

BOARD OF SUPERVISORS

Regular Meeting

Tuesday, September 30, 2008

COUNTY ADMINISTRATION BUILDING SUPERVISORS' CHAMBER **1221 OAK STREET** FIFTH FLOOR, ROOM 512 OAKLAND, CALIFORNIA

SCOTT HAGGERTY, PRESIDENT **DISTRICT 1 GAIL STEELE DISTRICT 2** ALICE LAI-BITKER, VICE-PRESIDENT **DISTRICT 3 NATE MILEY DISTRICT 4 KEITH CARSON DISTRICT 5**

SUSAN S. MURANISHI **COUNTY ADMINISTRATOR** RICHARD E. WINNIE **COUNTY COUNSEL**

MISSION

TO ENRICH THE LIVES OF ALAMEDA COUNTY RESIDENTS THROUGH VISIONARY POLICIES AND ACCESSIBLE, RESPONSIVE, AND EFFECTIVE SERVICES.

VISION

ALAMEDA COUNTY IS RECOGNIZED AS ONE OF THE BEST COUNTIES IN WHICH TO LIVE, WORK AND DO BUSINESS.

The Board of Supervisors welcomes you to its meetings and your interest is appreciated. If you wish to speak on a matter on the agenda or during public input, please fill out a speaker slip at the front of the Chambers and turn it in to the Clerk as soon as possible. When addressing the Board, please give your name for the record prior to your presentation. If you wish to speak on a matter not on the agenda, please wait until the President calls for public input at the end of the Regular Calendar. NOTE: Only matters within the Board of Supervisors' jurisdiction may be addressed. Time limitations shall be at the discretion of the President of the Board.

Pursuant to Board Policy: (1) Signs or demonstrations are prohibited during Board meetings: (2) Any Board Member may request a two-week continuance on any item appearing for the first time; (3) All agenda items shall be received by the County Administrator prior to 3 p.m. on Tuesday two weeks before the meeting date or earlier when a Holiday intervenes.

Hearing difficulty? Please ask the Clerk for use of a personal sound receiver. The Board of Supervisors' meetings are wheelchair accessible. Call (510) 208-4949 (voice) or (510) 834-6754 (TDD) to request a sign-language interpreter. Five working days' notice is required. If you have questions regarding the agenda, please call (510) 208-4949.

Attention: The Alameda County internet address is www.acgov.org. All regular Board of Supervisors' meetings held in the Board Chamber can be heard live on the Board's web page. In order to log on, please do the following: click on the County's homepage as noted above and click on the "Board of Supervisors Meeting - LIVE! Broadcast" link. You may also access archived audio recordings. meeting agenda and minutes, as well as meeting dates on the Board's http://www.acgov.org/board/index.htm. All documents are archived on the web page for a period of 6 months.

Normally, the Board meets on Tuesdays and their meeting begins no earlier than 10:30 a.m. and may begin later, depending on the Closed Session, which normally begins at 9:00 a.m.

9:00 A.M.

CALL TO ORDER AND SALUTE TO FLAG

APPROVE MINUTES OF REGULAR MEETING: TUESDAY, SEPTEMBER 16, 2008

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: Stephen Amano and Keith Fleming

Employee Organization: All Labor Organizations

Agency Negotiator: Stephen Amano

Employee Organization: Unrepresented Management

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Initiation of litigation pursuant to Subdivision (c) of Government Code § 54956.9: (Five Cases)

Significant exposure to litigation pursuant to Subdivision (b) of Government Code § 54956.9: (Four Cases)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: Franet v. County of Alameda, et al., United States District Court No. CV 02-3787-MJJ

10:30 A.M. - SET MATTERS

1. CONSENT CALENDAR (See Appendix, Item Numbers 32 – 50)

10:30 A.M. - REGULAR CALENDAR

COUNTY COUNSEL: REPORT ON ACTION TAKEN IN CLOSED SESSION

BOARD OF SUPERVISORS' REMARKS

PROCLAMATIONS/COMMENDATIONS

- 2. President Haggerty Proclaim October 3, 2008 as "California Arts Day" Attachment
- 3. Supervisor Carson Proclaim September 27, 2008 as the "City of Albany Day" in recognition of the City's 100th Anniversary

