REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, April 17, 2012, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
333 W. Santa Ana Blvd., 10 Civic Center Plaza
Santa Ana, California

JOHN M. W. MOORLACH
CHAIRMAN
Second District

SHAWN NELSON
VICE CHAIRMAN
Fourth District

JANET NGUYEN
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

PATRICIA BATES
SUPERVISOR
Fifth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Susan Novak

INVOCATION: Supervisor Nguyen, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Campbell, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Moorlach presented a proclamation for Weapons Station Seal Beach-2012 Navy Installation Excellence Award for Small Installations

Chairman Moorlach presented a resolution proclaiming April 8-14, 2012 as "Public Safety Telecommunicators Week"

II. CONSENT CALENDAR (Items 1-34)

43152 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 19 WHICH WAS CONTINUED TO 5/1/12, 9:30 A.M.; ITEMS 8, 12, 14, 15, 16, 21, 24 & 33 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE; AND SUPERVISOR BATES ABSTAINED ON ITEM 20**

BOARD APPOINTMENTS

1. **Supervisor Campbell** - Mental Health Board - Reappoint Naomi Lonky, Yorba Linda, for term ending 11/19/14

2. **Chair Moorlach** - Orange County Veterans Advisory Council - Reappoint Lee Dorman, Fountain Valley and John Henage, Anaheim, for terms ending 3/27/14

Supervisor Nelson:

3. Senior Citizens Advisory Council - Reappoint Yvonne Mitchell, Placentia, for term ending 12/31/13

4. Mental Health Board - Reappoint Greg Swift, Buena Park, for term ending 4/4/15

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

5. Approve agreement PO-060-12011831 with Stancil Corporation for purchase and installation of digital recording systems at six hospitals ($58,024); and authorize Purchasing Agent or authorized deputy to execute agreement - All Districts

6. Approve amendment 3 to agreement MA-060-11012056 with Pacific Maritime Industries Corporation for mattress purchase and re-cover services, increasing the monetary limit for period ending 6/28/12 ($60,000; new total $270,000) and renewing agreement as MA-060-12011434 for a one-year period and increasing the monetary limit, 6/29/12 - 6/28/13 ($35,000; new total $305,000); renewable for two additional years - All Districts

7. Adopt resolution recognizing the Orange County California Citizen Corps Council and authorizing Sheriff-Coroner to assist with activities to support Council - All Districts
RESO: 12-035

8. Adopt resolution rescinding Resolution 09-017 and amending the membership of the Emergency Management Council by adding John Wayne Airport as a voting member - All Districts
24135 **APPROVED AS RECOMMENDED**
RESO: 12-036

9. Approve amendment 1 to agreement MA-060-12011572 with SimplexGrinnell LP for preventive maintenance and repair of fire protection system, Theo Lacy Facility, 5/23/12 - 5/22/13 ($268,800); and authorize Purchasing Agent or authorized Deputy to execute amendment - District 3

10. Approve amendment 1 to agreement with J.C. Chang & Associates, Inc. for design for the replacement of three hot water heat exchangers, Central Men's Jail ($5,640; new total $24,570); authorize Sheriff-Coroner or designee to execute amendment; and make California Environmental Quality Act findings - District 1

11. Approve amendment 1 to agreement MA-060-12011124 with California Forensic Phlebotomy, Inc. for phlebotomy services related to blood alcohol testing, 4/18/12 - 4/17/13 ($225,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

12. Approve amendment 1 to five-year agreement with U.S. Immigration and Customs Enforcement (ICE), to add the Women's Jail Infirmary as an ICE-certified 72-hour facility; and authorize Sheriff-Coroner or designee to execute agreement - All Districts

25134 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

13. Approve amendment 1 to agreement with Behavioral Health Services, Inc. for Inpatient Substance Abuse Detoxification services, 7/1/12 - 6/30/13 ($45,100; new total $210,650); and authorize Director or designee to execute amendment - All Districts

