

# Monterey County

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



## Action Minutes - Final

**Tuesday, May 21, 2013**

**9:00 AM**

**See separate agendas for East Garrison Financing Authority, Pajaro  
County Sanitation District and Monterey County Water Resources  
Agency**

## **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*

## Call to Order

The meeting was called to order by Chair Armenta.

## Roll Call

**Present:** 4 - Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Simón Salinas and Supervisor Jane Parker

**Absent:** 1 - Supervisor Dave Potter

## there 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) People of the State of California, et al. v. Atlantic Richfield Company, et al. (Santa Clara County Superior Court case no. 1-00-CV-788657)
    - (2) Julian Serrato, et al. v. Monterey County, et al. (United States District Court, California Northern District case number 5:11-cv-03642RMW)
    - (3) Rita Serrato, et al. v. County of Monterey, et al. (United States District Court, California Northern District case number 5:11-cv-04106RMW)
    - (4) John M. Kanalakis (WC 608-661124)
    - (5) In re: SEIU 521 Group Grievance (Units F, H, J, K)
    - (6) Allen, et al. v. County of Monterey (United States District Court case no. C13-1659RHL)
    - (7) In re: Evello Fernando, Unfair Practice Charge (PERB Case No. SF-CE-992-M) (ADDED VIA ADDENDUM)
  - b. 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) Steven F. Fernandez
    - (2) Neida DeJesus
    - (3) Sylvia Acosta and Oscar Barrera
  - c. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee.
  - d. 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 (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) People of the State of California, et al. v. Atlantic Richfield Company, et al. (Santa Clara County Superior Court case no. 1-00-CV-788657)**
- (2) Julian Serrato, et al. v. Monterey County, et al. (United States District Court, California Northern District case number 5:11-cv-03642RMW)**
- (3) Rita Serrato, et al. v. County of Monterey, et al. (United States District Court, California Northern District case number 5:11-cv-04106RMW)**
- (4) John M. Kanalakis (WC 608-661124)**

**CLOSED SESSION REPORT: The Board took no reportable actions on items 1.a (1) through (7).**

**b. 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) Steven F. Fernandez**
- (2) Neida DeJesus**
- (3) Sylvia Acosta and Oscar Barrer**

**CLOSED SESSION REPORT: The Board rejected the claim of Steven S. Fernandez; rejected the claim of Neida DeJesus; and rejected the claim and request to file a late claim of Sylvia Acosta and Oscar Barrera on a vote of 4-0 (Supervisor Potter Absent).**

**c. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee.**

**CLOSED SESSION REPORT: The Board took no reportable action.**

**d. 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 (Added via Addendum)**

**CLOSED SESSION REPORT: The Board took no reportable action.**

## 10:30 AM Reconvene

### Roll Call

*Present: Charlie Steves, Interpreter*

**Present:** 4 - Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Simón Salinas and Supervisor Jane Parker

**Absent:** 1 - 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:

**Removal from Consent Calendar – Health & Social Services and continue to June 11, 2013**

**25.1 a.** Approve and authorize the Contracts/Purchasing Officer to execute a twenty year Lease Agreement with Community Hospital Properties, a California non-profit corporation and a division of Community Hospital of the Monterey Peninsula (CHOMP) for approximately 25,000 rentable square feet of space located at 1150-1154 Fremont Boulevard, Seaside, California for use by the Health Department's Clinic Services Bureau, to commence within one hundred twenty days of Board of Supervisors approval;

**b.** Authorize the Auditor-Controller to make lease payments in an amount not to exceed \$68,750 per month and in accordance with the terms of the Lease Agreement; and

**c.** Authorize the extension of the Lease Agreement for two additional five-year terms 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.

