative update from Assemblymember Luis Alejo.

Assemblymember Luis Alejo presented his Legislative update.
The Board members commented on the presentation and thanked
Assemblymember Alejo for attending today's meeting.

12:00 PM Recess to Lunch and Continued Closed Session:

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

Adjournment

APPROVED:

LOUIS CALCAGNO, CHAIR
BOARD OF SUPERVISORS

ATTEST:

BY: _____
GAIL T. BORKOWSKI
CLERK OF THE BOARD

Supplemental Sheet, Consent Calendar

Natividad Medical Center

10. a. Approve the Plans and Specifications for the Natividad Medical Center, Project #9600-18 - Building 400 Third Floor Tenant Improvement, Bid #NMC-1011 for contractors to bid on construction; and
b. Authorize Natividad Medical Center to advertise the “Notice to Contractors” in a newspaper of general circulation.
- Approved - Construction No. 2013-018**
11. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 2 to the Agreement (A-11233) with Med Assets Net Revenue Systems LLC for Charge Description Master (CDM) Manager, KnowledgeSource, and Revenue Dashboard Annual Software Services for the MediTech System at NMC, extending the Agreement to June 30, 2016 and adding \$35,000 (over two years) for a revised total Agreement amount not to exceed \$147,000 in the aggregate.
- Approved – Agreement No. A-11233**
12. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 4 to the Agreement (A-11123) with MModal Services Ltd. for Medical Dictation and Transcription Services at NMC, extending the Agreement to June 30, 2015 and adding \$700,874 for a revised total Agreement amount not to exceed \$4,700,000 in the aggregate.
- This item was trailed to the afternoon.**
A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to: Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 4 to the Agreement (A-11123) with MModal Services Ltd. for Medical Dictation and Transcription Services at NMC, extending the Agreement to June 30, 2015 with no increased amount not to exceed \$4,700,000 in the aggregate. 4-0 (Supervisor Calcagno Absent)

Health Department

13. a. Reallocate 1.0 FTE Principal Office Assistant to 1.0 FTE Office Assistant I, Environmental Health Budget 4000-8069; and
b. Reallocate 1.0 FTE Environmental Health Specialist III to 1.0 FTE Office Assistant I, Environmental Health Budget 4000-8113; and
c. Authorize the County Administrative Office to incorporate approved position changes in the FY 2013-14 Adopted Budget.
- Approved**
14. Approve and authorize the Director of Health to sign Amendment No. 2 to the

Alcohol and Drug Treatment Services Agreement A-12237 with Community Human Services to increase the current Agreement amount of \$5,070,114 by \$135,532 in FYs 2013-15 for a new total Agreement amount not to exceed \$5,205,646.

Approved – Agreement No. A-12237

15. Approve and authorize the Director of Health to sign Amendment No. 1 to Agreement A-12498 with Community Human Services to increase the existing Agreement amount by \$75,000, for street outreach services, for a new total amount not to exceed \$1,736,757.

Approved – Agreement No. A-12498

16. Approve and authorize the Director of Health to sign Amendment No. 2 to the Alcohol and Drug Treatment Services Agreement A-12236 with Sun Street Centers to increase the current Agreement amount of \$3,685,083 by \$222,761 in FYs 2013-15 for a new total Agreement amount not to exceed \$3,907,844.

Approved – Agreement No. A-12236

Criminal Justice

17. a. Approve the Probation Department's Renewal and Amendment No. 4 to the Professional Services Agreement with Behavioral Interventions, Incorporated DBA The GEO Group, Incorporated extending its term to December 31, 2013, and increase its amount by \$540,000 for FY 2013-14, for a revised total not to exceed \$3,547,051 in the aggregate to continue services to adult offenders participating in the Day Reporting Center; and
b. Approve and authorized the Contracts/Purchasing Officer to execute the Renewal and Amendment to the agreement.

Approved

18. a. Authorize the Auditor-Controller to increase revenues and appropriations for \$259,290 in PRO001-Probation Budget from State funding allocated to cities for front line enforcement and compliance activities for Fiscal Year 2013-14 (4/5ths vote required); and
b. Approve and authorize the Contracts/Purchasing Officer to sign a Memorandum of Understanding with the City of Marina Police Department in the amount of \$789,038 for Probation's participation in the local law enforcement Compliance Team for the period July 1, 2013 through June 30, 2016.

Approved

General Government

19. a. Approve and authorize the Contracts/Purchasing Officer to sign four (4)

agreements for purchase, installation (\$6,710 one-time), and monitoring services (\$948 annually) for two alarm systems with monthly monitoring and two camera security systems between the Monterey County Parks Department and First Alarm Security Services with an original term of five (5) years and automatic renewal for successive three (3) one-year terms; and

b. Accept Non-Standard Contract Provisions as recommended by the Chief Ranger/Parks Director.

Approved

- 20.** Adopt a resolution approving a Zero Property Tax Transfer for the proposed Rubenstein, Doolittle and Struve Properties Annexation to the Carmel Area Wastewater District.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-315 approving a Zero Property Tax Transfer for the proposed Rubenstein, Doolittle and Struve Properties Annexation to the Carmel Area Wastewater District. ALL AYES

- 20.1** Approve and authorize the Contracts Purchasing Manager to execute a Grant of Easement Agreement, effective October 8, 2013, to the Society for the Prevention of Cruelty to Animals (SPCA) for the purpose of providing a sewer pipeline route to install a sewer main pipeline and connections from the SPCA Animal Shelter on Highway 68 to the Pasadera Waste Water Treatment Plant, over a portion of the County owned property known as Laguna Seca Recreation Area. (ADDED VIA ADDENDUM)

Approved

RMA - General

- 20.2** ~~Consent for the Fort Ord Reuse Authority (FORA) to use certain FORA-owned lands within unincorporated Monterey County as collateral for a loan to help finance the California Central Coast Veterans Cemetery.~~
(ADDED VIA ADDENDUM)

a. Amend the recommended Board action to read as follows: "Consent for FORA to sign a loan agreement with the David and Lucille Packard Foundation, such that the Fort Ord Reuse Authority(FORA) would take on a debt obligation of \$350,000, and to authorize FORA owned land which will be transferred to the County of Monterey as collateral for a bridge loan and subordinate FORA, Seaside, and the County's rights to the deed of trust to be held by the Packard Foundation to finance the California Central Coast Veterans Cemetery. The bridge loan will be a 1% loan due within one year, with two semi-annual payments to the Packard foundation."

b. Clarify that Parcel I only would be used as collateral (parcel H is not needed), and there is a slight correction to the Parcel I legal description (attached). (REVISED VIA ADDITIONS & CORRECTIONS)

Approved

RMA - Public Works

21. a. Award a contract to Courts & Greens, the lowest responsible and responsive bidder for the Youth Camp Demolition, Project No. 8557, in the total amount of \$110,457.00;
- b. Approve the Performance and Payment Bonds executed and provided by Courts & Greens;
- c. Authorize a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change orders;
- d. Authorize the Director of Public Works to execute the contract and, subject to the terms of the Public Contract Code, approve contract change orders that do not significantly change the scope of work; and
- e. Authorize the Director of Public Works to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when he determines that the contract is complete in all respects in accordance with the Plans and Special Provisions for the Youth Camp Demolition, Project No. 8557, performed by Courts & Greens.

Approved – Agreement No. A-12576; Construction No. 2013-013