BOARD OF SUPERVISORS

Regular Meeting

Tuesday, November 3, 2009

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

SCOTT HAGGERTY
GAIL STEELE
ALICE LAI-BITKER, PRESIDENT
NATE MILEY, VICE-PRESIDENT
KEITH CARSON

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
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: (1) 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.
CALL TO ORDER AND SALUTE TO FLAG

APPROVAL OF MINUTES

a) SPECIAL MEETING: TUESDAY, SEPTEMBER 15, 2009
b) SPECIAL MEETING: TUESDAY, SEPTEMBER 29, 2009

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

a) Agency Negotiators: Mary Welch and Keith Fleming - Employee Organization: Deputy Sheriff’s Association
b) Agency Negotiators: Mary Welch and Keith Fleming - Employee Organization: Service Employees International Union, Local 6434
c) Agency Negotiators: Mary Welch and Keith Fleming - Employee Organization: Probation Peace Officers Association
d) Agency Negotiators: Mary Welch and Keith Fleming - Employee Organization: Teamsters, Local 856
e) Agency Negotiators: Mary Welch and Keith Fleming - Employee Organization: All Labor Organizations
f) Agency Negotiator: Mary Welch - Employee Organization: Unrepresented Management

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

a) Name of Case: County of Alameda v. City of Oakland, California Superior Court, County of Alameda, Case No. RG09460907

PUBLIC EMPLOYEE RECRUITMENT

b) Director, Health Care Service Agency

10:30 A.M. - SET MATTERS

1. CONSENT CALENDAR (See Appendix, Item Numbers 20 – 23)
COUNTY COUNSEL: REPORT ON ACTION TAKEN IN CLOSED SESSION

BOARD OF SUPERVISORS’ REMARKS

PUBLIC ASSISTANCE

2. **Social Services Agency** – Approve and authorize the execution of a second amendment to a standard agreement (Procurement No. 3319) with International Business Machines (Principal: Sam Palmisano; Location: Sacramento) for the provision of continued data warehouse services, extending the term an additional 12 months retroactive from 7/1/09 – 6/30/10 and increasing the amount by an additional $73,100 for a new maximum award of $1,773,386.89 – CAO Recommends: Approve

3. **Social Services Agency** – Approve the award recommendation resulting from the Fiscal Year 2009-2010 Social Services Agency's Request for Proposals for Criminal Records Remedies Services (Master Contract No. 900168, Procurement No. 4694) to fund East Bay Community Law Center (Principal: Tirien Steinbach; Location: Berkeley) in the amount of $83,333, for the period of 11/1/09 – 6/30/10 with authority to renew for an additional 24 months through June 30, 2012, at a maximum annual award of $125,000, and delegate authority to the Agency Director to execute the contract under the master contract process – CAO Recommends: Approve

HEALTH CARE SERVICES

4. **Health Care Services Agency** – Approve the amendment to an existing contract (Procurement No. 4240) with Be A Mentor, Inc. (Principal: Robert Goetsch; Location: Fremont) for the Motivating Inspiring Supporting and Serving Sexually Exploited Youth Program to provide advocacy support and individual preventative informational sessions to girls between the ages of 14-17 who come to the Alameda County Social Services Assessment Center, increasing the amount from $147,000 to $176,000 ($29,000 increase), with no change in the contract term – CAO Recommends: Approve

5. **Public Health Department** – First reading and introduction of the proposed County of Alameda smoking ordinance amendments prepared by County Counsel with an effective date of 30 days after Board approval – CAO Recommends: Approve

GENERAL ADMINISTRATION

5A. **Supervisor Miley** – Accept the Alameda County Violence Prevention Initiative Work Plan; and authorize the Alameda County Violence Prevention Initiative Steering Committee to take appropriate steps toward implementation

Attachment
5B. *Supervisor Miley* – Approve the acceptance of the U.S. Department of Justice, Office of Justice Program award of Byrne Discretionary Grant funds in the amount of $250,000 to support the Alameda County Violence Prevention Initiative; authorize the Auditor-Controller to make the budget adjustments; and waive the competitive bid process and approve a contract (Procurement No. 4736) with certified SLEB vendor Urban Strategies (Principal: Junious Williams; Location: Oakland) for Alameda County Violence Prevention Initiative Project Management, 7/1/09 – 6/30/10 ($90,000) – (4/5 Vote)