14. Approve master agreement with various providers of Outpatient Services for Children and Transitional Age Youth with Co-Occurring Mental Health and Substance Abuse Disorders, 7/1/12 - 6/30/14 ($275,000 per year); and authorize Director or designee to execute agreement - All Districts

23145 **APPROVED AS RECOMMENDED**

15. Approve master agreement with various providers of Mental Health Inpatient Services for Adolescents and Children, 7/1/12 - 6/30/14 ($249,843 per year); and authorize Director or designee to execute agreements - All Districts

23145 **APPROVED AS RECOMMENDED**

16. Approve agreement with Orange County Association for Mental Health dba Mental Health Association of Orange County for Children and Transitional Age Youth Mentoring services, 7/1/12 - 6/30/13 ($500,000); and authorize Director or designee to execute agreement - All Districts

23145 **APPROVED AS RECOMMENDED**

17. Approve amendment 1 to agreements with AIDS Services Foundation Orange County, 7/1/11 - 6/30/12 ($52,627; new total $227,627) and 7/1/12 - 12/31/12 ($87,500; new total $315,127) and The Gay and Lesbian Community Services Center of Orange County, 7/1/11 - 6/30/12 ($14,298; new total $118,798) and 7/1/12 - 12/31/12 ($52,250; new total $171,048) for HIV Prevention services; and authorize Director or designee to execute amendments - All Districts

18. Approve renewal of master agreement MA-042-11011951 as MA-042-12011286 with LiveProcess Corp. for Health Incident Management System software licensing and maintenance support services, 8/1/12 - 7/31/13 ($146,160) - All Districts

OC DANA POINT HARBOR

19. Select Dana Point Marina Company as primary, Almar Management as first alternate and TBW Company as second alternate firms for marina management services for West Basin Marina, Dana Point Harbor; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 5 (Continued from 3/27/12, Item 11)

43152 **CONTINUED TO 5/1/12, 9:30 A.M.**

OC COMMUNITY RESOURCES

20. Approve a one-year extension of six on-call architect/engineer and professional consultant services ranked selection lists for civil engineering, architecture, landscape architecture, project management, contract administration/contract management, and environmental/regulatory permitting services for OC Parks capital, rehabilitation and refurbishment projects extending term to 7/13/13; and make California Environmental Quality Act findings - All Districts

43152 A **APPROVED AS RECOMMENDED**

21. Approve plans and specifications and set bid opening for 5/16/12, 2:00 p.m., for beam replacement project, Costa Mesa Donald Dungan Branch Library; and make California Environmental Quality Act findings - District 2

24135 **APPROVED STAFF RECOMMENDATIONS WITH DIRECTION FOR STAFF TO DELAY PUTTING OUT TO BID FOR SEVERAL DAYS TO ALLOW CHAIRMAN TO DISCUSS WITH COSTA MESA**

22. Deny bid protest of RAN Enterprises, Inc.; receive bids and award contract to JMS Air Conditioning and Appliance Service Inc. dba JMS A/C & Heating for heating, ventilation, and air conditioning (HVAC) system upgrade project, Westminster Branch Library ($318,000) - District 1

23. Approve interim management agreement C-1-3189 with Orange County Transportation Authority for management of the O'Neill Oaks property, 5/1/12 - 4/30/14 with option to renew for one additional one-year period - District 3

24. Approve 2012-16 Area Plan for Planning & Service Area 22; approve and submit Transmittal Letter to State Department of Aging; and authorize Director or designee to execute and submit subsequent area plan updates and amendments to State Department of Aging during 2012-16 planning period without further Board action - All Districts

25134 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

25. Approve quitclaim deed to the City of Laguna Hills for widening of Moulton Parkway Smart Street project; and make California Environmental Quality Act and other findings - District 5

26. Adopt resolution approving Orange County Traffic Engineering Unit Staff Report establishing 25 miles per hour "Radar Enforced" speed limit and emergency stopping restrictions on Trabuco Creek Road; and make California Environmental Quality Act findings - Districts 3 and 5

RESO: 12-037

27. Approve assignment, novation and consent agreement with Winzler & Kelly to GHD Inc. for on-call plan check services; authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

