REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, March 15, 2011, 9:30 A.M.

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

BILL CAMPBELL
CHAIRMAN
Third District

JOHN M. W. MOORLACH
VICE CHAIRMAN
Second District

JANET NGUYEN
SUPERVISOR
First District

SHAWN NELSON
SUPERVISOR
Fourth 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, Chief Deputy

INVOCATION: Supervisor Bates, Fifth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Moorlach, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Campbell - Employee Recognition: OC Public Works - OC Fleet Services

II. CONSENT CALENDAR (Items 1-25)

24153 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 6, 7, 18, 20 & 21 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Nelson -** Mental Health Board - Appoint Gregory Swift, Buena Park, to complete

term ending 4/4/12

DEPARTMENT APPOINTMENTS

2. **Health Care Agency -** Emergency Medical Services Quality Assurance Board - Appoint Terre Duensing, Santa Ana, for term concurrent with position - All Districts

3. **OC Community Resources -** Orange County Workforce Investment Board - Appoint Sherrie Kline, Aliso Viejo, for term ending 12/31/12; Barbara Liddy, Orange and Nancy Davis, Santa Ana, for terms ending 12/31/13 - All Districts

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

4. Ratify approval of agreement with Los Angeles County Sheriff's Department for Regional Anti-Gang Intelligence-Led Policing Recovery Act Program Community-Based Information System Expansion, 11/1/09 - 10/30/12; approve Memorandum of agreement with Los Angeles County Sheriff's Department and Healthy City for Aggregated Information Sharing in support of Community-Based Information System regarding data related to crimes involving drugs, gangs, weapons and other crimes; accept grant funds from California Emergency Management Agency, 7/1/10 - 6/30/12 ($80,000); and ratify approval of agreement CT-060-11010464 with The Advancement Project for Community-Based Information System project, 3/1/10 - 2/29/12 ($69,100) - All Districts

5. Approve plans and specifications and set bid opening for 4/20/11, 2:00 p.m., for replacement of barracks G roof and HVAC ducts at Theo Lacy facility; and make California Environmental Quality Act findings - District 3

6. Approve designation of Route S18 in unincorporated areas from intersection of Santiago Canyon Road and Loma Ridge Emergency Operations Center access road to terminus of El Toro Road at Laguna Canyon Road as Orange County Deputy Sheriffs Memorial Highway; and authorize Sheriff-Coroner to execute official recognition with participating cities - Districts 3 & 5

53124 **APPROVED AS RECOMMENDED**

7. **Treasurer-Tax Collector -** Adopt resolution approving public auction sale #1382 of tax-defaulted real property - All Districts

25143 **APPROVED AS RECOMMENDED**
RESO: 11-030

HEALTH CARE AGENCY

8. Approve agreement with State Department of Public Health for AIDS Drug Assistance Program, 7/1/10 - 6/30/11 ($50,848) - All Districts

OC COMMUNITY RESOURCES

9. Approve agreement OCP11-005 with Stantec Consulting Services, Inc. for on-call civil engineering services, for a term of three years commencing on date of execution ($400,000) - All Districts

10. Approve master agreement MA-012-11011489, with Igis Landscape Services and Phillips & Jordan Inc., for weed abatement, fuel modification, mowing, and discing in various locations throughout OC Parks, 3/15/11 - 3/14/12 ($292,000); renewable for one additional year; and make California Environmental Quality Act findings - All Districts

11. Approve agreement MA-012-11011754 with RPW Services, Inc. for herbicide spraying services for OC Parks, 3/15/11 - 3/14/12 ($200,000); renewable for one additional year; and make California Environmental Quality Act findings - All Districts

12. Approve Orange County Workforce Investment Board Local Plan Modification for FY 2010-11 - All Districts

OC PUBLIC WORKS

13. Receive bids and award contract to FEI Enterprises, Inc. for fire alarm upgrade at 909 N. Main Street, Santa Ana ($265,000) - District 1

14. Approve plans and specifications and set bid opening for 4/13/11, 2:00 p.m., for Olive Heights Alley Improvements project; and make California Environmental Quality Act findings - District 3

