

BOARD OF SUPERVISORS

Regular Meeting Tuesday, May 5, 2009

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

> SUSAN S. MURANISHI COUNTY ADMINISTRATOR

SCOTT HAGGERTY

GAIL STEELE

ALICE LAI-BITKER, PRESIDENT

NATE MILEY, VICE-PRESIDENT

KEITH CARSON

DISTRICT 5

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 <u>not</u> on the agenda, please wait until the President calls for public input at the end of the Regular Calendar. <u>NOTE:</u> 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 <u>two-week</u> 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 <u>two</u> 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 web page 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 9:30 a.m.

Note: Addenda includes Closed Session and two Regular Probation Items #18A and 18B

9:30 A.M.

CALL TO ORDER AND SALUTE TO FLAG

1523 4 APPROVE MINUTES OF REGULAR MEETING: TUESDAY, APRIL 14, 2009

X

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiator: Mary Welch

Employee Organization: Unrepresented Management

Agency Negotiators: Mary Welch and Keith Fleming

Employee Organization: All Labor Organizations

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: United Union Roofers, et al v. County of Alameda et al, United States District Court Case

No.: CV 08 2281 BZ

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property and Owner:

Address: 13855 E 14th Street , San Leandro, CA 94578 Owner: Eden Township Health Care District, Sutter Health

Agency Negotiator: Dave Kears, Director of Health Care Services Agency

Under Negotiation: Price and terms of payment

10:30 A.M. - SET MATTERS

1. CONSENT CALENDAR (See Appendix, Item Numbers 26 – 39)

24513 Approved as recommended

10:30 A.M. - REGULAR CALENDAR

COUNTY COUNSEL: REPORT ON ACTION TAKEN IN CLOSED SESSION

The Board authorized settlement with United Union Roofers, et al v. County of Alameda et al, United States District Court Case No.: CV 08 2281 BZ

BOARD OF SUPERVISORS' REMARKS

The Board adjourned the meeting in memory of Jack Maltester, former Mayor of San Leandro

PROCLAMATIONS/COMMENDATIONS

1A. *President Lai-Bitker* – Approve an amendment of the agenda to adopt a resolution to proclaim a Local Emergency within Alameda County due to non-seasonal influenza including the H1N1 Swine Flu Attachment

14523 Presented and approved as recommended

FILE 24273 R-2009-174

Supervisor Carson:

2. Proclaim May 2009 as "Asian Pacific American Heritage Month"

Attachment

Presented FILE 24273

2A. Commend East Bay Housing Organizations on their 25th Anniversary for dedicated community service and kick-off of "Affordable Housing Week 2009" celebrated on Friday, May 8, 2009

Attachment

Presented FILE 24273

3. Supervisor Steele – Proclaim May 2009 as "Mental Health Month" Attachment

Presented FILE 24273

PUBLIC ASSISTANCE

Social Services Agency:

- 4. Approve the following related to the distribution of Domestic Violence Center Act funding generated through marriage license fees for domestic violence prevention services:
 - A. Approve award recommendations for fiscal year 2009 2010 Domestic Violence Services, Request for Proposal, \$175,000;
 - B. Approve in-principle new contracts to 10 community based shelters and legal service providers, 7/1/09 6/30/10 with authority to extend the contract through 6/30/12; and
 - C. Authorize the Agency Director to execute the contract under the Master Contract process CAO Recommends: Approve

Attachment

41523 Approved as recommended

FILE 24671

- 5. Approve awards from fiscal year 2009-2010 Request for Proposal for Workforce Investment Act Summer Youth Employment Services and approve in-principle contracts with the following vendors to provide summer employment services to eligible youth between the ages of 14-24 years, 5/1/09 9/30/09 (\$2,045,000); and authorize the Agency Director to negotiate and execute the contracts under the master contract process:
 - A. Berkeley Youth Alternatives, Master Contract No. 900056, Procurement No. 3919 (Principal: Niculia Williams; Location: Berkeley) \$340,000;
 - B. City of Berkeley, Master Contract No. 900161, Procurement No. 3920, \$270,000;
 - C. Hayward Unified School District/ Hayward Adult, Master Contract No. 900048, Procurement No. 3921 (Principal: Dr. Dale Vigil; Location: Hayward) \$430,000;
 - D. Associated Community Action Program, Master Contract No. 900476, Procurement No. 3922 (Principal: Nanette Dillard; Location: Hayward) \$245,000;
 - E. Hayward Unified School District/ Hayward Adult, Master Contract No. 900048, Procurement No. 3923 (Principal: Dr. Dale Vigil; Location: Hayward) \$470,000; and
 - F. Tri-Valley Community Foundation, Master Contract No. 900051, Procurement No. 3924 (Principal: David Rice; Location: Pleasanton) \$290,000
 - CAO Recommends: Approve

