San Mateo County Board of Supervisors

MINUTES

Board Members
Dave Pine
Carole Groom
Don Horsley
Rose Jacobs Gibson
Adrienne J. Tissier

County Manager/ Clerk of the Board
John L. Maltbie

County Counsel
John C. Beiers

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The meeting was called to order at 9:05 a.m.

December 11, 2012

PLEDGE OF ALLEGIANCE

ROLL CALL – Present: Supervisors Pine, Groom, Horsley, Jacobs Gibson and Tissier
Absent: None

PUBLIC COMMENT

Speakers recognized by the President:
Shandon Lloyd, Portola Valley
Grant Meyer, Clearlake
Martin Fox, Belmont
Nick Raisch, SEIU 521
John M. Blake, Redwood City
Joseph W. Carcione, Menlo Park
Bill Garrett, Fuller Street Properties, LLC
Kurt Anderson, Fuller Street Partners, LLC
Mark Johnson, The Acclaim Companies

ACTION TO SET AGENDA and TO APPROVE CONSENT AGENDA ITEMS

Motion: Tissier / Second: Pine

(This item is to set the final consent and regular agenda, and for the approval of the items listed on the consent agenda. All items on the consent agenda are approved by one roll call motion.)

PRESENTATIONS AND AWARDS

1. Presentation of a resolution **(3391)** honoring Jack Yaco for his years of service to the County of San Mateo (Supervisor Adrienne Tissier)

   Speakers recognized by the President:
   Supervisor Adrienne Tissier, Board of Supervisors
   Paul Okada, County Counsel
   Dennis Pantano, Assessment Appeals Board

Jack Yaco, Recipient

Motion: Tissier / Second: Jacobs Gibson

2. Presentation of a resolution by the San Mateo County HIV Program Community Board honoring Supervisor Rose Jacobs Gibson for her leadership and service to the community (Supervisor Adrienne Tissier)

Speakers recognized by the President:
Supervisor Adrienne Tissier, Board of Supervisors
John Andrews, Secretary of the San Mateo County HIV Program Community Board
Cassandra Roberts, San Mateo County HIV Program Community Board Member
Susan Spears, San Mateo County HIV Program Community Board Member
Luther Brock, San Mateo County HIV Program Community Board Member

3. Recognition of The Underwire Project for Digital Mammography at the San Mateo Medical Center and presentation of the video, "San Mateo Medical Center: San Mateo's Hidden Gem" (Supervisor Adrienne Tissier)

Speakers recognized by the President:
Supervisor Adrienne Tissier, Board of Supervisors
Supervisor Carole Groom, Board of Supervisors
Dr. Susan Ehrlich, Health System
Lilli Rey, The Underwire Project
Sibylle Whittam, The Underwire Project
Jill Grossman, The Underwire Project

4. Presentation of commendations to William La Herran, Jr. and Judy Shamshikh for their efforts on behalf of the Children's Fund (Supervisor Adrienne Tissier)

Speakers recognized by the President:
Supervisor Adrienne Tissier, Board of Supervisors
Beverly Beasley Johnson, Human Services Agency
Judy Shamshikh, Recipient

5. Presentation of commendations commending employers, community partners and County staff for their contributions to the success of San Mateo County's first Job Fair for Formerly Incarcerated residents (Supervisor Rose Jacobs Gibson)

Speakers recognized by the President:
Supervisor Rose Jacobs Gibson, Board of Supervisors
Supervisor Adrienne Tissier, Board of Supervisors
Supervisor Don Horsley, Board of Supervisors
Supervisor Dave Pine, Board of Supervisors
Marcy Orosco ,The Salvation Army Harbor House

6. Presentation of the 2012 Women in County Government honorees: (Supervisor Carole Groom)

A) Rookie of the Year - Kristi Chauvin Baker **(3392)**

B) Development: Self and/or Others - Dr. Janet Chaikind **(3393)**

C) Public Service/ Community Service, The Extra Mile - Shirley Lamarr **(3394)**

Speakers recognized by the President:
Supervisor Carole Groom, Board of Supervisors
Kristi Chauvin Baker, Recipient
Shirley Lamarr, Recipient

MATTERS SET FOR SPECIFIED TIME

Times listed under this section are approximate. The Board makes every effort to adhere to the times listed, but in some cases, because of unexpected presentations, items may not be heard precisely at the time scheduled. In no case will any item be heard before the scheduled time.

7. 9:00 a.m.