 Attachment

PUBLIC ASSISTANCE

4. Social Services Agency – Authorize the Social Services Agency to make monthly payments to the Human Services Agency of San Mateo County to offset the costs of benefits issued to Alameda County residents participating in the Cash Assistance Program for Immigrants; and approve an increase in the appropriation and revenue by \$1,000,000 – CAO Recommends: Approve – (4/5 Vote)

Attachment

SITTING AS THE IN-HOME SUPPORT SERVICES PUBLIC AUTHORITY

Social Services Agency:

- 5. Approve and authorize the execution of a standard agreement (Contract No. 3395) with Aveeva, Inc. (Principal: Jessica Chopra; Location: Fremont) for information technology support services for the Public Authority for In-Home Support Services network, service and registry sites, 10/1/08 6/30/10 (\$50,000) CAO Recommends: Approve Attachment
- 6. Approve and authorize the Public Authority to execute a standard agreement (Procurement No. 3394) with the Long Term Care Workers Health Trust Fund, Service Employee International Union, Local 6434, United Long Term Care Workers Union (Principal: Willard Hirst; Location: Los Angeles) for health care services for the Public Authority for In-Home Support Services workers, 10/1/08 9/30/09 (\$5,500,000) CAO Recommends: Approve Attachment

HEALTH CARE SERVICES

- 7. Approve the following recommendations related to the proposed new benefit assessment:
 - A. Adopt Resolutions A and B which approve the preliminary Engineer's Report from the SCI Consulting Group prepared pursuant to the California Health and Safety and Government Codes and Article XIII(D) of the State Constitution supporting a proposed new benefit assessment for the Vector Control Services District County Service Area for Emeryville and Fremont;
 - B. Adopt Resolution C which describes the Proposition 218 procedures related to the proposed new benefit assessment; and
 - C. Authorize the Vector Control Services District County Service Area to schedule a public hearing on the proposed assessment on December 9, 2008 at 11:00 a.m.
 - CAO Recommends: Approve

Attachment

- 8. Approve and authorize the execution of a standard agreement (Procurement No. 3416) with the City of Hayward to continue the clinical case management/mental health counseling component to participating schools in the Hayward OUR KIDS Program, 9/1/08 8/31/09 (\$203,010) CAO Recommends: Approve Attachment
- 9. Approve and authorize the execution of a standard agreement (Procurement No. 3407) with HIV Education and Prevention Project of Alameda County (Principal: Joy Rucker; Location: Oakland) utilizing District 3 Measure A Other funds to provide injection drug user health services, 7/1/08 6/30/09 (\$20,000) CAO Recommends: Approve Attachment

- 10. Approve and authorize a standard agreement (Procurement No. 3421) with Alameda Hospital (Principal: Deborah E. Stebbins; Location: Alameda) for its ultrasound system, pulmonary function system and EEG system, 6/1/08 5/31/09 (\$100,000) CAO Recommends: Approve Attachment
- Approve and authorize the execution of an amendment to Master Contract No. 900233 with HIV Education and Prevention Project of Alameda County (Principal: Joy Rucker; Location: Oakland) to continue sobering services at the Safe House Sobering Center, 9/1/08 6/30/09 (\$602,473) CAO Recommends: Approve

 Attachment

GENERAL ADMINISTRATION

11. *Community Development Agency* – Approve and authorize the execution of Amendment No. 5 (Contract No. 793) with Aspire Consulting, LLC (Principal: Kathie Barkow; Location: Union City) for Homeless Management Information System transition, training and administration of the 2009 Countywide Homeless Count, extending the contract term from 9/30/08 to 9/30/09, increasing the amount from \$1,138,082.64 to \$1,283,894.64 (\$145,812 increase) – CAO Recommends: Approve Attachment

General Services Agency:

- 12. Approve the following recommendations related to the installation of Phase II Enhanced Vapor Recovery at Alameda County's five vehicle fueling stations, Project No. CPH09H900100000:
 - A. Accept the bid of and award Master Contract No. 900527, Procurement No. 3422 to Paradiso Mechanical, Inc. (Principal: Angelo Paradiso; Location: San Leandro), \$177,840;
 - B. Approve the encumbrance of an additional \$17,784 as a Supplemental Work Allowance, plus an additional \$50,000 to address environmental contamination or other concealed conditions encountered for a total encumbered amount of \$245,624 and authorize the Agency Director to issue change orders as necessary against the Supplemental Work Allowance and additional contingency; and
 - C. Authorize the Agency Director to prepare the proper contract documents and bond forms for completion by the Contractor, have said documents reviewed and approved by County Counsel
 - CAO Recommends: Approve

Attachment

- 13. Approve the following recommendations related to the removal of accessibility barriers from the 224 W. Winton Avenue Building in Hayward and the Lakeside Plaza Building, 1401 Lakeside Drive in Oakland, Project No. CPPADA0501306060A:
 - A. Award a Professional Services Agreement (Master Contract No. 900524, Procurement No. 3398) to Komorous-Towey Architects (Principal: Klara Komorous-Towey; Location: Oakland), \$235,000;
 - B. Approve the encumbrance of an additional \$23,500 as a Supplemental Work Allowance for a total encumbered amount of \$258,500 and authorize the Agency Director to issue change orders as necessary against the Supplemental Work Allowance; and
 - C. Authorize the Agency Director to prepare and execute the Professional Service Agreement, have said agreement reviewed and approved by County Counsel
 - CAO Recommends: Approve

Attachment

Human Resource Services:

- 14. Second reading and adoption of an ordinance amendment adjusting salaries for unrepresented classes related to Building and Construction Trades Council and amending a footnote in the Public Works Agency CAO Recommends: Approve– Continued from Tuesday, 9/16/08 (Item #14) for second reading

 Attachment
- 15. Second reading and adoption of an ordinance amending Appendix A of the December 16, 2007 December 24, 2011 Memorandum of Understanding with the Alameda County Building and
 Construction Trades Council CAO Recommends: Approve— Continued from Tuesday, 9/16/08
 (Item #15) for second reading
 Attachment
- 16. StopWaste.Org Approve and authorize the annual adjustment of the Measure D landfill surcharge, increasing the amount from \$7.67 to \$7.92 per ton (\$0.25 increase) for the previous year's inflation pursuant to the Source Reduction and Recycling Plan Vision 2010: 75% and Beyond, effective 1/1/09 Attachment
- 17. *Treasurer-Tax Collector* Approve the appointment of The Hartford Retirement Plans Group of Simsbury Connecticut (Principal: Jamie Ohl; Location: Walnut Creek) as the new third party administrator for Alameda County's 457(b) and 401(a) plans, 1/1/09 12/31/14 (approximately \$360,600 annually); and authorize the Treasurer-Tax Collector to execute the plan administrator contract CAO Recommends: Approve Attachment
- 19. *Community Development Agency and Public Works Agency* Approve a resolution making findings required under Health and Safety Code Section 33445 that (a) implementation of the Redevelopment Sidewalk Repair Program is of benefit to the County of Alameda City of San Leandro Redevelopment Project and Eden Area Redevelopment Project and the immediate surrounding neighborhoods; (b) no other reasonable means of financing a portion of the public improvement is available to the community; (c) the Alameda County Redevelopment Agency's contribution to the cost of the public improvement will assist in the elimination of one or more blighting conditions in the project area; and authorize the execution of a Public Improvement Agreement with the Redevelopment Agency for the Redevelopment Sidewalk Repair Program, 7/1/08 6/30/09 CAO Recommends: Approve Attachment

SITTING AS THE REDEVELOPMENT AGENCY

20. *Community Development Agency* – Approve and authorize the execution of the Public Improvement Agreement with the Redevelopment Agency for the Redevelopment Sidewalk Repair Program 7/1/08 – 6/30/09 (\$190,000) – CAO Recommends: Approve Attachment

