

Monterey County

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



Action Minutes - Final

Tuesday, March 26, 2013

9:00 AM

See separate agenda for East Garrison Community Services District

Board of Supervisors

*Chair Fernando Armenta - District 1
Vice-Chair Louis R. Calcagno - District 2
Supervisor Simón Salinas - District 3
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) Successor Agency to the Salinas Redevelopment Agency, et al. v. Matosantos, et al. (Sacramento County Superior Court case no. 34-2013-800001422-CU-WM-GDS
 - (2) County of Monterey v. Nova Partners, Inc., et al. (Santa Clara County Superior Court case no. 1-10-CV-178283) (ADDED VIA ADDENDUM)
 - b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
 - (1) Designated representatives: James May and Brette Neal
Employee Organization: All Units
 - c. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the Natividad Medical Center CEO. (ADDED VIA ADDENDUM)

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) Successor Agency to the Salinas Redevelopment Agency, et al. v. Matosantos, et al. (Sacramento County Superior Court case no. 34-2013-800001422-CU-WM-GDS
CLOSED SESSION REPORT: The Board conferred with counsel and appropriate direction was given.
 - (2) County of Monterey v. Nova Partners, Inc., et al. (Santa Clara County Superior Court case no. 1-10-CV-178283) (ADDED VIA ADDENDUM)
CLOSED SESSION REPORT: The Board took no reportable action.
 - b. Pursuant to Government Code section 54957.6, the Board will confer with

labor negotiators:

(1) Designated representatives: James May and Brette Neal

Employee Organization: All Units

CLOSED SESSION REPORT: The Board provided appropriate direction to the labor negotiators and no reportable actions were taken.

c. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the Natividad Medical Center CEO. (ADDED VIA ADDENDUM)

CLOSED SESSION REPORT: The Board provided a performance evaluation for the Natividad Medical Center CEO and no reportable actions were taken.

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

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 Schedule Matters

17. Revised Resolution submitted (Clean and Tracked) Staff will present changes

Adopt a Resolution to waive the County's right to receive title to certain property in the Fort Ord Master Plan area that is proposed as a site for a state Veterans Cemetery and direct the Fort Ord Reuse Authority (FORA) to transfer the property directly to the State of California subject to certain conditions. By consensus, the Board approved the Correction to the agenda.

Consent Calendar- (See Supplemental Sheet)

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

Supervisor Parker pulled item 26 and commented on the great outdoor event. Steve Ecklund pulled item 30 for comment. Nick Chiulos responded. A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to approve the Consent Calendar - Regular. ALL AYES

Ceremonial Resolutions

3. Adopt a Resolution honoring Dorothy Skillicorn on the occasion of her 100th Birthday. (Supervisor Calcagno)
A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-077. ALL AYES
4. Adopt Resolution Honoring Tom Griffin upon his retirement from Monterey County's Military & Veterans Affairs Office as Department Director. (Supervisor Armenta)
A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-079. ALL AYES
5. Adopt a Resolution honoring Barbara Livingston upon her selection as one of five Outstanding Women of Monterey County for 2013. (Supervisor Armenta)
A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-083. ALL AYES
6. Adopt a Resolution Honoring Janet Brennan upon her selection as one of five Outstanding Women of Monterey County for 2013. (Supervisor Armenta)
A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-084. ALL AYES
7. Adopt a Resolution Honoring Maria Belen Perea upon her selection as one of five Outstanding Women of Monterey County for 2013. (Supervisor Armenta)
A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-085. ALL AYES
8. Adopt a Resolution Honoring Paulette Lynch upon her selection as one of five Outstanding Women of Monterey County for 2013. (Supervisor Armenta)
A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-086. ALL AYES
9. Adopt a Resolution Honoring Leslie Ann Geyer upon her selection as one of five Outstanding Women of Monterey County for 2013. (Supervisor Armenta)
A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-087. ALL AYES
10. Adopt Resolution honoring Salinas Valley Memorial Hospital in recognition of its 60th Anniversary serving community healthcare needs. (Supervisor Armenta)
A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-088. ALL AYES
- 10.1 Adopt a Resolution recognizing Steve Snodgrass as the United Way of Santa Cruz County Volunteer of the Year Award recipient for 2013. (Supervisor

Calcagno) (ADDED VIA ADDENDUM)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to adopt Resolution No. 13-097. ALL AYES

Appointments

11. Appoint John Mihi to the Community Restorative Justice Commission to fill an unscheduled vacancy, term ending November 1, 2014. (Full Board)

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

12. Reappoint Tom Espinoza to the Housing Authority of Monterey County, term ending April 1, 2017. (Supervisor Potter)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, that this Reappointment be approved. ALL AYES

Other Board Matters

13. Board Comments

Supervisor Armenta thanked all that participated and attended the comprehensive immigration march. Congressman Sam Farr and Bishop Garcia joined in the march as well.