Public hearing to consider a resolution **(072276)** adopting the garbage and recyclables collection rates for the unincorporated franchised areas within the South Bayside System Management Authority service area, exclusive of County Service Area No. 8 North Fair Oaks and West Bay Sanitary District (Department of Public Works)

1) Report and recommendation

2) Close hearing

Motion: Tissier / Second: Horsley

3) Adopt resolution

Motion: Jacobs Gibson / Second: Horsley

Speakers recognized by the President:
Jim Porter, Public Works
Patricia Oren, Redwood City

Ayes: Supervisors Pine, Groom, Horsley, Jacobs Gibson and Tissier
Noes: None

8. 9:15 a.m.

Resolution **(072277)** authorizing an agreement with Peninsula Health Care District accepting a grant in support of the County's Access to Care for Everyone Program for FY 2012-13, in the amount of $2,300,000 (Health System)

Speakers recognized by the President:
Dr. Susan Ehrlich, Health System

Motion: Horsley / Second: Groom

Ayes: Supervisors Pine, Groom, Horsley, Jacobs Gibson and Tissier
Noes: None

9. 1:30 p.m.

Presentation of Service Awards, 455 County Center, Room 101, Redwood City (County Manager)

REGULAR AGENDA

HEALTH PLAN OF SAN MATEO

10. Director's Report

Speakers recognized by the President:
Maya Altman, Health Plan of San Mateo
Martin Fox, Belmont

PLANNING AND BUILDING

11. Public hearing to consider extending the Urgency Ordinance **(04640)** amending, on an interim basis, Chapter 15, Neighborhood Business District of the San Mateo County Zoning Regulations, relating to 3821 Fair Oaks Avenue, in the unincorporated North Fair Oaks area, and waiver of the ordinance in its entirety (4/5ths vote required) (Planning and Building)

1) Report and recommendation

2) Adopt ordinance

Motion: Groom / Second: Horsley

Speakers recognized by the President:
Jim Eggemeyer, Planning and Building
John Nibbelin, Chief Deputy County Counsel
Janet Davis, Menlo Park
Laura Caplan, Menlo Park
Janet Davis, Menlo Park
David Bui, Menlo Park
Cindy Romein, Menlo Park
Supervisor Adrinne Tisssier, Board of Supervisors
Supervisor Dave Pine, Board of Supervisors

Ayes: Supervisors Pine, Groom, Horsley, Jacobs Gibson and Tissier

Noes: None

12. Introduction of an ordinance adding Chapter 1.40 Administrative Remedies to the San Mateo County Ordinance Code, amending Chapter 2.60 Planning and Building Department of the San Mateo County Ordinance Code, amending Chapter 31 Enforcement, Legal Procedure, Penalties of the San Mateo Zoning Regulations, and deleting Chapter 31.5 Administrative Fines from the San Mateo County Zoning Regulations and waiver of reading the ordinance in its entirety

This item was continued to the meeting of January 8, 2013 for adoption.

Speakers recognized by the President:
Steve Monowitz, Planning and Building
John Nibbelin, County Counsel
Supervisor Don Horsley, Board of Supervisors
Supervisor Adrienne Tissier, Board of Supervisors
Supervisor Dave Pine, Board of Supervisors

PUBLIC WORKS

13. Resolution **(072278)** authorizing the adoption, implementation, and funding of the Strategic Energy Master Plan for County Facilities

Speakers recognized by the President:
Jim Porter, Public Works
Supervisor Adrienne Tissier, Board of Supervisors
Supervisor Don Horsley, Board of Supervisors
Supervisor Dave Pine, Board of Supervisors

Motion: Jacobs Gibson / Second: Pine

Ayes: Supervisors Pine, Groom, Horsley, Jacobs Gibson and Tissier
Noes: None

COUNTY MANAGER

14. Accept this report: Public Safety Realignment Local Implementation Report, Number 2 - July 2012 through September 2012

This item was moved to the consent agenda.

