ACTION MINUTES
MONTEREY COUNTY BOARD OF SUPERVISORS
MONTEREY COUNTY WATER RESOURCES AGENCY

TUESDAY, NOVEMBER 17, 2009
8:30 A.M.

8:30 A.M.

ROLL CALL:
Present: Supervisor Calcagno (Chair), Armenta, Salinas, Parker, Potter

1. Additions and Corrections for Closed Session:
   There were additions or corrections for Closed Session.

2. Closed Session under Government Code section 54950, relating to the following items:
   a. Pursuant to Government Code section 54956.8, the Board will confer with
      real property negotiators.

      (1) Property: 20 East Alisal Street, Salinas  County negotiator: Wayne Tanda, RMA Director
      Negotiating parties: The County of Monterey and Croker Corner Partnership Under negotiation: Price and terms
      CLOSED SESSION REPORT: The Board provided direction to Mr. Wayne Tanda on how to proceed in these negotiations.

      (2) Property: County franchise for solid waste and recycling services  County negotiator: Allen Stroh
      Negotiating parties: To be determined Under negotiation: Price and terms
      CLOSED SESSION REPORT: The Board provided direction to Allen Stroh on how to proceed in these negotiations.
(3) Property: County owned property at the corner of Laurel Drive and Constitution Boulevard (APNs 003-851-021, -024, and -027) County negotiator: Wayne Tanda, RMA Director Negotiating parties: County of Monterey and the Salinas Regional Sports Authority Under negotiation: Price and Terms

CLOSED SESSION REPORT: The Board provided direction to Mr. Wayne Tanda on how to proceed in these negotiations.

(4) Property: 111 West Alisal Street, Salinas CA County negotiator: Wayne Tanda, RMA Director Negotiating parties: County of Monterey and City of Salinas Under negotiation: Price and Terms

CLOSED SESSION REPORT: The Board provided direction to Mr. Wayne Tanda on how to proceed in these negotiations.

(5) Property: 312 East Alisal Street, Salinas CA County negotiator: Wayne Tanda, RMA Director Negotiating parties: County of Monterey and City of Salinas Under negotiation: Price and Terms

CLOSED SESSION REPORT: The Board provided direction to Mr. Wayne Tanda on how to proceed in these negotiations.

b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:

(1) Javier Guzman, et al. v. Rick Pinch, et al. (MCSC Case No. M71543; CACA Case No. H030647; CASC Case No. S157793)

CLOSED SESSION REPORT: The Board provided authority to Counsel to seek review in the California Supreme Court of the Court of Appeals’ decision.

(2) Department of Fair Employment and Housing v. Monterey County, et al.; Paul Michael Breech, Real Party in Interest (MCSC Case No. M96824)

CLOSED SESSION REPORT: The Board provided tentative settlement authority to Counsel and once the settlement agreement is consummated, it will be available for any member of the public through County Counsel's office.

(3) Paul Breech v. County of Monterey (Workers’ Compensation Appeals Board Case Nos. SAL 114901 and SAL 114902

CLOSED SESSION REPORT: The Board provided tentative settlement authority to Counsel and once the settlement agreement is consummated, it will be available for any member of the public through County Counsel's office.
c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one item of significant exposure to litigation.

CLOSED SESSION REPORT: The Board provided authority to County Counsel to retain outside counsel in that matter to assist in preventing an exposure to litigation.

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

CLOSED SESSION REPORT: This item was not considered by the Board in Closed Session and was removed from the agenda.

10:40 A.M. RECONVEnED

ROLL CALL:
Present: Supervisor Calcagno (Chair), Armenta, Salinas, Parker, Potter

3. The Pledge of Allegiance was led by County Administrative Officer Lew Bauman.

4. Additions and Corrections: The Clerk of the Board announced there were no agenda corrections and proposed additions.

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
   · County Counsel Charles McKee requested Item 23.2 be removed from today’s agenda.
   · Supervisor Calcagno pulled Item 15 for discussion. Len Foster responded.
   · County Counsel Charles McKee pulled Item 23.1 for discussion.