15. Adopt resolution confirming acceptance and transfer of Trabuco Creek Road as public road; approve Trabuco Creek Road Resurfacing and Improvement Project; direct Auditor-Controller to make required journal entries; and make California Environmental Quality Act and other findings - Districts 3 & 5
RESO: 11-031

16. Approve amendment 3 to lease agreement with County of Los Angeles for use of 4,801 square feet of space at Orange County Data Center, extending term through 11/30/13; and make California Environmental Quality Act findings - All Districts

17. Adopt resolution initiating 2011 Weed Abatement Program; and set public hearing for 4/5/11, 9:30 a.m., to consider assessment to private property for removal of weeds by County contractor - All Districts
RESO: 11-032

18. Approve plans and specifications and set bid opening for 4/6/11, 2:00 p.m., for Central Utility Facility Replace Feed Water Pumps project; and make California Environmental Quality Act findings - District 1

15243 **APPROVED AS RECOMMENDED**

19. Approve plans and specifications and set bid opening for 4/20/11, 2:00 p.m., for Laguna Canyon Road Segment 4, Phase 1 Widening project - District 5

20. Receive and file Request for Proposal responses for Building 16 site development project - District 1

12453 **APPROVED AS RECOMMENDED**

Acting as the Orange County Flood Control District:

21. Approve agreement D10-016 with Paragon Partners Ltd. for on-call engineering services, three-year term ($200,000); approve extension on on-call Architect-Engineer list approved 3/18/08, extending term to 3/18/13; and make California Environmental Quality Act findings - All Districts

21453 **APPROVED AS RECOMMENDED**

22. Approve plans and specifications and set bid opening for 4/27/11, 2:00 p.m., for the Talbert and Huntington Beach Channels Cathodic Protection project - District 2

23. **Acting as the Board of Supervisors and Orange County Flood Control District -** Select firms from ranked lists for on-call regulatory permitting services and on-call environmental services; and authorize negotiation of agreements for Board approval - All Districts

OC WASTE & RECYCLING

24. Declare emergency pursuant to Public Contract Code Section 22050; ratify approval of agreement PO-299-11012084 with Sukut Construction for emergency repairs to concrete drainage channel at Frank R. Bowerman Landfill ($118,000); and make California Environmental Quality Act findings - District 3

GENERAL ADMINISTRATION

25. **Clerk of the Board -** Suspend Assessment Appeals Board Member and Hearing Officer stipend increase until 7/1/14 - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 26-S42A)

ELECTED DEPARTMENT HEADS

Auditor-Controller:

26. Approve amendment 1 to agreement MA-017-10013160 with CGI-AMS, Inc. for Property Tax Management System (PTMS) consulting services ($225,000; new total $472,500); and authorize Purchasing Agent or designee to execute agreement - All Districts (Continued from 2/8/11, Item 23)

23145 N **APPROVED AS RECOMMENDED**

27. Approve amendment 3 to price agreement N1000010903 with CGI-AMS, Inc. (CGI) for CAPS Human Resources/Payroll System Upgrade 3/31/11 - 7/31/11 ($332,640; new total $10,035,492.35) - All Districts

23145 **APPROVED AS RECOMMENDED**

28. **Sheriff-Coroner -** Response to 7/20/10 Board Directive regarding status of implementing Immigration and Customs Enforcement (ICE) agreement - All Districts (Continued from 1/25/11, Item 29; 3/1/11, Item 29)

45123 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

29. Approve amendment 2 to master agreement with contracting providers for Penal Code 1210 Treatment services, 10/1/09 - 9/30/11; and authorize Director or designee to execute amendments - All Districts

41253 **APPROVED AS RECOMMENDED**

30. Approve agreement with The Regents of the University of California Child Development Center for Positive Behavioral Intervention services, 3/16/11 - 6/30/11 ($28,686), 7/1/11 - 6/30/12 ($400,000) and 7/1/12 - 6/30/13 ($400,000) - All Districts

B.O. **CONTINUED TO 3/22/10, 9:30 A.M.**

31. Approve master agreement with various school districts for Educationally-Related Mental Health services, 4/1/11 - 6/30/11; and authorize Director or designee to execute individual agreements - All Districts