BOARD OF SUPERVISORS

15. Resolution **(072279)** authorizing and directing the President of the Board of Supervisors to execute an agreement with John L. Maltbie for services as County Manager for a term beginning December 23, 2012 through and including December 22, 2016 (Supervisor Adrienne Tissier)

Speakers recognized by the President:
Supervisor Adrienne Tissier, Board of Supervisors
Janet Davis, Menlo Park
Martin Fox, Belmont
Rebecca Nassarre, San Mateo

Motion: Tissier / Second: Horsley

Ayes: Supervisors Pine, Groom, Horsley, Jacobs Gibson and Tissier
Noes: None

16. Resolution **(072314)** authorizing a transfer in the amount of $542,500 from Non-Departmental Services ERAF Reserves to Engineering Services in the amount of $392,500 and CSA 11 in the amount of $150,000 in the Department of Public Works and Parks for specific projects to address the flooding of Pescadero Creek Road and the town's water system (4/5ths vote required) (Supervisor Don Horsley)

Speakers recognized by the President:
Supervisor Don Horsley, Board of Supervisors
Mike Polacek, Pescadero Municipal Advisory Council

Motion: Groom / Second: Horsley

Ayes: Supervisors Pine, Groom, Horsley, Jacobs Gibson and Tissier
Noes: None

17. Board members' reports:

Supervisor Dave Pine - Recognized Supervisor Carole Groom on her appointment to the California Coastal Commission

Supervisor Don Horsley – Thanked everyone for their participation and support in the Agricultural Workshop

Speakers recognized by the President:
Martin Fox, Belmont

CONSENT AGENDA

All items on the consent agenda are approved by one roll call motion unless a request is made at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda. Any item on the regular agenda may be transferred to the consent agenda.

18. Approve the minutes from the meeting of November 20, 2012

AGRICULTURE\WEIGHTS & MEASURES

19. Resolution **(072280)** authorizing an Agreement with the California Department of Food and

Agriculture for detection and trapping of the Mediterranean fruit fly and other economically important plant pests for FY 2012-13, in an amount not to exceed $552,190

ASSESSOR-COUNTY CLERK-RECORDER

20. Resolution **(072281)**:

    A) Accepting the certificate of the Chief Elections Officer as the statement of the result of the vote as determined by the official canvass of the November 6, 2012 Presidential General Election;

    B) Declaring the person or persons elected to certain offices;

    C) Declaring the results of certain measures voted on

COUNTY MANAGER

21. Resolution **(072282)** waiving the Request for Proposals process and authorizing an agreement with The Cenetri Group for consulting services to the Workforce Investment program in the areas of: Labor Market Information strategies, Economic Development assistance, strategic planning, and reinvention of employment and skills services for the term of December 11, 2012 through December 31, 2013, in the amount of $100,055

22. Resolution **(072283)** authorizing the County Manager or his designee to execute an amendment to the Commercial Brokerage Agreement with Cornish and Carey Commercial Newmark Knight Frank, extending the term through July 1, 2013 with one option to extend for an additional six month period

23. Resolution **(072284)** authorizing a lease with Lebherz Ventures, LLC, of 3,620 square feet of office space located at 477 9th Avenue in San Mateo, for the County Health System's Women, Infants and Children program, for a term of ten years, at an initial monthly base rent of $7,300

24. Resolution **(072285)** authorizing a Ground Lease with Steve and Judy Wilson for a Communications Site in unincorporated La Honda, for the term of January 1, 2013 through December 31 , 2017, with 4 options to extend for an additional 5 years each, at an initial monthly base rent of $1,400.00, which increases annually by 3%

25. Resolution **(072286)** authorizing:

    A) The President of the Board to execute an Affordable Housing agreement with Fuller Street Partners, LLC for the road parcel located at 490 Winslow Street, Redwood City

    B) The County Manager or designee to execute on behalf of the County any and all notices, escrow instructions, and other documents in connection with the agreement

26. Resolution **(072287)** authorizing a Cooperative agreement for right-of-way acquisition and related services to be provided to the San Mateo County Transit Authority District for

Measure A transportation projects

27. Resolution **(072288)** declaring certain County-owned unimproved real property in Redwood City as surplus to the needs of the County in order to facilitate the use of that property for development

28. A) Introduction of an ordinance amending the Master Salary Ordinance to add 5 unclassified Appraiser series positions in the Assessor-County Clerk-Recorder Department and waiver of reading the ordinance in its entirety

This item was continued to the meeting of January 8, 2013 for adoption.