14. CAO Comments and Referrals

County Administrative Officer Dr. Lew Bauman congratulated Mike Derr on his selection and appointment as the Director of the North, representing his fellow colleagues on the Board of Directors of California Association of Purchasing Officials (CAPO). CAPO was formed in 1950 as a non-profit dedicated to maintaining the highest standards of professional behavior and ethical conduct in public purchasing.

15. General Public Comment

Nina Beety; Hans Jongens; Gail Smith; Rick Martin.

10:30 A.M. - Scheduled Matters

16. Receive a report and recommendation from the Legislative Committee in response to a Board Referral related to possible adoption of a resolution urging the Supreme Court to affirm the constitutionality of the Voting Rights Act.

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas to receive a report and recommendation from the Legislative Committee in response to a Board Referral; adopted Resolution No. 13-100 urging the Supreme Court to affirm the constitutionality of the Voting Rights Act. ALL AYES

17. Adopt a Resolution to waive the County's right to receive title to certain property in the Fort Ord Master Plan area that is proposed as a site for a state Veterans Cemetery and direct the Fort Ord Reuse Authority (FORA) to transfer the property directly to the State of California subject to certain conditions.

Public comment: Bill Nye; LaVonne Stone; Steve Ecklund; Greg Nakanishi; Richard Garza; Betti Palmer; Jack Stewart; James Bogan; Tim Eastman; Robin Falkenberg; Paula Capsell; Sid Williams; Tom Mancini; Rick Martin; Nancy Amateo; Dave Pacheco; Mary Estrada.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to adopt Resolution No. 13-101 to waive the County's right to receive title to certain property in the Fort Ord Master Plan area that is proposed as a site for a state Veterans Cemetery and direct the Fort Ord Reuse Authority (FORA) to transfer the property directly to the State of California subject to certain conditions; modifying language in the Resolution in paragraph C and an addition to sub-paragraph 4, as read into the record. ALL AYES

Adjournment

APPROVED:

/s/ Fernando Armenta
FERNANDO ARMENTA, CHAIR
BOARD OF SUPERVISORS

ATTEST:

BY: /s/ Gail T. Borkowski
GAIL T. BORKOWSKI
CLERK OF THE BOARD
Approved 06-25-13

Supplemental Sheet, Consent Calendar

Health and Social Services

18. a. Reallocate a vacant 1.0 FTE Psychiatric Social Worker II to a 1.0 FTE Public Health Nurse II in Health Department Budget Unit HEA003-8124; and
b. Authorize the County Administrative Office to incorporate the approved position changes in the FY 2012-13 Budget and the FY 2013-14 Adopted Budget. (REVISED VIA SUPPLEMENTAL)

Approved

19. Adopt a Resolution to:
a. Amend Personnel Policies and Practices Resolution No. 98-394 to add the classification of Sexual Assault Forensic Examiner - Per Diem
b. Amend Personnel Policies and Practices Resolution No. 98-394 to add special pays for the classification of Sexual Assault Forensic Examiner - Per Diem as provided in Attachment PPPR Amendments

A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to adopt Resolution No. 13-102 to:

- a. Amend Personnel Policies and Practices Resolution No. 98-394 to add the classification of Sexual Assault Forensic Examiner - Per Diem; and
b. Amend Personnel Policies and Practices Resolution No. 98-394 to add special pays for the classification of Sexual Assault Forensic Examiner - Per Diem as provided in Attachment PPPR Amendments. ALL AYES**

20. a. Amend the Department of Social Services (DSS) Budget Unit 5010-SOC005-8262, to add one Management Analyst II to support readiness to implement new statewide automated systems in preparation for Health Care Reform; and
b. Authorize the County Administrative Office to incorporate approved position changes in the FY 2012-13 Budget and the FY 2013-14 Adopted Budget 5010- SOC005-8262; and
c. Approve and authorize the Auditor-Controller's Office to incorporate approved appropriation and estimated revenue modifications to the FY 2012-13 Budget in the amount of \$30,133, and the County Administrative Office to reflect these approved changes in the FY 2013-14 Adopted Budget 5010-SOC005-8262 (4/5th vote required).

Approved

21. Adopt a Resolution to:
Amend Personnel Policies and Practices Resolution No. 98-394 to increase the top of the broad salary range for Bureau Chief as shown in Attachment A.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to adopt Resolution No. 13-103 to:

- Amend Personnel Policies and Practices Resolution No. 98-394 to increase the**

top of the broad salary range for Bureau Chief as shown in Attachment A. ALL AYES

- 22.** Approve additional funding for Agreement No. A-11307, with Oregon Community Health Information Network, Inc., in the amount of \$71,379 for FY 2012-13, \$102,686 for FY 2013-14 and \$169,434 for FY 2014-15 for a revised total amount \$5,925,257.

Approved - Agreement No. A-11307

- 23.** a. Approve and authorize the Director of Health to accept grant funds from The California Endowment in the amount of \$399,710 to implement the Building Institutional Leadership to Realize Health Equity program for the period of February 12, 2013 through February 11, 2014; and
b. Authorize the Director of Health to approve up to three future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original Agreement amount and do not significantly alter the scope of services or result in an increase in County General Fund Contribution.