41253 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

32. Approve subcontract agreement with Santa Monica College for training and placement assistance to job seekers in occupations in recycling and resources management industry in

support of Santa Monica College's Community Based Job Training Grant (CFDA 17.269) from U.S. Department of Labor/Employment and Training Administration (DOLETA) award number CB-20565-10-60-A06, 7/1/10 - 6/30/13; authorize Director or designee to execute agreement and proceed with acceptance and receipt of funds ($760,000) from Santa Monica College; and authorize Director or designee to exercise cost contingency increase or decrease not to exceed 10% under certain conditions - All Districts

54123 **APPROVED AS RECOMMENDED**

33. Authorize Director or designee to increase standard Workforce Investment Act (WIA) Training Account master agreement for additional training opportunities to WIA participants using One Stop Centers ($500,000; new total $2,500,000) - All Districts

14253 **APPROVED AS RECOMMENDED**

34. **Acting as the Board of Supervisors and Orange County Development Agency -** Adopt resolutions to utilize Orange County Development Agency/HOME Investment Partnership Act funds and Project-Based Vouchers for loan financing to AMCAL Avenida Fund, L.P. for development of the Avenida Villas Apartments 28 affordable housing units for Mental Health Services Act eligible households and 1 unrestricted manager s unit ($3,514,627); approve subordination of County loans to senior debt; authorize Director or designee to execute loan documents, subordination agreements and other related documents and make CEQA findings District 4

43125 **APPROVED AS RECOMMENDED**
RESO: 11-033 - 11-034

OC PUBLIC WORKS

35. **Acting as the Board of Supervisors and Orange County Flood Control District -** Consider first reading of "An Ordinance of the County of Orange, California, Amending Articles 1 Through 9 of Title 4, Division 13 Regarding Water Quality" and "An Ordinance of the Orange County Flood Control District, California, Amending Articles 1 Through 9 of Title 9, Division 1 Regarding Water Quality"; set second readings and adoptions for 3/22/11, 9:30 a.m.; and make California Environmental Quality Act Findings - All Districts (Continued first reading from 2/1/11, Item 17 and 2/8/11, Item 34)

14253 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

54123 **APPROVED AS RECOMMENDED**

37. Consider second reading and adoption of "An Ordinance of the County of Orange, California Repealing Ordinance No. 07-008, Which Designated the Public Administrator as the Ex Officio Public Guardian"; appoint Public Guardian, effective 4/14/11; direct CEO staff make necessary position transfer and revise organizational chart; and direct CEO and Auditor-Controller to initiate budgetary and master position control adjustment; adopt resolution superseding Resolution 07-018, directing establishing separate revolving funds for Public Administrator and Public Guardian - All Districts (Continued from 3/1/11, Item 51)

21453 **CONTINUED TO 3/22/11, 9:30 A.M.**

38. Presentation on status report on implementation plan for Chairman's 2011 goals (Continued from 3/1/11, Item S51A)

PRESENTED

39. Approve recommended grant applications submitted by OC Public Works in 3/15/11 grant report and other actions as recommended; adopt resolution authorizing OC Public Works Director or designee to submit and execute application for Moulton Parkway Class II Bikeway project and to invoice Caltrans for payment; and adopt resolution authorizing OC Public Works Director or designee to submit and execute application for M2 Regional Traffic Signal Synchronization Program and to invoice Orange County Transportation Authority for payment - All Districts

51243 **APPROVED AS RECOMMENDED**
RESO: 11-035 - 11-036

40. Receive and file updated status of project costs and schedules for Assessment Tax System (ATS) and Property Tax Management System (PTMS) - All Districts (Board Directive 2/8/11)

RECEIVED AND FILED

41. Approve amendment 17 to agreement N1000003198 with ACS State and Local Solutions for Information Technology and Telecommunication services; authorize Acting Chief Information Officer or designee to execute amendment - All Districts