B) Resolution **(072315)** authorizing a transfer in the amount of $179,100 from Non-Departmental Services Reserves and $90,000 from Appraisal Services Extra-Help to Appraisal Services Salary and Benefits in the Assessor-County Clerk-Recorder Department

COURTS

29. Approve the reappointments of Mieke Bloomfield, Rebecca L. Ross, and Susan Swope to the Juvenile Justice & Delinquency Prevention, terms expiring December 31, 2016

GOVERNING BOARD

30. Acting as the Governing Board of Commissioners of the Housing Authority, adopt Resolution 2012-15 **(072289)** authorizing the Executive Director of the Housing Authority of the County of San Mateo, or the Executive Director's designee, to execute an amendment to the Moving To Work Agreement between the U.S. Department of Housing and Urban Development and the Housing Authority of the County of San Mateo (Department of Housing)

HEALTH SYSTEM

31. Resolution **(072290)** authorizing an amendment to the agreement with the California Department of Public Health to provide primary health care and psycho-social services for the term of July 1, 2010 through June 30, 2013, decreasing the amount by $219,199 to $1,517,335

32. Resolution **(072291)** authorizing an agreement with Quest Diagnostics Nichols Institute for laboratory reference testing for San Mateo Medical Center for the term of November 1, 2012 through October 31, 2015, in an amount not to exceed $2,700,000

33. Resolution **(072292)** authorizing an agreement with Total Renal Care, Inc. to provide acute inpatient dialysis services at the San Mateo Medical Center for the term of December 1, 2012 through November 30, 2015, in an amount not to exceed $1,500,000

34. Resolution **(072293)** authorizing an agreement with Daniel T. Kresteller, Certified Public Accountant for the provision of certified public accountant/tax preparer services for the term of January 1, 2013 through December 31, 2013, in an amount not to exceed $125,000

35. Resolution **(072294)** authorizing an amendment to the agreement with Edgewood Center for Children and Families for day treatment services, increasing the amount by $20,600 to $1,236,732

36. Resolution **(072295)** waiving the Request for Proposals process and authorizing an amendment to the agreement with Social Interest Solutions, Inc. to provide maintenance, technical support, and system expansion of the One-e-App program, extending the term through June 30, 2014, increasing the amount by $172,812 to $892,631

37. Resolution **(072296)** waiving the Request for Proposals process and authorizing an amendment to the agreement with Kevin W. Harper, CPA & Associates for financial services, extending the term through December 31, 2013, increasing the amount by $140,000 to $240,000

38. Resolution **(072297)** authorizing an amendment to the agreement with J. Muir Hooper, M.D. for the provision of psychiatry services, increasing the amount by $49,843 to $386,291

39. Resolution **(072298)** authorizing an amendment to the agreement with Deval Shah, M.D. for the provision of psychiatry services, decreasing the amount by $52,216 to $261,080

40. Resolution **(072299)** amending the Mental Health & Substance Abuse Recovery Commission ByLaws

41. Introduction of an ordinance amending Ordinance 04629 and waiver of reading the ordinance in its entirety

    This item was continued to the meeting of January 8, 2013 for adoption.

42. Introduction of an ordinance amending the Master Salary Ordinance and waiver of reading the ordinance in its entirety

    This item was continued to the meeting of January 8, 2013 for adoption.

43. Introduction of an ordinance repealing and replacing Sections 4.72.010 through 4.72.130 and adding Sections 4.72.140 through 4.72.150 to Chapter 4.72 of Title 4 of the San Mateo County Ordinance Code relating to backflow prevention and waiver of reading the Ordinance in its entirety

    This item was continued to the meeting of January 8, 2013 for adoption.

HOUSING

44. Resolution **(072300)** authorizing the Director of the Department of Housing or the Director's designee to execute an agreement with CORA for the term of July 1, 2012 through June 30, 2014, in the amount of $131,000.

HUMAN RESOURCES

45. Resolution **(072301)**:

A) Authorizing the Human Resources Director to execute renewal agreements with Blue Shield of California for the provision of health coverage for County employees, retirees and their dependents for the term of January 1, 2013 through December 31, 2013, in an amount not to exceed $53 million; and

B) Waiving the Request for Proposal process and authorizing the Human Resources Director to execute renewal agreements with Kaiser Permanente and Secure Horizons for the provision of health coverage for County employees, retirees and their dependents for the term of January 1, 2013 through December 31, 2013, in an amount not to exceed $47 million

46. Resolution **(072302)** waiving the Request for Proposals process and authorizing an agreement with CONCERN:EAP as the County's Employee Assistance Program vendor to provide work-life benefits and resources to County employees and their dependents for the term of January 1, 2013 through December 31, 2015, in an aggregate amount not to exceed $415,000

47. Resolution **(072303)**:

A) Closing retirement Plan 3 as set forth in Article 1.6. of the County Employees' Retirement Law effective on December 23, 2012, for all "new members" of the retirement system as defined by the California Public Employees' Pension Reform Act of 2013; and

B) Closing retirement Plan 3 as set forth in Article 1.6. of the County Employees' Retirement Law effective on December 23, 2012, for all employees who are not "new members" of the retirement system as defined by the California Public Employees' Pension Reform Act of 2013, pending completion of a meet and confer process with affected labor organizations

48. Introduction of an ordinance amending Ordinance 04629 increasing the County Manager's salary and waiver of reading the ordinance in its entirety

This item was continued to the meeting of January 8, 2013 for adoption.