Attachment

5C. *Supervisor Miley* – Authorize the Auditor-Controller to increase District 4 appropriations by $70,000 to be offset by Violence Prevention trust funds; and waive the competitive bid process and approve a contract (Procurement No. 4734) with certified SLEB vendor Hill & Company Communications (Principal: Jim Hill; Location: Oakland) to provide Communication Consultant Services to implement the communication strategy for the Alameda County Violence Prevention Initiative Work Plan, 10/1/09 – 9/30/10 ($70,000) – (4/5 Vote)

Attachment

5D. *Supervisor Miley* – Approve the use of $15,000 of District 4’s Fiscal Management Reward Funds to support programs related to violence prevention:

A. $5,000 for the Alameda County Office of Education Camp Sweeney to provide the “Empowering Young Men to Succeed” workshop for clients that participate in the Camp Sweeney weekend program for a six-month period; and

B. Waive the competitive bid process and approve a contract (Procurement No. 4735) in the amount of $10,000 with the Prevention Institute (Principal: Larry Cohen; Location: Oakland) to provide consulting services for the Alameda County Violence Prevention Initiative, 10/1/09 – 9/30/10 ($10,000)

Attachment

6. *Alameda County Fair Association* – Approve the 2010 Annual Budget for submission to the State of California – CAO Recommends: Approve

Attachment

7. *General Services Agency* – Accept the bid of and award a contract (Contract No. 4128) to Rodan Builders, Inc. (Principal: Dan Oliver; Location: Burlingame) in an amount not-to-exceed $2,055,000 for the make-ready work at the Highland Hospital Campus; approve the encumbrance of an additional $205,500 as a Supplemental Work Allowance for a total encumbered amount of $2,260,500 and authorize the Agency Director to issue change orders as necessary against the Supplemental Work Allowance; waive an inconsequential bid variance; and 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, and executed by the President of the Board – CAO Recommends: Approve

Attachment

8. *General Services Agency* – Accept the bid of and award a contract (Master Contract No. 900688, Procurement Contract No. 4755) to Polk Communications, Inc. (Principal: John Polk; Location: Oakland) in an amount not to exceed $45,608, for construction of the Auditor Audio Visual project; approve the encumbrance of an additional $4,561 as a Supplemental Work Allowance for a total encumbered amount of $50,169 and authorize the Agency Director to issue change orders as necessary against the Supplemental Work Allowance; and 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 and executed by the Agency Director – CAO Recommends: Approve

Attachment
9. **General Services Agency** – Authorize the Agency Director to accept grant funds in the amount of $20,000 from the California State Automobile Association’s Greenlight Initiative Grant Program for the conversion of a full-size pick-up truck to an electric powered drive system; and authorize and direct the Auditor-Controller to make the budgetary adjustments – CAO Recommends: Approve (4/5 Vote)

10. **Human Resource Services** – Second reading and adoption of an ordinance amending Appendix A of the December 31, 2006 – December 25, 2010 Memorandum of Understanding between the Northern California Public Sector Region Local 1021 of the Services Employees International Union, Change to Win and the County of Alameda – Continued from Tuesday, 10/27/09 (Item #27) for second reading

11. **Human Resource Services** – Second reading and adoption of the annual 2009-2010 Salary Ordinance – Continued from Tuesday, 10/27/09 (Item #28) for second reading

12. **Human Resource Services** – First reading and introduction of a Salary Ordinance amendment establishing a new job class in the Health Care Services Agency with salary administration criteria – CAO Recommends: Approve

13. **Human Resource Services** – First reading and introduction of an ordinance amending the Administrative Code allowing less than fulltime unrepresented management employees to receive prorated floating holiday provisions – CAO Recommends: Approve

14. **Human Resource Services** – First reading and introduction of a Salary Ordinance amending Section 7-14, Additional Vacation Purchase, and adopt a Sideletter of agreement between Alameda County Management Employee Association relating to the Vacation Purchase Program, with this provision extending to Unrepresented Management Employees as well – CAO Recommends: Approve

15. **Treasurer-Tax Collector** – First reading and introduction of an ordinance approving the annual reauthorization of the delegation of the Board’s Investment authority to the County Treasurer – CAO Recommends: Approve