14253 **APPROVED AS RECOMMENDED**

42. **Human Resources Department -** Direct staff to take the necessary steps to authorize the County's bi-weekly contribution to the Elected Officials 401(a) Alternative Retirement (defined contribution) plan to match the percentage of wages that is contributed by a private sector employer to Social Security (the Federal Insurance Contributions Act (FICA) tax) and to implement a mandatory employee bi-weekly contribution matching that required for a private sector employee to FICA and to take the necessary steps to implement the Elected Officials 401(a) Alternative Retirement plan as a retirement plan option for future Elected Officials - All Districts (Continued from 12/14/10, Item S66B; 1/11/11, Item 32; 1/25/11, Item 47; 2/1/11, Item 28; 2/8/11, Item 45)

DISCUSSED

S42A. **Chairman Campbell and Vice Chairman Moorlach -** Direct Registrar of Voters to place "An Ordinance of the County of Orange, California, to Change the Public Administrator from an Elected Position to an Appointed Position by the Board of Supervisors" on the ballot and to consolidate that election with next special election or general election; direct County Counsel to prepare the ballot language and impartial analysis of the Ordinance

32145 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Items 43-44)

OC PUBLIC WORKS

43. 2:10 PM 3/17/2011

Public Hearing to consider adoption of resolution approving General Plan Amendment10:56 AM 3/17/2011 GPA S09-01 and the 2010 County of Orange and Orange County Fire Authority Hazard Mitigation Plan; and make California Environmental Quality Act and other findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

45123 **APPROVED AS RECOMMENDED**
RESO: 11-037

1:00 P.M.

44. Public hearing to consider reading and adoption of "An Ordinance of the Board of Supervisors of the County of Orange, California Amending the North Tustin Specific Plan to Add a New Senior Residential Housing (SRH) Land Use District and to Change the Land Use District for 11901 Newport Avenue From Residential Single Family (100-RSF) to SRH"; adopt resolutions certifying EIR, approving use permit and site development permit for planning application PA090004 - District 3

B.O. **CLOSED PUBLIC HEARING**

32145 N **APPROVED AS MODIFIED TO INCLUDE THE REVISED APPENDIX B CONDITIONS OF APPROVAL 7, 8, 29, 30 AND THE ADDITION OF CONDITION 49 AS SUBMITTED BY CHAIRMAN CAMPBELL; THE ADDITION OF RECOMMENDED ACTION 10 WHICH AUTHORIZED THE OC PUBLIC WORKS DIRECTOR OR DESIGNEE TO PURSUE ACQUISITION AND DEVELOPMENT OF A COMMUNITY PARK OR OTHER RECREATIONAL OPPORTUNITIES WITHIN OR TO THE BENEFIT OF THE NORTH TUSTIN COMMUNITY; APPROVED 5 FOOT REDUCTION IN PROJECT HEIGHT FOR A MAXIMUM HEIGHT OF 30 FEET; AND DIRECTED COUNTY COUNSEL TO AMEND THE FINDINGS ACCORDINGLY AND FORWARD A COPY OF THE REVISED FINDINGS TO THE CLERK OF THE BOARD FOR INCLUSION IN THE RECORD**
RESO: 11-038 - 11-039
ORD: 11-008

V. CLOSED SESSION (Items CS-1-SCS3)

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):Name of Case: Morrison Pump Company, Inc., v. SSC Construction, Inc., et al., Orange County Superior Court Case No. 30-2010 00365657
B.O. **DELETED**

CS-2. **Human Resources Department -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: Orange County Managers Association (OCMA)
RE: Terms and Conditions of Employment
B.O. **HELD, NO REPORTABLE ACTION**

SCS3. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - THREATENED LITIGATION - Pursuant to Government Code Section 54956.9(b):
Number of Cases: One Case
B.O. **HELD, NO REPORTABLE ACTION**

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

PUBLIC COMMENTS:

Charles Griffin - Oral Re: Hydrogen fusion

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Supervisor Moorlach - Oral Re: SONGS drill and Ending Homelessness 2020 search for executive director

Supervisor Bates - Oral Re: SONGS drill

ADJOURNED: 4:51 P.M.
13245 **Adjourned in memory of Laura Sundin**

31245 **Adjourned in memory of Mary E. Saint-Laurent**

21453 **Adjourned in memory of Eugene Hayworth Moriarty**

52143 **Adjourned in memory of Gerald "Jerry" Moon**

*** 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)

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Chair, Orange County Board of Supervisors

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Orange County Clerk of the Board