49. Introduction of an ordinance amending the salary ordinance to reflect the deletion of two positions, addition of eight positions, and reclassification of one position; and accepting the report on the total number of positions in the County and waiver of reading the ordinance in its entirety

This item was continued to the meeting of January 8, 2013 for adoption.

50. Adoption of an ordinance **(04641)** amending the salary ordinance to reflect the deletion of two positions, addition of three positions, reclassification of four positions, and conversion of two positions to Confidential, and accepting the report on the total number of positions in the

County, previously introduced on November 20, 2012 and waiver of reading the ordinance in its entirety

INFORMATION SERVICES

51. Resolution **(072304)** authorizing amendments to the agreements with 314e Corporation and AgreeYa Solutions, for contingency staffing services, increasing each by $2,000,000 to an amount not to exceed $3,500,000 in aggregate

PLANNING AND BUILDING

52. Resolution **(072305)** approving a minor modification to the Local Hazard Mitigation Plan for the Unincorporated County

PROBATION

53. Resolution **(072306)** authorizing an amendment to the agreement wtih Boys and Girls Club of the Peninsula to provide mentoring for at-risk and system involved youth, increasing the amount by $53,334 to $213,334

54. Resolution **(072307)** authorizing amendments to the agreements with El Centro de Libertad increasing the amount by $57,844 to $231,379, Peninsula Conflict Resolution Center increasing the amount by $116,736 to $466,941, Pyramid Alternatives increasing the amount by $112,680 to $450,717, and Urban Services YMCA c/o YMCA San Francisco increasing the amount by $126,086 to $504,347 to provide services to at-risk and system involved youth

PUBLIC WORKS

55. Resolution **(072308)** authorizing the Director of Public Works and Parks or his designee to apply for and accept a California Natural Resources Agency grant for the Devil's Slide Trail Project in the amount of $270,000

56. Resolution **(072309)** authorizing an agreement with Asset Works for the provision and installation of an electronic vehicle reservation system for 170 County motor pool vehicles for the term of December 11, 2012 through December 10, 2017, in an amount not to exceed $275,000

57. Resolution **(072310)** authorizing agreements with Agbayani Construction Corporation, Therma Corporation, and EMCOR Service Mesa Energy Systems, Inc., for the Job Order Contracts – Mechanical Works, each in an amount not to exceed $4,400,000

58. Resolution **(072311)** authorizing agreements with consulting firms for On-Call Park Professional Services for the term of December 11, 2012 through December 11, 2015, in an amount not to exceed $300,000 to $500,000 per agreement

59. Resolution **(072312)** authorizing an amendment to the agreement with Parsons Brinckerhoff, Inc. for engineering services for the Crystal Springs Dam Bridge Replacement Project, extending the term through December 31, 2015, increasing the amount by $254,210 to

$846,210

TREASURER

60. Resolution **(072313)** authorizing discharge of accountability for collection of costs, fines, fees and assessments for the County of San Mateo for accounts that became uncollectible in fiscal years 2008-2009, 2009-2010 and 2010-2011

CLOSED SESSION

(The Board will adjourn to closed session to consider the following items at the end of the agenda, or at any time during the meeting as time permits. At the conclusion of closed session, the Board will reconvene in open session to report on any actions taken for which a report is required by law.)

A) **Conference with Legal Counsel - Existing Litigation**

Satorre, Ray, et al., v. Mark Church, et al.
San Mateo County Superior Court Case No. 504866

B) **Conference with Legal Counsel - Anticipated Litigation**

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9
One case

C) **Conference with Legal Counsel - Anticipated Litigation**

Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9
One case

The Board recessed to regular closed session at 12:01 p.m.

The Board reconvened the open session at 1:20 p.m.

County Counsel made the following report: No reportable action was taken.

The meeting was adjourned at 1:21 p.m. in memory of Mike Nevin, Executive Director of San Mateo County Service League, Leyla Beban, and Donny McClymond.