Attachment

14523 Approved as recommended

FILE 24672 C-900056 C-3919 C-900161 C-3920 C-900048 C-3921 C-900476 C-3922 C-3923 C-900051 C-3924

HEALTH CARE SERVICES

6. Approve a waiver of the standard competitive bidding process to allow this purchase to be made timely, pending the Request for Proposal process which has been initiated; authorize the purchase of medical and non-medical supplies that must be available in the event of an emergency and for use in training and preparation practices totaling \$100,000; and an amendment to existing Purchase Order #4663 with WW Grainger (Principal: Jim Ryan; Location: Lake Forest, Illinois) increasing the amount from \$100,000 to \$200,000 (\$100,000 increase) – CAO Recommends: Approve Attachment

41523 Approved as recommended

FILE 24673

7. Approve the execution of Procurement Contract No. 3910 with Integrated Medical Associates of Alameda County, Inc. (Principal: Uchenna A. Okoronkwo; Location: Oakland) to continue providing outpatient primary medical care to patients referred by the Alameda County Medical Center and Behavioral Health Care Services, 3/1/09 – 2/28/10 (\$168,710) – CAO Recommends: Approve Attachment

41523 Approved as recommended

FILE 24674 C-3910

GENERAL ADMINISTRATION

Community Development Agency:

8. Authorize the execution of a contract with the State of California Department of Food and Agriculture to pay for detection trapping for the Light Brown Apple Moth within Alameda County, 7/1/08 – 6/30/09 (\$164,714) – CAO Recommends: Approve Attachment

41523 <u>Approved as recommended</u>

FILE 24675 C-2009-66

9. Approve a Substantial Amendment to the 2008-2009 Urban County Action Plan to add Homeless Prevention and Rapid Re-housing funds for the Urban County jurisdiction; and authorize the Agency Director, upon review and approval from County Counsel, to execute a grant agreement with the U.S. Department of Housing and Urban Development for \$802,915 for implementation of the Homeless Prevention and Rapid Re-housing Program in the Urban County – CAO Recommends: Approve

Attachment

41523 <u>Approved as recommended</u>

FILE 24676

Human Resource Services:

- 10. First reading and introduction of three ordinances and four Sideletters of agreement:
 - A. Adopt an ordinance approving the December 29, 2008 through December 24, 2011 Memorandum of Understanding between the Alameda County Management Employees Association, General Government Unit and the County of Alameda;
 - B. Adopt an ordinance approving the December 29, 2008 through December 24, 2011 Memorandum of Understanding between the Alameda County Management Employees Association, Confidential Unit and the County of Alameda;
 - C. Adopt a salary ordinance amending Sections of Article 7, to implement changes agreed to with Alameda County Management Employees Association;

14523 Read title, waived reading of ordinances in its entirety and continued to Tuesday, 5/12/09 for second reading

- D. Adopt four Sideletters of agreement; and
- E. Amend a footnote in the Social Services Agency
- CAO Recommends: Approve

Attachment

14523 Approved as recommended

FILE 24677

- 11. First reading and introduction of a salary ordinance amendment establishing a new job class in the Public Works Agency with salary administration criteria, amending a footnote in the General Services Agency and adding a footnote in the Registrar of Voters CAO Recommends: Approve Attachment
- 14523 Read title, waived reading of ordinance in its entirety and continued to Tuesday, 5/12/09 for second reading
- 12. Approve the establishment of a new job class of Fire Department Telecommunications Specialist in the Alameda County Fire Department CAO Recommends: Approve Attachment
- 41523 Approved as recommended

FILE 24679

13. Authorize the Auditor-Controller to establish a new payroll deduction code and make deductions for the Service Employee International Union, Local 1021 members to purchase accident insurance for sickness, disability and cancer insurance from Allstate Insurance Company – CAO Recommends: Approve