**Removal from Consent Calendar – General Government and continue to June 11, 2013**

**31. a.** Approve and authorize the Agricultural Commissioner to sign a Memorandum of Understanding (MOU) with Grower Shipper Association Foundation and Monterey County Agricultural Education, Inc. to provide support of agricultural education efforts in Monterey County, and

**b.** Authorize the Auditor Controller to make payments in accordance with the terms of the MOU's.

**Corrections to Consent Calendar – General Government**

**34. Corrected report submitted changing Resisted Nurses Association to Registered Nurses Association**

Approve the Memorandum of Understanding (MOU) for Registered Nurses Unit S for July 1, 2012 through December 31, 2013.

35. Approve the Action Minutes of the Monterey County Board of Supervisors of Tuesday, February 21, 2013. February 12, 2013

**Removal from Consent Calendar – Planning**

36. a. Accept the Conservation and Scenic Easement Deed for the Pini property;

b. Authorize the Chair of the Board of Supervisors to execute the Conservation and Scenic Easement Deed; and

c. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for recordation.

(Conservation and Scenic Easement Deed – PLN040256/Pini, 527 Pini Road, North County Land Use Plan, Coastal Zone)

**Correction for 1:30 P.M. Scheduled Matter**

18. A revised Strategic Plan for Gang Violence Prevention for Monterey County submitted

a. Receive report and consider adoption of the Monterey County Gang Violence Prevention: Strategic Plan; and

b. Receive report on recommended staffing plan for Strategic Plan implementation, Integrated Violence Prevention Action Plan development, and ongoing program coordination.

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

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

2. Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Calcagno pulled item 41 for comment.

Supervisor Salinas commented on item 41.

Public comment on item 41: Jesus Corona; Jesus Venezuela.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno to approve the Consent Calendar - Regular. 4-0 (Supervisor Potter Absent)

**Ceremonial Resolutions**

3. Adopt Resolution proclaiming May 18 through May 24, 2013 as “National Safe Boating Week” in Monterey County. (Supervisor Armenta)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-151. 4-0 (Supervisor Potter Absent)

4. Adopt Resolution recognizing the Salinas Valley Ammonia Safety Day Committee on its 20th Anniversary. (Supervisor Armenta)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-152. 4-0 (Supervisor Potter Absent)

5. Adopt Resolution honoring: Margaret D’Arrigo-Martin upon the completion of her term as Chairwoman of the Grower Shipper Association. (Supervisor Salinas)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-155. 4-0 (Supervisor Potter Absent)**

6. Adopt Resolution honoring Dorothy Maras-Ildiz as 2013 Meals on Wheels of the Monterey Peninsula Woman of the Year. (Supervisor Potter)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-156. 4-0 (Supervisor Potter Absent)**

7. Adopt Resolution proclaiming the month of May 2013 as “Older Americans Month” in Monterey County. (Supervisor Armenta)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-157. 4-0 (Supervisor Potter Absent)**

- 7.1 Adopt Resolution Honoring Alisal High School Boys Soccer team upon their CIF CCS Division 1 Championship. (Supervisor Armenta) (ADDED VIA ADDENDUM)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-158. 4-0 (Supervisor Potter Absent)**

- 7.2 Adopt Resolution honoring Mr. Steven Jon Soper upon his retirement after 44 years of distinguished service to The Palma School. (Supervisor Calcagno) (ADDED VIA ADDENDUM)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-159. 4-0 (Supervisor Potter Absent)**

### **Appointments**

8. Appoint Anab Mohamed to the Domestic Violence Coordinating Council, term ending January 13, 2017. (Supervisor Parker)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Louis R. Calcagno, that this Appointment be approved. 4-0 (Supervisor Potter Absent)**

9. Appoint Yolanda Cervantes to the Commission on the Status of Women, term ending February 1, 2016. (Supervisor Armenta)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Louis R. Calcagno, that this Appointment be approved. 4-0 (Supervisor Potter Absent)**

10. Appoint David Banuelos to the Soledad-Mission Recreation District, term ending January 31, 2017. (Supervisor Salinas)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Louis R. Calcagno, that this Appointment be approved. 4-0 (Supervisor Potter Absent)**