16. **General Services Agency** – Accept the bid of and award a Design/Build contract (Contract No. 4759) to Clark Design/Build of California, Inc. (Principal: F. Robert Hood; Location: Oakland) in an amount not-to-exceed $430,800,000 for the Acute Tower Replacement Project at the Highland Hospital Campus; authorize the Agency Director to prepare the proper contract documents for completion by the Contractor, have said documents reviewed and approved by County Counsel and executed by the President of the Board; authorize the Agency Director to approve purchase order contracts up to $100,000 for this project on condition that the total of such purchase orders is within the overall project budget approved by your Board and in accordance with County Purchasing statutes and procurement policies; and authorize the payment of stipend of $500,000 to Hensel Phelps Construction Company (Principal: Jon W. Ball; Location: San Jose) as set forth in the Request for Proposals Project Manual in accordance with the design/build method authorize by the Board – CAO Recommends: Approve
16A. County Administrator – Approve and adopt an updated plan of finance for construction of the Highland Hospital Acute Care Tower Seismic Replacement Project
Attachment

17. County Administrator – Approve a Commitment Letter with Union Bank (Principal: Jonathan Carlysle; Location: Walnut Creek) in substantially final form for a direct pay letter of credit in the amount of $100 million to support the financing of the Highland Hospital Acute Tower Seismic Replacement Project; authorize the County Administrator to execute the final Commitment Letter upon review by County Counsel; and authorize the Auditor-Controller to pay related application fees and expenses in an amount not to exceed $45,000
Attachment

PUBLIC WORKS

18. Public Works Agency – Accept the bid and award Contract No. 4733 with Gallagher & Burk, Inc. (Principal: David DeSilva; Location: Oakland) in the amount of $10,219,893 based on the unit prices stated in its bid proposal for the Project, the Improvement of Lewelling Boulevard and East Lewelling Boulevard, Phase I from Interstate 880 to Meekland Avenue in the Unincorporated Area of Alameda County, California, Specification No. 1926; authorize the President of the Board to sign contract upon review by County Counsel, said work to be completed within four hundred fifty calendar days from the date of receipt of Notice to Proceed; and approve the encumbrance of an additional $1,021,989 as a Supplemental Work Allowance for a total encumbered amount of $11,241,882 for the project, and authorize the Agency Director to issue change orders as necessary against the Supplemental Work Allowance – CAO Recommends: Approve
Attachment

19. Public Works Agency – Adopt a resolution to approve and execute Program Supplement No. N067 to the Agency-State Agreement for Federal-aid Projects No. 04-5933R with the California Department of Transportation for the overlay of Altamont Pass Road, Murray Township, Alameda County ($1,2000,000) – CAO Recommends: Approve
Attachment

PUBLIC INPUT (TIME LIMIT: 3 MINUTES PER SPEAKER)

ADJOURNMENT

NEXT MEETINGS:

1 NOVEMBER 10, 2009 REGULAR CALENDAR
2 NOVEMBER 10, 2009 PLANNING MEETING
APPENDIX

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

PUBLIC ASSISTANCE

20. Social Services Agency – Approve a funding augmentation and related contract amendment to the Community-Based Organization Master Contract No. 900183, Procurement No. 4417 with Beyond Emancipation (Principal: Rick McCracken; Location: Oakland) for increased administration costs in the delivery of foster and emancipated youth aftercare services, 7/1/09 – 6/30/10, increasing the amount from $655,000 to $843,000 ($188,000 increase); and delegate authority to the Agency Director to execute the amendment under the master contract process
Attachment

HEALTH CARE SERVICES

21. Public Health Department – Receive a report on continuing existence of a local State of Emergency relative to the transmission of HIV and other blood-borne pathogens through contaminated needles
Attachment

GENERAL ADMINISTRATION

21A. Berkeley Unified School District – Adopt a resolution for the issuance and sale of 2009 Tax and Revenue Anticipation Notes
Attachment

22. Treasurer-Tax Collector – Approve the Investment Report for September 2009
Attachment

Attachment

END OF CONSENT

OUT-OF-STATE TRAVEL

Attachment

Attachment
   Attachment

   Attachment

   Attachment