Attachment

41523 Approved as recommended

FILE 24680

14. Approve the increase in premiums for the Alameda County Employees' Retirement Association 2009 Retiree's Medical Plans for Secure Horizons Medicare Advantage with Prescription benefits, the Senior Supplement Renewal Rates with Prescription benefits and the Senior Supplement without Prescription benefits; and authorize the execution of the contract agreements for 2009 Retiree's Medical Plans with PacifiCare/United Healthcare – CAO Recommends: Approve Attachment

41523 <u>Approved as recommended</u>

FILE 24681 C-2009-71

- 15. Treasurer-Tax Collector Report on status of negotiations with Prudential Insurance Company for extension of deferred compensation plan third-party administrator services Continued from Tuesday, 4/14/09 (Item #17) and Tuesday, 4/28/09 (Item #13A)
- 1253 4 Presented; the Board requested the Treasurer-Tax Collector to return on 5/12/09 FILE 24814 with final resolution
- 16. County Administrator, County Counsel and General Services Agency Authorize the Purchasing Agent to negotiate and sign Master Contract No. 900453 with Miller & Van Eaton, LLP (Principal: Kenneth A. Brunetti; Location: Kensington) to provide legal representation, consulting and advice to Alameda County with respect to telecommunication matters, 6/10/09 6/9/12 with an option to renew for two additional one-year terms (\$159,750)

 Attachment

41523 Approved as recommended

FILE 24682 C-900453

17. Community Development Agency – Approve and authorize the execution of a second amendment to Contract No. 1365 with BKF Engineers (Principal: Dan Schaefer; Location: Pleasanton) to augment the scope of work to include the design and engineering of the Castro Valley Boulevard Shared Parking Lot Project, extending the term from 5/31/10 to 11/31/11, and increasing the amount from \$4,069,245 to \$4,501,245 (\$432,000 increase) – CAO Recommends: Approve Attachment

41523 Approved as recommended

FILE 24683 C-1365

SITTING AS THE REDEVELOPMENT AGENCY

18. Community Development Agency – Approve and authorize the execution of a second amendment to Contract No. 1365 with BKF Engineers (Principal: Dan Schaefer; Location: Pleasanton) to augment the scope of work to include the design and engineering of the Castro Valley Boulevard Shared Parking Lot Project, extending the term from 5/31/10 to 11/31/11, and increasing the amount from \$4,069,245 to \$4,501,245 (\$432,000 increase) – CAO Recommends: Approve Attachment

41523 Approved as recommended

FILE 24683 C-1365

PUBLIC PROTECTION

Probation:

Approve reduced funding and termination of the procurement contracts for twelve community-based organizations and independent contractors for the Juvenile Justice Crime Prevention Act; and

adopt notices of termination of contracts as issued by the Chief Probation Officer - CAO

Recommends: Approve

Attachment

1423 5 Approved as recommended

FILE 24684

- '

Approve and adopt reduced funding amounts for seventeen community-based organizations for the

Juvenile Probation Camps Funding Program based upon final State budget allocations; and adopt notices of termination of contracts as issued by the Chief Probation Officer – CAO Recommends:

Approve

Attachment

1423 5 Approved as recommended

FILE 24685

PUBLIC WORKS

N

N

18B.

19. Second reading and adoption of an ordinance adding Section 460 "Green Building Program" to the Alameda County Municipal Code Chapter 15.08 Building Ordinance to set standards for green construction that applies to private development, and certain residential and non-residential type projects – **Continued from Tuesday**, 4/28/09 (Item #18) for second reading

Attachment

41523 Read title, waived reading of ordinance in its entirety and adopted Ordinance
O-2009-16

FILE 24526
O-2009-16

20. First reading and introduction of an ordinance amending the Alameda County Public Works Traffic Code relating to Vehicles and Traffic which include five changes to Chapter 1, Article 7, relating to No Parking Zones and No Stopping Zones, one change to Chapter 1, Article 11 relating to Passenger Loading Zones and two changes to Chapter 1, Article 20 relating to Disabled Persons and Veterans Parking Zones in the Ashland, Castro Valley, Sunol and unincorporated Hayward and San Leandro areas – CAO Recommends: Approve