11. Appoint Pete S. Meza to the Soledad-Mission Recreation District Board with a term ending January 31, 2017. (Supervisor Salinas)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Louis R. Calcagno, that this Appointment be approved. 4-0 (Supervisor Potter Absent)**

- 12.** Appoint Sandra Miles to the Oversight Board representing City of Sand City, term ending at the pleasure of the Board. (Supervisor Parker)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Louis R. Calcagno, that this Appointment be approved. 4-0 (Supervisor Potter Absent)**

- 12.1** Appoint Gina Aubrey-Clark to the Aromas Tri-County Fire Protection District, term ending November 30, 2014. (Full Board) (ADDED VIA ADDENDUM)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Louis R. Calcagno, that this Appointment be approved. 4-0 (Supervisor Potter Absent)**

### **Other Board Matters**

- 13.** Board Comments

**Supervisor Parker announced she hosted a gathering and tour for Coastal Commissioner Carole Groom last week. About 35 people attended the breakfast session. They toured various sites around Monterey Bay and they had lunch with other ocean advocacy groups. Commissioner Groom appreciated hearing from constituents. She enjoyed learning about the issues. She's down to earth and well informed on the issues and committed to representing Monterey County well. Feel free to contact her office with any issues of concern. She is a San Mateo County Supervisor.**

**Supervisor Salinas thanked the Health Department for hosting a Health Fair at Natividad Park last Sunda. Fifteen or twenty agencies passed out good information. Kudos to Rosemary Soto for her work.**

**Supervisor Calcagno advised the Castroville Artichoke Festival was a successful event once again and was well attended this past weekend. Proceeds and profits go to help youth organizations in the community.**

**Supervisor Armenta announced next Monday is Memorial Day and he encouraged everyone to attend as many memorial veteran's ceremonies as possible. He will be attended the event at the Monterey County memorial site from 11:00 a.m. - 1:00 p.m. on Laurel Drive. He advised he couldn't make the Health Fair this year, but he did attend last year's event.**

- 14.** CAO Comments and Referrals

**There were no CAO comments or referrals.**

- 15.** General Public Comment

Katherine Rosas; Steve Ecklund.

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

16. Acting on behalf of County Service Area 75 - Chualar adopt a Resolution to:
- a. Conduct a Public Hearing to hear the report of delinquent fees and consider any protests or objections to the report by landowners liable to be assessed for delinquent fees for County Service Area 75 - Chualar;
  - b. Consider confirming the report of delinquent fees for County Service Area 75 - Chualar, as identified in Exhibit A, and authorizing the delinquent fees as set forth in the confirmed report to constitute special assessments against the respective parcels of land to be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected; and
  - c. Consider authorizing the Clerk of the Board of Supervisors to file a certified copy of the confirmed report with the Auditor-Controller.

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno, Acting on behalf of County Service Area 75 - Chualar: adopted Resolution No. 13-160 and: a. Conducted a Public Hearing to hear the report of delinquent fees and consider any protests or objections to the report by landowners liable to be assessed for delinquent fees for County Service Area 75 - Chualar;**

**b. Confirmed the report of delinquent fees for County Service Area 75 - Chualar, as identified in Exhibit A, and authorizing the delinquent fees as set forth in the confirmed report to constitute special assessments against the respective parcels of land to be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected; and**

**c. Authorized the Clerk of the Board of Supervisors to file a certified copy of the confirmed report with the Auditor-Controller. 4-0 (Supervisor Potter Absent)**

17. Receive a report and provide comment on the status of the County Resource Management Agency-Planning's Long Range Planning Work Program including a status of the implementation of the Monterey County 2010 General Plan and update to the Local Coastal Program and status of the budget related to the 2010 General Plan Implementation.