Motion by Supervisor Salinas, seconded by Supervisor Parker to approve the Consent Calendar, excluding item 23.1; removed item 23.2 from today’s Agenda; with additional direction that Item 15 return to the Board for a general policy discussion and future direction from the Board. ALL AYES

6. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)

Motion by Supervisor Salinas, seconded by Supervisor Armenta. Approved. ALL AYES

OTHER BOARD MATTERS:

7. Board Comments
   No Comments.
8. **CAO Comments and Referrals**

County Administrative Officer Lew Bauman advised of the following referrals:

1) Create a Returning Veterans Needs Task Force Committee to assess and assist returning veterans in conjunction with the County Veterans Office and in collaboration with the Veterans Mental Health Task Force (Supervisor Armenta)

2) Create an Ordinance which would require all farmers’ markets (County-wide) to accept Electronic Benefit Transfers or WIC vouchers for the purchase of fresh produce (Supervisor Salinas)

9. **Public Comment**

Ann Leach; Hans Jongens

**APPOINTMENTS**: Items 10 and 11 heard concurrently

10. Appointed Alejandrina Tirado to the King City Cemetery District, term ending July 1, 2013. (Supervisor Salinas)

    **Motion by Supervisor Salinas, seconded by Supervisor Armenta ALL AYES**

11. Appointed Beatriz Vera-Morga to the Community Restorative Justice Commission, to fill an unexpired term ending March 11, 2011. (Supervisor Salinas)

    **Motion by Supervisor Salinas, seconded by Supervisor Armenta ALL AYES**

**SCHEDULED MATTERS**

S-1 Agreement No. A-11286

a. Approved Amendment No. 1 to Professional Services Agreement No. A-11286 with Wood Rodgers, Inc. to provide additional environmental documentation and plans, specifications, and engineer’s estimate associated with the extension of the trail along the north edge of Moss Landing Road across Moro Cojo Slough by approximately 300 feet for the Monterey Bay Sanctuary Scenic Trail - Moss Landing Segment, Project No. 866865, in the amount of $15,700 for a total amount not to exceed $1,064,596 for a term through December 30, 2011; and

b. Authorized the Contracts/Purchasing Officer to execute Amendment No. 1 to Professional Services Agreement No. A-11286, and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

    **Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES**

S-2 Authorized representatives from the Monterey County Health Department, County Contract/Purchasing Division and Office of the County Counsel to initiate contract negotiations with the recommended vendor for a Unified Franchise Agreement for the Exclusive Collection of Solid Waste and Recyclables in the Unincorporated Monterey County (RFP No. 10177).

**Public Comment:**
Philippe Melchor; Emily Hansen
Motion by Supervisor Armenta, seconded by Supervisor Salinas ALL AYES

CLOSED SESSION REPORT: (See 2 a-d)

ORDER FOR ADJOURNMENT

APPROVED:

LOUIS R. CALCAGNO, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: __________________________
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER:

12. Board Budget No. 09/10-059
   a. Adopted Resolution No. 09-432 Amending Personnel Policies and Practices Resolution No. 98-394 to add the classification of Clinical Pharmacy Coordinator; and
   b. Directed the Auditor-Controller to amend the adopted Fiscal Year 2009-10 NMC Budget Number 9600 to add one (1.0) FTE Clinical Pharmacy Coordinator.

13. Agreement No. A-11190
    Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 4 to the Agreement with Coyote Creek Consulting Inc. for Information Technology Separation and Professional Services at NMC in an amount not to exceed $270,000 (an increase of $150,000) for the period October 1, 2009 to June 30, 2010.

14. Agreement No. A-11568 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute the Agreement with K & D Landscaping for Landscaping Maintenance Services at NMC in an amount not to exceed $150,000 for the period July 1, 2009 to June 30, 2010.

HEALTH AND SOCIAL SERVICES:

15. Board Budget No. 09/10-060
   a. Approved the Health Department’s Emergency Medical Services request for a capital lease-fixed asset of a Ford Crown Victoria in the amount of $27,422;
   b. Ratified the action taken by the Monterey County Contracts/Purchasing Officer in reference to entering into a capital lease - fixed asset with Ford Motor Credit Company; and
   c. Directed the Auditor-Controller to incorporate changes in the Fiscal Year (FY) 2009-10 Health Department Adopted Budget in Appropriations and Capital Assets in Health-Emergency Medical Services, Appropriation HEA006.