PUBLIC WORKS

- 21. Adopt a resolution to find a 1,397 square foot parcel of County-owned real property located adjacent to a property on Mattox Road in Castro Valley to be surplus; approve and authorize the sale of said parcel to the adjacent owners, Michael and Margarite Speakman for a sale price of \$5,000; and authorize the execution of a Quitclaim Deed to effect the conveyance and record CAO Recommends: Approve Attachment
- 22. Adopt a resolution approving the plans and specifications for the Pathway Improvement on Fairview Avenue between Hansen Road and Old Fairview Avenue in the Fairview area of unincorporated Alameda County (\$675,000); and authorize the Clerk of the Board to advertise for bids, Specification No. 2053 CAO Recommends: Approve Attachment
- 23. Approve and authorize the execution of a Memorandum of Understanding with Zone 7 (Principal: Jill Duerig; Location: Livermore) for the provision of flood control maintenance services to Zone 7, 10/1/08 6/30/09 (\$350,000) CAO Recommends: Approve Attachment

FLOOD CONTROL

- 24. Authorize the execution of Contract No. 3410 with Du-All Safety (Principal: Terry McCarthy; Location: Fremont) to perform safety oversight, training and educational services for the health and well-being of agency employees, 10/1/08 9/30/11 (\$337,500) with an option to extend for two years CAO Recommends: Approve Attachment
- 25. Approve the conveyance of a sanitary sewer easement to WY Developments, LLC (Principal: Raymond Wong; Location: Fremont) for three sewer lines that cross under a portion of Castro Valley Sanitary District's Line B-13 in Zone 2 in the unincorporated area of Castro Valley, Eden Township (\$1,800); and authorize the execution of a Grant of Easement, Sanitary Sewer to effect said conveyance and record, Project No. 8218

- CAO Recommends: Approve

Attachment

<u>11:00 A.M. - SET MATTERS</u>

BOARD OF SUPERVISORS' APPRECIATION PROGRAM

- 26. *President Haggerty* Recognizing the following employees for their daily contributions in conducting County business and providing public service:
 - A. Gerald L. Gates, Zone 7
 - B. Carol A. Jensen, Social Services Agency

Attachment

GENERAL ADMINISTRATION

27. Supervisor Miley – Presentation by the Alameda County Apprenticeship Collaborative Attachment

- 28. *Alameda County Art Commission* Commend six recipients of the 2008 Arts Leadership Award for their achievements and contributions to the arts in Alameda County:
 - A. Matin Abdel-Qawi, District Four
 - B. John Orosco, District Two
 - C. Ken Rawdon, District Two
 - D. Charlotte Severin, District One
 - E. Tony Taccone, District Five
 - F. The Arthur Wright, District Three

Attachment

29. *Community Development Agency* – Public hearing (TEFRA) for issuance of Multi-Family Housing Bonds in an amount not to exceed \$27,000,000 to finance the acquisition and rehabilitation of Ashland Village by Ashland Village Apartments, L.P. an affiliate of Eden Housing; and approve and authorize the execution of Contract No. 3438 with Ashland Village Apartments, L.P. (Principal: Linda Mandolini; Location: Hayward) for \$740,000 in HOME funds towards the acquisition and rehabilitation of the Ashland Village Apartments project for low income families, 9/1/08 – 12/31/11

Attachment

PUBLIC WORKS

30. Public hearing to approve a resolution adopting the Tri-Valley Transportation Development Fee to include a new list of projects and fee rate schedule pursuant to the requirements of the Tri-Valley Transportation Council Joint Exercise of Powers Agreement

Attachment

HEALTH CARE SERVICES

31. Public hearing to consider the appeal of Dr. Donn Lobdell on the denial of a permit to build an addition to his house located on Kilkare Road in Sunol, based on the inadequate capacity of the septic system pursuant to Section 15.18.040 F3 of the Alameda County Septic Code

Staff Recommendation: uphold the decision of the Director of the Department of Environmental Health to deny the appeal Attachment

PUBLIC INPUT (TIME LIMIT: 3 MINUTES PER SPEAKER)