28. Select Jacobs Engineering Group, Inc. as primary and Arup North American as alternate firms for architect-engineering services for Central Utility Facility 2011-2021 Project; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 1

29. Approve agreement MA-080-12011450 with Jonset Corporation dba Sunset Property Services for Countywide street sweeping services, 5/1/12 - 4/30/13 ($417,641); renewable for four additional one-year periods; authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

OC WASTE & RECYCLING

30. Receive bids and award contract to FORE Engineering Construction, Inc. for Segunda Deshecha Pre-Mitigation Irrigation Supply project, Prima Deshecha Landfill ($728,991); and make California Environmental Quality Act findings - District 5

GENERAL ADMINISTRATION

31. **Clerk of the Board -** Approve modification to the 2012 Board of Supervisors' regular meeting schedule to cancel the 5/15/12 meeting - All Districts

32. **County Executive Office -** Receive and file charitable organization actual income/expenses for 2011 and planned activities for 2012 - All Districts

33. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for March 2012 - All Districts

43152 **APPROVED AS RECOMMENDED**

34. **Registrar of Voters -** Adopt resolution approving State agreement 11S52063 for Help America Vote Act (HAVA) and Federal Voting Assistance Program (FVAP) funds for interactive online voter registration system, through 7/1/12 ($239,240); and authorize Registrar of Voters or designee to execute agreement and make non-monetary and non-material changes and submit all related documents to Secretary of State for completion of system; and approve agreement MA-031-12011579 with DFM Associates to modify Election Information Management System (EIMS) software to allow online voter registration, 4/18/12 - 7/1/12 ($239,240); and authorize Purchasing Agent or authorized Deputy to execute agreement and make non-monetary and non-material changes - All Districts
RESO: 12-038

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 35-56)

ELECTED DEPARTMENT HEADS

35. **District Attorney -** Approve lease agreement DA-11-002 with Birtcher Anderson Investors, LLC for office space at 801 Civic Center Drive West, Santa Ana; and make California Environmental Quality Act findings - District 1 (Continued from 12/13/11, Item 27; 1/10/12, Item 24; 2/7/12, Item 27; 2/28/12, Item 30; 3/6/12, Item 18; 3/27/12, Item 28)
13452 **CONTINUED TO 5/1/12, 9:30 A.M.**

36. **Sheriff-Coroner -** Approve agreement MA-060-12011305 with Identix Incorporated for live scan equipment, accessories, supplies, software and maintenance, 4/20/12 - 4/19/14 ($800,000); renewable for one additional year ($400,000); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts
43152 **APPROVED AS RECOMMENDED**

37. **Treasurer-Tax Collector -** Receive and file 2011 Treasury Oversight Committee (TOC) Annual Report - All Districts
B.O. **CONTINUED TO 5/8/12, 9:30 A.M.**

HEALTH CARE AGENCY

38. Approve master agreement with various providers of Adult Mental Health services, 7/1/12 - 6/30/14 ($7,328,866 per year); and authorize Director or designee to execute agreements - All Districts
34152 **APPROVED AS RECOMMENDED**

39. Approve master agreement with various providers of Outreach and Engagement services for mental health, 7/1/12 - 6/30/13 ($2,208,330); and authorize Director or designee to execute agreements - All Districts
13452 **APPROVED AS RECOMMENDED**

40. Approve agreement with ASC Treatment Group dba Anne Sippi Clinic for Adult Mental Health Intensive Rehabilitation services, 7/1/12 - 6/30/14 ($204,400 per year); approve master agreement with various providers of Adult Mental Health Skilled Nursing with special treatment services, 7/1/12 - 6/30/14 ($9,325,717 per year); and authorize Director or designee to execute agreements - All Districts
43152 **APPROVED AS RECOMMENDED**

41. Approve agreement with College Community Services for Mental Health Peer Support and Wellness Center services, 7/1/12 - 6/30/14 ($1,482,235 per year); and authorize Director or designee to execute agreement - All Districts
43152 **APPROVED AS RECOMMENDED**