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno to receive a report and provide comment on the status of the County Resource Management Agency-Planning's Long Range Planning Work Program including a status of the implementation of the Monterey County 2010 General Plan and update to the Local Coastal Program and status of the budget related to the 2010 General Plan Implementation. 4-0 (Supervisor Potter Absent)**

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

### **1:30 PM Reconvene**

- 17.1 a. Determining that there is a need to add an item to the Agenda, pursuant to Government Code section 54954.2(b)(2) and a need to take immediate action,



- due to the medication shortages of Total Parenteral Nutrition (TPN) at Natividad Medical Center (NMC) (2/3s vote required); (Contractor - Central Admixture Pharmacy Services or CAPS); and
- b. Determining that this need for action came to the attention of the County subsequent to the posting of the agenda for the May 21st hearing; and
  - c. Authorizing emergency purchase of Total Parenteral Nutrition (TPN) compounded sterile preparations by NMC without a formal approved agreement; and
  - d. Authorizing the NMC Purchasing Manager, or his designee, to enter into a contract and issue purchase orders to avert a substantial threat to the public health, and to return to the Board to ratify the execution of final agreement and actions taken by the NMC Purchasing Manager, or his designee.

**A motion No. 1 was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas finding due to the need for immediate consideration by the Board of matters that arose after the posting of today's agenda, as provided in Section 54954.2 of the California Government Code, the Board added item 17.1 to the agenda. 4-0 (Supervisor Potter Absent)**

**A motion No. 2 was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas: a. Determining that there is a need to add an item to the Agenda, pursuant to Government Code section 54954.2(b)(2) and a need to take immediate action, due to the medication shortages of Total Parenteral Nutrition (TPN) at Natividad Medical Center (NMC) (2/3s vote required); (Contractor - Central Admixture Pharmacy Services or CAPS); and**

- b. Determining that this need for action came to the attention of the County subsequent to the posting of the agenda for the May 21st hearing; and**
- c. Authorizing emergency purchase of Total Parenteral Nutrition (TPN) compounded sterile preparations by NMC without a formal approved agreement; and**
- d. Authorizing the NMC Purchasing Manager, or his designee, to enter into a contract and issue purchase orders to avert a substantial threat to the public health, and to return to the Board to ratify the execution of final agreement and actions taken by the NMC Purchasing Manager, or his designee. 4-0 (Supervisor Potter Absent)**

## **Roll Call**

### **1:30 P.M. - Scheduled Matters**

18.
  - a. Receive report and consider adoption of the *Monterey County Gang Violence Prevention: Strategic Plan*; and
  - b. Receive report on recommended staffing plan for *Strategic Plan* implementation, Integrated Violence Prevention Action Plan development, and ongoing program coordination.

**Public comment: Bill Carrothers; Michael Powers; Steve Ecklund; Jose Aguila; Katherine Ramirez; Terry McMurray.**

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to: a. Receive report and consider adoption of the Monterey County Gang Violence Prevention: Strategic Plan; and**

b. Receive report on recommended staffing plan for Strategic Plan implementation, Integrated Violence Prevention Action Plan development, and ongoing program coordination; and further directed that two members of the Board of Supervisors be appointed to an Ad Hoc Committee; review job coordinator description to find someone with direct experience working with gangs in Monterey County or somewhere else, and involve SPR in a facilitating/leadership role in the public health campaign; get appropriate participation in action planning process by youth, parents, & schools. 4-0 (Supervisor Potter Absent)

**19.**

- a. Approve and authorize the Contracts/Purchasing Officer to execute an Agreement with County of Alameda to provide housing/bed space for Monterey County inmates in the Santa Rita Jail in an amount of not less than \$85 and not more than \$125 per day per inmate for a term to commence with the signing of the Agreement through June 30, 2014; and,
- b. Authorize the Contracts/Purchasing Officer to approve up to three future amendments to this Agreement where the amendments do not exceed 10% of the original agreement and do not significantly change the scope of work.