ADJOURNMENT

NEXT MEETINGS: OCTOBER 7, 2008 REGULAR CALENDAR

OCTOBER 14, 2008 REGULAR CALENDAR AND PLANNING

MEETING

OCTOBER 21, 2008

OCTOBER 28, 2008

NOVEMBER 4, 2008

NOVEMBER 11, 2008

REGULAR CALENDAR

REGULAR CALENDAR

CANCELED – HOLIDAY

APPENDIX

CONSENT CALENDAR - ITEM NUMBERS 32 - 50

(ANY BOARD MEMBER MAY PULL ANY CONSENT ITEM FOR DISCUSSION OR SEPARATE VOTE)

HEALTH CARE SERVICES

- 32. Approve Master Contract No. 900120 with Tri-City Health Center (Principal: Kathleen Lievre; Location: Fremont) for the provision of HIV/AIDS education and prevention services for youth in East County, 7/1/08 6/30/09 (\$34,618); and authorize the Agency Director to execute the contract Attachment
- 33. Receive a report on continuing existence of a local state of emergency in Alameda County relative to the transmission of HIV and Hepatitis C and other blood borne pathogens through the use of contaminated needles

 Attachment
- 34. Approve and authorize amendments to the following standard agreements for direct medical and support services for adult residents in Oakland:
 - A. Preventive Care Pathways, Procurement No. 2406 (Principal: Geoffrey Watson; Location: Oakland) extending the term from 6/30/08 to 12/31/09, increasing the amount from \$64,375 to \$196,987.50 (\$132,612.50 increase);
 - B. Healthy Communities, Inc., Procurement No. 2579 (Principal: Raymond Lankford; Location: Oakland) extending the term from 6/30/08 to 6/30/09, increasing the amount from \$64,375 to \$196,987.50 (\$132,612.50 increase)

<u>Attachment</u>

Health Care Services Agency and General Services Agency:

- Authorize the Purchasing Agent to negotiate and sign an amendment to Master Contract No. 19, Procurement No. 1111 with Fitch and Associates, LLC (Principal: Richard Keller; Location: Platte City, Missouri) for emergency medical services consulting services for the Public Health Department, 9/28/08 9/27/09, increasing the amount from \$299,260 to \$475,260 (\$176,000 increase) with an option to extend for an additional five year term Attachment
- Authorize the Purchasing Agent to negotiate and sign an extension to Master Contract No. 900255 with 21st Century Environmental Management, Inc. formerly Philip Transportation and Remediation, Inc. (Principal: Morris Azose; Location: Benicia) to provide hazardous waste disposal services, extending the contract term from 10/15/08 to 12/31/08, increasing the amount from \$6,645,682 to \$6,945,682 (\$300,000 increase)

 Attachment

GENERAL ADMINISTRATION

37. *Assessor*– Approve amended Conflict of Interest Code *Attachment*

Auditor-Controller:

38. Authorize the execution of Certification and Mutual Indemnification agreements that have been signed on behalf of Cities, Special Districts and Schools

Attachment

- 39. Approve the Claim for Refund for a Documentary Transfer Tax for Shyam Chetal, \$1,045

 <u>Attachment</u>
- 40. Adopt a resolution authorizing Alameda County to receive clearance information on background checks for Process Server applicants as required by Business and Professionals Code, Section 22355 (a)

 Attachment
- 41. *General Services Agency and Superior Court of California* Approve the following recommendations related to the Court Office of Information Technology Stand-by Generator, Project No. CPP09C603900000:
 - A. Authorize the General Services Agency to advertise the Stand-by Generator Project for bid;
 - B. Approve that the General Services Agency apply an Enhanced Construction Outreach Program for the project; and
 - C. Authorize the Agency Director to receive bids for the project and present a summary of the bid results and an award recommendation

Attachment

- 42. *Human Resource Services* Approve the classification actions taken by the Civil Service Commission on 9/10/08
 Attachment
- 43. *Treasurer-Tax Collector* Approve the Investment Report for August 2008 Attachment