Approved

General Government

- 24.** Approve the use of Toro Park on Sunday, August 18, 2013 for a function by Iglesia del Valle Church in compliance with Monterey County Code 14.12.130.

Approved

- 25.** a. Approve Amendment No. 6 to the Concession Agreement between Monterey County Parks Department and Sports Car Racing Association of the Monterey Peninsula (SCRAMP) at the Laguna Seca Recreation Area, extending the current term one additional year through March 31, 2014; and
b. Authorize the Chair of the Monterey County Board of Supervisors to sign the Amendment.

Approved

- 26.** a. Approve a five-year Facility Use Agreement between the Sea Otter Classic, Inc., doing business as the Sea Otter Classic, and the County of Monterey to produce the Sea Otter Classic Sports Festival at the Laguna Seca Recreation Area for the years 2013-2017, with an option for a five-year extension from 2017 to 2022 on terms and conditions to be mutually agreed to by the parties, if exercised by both parties;
b. Authorize the Chair of the Board to sign the Agreement on behalf of the County; and
c. Authorize the Parks Director to issue Standard Form Special Event Permits each year (2013-2017) for the Sea Otter Classic Sports Festival, and enter into Memoranda of Understanding with the Sea Otter Classic, Inc., as necessary, to

address specific details on maintenance and operations pursuant to the terms of the Agreement.

Approved

RMA - Public Works

27. a. Approve and authorize the Chair to execute a First Amendment to the Agreement Concerning Maintenance, Repair, and Operation of Drainage and Flood Control Systems and Required Provisions of CC&Rs by and among the County of Monterey, the Monterey County Water Resources Agency, and UCP East Garrison, LLC, for the East Garrison development on the former Fort Ord; and
- b. Direct the Director of Public Works to submit the executed First Amendment to the County Recorder for recordation.

Approved

28. Approve and authorize the Chair to sign a First Amendment to the Urban Services Agreement by and between the County of Monterey and the East Garrison Community Services District Relating to East Garrison for operation and maintenance of infrastructure at the East Garrison development.

Approved

29. a. Approve and authorize the Chair to sign an Advance Funding Agreement between BMC EG GARDEN, LLC and the County of Monterey for Prevailing Wage Compliance at the East Garrison Project at Fort Ord relating to the provision of funds to cover County costs for monitoring and reporting on prevailing wages obligations;
- b. Approve and authorize the Chair to sign an Advance Funding Agreement between BMC EG BUNGALOW, LLC and the County of Monterey for Prevailing Wage Compliance at the East Garrison Project at Fort Ord relating to the provision of funds to cover County costs for monitoring and reporting on prevailing wages obligations; and
- c. Approve and authorize the Chair to sign an Advance Funding Agreement between BMC EG VILLAGE, LLC and the County of Monterey for Prevailing Wage Compliance at the East Garrison Project at Fort Ord relating to the provision of funds to cover County costs for monitoring and reporting on prevailing wages obligations.

Approved - Agreement Nos. A-12424 (BMC EG GARDEN, LLC); A-12425 (BMC EG BUNGALOW, LLC); A-12426 (BMC EG VILLAGE, LLC)

30. a. Accept as complete a portion of the East Garrison Subdivision Phase 1 Infrastructure Improvements, including off-site road improvements, off-site and on-site drainage improvements, and on-site grading, erosion control, and infrastructure;
- b. Accept the completed road improvements on Intergarrison Road,

Intergarrison Connector Road, and West Camp Street into the County's maintained road system; and

c. Approve the release or reduction of Grading, Faithful Performance, and Labor and Material Bonds related to said improvements in accordance with Government Code section 66499.7 after the passage of time for recording claims or liens.

Approved

- 31.** Approve and authorize the purchase of specialized surveying equipment and software from California Surveying and Drafting Supply, Inc. in the amount of \$101,236.48 for the purpose of replacing aged equipment with newer equipment that meets current industry standards and FCC compliance.

Approved

- 32.** Adopt a Resolution confirming the sale of County-owned real property improvements of two buildings located at 54692 Teresa Street, San Lucas, California, to Reyes Venegas for the negotiated purchase price of \$410.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to adopt Resolution No. 13-104 confirming the sale of County-owned real property improvements of two buildings located at 54692 Teresa Street, San Lucas, California, to Reyes Venegas for the negotiated purchase price of \$410. ALL AYES

- 33.** Adopt Resolution:
- a. Accepting the Certificate of Completion for construction of the Investment Grade Audits and Energy Efficiency Measures, Project No. 8550, performed by Honeywell International, Inc.; and
 - b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Investment Grade Audits and Energy Efficiency Measures, Project No. 8550, performed by Honeywell International, Inc.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to adopt Resolution No. 13-105:

- a. Accepting the Certificate of Completion for construction of the Investment Grade Audits and Energy Efficiency Measures, Project No. 8550, performed by Honeywell International, Inc.; and**
- b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Investment Grade Audits and Energy Efficiency Measures, Project No. 8550, performed by Honeywell International, Inc. ALL AYES**