**Public comment: Eric Peterson.**

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to a. Approve and authorize the Contracts/Purchasing Officer to execute an Agreement (A-12560) with County of Alameda to provide housing/bed space for Monterey County inmates in the Santa Rita Jail in an amount of not less than \$85 and not more than \$125 per day per inmate for a term to commence with the signing of the Agreement through June 30, 2014; and,**

**b. Authorize the Contracts/Purchasing Officer to approve up to three future amendments to this Agreement where the amendments do not exceed 10% of the original agreement and do not significantly change the scope of work. 4-0 (Supervisor Potter Absent)**

**19.1**

- a. Accept an oral presentation from California State University Monterey Bay faculty summarizing an analysis of access to care through safety net providers in Monterey County commissioned by the Monterey County Health Department and as requested by the Board of Supervisors; and
- b. Adopt the findings as the basis for safety net expansion in Monterey County; and
- c. Direct staff to initiate a complimentary study assessing the safety net from the user's perspective.

**Public comment: Carlos Ramos; Mitch Matthews; Maria Juriado; Michelle Long.**

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to:**  
**a. Accept an oral presentation from California State University Monterey Bay faculty summarizing an analysis of access to care through safety net providers in Monterey County commissioned by the Monterey County Health Department and as requested by the Board of Supervisors; and**

**b. Adopt the findings as the basis for safety net expansion in Monterey County; and**

**c. Direct staff to initiate a complimentary study assessing the safety net from the user's perspective; additionally approved editorial changes to the report under recommendation 19.1 b. "adopt findings as a basis for safety net**

expansion" and 19.1 c. - change spelling of word complimentary to complementary. 4-0 (Supervisor Potter Absent)

**Adjournment**

**APPROVED:**

\_\_\_\_\_  
**FERNANDO ARMENTA, CHAIR  
BOARD OF SUPERVISORS**

**ATTEST:**

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

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

20. a. Approve and authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute a Reseller Agreement with SHI International Corp. for Third Party Software License and Third Party Software Maintenance Reseller Services at NMC in the amount of \$181,340.45 for Fiscal Year 2011-2012 and \$915,938.22 for Fiscal Years 2012-2015, for a total Agreement amount not to exceed \$1,097,278.67 for the period retroactive from May 1, 2012 through June 30, 2015.
- b. Authorize the Purchasing Manager for NMC to execute to sign up to three (3) amendments to the Reseller Agreement where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.
- c. Authorize the Purchasing Manager for NMC to execute the Third Party Software Maintenance Agreements with Fontware Ltd. and Symantec, and any other Third Party Software Maintenance Agreements that are purchased pursuant to the Reseller Agreement with SHI International Corp. and require signature authorization of the parties, subject to County Counsel approval.

**Approved - Agreement No. A-12459**

21. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute an Agreement with Navin, Haffty & Associates, LLC for Computerized Physician Order Entry Support Services at NMC in an amount not to exceed \$1,907,500 for the period May 1, 2013 to July 31, 2014.

**Approved - Agreement No. A-12461**

22. Authorize the Purchasing Manager of Natividad Medical Center to execute Amendment No. 1 to the Agreement (A-12386) with The Camden Group for the development of integrated systems of health care services, extending the Agreement to June 30, 2014 and adding \$621,000, for a revised total Agreement amount not to exceed \$800,000.

**Approved - Agreement No. A-12386**

**Health and Social Services**

23. Authorize the request to the Auditor-Controller to amend the Health Department's Budget Unit HEA003-8124 FY 2012-13 Adopted Budget to increase estimated revenues in the amount of \$421,711.

**Approved**

24. Approve and authorize the Contracts/Purchasing Officer to sign Amendment

No. 3 to Professional Services Agreement #A-11745 with the Action Council of Monterey County Inc., for the provision of community educational management and contracting for specialized services, to increase the amount by \$150,000 for a revised total amount not to exceed \$750,000; and to extend the term of the Agreement by two years, for a new term of July 1, 2010 through June 30, 2015.