PUBLIC PROTECTION

44. Sheriff – Approve and authorize the execution of a contract with the Altamont Motorsports Park (Principal: Jeffrey Macey; Location: Livermore) to provide law enforcement services during the Altamont Fall Classic Nascar Camping World Series, West 200 and USAC Sprints on 9/13/08

Attachment

PUBLIC WORKS

- 45. Approve and authorize the execution of an amendment to Contract No. 2837 with the City of Hayward for the design and construction of sidewalk, curb and gutter on Second Street, Eden Township, increasing the contract amount from \$196,8000 to \$214,898.19 (\$18,098.19 increase)

 Attachment
- 46. Approve authorize the execution of Modification No. 1 to Contract No. 0856 with the Alameda County Resource Conservation District (Principal: Karen Sweet; Location: Livermore) to implement the Watershed Adventures, a school assembly program that seeks to promote watershed awareness and stewardship to fourth grade students and provide support for cooperative watershed outreach efforts in Alameda County, extending the contract term from 9/30/08 to 9/30/09 and increasing the contract amount from \$230,000 to \$372,761 (\$142,761 increase)

 Attachment

BOARDS AND COMMISSIONS

Supervisor Carson:

- 47. Appoint Madeline F. Oden to the Public Health Commission, term ending 10/9/09
 Attachment
- 48. Appoint Saundra J. Johnson to the Human Relations Commission, term ending 9/30/11 Attachment
- 49. Supervisor Lai-Bitker Appoint Bari A. Williams to the Commission on the Status of Women, term ending 9/30/11
 Attachment
- 50. Supervisor Steele Appoint Lisa Gifford to the Mental Health Advisory Board, term ending 9/30/11 Attachment

END OF CONSENT

OUT-OF-STATE TRAVEL

Fire Department:

CAD Systems Administrator – Intergraph West Coast Users Group meeting – Reno, Nevada, 10/19/08 - 10/22/08 (\$850)

Attachment

Assistant Chief – Technical Committee on Hazardous Materials Response Personnel training – Des Plaines, Illinois, 10/28/08 – 10/30/08 (\$1,250)

Attachment

Captain – Urban Search and Rescue Safety Officer Class training – Indianapolis, Indiana, 11/16/08-11/21/08 (\$1,500)

Attachment

Fire Geo Systems Analyst – National Fire Protection Association Technical Committee on Data Exchange for the Fire Service meeting – Fairfax, Virginia, 11/17/08 – 11/20/08 (\$1,150) Attachment

General Services Agency:

Architect – "Green Build International Conference and Exposition" – Boston, Massachusetts, 11/14/08 - 11/21/08 (\$3,300)

Attachment

Sustainability Specialist – "Green Build International Conference and Exposition" – Boston, Massachusetts, 11/16/08 – 11/30/08 (\$2,400)

Attachment

Architect – "Green Build International Conference and Exposition" – Boston, Massachusetts, 11/17/08 - 11/22/08 (\$3,000)

Attachment

Senior Project Manager – "Green Build International Conference and Exposition" – Boston, Massachusetts, 11/17/08 - 11/23/08 (\$3,100) <u>Attachment</u>

Health Care Services Agency – 2 Mental Health Specialist IIs and Senior Mental Health Specialist – "Alternatives 2008 Conference" – Buffalo, New York, 10/29/08 – 11/2/08 (\$2,043 each)

Attachment

Human Resource Services – Human Resources Analyst II and Business Analyst – "NEOGOV Encounter 2008, 7th Annual Users Conference" – Las Vegas, Nevada, 10/7/08 – 10/10/08 (\$1,712 each) Attachment

Social Services Agency:

Executive Assistant to Director/Media Relations Officer – "American Public Human Services Association National Fall Conference on Sub Committee Communications" – Washington, D.C., 9/13/08 - 9/16/08 (\$2,468.78)

Attachment

Program Specialist – "American Association of Food Stamp Directors Conference" – Burlington, Vermont, 10/25/08 - 10/30/08 (\$1,511) Attachment

County Administrator – Assistant County Administrator – National Forum for Black Public Administrators Fall Leadership meeting – Dallas, Texas, 10/16/08 – 10/19/08 (\$1,100) Attachment

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