42. Approve amendment 1 to agreement 09-86031 with State Department of Health Care Services for claiming reimbursement for Medi-Cal Administrative Activities, 7/1/09 - 6/30/14 ($32,500,000); and authorize Director or designee to execute agreement, exhibits and Contractor's Release form upon submission of final invoice and LGA Consortium Participation agreement and exhibits in conjunction with and as requirement - All Districts
14352 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

43. Approve OC Public Libraries Internet Usage Policy; and authorize OC Public Librarian to implement content filtering solution for all branch library computers and devices connected to Wi-Fi, effective 4/3/12 - All Districts

51342 **APPROVED AS RECOMMENDED**

44. Approve agreements OCP12-010 with Project Partners, Inc. for architect/engineer on-call project management services, OCP12-013 with LSA Associates for on-call environmental and regulatory permitting services, and OCP12-014 with Saxon Engineering Services, Inc. for on-call civil engineering services to provide support completion of OC Parks projects, for terms of three years commencing on date of execution ($400,000 each); and make California Environmental Quality Act findings - All Districts

45132 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

45. Approve Contract Change Order No. 31 to agreement D10-055 with R. J. Noble Company for roadway structural section removal, Midway City area ($270,200); and make California Environmental Quality Act findings - District 1

14352 **APPROVED AS RECOMMENDED**

46. **Acting as the Orange County Flood Control District -** Approve agreement D12-006 with the Orange County Water District for construction improvements to Fletcher Retarding Basin ($3,000,000); and make California Environmental Quality Act findings - District 3

31452 **CONTINUED TO 5/1/12, 9:30 A.M.**

47. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreement D12-005 with RBF Consulting for on-call environmental services and D12-004 with Dudek for on-call regulatory permitting services, 4/17/12 - 4/16/15 ($400,000 each); and make California Environmental Quality Act findings - All Districts

43152 **APPROVED RECOMMENDED ACTIONS #1 & 3**

43152 A **APPROVED RECOMMENDED ACTION #2**

OC WASTE & RECYCLING

48. Receive bids and award contract to Sukut Construction Inc. for Zone 1 Phase C3 Groundwater Protection Composite Liner project, Prima Deshecha Landfill ($7,377,709); and make California Environmental Quality Act findings - District 5

54132 **APPROVED AS RECOMMENDED**

49. Approve agreement MA-299-12011596 with Geosyntec Consultants for construction management, quality assurance/quality control and archaeological/paleontological services, South Region Landfills, 4/17/12 - 4/16/15 ($2,400,000) - Districts 2, 3 & 5

35142 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

50. **Probation -** Approve master Memorandum of Understanding (MOU) with various cities for

enhanced law enforcement overtime services for implementation plan for public safety realignment and postrelease community supervision, 10/1/11 - 6/30/12; authorize Chief Probation Officer to execute and renew individual MOUs; and make California Environmental Quality Act findings - All Districts

34152 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

51. Approve Memorandum of Understanding with Judicial Council of California, Administrative Office of the Courts (AOC) for installation of Wi-Fi equipment in courts; and make California Environmental Quality Act findings - All Districts

43152 **APPROVED AS RECOMMENDED**

52. Approve grant applications/awards submitted by OC Public Works, Sheriff-Coroner and OC Community Resources/OC Parks in 4/17/12 grant report and other actions as recommended; adopt resolution authorizing OC Public Works Director or designee to apply for and execute Environmental Cleanup, Tier 1 Grant Program for Catch Basin Screens Phase 2 Project and to invoice Orange County Transportation Authority for payment; adopt resolution approving agreement 11-204-802 with State Department of Boating and Waterways for law enforcement training courses - All Districts