Attachment

42153 Read title, waived reading of ordinance in its entirety and continued to Tuesday, 5/12/09 for second reading

21. Approve and authorize the execution of Contract No. 3816 with MainStar Inc. formerly known as Bender Engineering, Inc. (Principal: Dimitry Poretsky; Location: Irvine) to maintain and upgrade the IMS-Fleet Software, 5/18/09 – 5/17/14 (\$298,840) – CAO Recommends: Approve Attachment

41523 Approved as recommended

FILE 24687 C-3816

22. Accept the bid and award Contract No. 3925 to Delta Demolition Contractors (Principal: Anthony Graunstadt; Location: Brentwood) for the amount of \$66,369.82 based on the unit prices stated in its bid proposal for the project, the Demolition of Structures on Four Parcels along Lewelling Boulevard between Sharon Street and Union Pacific Railroad, Specification No. 2114; authorize the execution of said contract upon review by County Counsel's Office, said work to be completed within thirty-five working days from the date of receipt of Notice to Proceed; and approve the encumbrance of an additional \$6,636.98 as a Supplemental Work Allowance for a total encumbered amount of \$73,006.80 for the project; and authorize the Agency Director to issue change orders as necessary against the Supplemental Work Allowance – CAO Recommends: Approve

Attachment
Approved as recommended

FILE 24688 C-3925

23. Accept the bid and award Contract No. 3926 to Valley Slurry Seal Company (Principal: Jeffrey R. Reed; Location: West Sacramento) for the amount of \$683,441 based on the unit prices stated in its bid proposal for the project, the Slurry Seal Resurfacing on various Roadways in the unincorporated areas of Alameda County, Specification No. 2111; authorize the execution of said contract upon review by County Counsel's Office, said work to be completed within thirty-five working days from the date of receipt of Notice to Proceed; and approve the encumbrance of an additional \$68,344 as a Supplemental Work Allowance for a total encumbered amount of \$751,785 for the project; and authorize the Agency Director to issue change orders as necessary against the Supplemental Work Allowance – CAO Recommends: Approve Attachment

41523 Approved as recommended

FILE 24689 C-3926

FLOOD CONTROL

41523

24. Accept the bid and award Contract No. 3918 to A-1 Septic Construction (Principal: Joseph Madison; Location: Castro Valley) for the amount of \$100,723.06 based on the unit prices stated in its bid proposal for the project, the Restoration of Castro Valley Creek Trail (Line J) between Norbridge Avenue and East Castro Valley Boulevard in Castro Valley, Specification No. FC 2-188; authorize the execution of said contract upon review by County Counsel's Office, said work to be completed within thirty-five working days from the date of receipt of Notice to Proceed; and approve the encumbrance of an additional \$10,072.30 as a Supplemental Work Allowance for a total encumbered amount of \$110,795.36 for the project; and authorize the Agency Director to issue change orders as necessary against the Supplemental Work Allowance – CAO Recommends: Approve Attachment

41523 Approved as recommended

FILE 24690 C-3918

25. Accept the bid and award Contract No. 3928 to Parsons Brothers Rockeries CA, Inc. (Principal: Gordon McCarty; Location: Roseville) for the amount of \$132,762.50 based on the unit prices stated in its bid proposal for the project, the Bank Stabilization Along Line E Downstream of Freeway I-880 in Fremont, Specification No. FC 6-132; authorize the execution of said contract upon review by County Counsel's Office, said work to be completed within thirty-five working days from the date of receipt of Notice to Proceed; and approve the encumbrance of an additional \$13,276 as a Supplemental Work Allowance for a total encumbered amount of \$146,038.50 for the project; and authorize the Agency Director to issue change orders as necessary against the Supplemental Work Allowance – CAO Recommends: Approve Attachment

41523 Approved as recommended

FILE 24691 C-3928

PUBLIC INPUT (TIME LIMIT: 3 MINUTES PER SPEAKER)

Jerry Grace spoke regarding sidewalk repairs in San Lorenzo area

Bella E. Loo spoke about her concerns on the State and local budget deficits and asked if the Board had jurisdiction on foreclosure proposals as it relates to the current and future financial crisis

ADJOURNED IN MEMORY OF

Jack Maltester

APPENDIX

CONSENT CALENDAR - ITEM NUMBERS 26 - 39

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

24513 Approved as recommended

PUBLIC ASSISTANCE

Social Services Agency:

Approve an amendment to CalWORKs Violence Against Women Act services community-based organization Master Contract No. 900477, Procurement No. 2884 with International Institute of the Bay Area (Principal: Margi Dunlap; Location: Oakland) for increase caseload delivery, 7/1/08 – 6/30/09, increasing the amount from \$25,000 to \$40,000 (\$15,000 increase); and authorize the Agency Director to execute the amendment under the master contract process Attachment

FILE 24692 C-900477 C-2884

Authorize the Purchasing Agent to execute a change order, first amendment to existing Purchase Order SOCSA 7336 with the California Department of Justice for continued fingerprinting services for relative and foster care placements, 7/1/08 - 6/30/09, increasing the amount from \$25,000 to \$60,000 (\$35,000 increase); and authorize the same level of fingerprinting services in the amount of \$60,000, 7/1/09 - 6/30/10 Attachment

FILE 24693

HEALTH CARE SERVICES

28. 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

FILE 24118

29. Approve a master contract augmentation (Master Contract No. 900126, Procurement No. 3236) with University of California, San Francisco Center on Deafness (Principal: Nancy Moser) for outpatient mental health services, 7/1/08 – 6/30/09, increasing the amount from \$202,118 to \$221,038 (\$18,920 increase); and authorize the Director of Behavioral Health Care Services to negotiate and execute contract exhibits Attachment

FILE 24694 C-900126 C-3236

30. Health Care Services Agency and General Services Agency – Authorize the Purchasing Agent to negotiate and sign Master Contract No. 900396 with OCB Cooperative, Inc. dba Alameda County Patient Services (Principal: Jeff W. Jones; Location: Oakland) to provide identification cards for the Medical Marijuana Identification Card Program, extending the term from 6/30/09 to 6/29/10 with no change in the contract amount

FILE 24695 C-900396

PUBLIC PROTECTION

Attachment

31. Sheriff – Authorize the Sheriff to execute a contract with Rowell Ranch Rodeo, Inc. (Principal: Larry Leatham; Location: Castro Valley) to provide law enforcement services during the barbecue events held at the Rowell Ranch Rodeo Park, on 5/13/09 and 5/16/09 (\$2,629.50)

Attachment

FILE 24696

PUBLIC WORKS

32. Receive the Service Fee Schedule for Permit Fees for the Well Permit Service Fees; set a public hearing for 6/9/09 at 9:30 am to hear and consider statements for and against the fee increase; and adopt a resolution confirming the Service Fee Schedule for Permit Fees and any adjustments made as a result of the hearing, and establish the service charges as shown on the revised fee schedule

Attachment

FILE 24697

FLOOD CONTROL

Adopt a resolution to receive and accept the Annual Engineer's Report for Fiscal Year 2009-2010, which describes the parcels of real property within the Alameda County Flood Control and Water Conservation District and proposed benefit assessments and set public hearing at 9:30 a.m. on 6/9/09; and direct the Clerk to publish the notice of hearing once a week for two successive weeks Attachment

FILE 24698 R-2009-172

BOARDS AND COMMISSIONS

President Lai-Bitker:

34. Accept the resignation of Richard Thomason from the Alameda Alliance for Health Board of Governors

Attachment

FILE 24269 R-2009-173

35.	Appoint William Foster to the Alameda Alliance for Health B 5/5/13 Attachment				, term ending
					FILE 24269
	Supervisor Haggerty:				
36.	Reappoint Karin Moh Attachment	r to the	e Assessment Appeals Board, term end	ding 9/2/11	
					FILE 24269
37.	11/21/10	x to the	e Alameda County Consumer Affairs	Commission, t	erm ending
	<u>Attachment</u>				FILE 24269
38.	Appoint Kathleen Brough to the Human Relations Commission, term ending 5/5/12 Attachment				/12
					FILE 24269
39. Supervisor Steele – Appoint Kashmir Shahi to the Assessment Appeals Board, term ending 5/5. Attachment					
					FILE 24269
No furthe	r business appearing, the meeting	ıg is ad	journed.		
	REVIEWED BY:_				
	713 / 13 / 13 / 13 / 1 / 1 / 1		PRESIDENT, BOARD OF SUPERVISORS	3	
	.				
	REVIEWED BY:_		CLERK, BOARD OF SUPERVISORS		
			** KEY **		
<u>Left Margin Notes</u> <u>Ri</u>				Right N	<u> Iargin Notes</u>
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Supervisor Carson