**Approved - Agreement No. A-11745**

- 25.** Approve and authorize the Director of Health to sign Amendment No. 2 to Agreement A-12069 with The Village Project, Inc., increasing the amount by \$9,516 for FY 2012-13, and \$48,312 for FY 2013-14 for a revised maximum total Agreement amount of \$723,828 for mental health outreach and counseling services for Monterey County African-American adults, youth and families for the period July 1, 2011 through June 30, 2014.

**Approved - Agreement No. A-12069**

- 25.1**
- a. Approve and authorize the Contracts/Purchasing Officer to execute a twenty year Lease Agreement with Community Hospital Properties for approximately 25,000 rentable square feet of space located at 1150-1154 Fremont Boulevard, Seaside, California for use by the Health Department's Clinic Services Bureau, to commence within one hundred twenty days of Board of Supervisors approval;
  - b. Authorize the Auditor-Controller to make lease payments in an amount not to exceed \$68,750 per month and in accordance with the terms of the Lease Agreement; and
  - c. Authorize the extension of the Lease Agreement for two additional five year terms under the same terms and conditions, if deemed by the Contracts/Purchasing Officer to be in the best interest of the County.
  - d. Authorize the establishment of a committed fund of up to \$3.2 million from the Natividad Medical Center Enterprise Fund in accordance with the Article 5 of the Lease Agreement, solely for that purpose.

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno to continue this item to June 11, 2013. 4-0 (Supervisor Potter Absent)**

### **Criminal Justice**

- 26.** Receive and accept an update on the recommended AB 109 Public Safety Realignment Budget for \$12,290,191 for Fiscal Year (FY) 2013-14.

**Approved**

### **General Government**

- 27.** Authorize the Chair To Sign Amendment No. 6 to Agreement No. A-11162 with Gallina, LLP in an amount not to exceed \$215,291 to perform audits of

the following: 2012-13 General Purpose Financial Statements, Single Audit, the Public Improvement Corporation, the Treasury Oversight Committee, the Monterey County Financing Authority and the Secure Families Project.

**Approved - Agreement No. A-11162**

28. Set June 5, 2013 at 9:00 A.M. or thereafter for a public hearing to consider adoption of the Fiscal Year 2013-14 Appropriation Limits pursuant to Article XIII B of the California Constitution.

**Approved**

29. Approve an increase in appropriations totaling \$6,079 in the Auditor-Controller (001-1110-8011), Appropriation Unit AUD001 offset by an increase in estimated revenue totaling \$6,079 from Microsoft lawsuits and Dell reimbursements to replace outdated computer equipment in the 2012-13 Adopted Budget. (4/5th Vote Required)

**Approved**

30. Approve the reclassification of one (1) FTE Senior Secretary-Confidential and one (1) FTE Supervising Clerk I-Confidential to two (2) FTE Personnel Technician - Confidential in the Human Resources Department.

**Approved**

31. a. Approve and authorize the Agricultural Commissioner to sign a Memorandum of Understanding (MOU) with Grower Shipper Association Foundation and Monterey County Agricultural Education, Inc. to provide support of agricultural education efforts in Monterey County, and;  
b. Authorize the Auditor-Controller to make payments in accordance with the terms of the MOU's.

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to continue this item to June 11, 2013. 4-0 (Supervisor Potter Absent)**

32. a. Approve and authorize the Auditor-Controller to increase FY 2012-13 estimated revenues and appropriations by \$446,694 in the Agricultural Commissioner's Department (4/5ths Vote Required);  
b. Approve and authorize the transfer of up to \$300,00 from the Agricultural Commissioner's Unit 8001, Appropriation AGR001, to Parks Lake & Resort Operations Fund 452, Dept. 7500, Appropriation Unit PAR004 for the monitoring and exclusion of the Zebra and Quagga Mussel;  
c. Approve and authorize the transfer of up to \$80,000 from the Agricultural Commissioner's Unit 8001, Appropriation AGR001, to the Capital Projects Fund 402, Unit 8174, Appropriation RMA014, for the new Downy Mildew Environmental Chamber Project; and  
d. Approve and authorize the transfer of up to \$416,694 from the Agricultural Commissioner's Unit 8001, Appropriation AGR001, to the Capital Projects

Fund 402, Appropriation Unit 8174, Appropriation RMA014, for the King City Project Number 28101.