   Motion by Supervisor Salinas, seconded by Supervisor Parker to approve staff recommendation; with additional direction that this item return to the Board for a general policy discussion and future direction from the Board. ALL AYES

16. Board Budget No. 09/10-061
   a. Approved the Health Department’s Clinic Services Request for a Productivity Investment Loan of $862,000 for Implementation of an Electronic Medical
Records (EMR) System in the Health Department's Clinic Services Bureau; and

b. Directed the Auditor-Controller to increase appropriations and revenues in Health Department 4000, Clinic Services Bureau HEA007 by $862,000 as outlined in the Board Order. (4/5th vote required)

17. Agreement No. A-11360
Approved and authorized the Director of Health to sign Amendment No. 2 to Agreement A-11360 with Lincoln Child Center to increase the rate, units of service and the existing Agreement amount of $269,979 by $190,008 ($80,484 in Fiscal Year [FY] 2009-10 and $109,524 in FY 2010-11) to a new maximum Agreement amount of $459,987.

18. Agreement No. A-11569; Board Budget No. 09/10-062
a. Approved and authorized the Contracts/Purchasing Officer to sign an amendment to the membership Agreement with the Oregon Community Health Information Network (OCHIN) for the implementation and operation of an Electronic Medical Record (EMR) system;

b. Approved the EMR amendment as a sole source procurement; and

c. Authorized the Health Department to amend the governing cooperative agreement with OCHIN in the amount of $985,772 for Fiscal Year (FY) 2009-10 and an estimated increase in recurring cost of $212,482 for FY 2010-11 and FY 2011-12 based on the current OCHIN fee structure.

CRIMINAL JUSTICE:

19. Board Budget No. 09/10-063
a. Approved the transfer of $42,525 from the Juvenile Ward Trust Fund 020 to Department 2550-Probation, Units 8163-Juvenile Hall and 8164-Youth Center; and

b. Approved and direct the Auditor-Controller to increase Fiscal Year (FY) 2009-10 estimated revenues and appropriations totaling $42,525 in Department 2550-Probation, Units 8163-Juvenile Hall and 8164-Youth Center, for purchase of recreational equipment, clothing, supplies, and furnishings for juveniles in the Monterey County Youth Center and Juvenile Hall.

20. Agreement No. A-11570; Board Budget No. 09/10-064
a. Approved and authorized the County Administrative Officer to sign the Memorandum of Agreement between the City of Salinas and the County of Monterey and California State University Monterey Bay, the California Department of Highway Patrol (King City and Monterey), the Presidio of Monterey and the Cities: of Carmel-by-the-Sea, Del Rey Oaks, Gonzales, Greenfield, King City, Marina, Monterey, Pacific Grove, Sand City, Seaside, and Soledad for the "Avoid the Eighteen DUI Campaign-Monterey County" for the period of October 1, 2009 through September 30, 2012; and
b. Directed the Auditor-Controller to increase overtime appropriations and estimated revenues in the Sheriff’s Office budget unit as detailed in the Board Order.

GENERAL GOVERNMENT:

21. Agreement No. A-11571  
a. Approved and authorized the Purchasing Manager to sign Amendment No. 2 to Professional Services Agreement for Technical Support of Ericsson Telephone System in an amount not to exceed $109,581 for the period of October 1, 2009 through September 30, 2010; and  
b. Approved and authorized the Auditor-Controller to make payments for services provided under the agreement upon approval of the Information Technology Department.