41352 **APPROVED AS RECOMMENDED**
RESO: 12-039 - 12-040

53. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts

24135 **APPROVED AS RECOMMENDED**

54. Declare Emergency pursuant to Public Contract Code Section 22050; authorize Public Works Director or designee to negotiate and award an agreement with Myers, Houghton & Partners, Inc. dba MHP, Inc. for architect-engineer services for design and construction support for Emergency Project Data Center HVAC 2012 upgrades ($75,000); authorize Public Works Director or designee to negotiate and award an agreement with West Coast Air Conditioning Co., Inc. for installation of new plumbing and electrical infrastructure ($677,000); set review to determine continuing need for emergency action for 5/1/12, 9:30 a.m., and every 14 days thereafter; and make California Environmental Quality Act and other findings - All Districts (4/5 vote of members present)

43152 **APPROVED AS RECOMMENDED**

55. **Registrar of Voters -** Approve amendment 2 to agreement MA-031-10012902 with Hart InterCivic Inc. for maintenance and support services for Electronic Voting System, 6/17/12 - 6/16/14 ($1,570,000); authorize Purchasing Agent or authorized deputy to execute amendment and make non-monetary and non-material changes - All Districts

43152 **APPROVED AS RECOMMENDED**

56. **Chair Moorlach -** Select Option for recruitment/appointment of the County Auditor-Controller

35142 **SELECTED OPTION 1 AS MODIFIED TO INCREASE NOT TO EXCEED AMOUNT**
N **TO $35,000**

IV. PUBLIC HEARINGS (Item 57)

OC PUBLIC WORKS

57. Public Hearing to consider adopting resolution approving 2012 Weed Abatement Program and direct OC Public Works to report back to the Board on 7/24/12 and 7/30/13 with itemized cost reports; and make California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

34152 **APPROVED AS RECOMMENDED**
RESO: 12-041

V. CLOSED SESSION (Items CS-1-SCS5)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: California Department of Finance and Dr. Jack Scott, Chancellor of the California Community Colleges v. Jan Grimes, in her official capacity as Interim Orange County Auditor-Controller OCSC Case No. 30-2012-00559592-CU-WM-CJC

B.O. **HELD, NO REPORTABLE ACTION**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Anthony Carrillo v. County of Orange, Orange County Superior Court Case No. 07CC02038
HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF ANTHONY CARRILLO V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.

Human Resources Department:

CS-3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: County Executive Officer

B.O. **HELD, NO REPORTABLE ACTION**

CS-4. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Association of County Law Enforcement Management (ACLEM), American Federation of State, County and Municipal Employees (AFSCME), Alliance of Orange County Workers (AOCW), International Union of Operating Engineers (IUOE), Orange County Attorneys Association (OCAA), Orange

County Employees Association (OCEA) and Orange County Managers Association (OCMA)
RE: Terms and Conditions of Employment

B.O. **HELD, NO REPORTABLE ACTION**

SCS5. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Tri-City Park, Placentia, California
County Negotiator: Thomas G. Mauk
Negotiating Party: Tri-City Park Authority and the Cities of Placentia, Fullerton and Brea
Under Negotiation: Terms of Property Transfer

B.O. **HELD, NO REPORTABLE ACTION**

VI. PUBLIC, CEO, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

George Sutherland - Oral Re: Trout Unlimited

Michael Klubnikin - Oral Re: Public Guardian

Dean Brown - Oral Re: National Public Safety Telecommunicators Week

Darrell Nolta - Oral Re: Emergency Medical Services in area of Westminster at 405

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Nguyen - Oral Re: Fishing Derby at Mile Square Park and Central OC Job Fair held in Fountain Valley

Chairman Moorlach - Oral Re: Requested Supervisors Campbell and Nelson to represent the Board on the new Risk Management Committee

ADJOURNED: 3:00 P.M.

52134 Adjourned in memory of Meri Theresa Tokona

42135 Adjourned in memory of Don Roth

12345 Adjourned in memory of Amiee Eugenie Widdicombe

24135 Adjourned in memory of Marianne Gorman

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Campbell
4. = Supervisor Nelson
5. = Supervisor Bates

A. = Abstained
X. = Excused
N. = No
BO = Board Order

ORD. = Ordinance
RESO. = Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

Chair, Orange County Board of Supervisors

Orange County Clerk of the Board