**Approved**

33. a. Authorize the Agricultural Commissioner to execute, on behalf of the County of Monterey, Standard Agreements and any Amendments thereto, with Federal, State and local agencies for designated programs performed by the department for a period of three years ending June 30, 2016 and;  
b. Approve and authorize the Agricultural Commissioner, or his designee, to sign up to (3) amendments to each agreement where the total amendments do not exceed fifteen percent (15%) for each agreement and do not significantly change the scope of work.

**Approved - Agreement No. A-12464**

34. Approve the Memorandum of Understanding (MOU) for Registered Nurses Unit S for July 1, 2012 through December 31, 2013.

**Approved**

35. Approve the Action Minutes of the Monterey County Board of Supervisors of Tuesday, February 21, 2013.

**Approved**

### **RMA - Planning**

36. a. Accept the Conservation and Scenic Easement Deed for the Pini property;  
b. Authorize the Chair of the Board of Supervisors to execute the Conservation and Scenic Easement Deed; and  
c. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for recordation.  
(Conservation and Scenic Easement Deed - PLN040256/Pini, 527 Pini Road, North County Land Use Plan, Coastal Zone)

**This item removed via Additions and Corrections**

37. a. Approve Amendment No. 1 to Professional Services Agreement No. A-12269 with ICF Jones & Stokes, Inc. (ICF) where the Base Budget is increased by \$18,354.00 to \$286,544.00 and the Contingency budget is increased by \$2,753.10 to \$42,981.60 for a total amount not to exceed \$329,525.60 to provide new tasks associated with review of recommended additional biological field surveys and allow for additional traffic data collection and assessment for inclusion into the Environmental Impact Report (EIR) for the Stonewall Canyon Quarry (PLN060550) in the Central Salinas Valley Area Plan, and extend the term through June 30, 2014;  
b. Approve Amendment No. 1 to Funding Agreement No. A-12270 with Syar Industries, Inc. where the Base Budget is increased by \$18,354.00 to

\$286,544.00, the Contingency fee is increased by \$2,753.10 to \$42,981.60, with no increase to the County contract administration fee of \$3,170.00, for a total amount not to exceed \$332,695.60 to allow funding to Monterey County for costs incurred by ICF and County departments to provide new tasks associated with review of recommended additional biological field surveys and allow for additional traffic data collection and assessment for inclusion into the EIR for the Stonewall Canyon Quarry (PLN060550) in the Central Salinas Valley Area Plan, and extend the term through June 30, 2014; and c. Authorize the Director of Planning to execute Amendment No. 1 to Professional Services Agreement No. A-12269, Amendment No. 1 to Funding Agreement No. A-12270 and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.

(REF110024/ ICF Jones and Stokes and PLN060550/EIR for the Stonewall Canyon Quarry in the Central Salinas Valley Area Plan)