22. a. Approved modifications to the County Administrative Office-Human Resources Division Emergency Response Manual - November 2009 and direct the County Administrative Officer to implement when necessary;  
b. Directed the Assistant CAO-Human Resources to work with the Auditor-Controller’s Department to develop a process for managing the Emergency Employee Leave Advance and Repayment Policy; and  
c. Approved modifications to Pandemic Influenza Preparedness and Response Plan Annex J - Proclamation of Local Staffing Emergency

RMA - PLANNING DEPARTMENT:

23. Agreement No. A-11572; A-11573  
a. Approved a Professional Services Agreement with EMC (A-11572) Planning Group, Inc. (EMC) where the Base Budget is $124,975 with a Contingency of $18,746, for a total amount not to exceed $143,721, to provide an Environmental Impact Report (EIR) for the Monterey-Salinas Transit Whispering Oaks Business Park (PLN090071) within the unincorporated portion of the former Fort Ord, for a term through July 31, 2010;  
b. Approved a Funding Agreement (A-11573) with the Redevelopment Agency of the County of Monterey where the Base Budget is $124,975, the County Surcharge for contract administration is $3,000, with a Contingency of $18,746, for a total amount not to exceed $146,721, to allow funding to Monterey County for costs incurred by EMC and County contract administration to provide an EIR for the Monterey-Salinas Transit Whispering Oaks Business Park (PLN090071) within the unincorporated portion of the former Fort Ord, for a term through July 31, 2010; and  
c. Authorized the Director of Planning to execute the Professional Services Agreement, Funding Agreement and future amendments to these Agreements that do not significantly alter the scope of work or change the approved Agreement amounts. (PD060200/EMC Planning Group, Inc., County-wide)
RMA - BUILDING SERVICES:

23.1 Agreement No. A-11579
   a. Approved and authorized the Director of Building Services, or his designee, to negotiate and execute an Agreement with the Pajaro/Sunny Mesa Community Services District to provide funding to design and build one additional water tank of approximately 110,000 gallons capacity for the fire suppression needs of the Grey Eagle subdivision in Prunedale, in substantial conformance with the terms and conditions set for in Exhibit A;
   b. Approved the transfer of $208,000 from Capital Projects Fund 402, Department 3000, Unit 8174, Account 7521 (Unspecified-Needs Board Approval), (See Exhibit B) to Building Services Fund 001, Department 3000, Unit 8170, Account 6613 -Professional Services; (4/5ths vote required); and
   c. Directed the Auditor-Controller to amend the FY2009-10 Budget increase appropriations in Fund 001, Department 3000, Unit 8170, Accounts 6613 and 5940 (Operating Transfers In) by $208,000 respectively and to move appropriations within Fund 402, Department 3000, Unit 8174, from Account 7521 to Account 7614 (Operating Transfers Out); and
   d. Directed that a definitive time-line, acceptable to the County for completion date, be included in the agreement.

Public Comment: Sharon Joyce; Ed Mitchell; Jim Connor; Humberto Arista; Jack O’Brien; Bernie Tashnee; Hans Jongens; Hans Jongens

Motion by Supervisor Armenta, seconded by Supervisor Salinas. ALL AYES

RMA - PUBLIC WORKS:

23.2 (Added Via Addendum) Removed from Agenda. No Action taken.
   a. Approve and authorize the Contracts/Purchasing Officer to execute a five-year Lease Agreement, effective on or before June 1, 2010, with Crocker Corner Partnership, for approximately 12,726 square feet of rentable space located at 20 East Alisal Street, First Floor, Salinas, California, for use by the Probation Department’s Adult Division, utilizing conditions that are sensitive to the present fiscal climate and do not significantly alter the existing funding outlay, for a cost-neutral outcome;
   b. Direct the Auditor-Controller to make lease payments in the amount of $24,179.40 per month and in accordance with the terms of the agreement;
   c. Authorize the optional extension of the Lease Agreement for an additional second and third term at three years each under the same terms and conditions if deemed by the Contracts/Purchasing Officer to be in the best interest of the County; and
   d. Authorize the Director of Public Works to commence due diligence for the exercising of the option to purchase the 28,850 square foot building located at 20 East Alisal Street, Salinas, California for the negotiated price of $4,650,000 in accordance with the terms and conditions of the agreement.
RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY:

24. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
   Approved Funding Agreement A-11573 in the amount of $146,721 between the Redevelopment Agency of the County of Monterey and the County of Monterey for reimbursement of the costs of preparing an Environmental Impact Report for the proposed Fort Ord Whispering Oaks Business Park.

25. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey: Agreement No. A-11580
   Approved an Option Agreement with Granite Construction for conveyance of 4.9 acres of land located at 24 San Juan Road, in Pajaro.

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