**Approved - Agreement Nos. A-12269 (ICF Jones & Stokes); A-12270 (Syar Industries, Inc.)**

### **RMA - Public Works**

38. Acting on behalf of County Service Area 25 - Carmel Valley Golf & Country Club:
- Authorize the Auditor-Controller to amend the budget for County Service Area 25 - Carmel Valley Golf & Country Club, Fund 062, Appropriation Unit RMA058, Account 6311 for FY 2013-14 by increasing appropriations by \$144,248 (4/5th vote required);
  - Authorize the Auditor-Controller to incorporate approved appropriations and estimated revenue modifications to the FY 2013-14 Budget, and the County Administrative Office to reflect the approved changes in the FY 2013-14 Adopted Budget;
  - Adopt Plans and Special Provisions for the CSA 25 Street Improvements, Project No. 13-812527; and
  - Authorize the Director of Public Works to advertise the "Notice to Bidders" in the *Monterey County Weekly*.
- Approved**
39. a. Adopt Plans and Special Provisions for the Procurement (Delivery and Application) of Asphalt Emulsion and Pavement Delineation for the Seal Coat 2013 Project, Project No. 14-551428; and
- Authorize the Director of Public Works to advertise the "Notice to Bidders" in the *Monterey County Weekly*.
- Approved - Construction No. 2013-008**
40. a. Ratify and authorize the Director of Public Works to execute Change Orders Nos. 7, 8, 9, and 10 to Agreement No. A-12264 with William A.



Thayer Construction, Inc., for the Youth Center Kitchen Refurbishment, 970 Circle Drive, Salinas, CA, Project No. 8538, Bid Package No. 10310, in an amount of \$13,696;

b. Adopt a Resolution accepting the Certificate of Completion for construction of the Refurbish Youth Center Kitchen, 970 Circle Drive, Salinas, CA, Project No. 8538, Bid Package No. 10310, performed by William A. Thayer Construction, Inc.; and

c. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Refurbish Youth Center Kitchen, 970 Circle Drive, Salinas, CA, Project No. 8538, Bid Package No. 10310, performed by William A. Thayer Construction, Inc.

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno to adopt Resolution No. 13-162 to: a. Ratify and authorize the Director of Public Works to execute Change Orders Nos. 7, 8, 9, and 10 to Agreement No. A-12264 with William A. Thayer Construction, Inc., for the Youth Center Kitchen Refurbishment, 970 Circle Drive, Salinas, CA, Project No. 8538, Bid Package No. 10310, in an amount of \$13,696;**

**b. Adopt a Resolution accepting the Certificate of Completion for construction of the Refurbish Youth Center Kitchen, 970 Circle Drive, Salinas, CA, Project No. 8538, Bid Package No. 10310, performed by William A. Thayer Construction, Inc.; and**

**c. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Refurbish Youth Center Kitchen, 970 Circle Drive, Salinas, CA, Project No. 8538, Bid Package No. 10310, performed by William A. Thayer Construction, Inc. (Construction No. 2012-009) 4-0 (Supervisor Potter Absent)**

**41.**

a. Approve and authorize the Chair to execute an Agreement with the City of Salinas to rehabilitate Harris Road with hot mix asphalt in the City of Salinas;

b. Award a contract to Granite Construction Company, the lowest responsible bidder, for the construction of Harris Road Overlay, Project No. 13-142365, in the amount of \$2,009,339;

c. Approve the Performance and Payment Bonds executed and provided by Granite Construction Company and Federal Insurance Company;

d. Authorize a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change orders;

e. Authorize the Director of Public Works to execute the contract and, subject to the terms of the Public Contract Code, approve change orders to the contract that do not exceed 10% of the original contract amount, and do not significantly change the scope of work;

f. 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 construction of Harris Road Overlay, Project No. 13-142365, performed by Granite Construction Company.

**Public comment: Jesus Corona; Jesus Venezuela.**

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno to: a. Approve and authorize the Chair to execute an**

Agreement with the City of Salinas to rehabilitate Harris Road with hot mix asphalt in the City of Salinas;

b. Award a contract to Granite Construction Company, the lowest responsible bidder, for the construction of Harris Road Overlay, Project No. 13-142365, in the amount of \$2,009,339;

c. Approve the Performance and Payment Bonds executed and provided by Granite Construction Company and Federal Insurance Company;

d. Authorize a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change orders;

e. Authorize the Director of Public Works to execute the contract and, subject to the terms of the Public Contract Code, approve change orders to the contract that do not exceed 10% of the original contract amount, and do not significantly change the scope of work;

f. 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 construction of Harris Road Overlay, Project No. 13-142365, performed by Granite Construction Company. 4-0 (Supervisor Potter Absent)