REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, September 11, 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:	INTERIM COUNTY EXECUTIVE OFFICER	Robert J. Franz
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Susan Novak

INVOCATION: Supervisor Campbell, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nelson, Fourth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Moorlach showed the film "Boatlift" for Patriot Day, in remembrance of those who were injured or lost their lives during the terrorist attacks on September 11, 2001

Chairman Moorlach presented a resolution commending READ/Orange County on its twenty years of providing literacy services in Orange County

Chairman Moorlach presented a resolution commending Friends of READ/Orange County for providing excellent support to READ/Orange County for nineteen of the twenty years of its existence

Chairman Moorlach presented a resolution proclaiming September 2012 as "National Preparedness

Month"

II. CONSENT CALENDAR (Items 1-32)

35142 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 14 WHICH WAS CONTINUED TO 10/16/12, 9:30 A.M.; ITEM 27 WHICH WAS CONTINUED TO 10/2/12, 9:30 A.M.; ITEM 28 WHICH WAS DELETED; AND ITEMS 10, 11, 18, 20, 22, 29 & 32 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Campbell -** Assessment Appeals Board No. 3 - Reappoint Habib U. Malik, Irvine, for term ending 9/6/15

2. **Supervisor Moorlach -** Audit Oversight Committee - Appoint Sarah J. Anderson, Newport Coast and Bruce Hughes, Coto de Caza, to complete terms ending 12/31/15

Supervisor Nguyen:

3. Assessment Appeals Board No. 2 - Reappoint Pho Van Pham, Westminster, for term ending 9/6/15

4. Mental Health Board - Reappoint Jeffrey V. Davis, Huntington Beach, for term ending 9/15/15

Supervisor Nelson:

5. Assessment Appeals Board No. 5 - Reappoint Edward Lampkin Jr., Fullerton, for term ending 9/6/15

6. Assessment Appeals Board No. 3 - Reappoint Rhonda McCune, Fullerton, for term ending 9/6/15

7. Assessment Appeals Board No. 2 - Reappoint Mark Pugatch, Yorba Linda, for term ending 9/6/15

8. Public Financing Advisory Committee - Reappoint Wallace Rodecker, Fountain Valley, for term ending 6/9/15

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

9. Accept grant award from U.S. Department of Justice for FY 2012 DNA Backlog Reduction Program ($446,654); and authorize Sheriff-Coroner to execute agreement and related documents - All Districts

10. Adopt resolution recognizing Collaborative Organizations Active in Disasters - Orange County (COAD-OC) and authorizing Sheriff-Coroner to execute Plan of Cooperation to assist with activities to support COAD-OC - All Districts

31452 **APPROVED AS RECOMMENDED**

11. Approve agreement CT-060-13010004 with Tribridge Holdings LLC for personnel history index implementation services, 9/11/12 - 6/30/13 ($475,770); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

23145 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

12. Approve amendment 1 to master agreement MA-042-12011456 with NetChemistry, Inc. for electronic eligibility system services for Medical Services Initiative Program, 7/1/12 - 6/30/13 ($138,787; new total $681,261); renewable for one additional year; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

13. Approve master agreement MA-042-13010293 with Primary Care Development Corporation to provide training and technical assistance to Medical Services Initiative primary care providers, 9/12/12 - 6/30/13 ($97,940); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

OC COMMUNITY RESOURCES

14. Adopt resolution approving OC Public Libraries Marketing Plan to pursue sponsorships with non-profit organizations, private sector organizations and businesses in support of library programs and events; and authorize County Librarian to implement plan - All Districts

35142 **CONTINUED TO 10/16/12, 9:30 A.M.**

15. Approve agreement with City of Costa Mesa to contribute funding towards Beam Replacement Project, Donald Dungan Branch Library ($100,000); and make California Environmental Quality Act findings - District 2

16. Approve agreement with City of Tustin relating to a portion of MCAS Tustin and Orange County Regional Law Enforcement Training Center/Animal Care Center; and make California Environmental Quality Act - District 3

17. Approve bidder relief report and consent to relieve Neal Electric, Inc. of bid ($1,762,335); and reject bids of Big Ben, Inc., Stronghold Engineering, Inc. and Blois Construction, Inc., Irvine Ranch Historic Park Utility Master Plan Project - District 3

18. Approve amendment 2 to agreement KC11978 with City of Laguna Woods for Phase IV City Hall/Library Site Americans with Disabilities Act Improvements ($49,800; new total $249,800); and authorize Director or designee to execute agreement - All Districts

25134 **APPROVED AS RECOMMENDED**

19. Approve reallocation of first year ($25,000 increase) and second year ($25,000 decrease) maximum compensation under the master agreement to continue services provided by contract veterinarians; and authorize Director or designee to exercise cost contingency increase not to exceed 10% - All Districts

OC PUBLIC WORKS

20. Adopt resolution vacating a portion of Marcy Drive road easement; and make California Environmental Quality Act and other findings - District 3 (Continued from 7/24/12, Item 13;

8/14/12, Item 12)

32145 **APPROVED AS RECOMMENDED**
RESO: 12-133

21. Approve plans and specifications and set bid opening for 10/10/12, 2:00 p.m., for General Contracting Job Order Contract; and make California Environmental Quality Act findings - All Districts

22. Approve plans and specifications and set bid opening for 10/10/12, 2:00 p.m., for Moulton Parkway Widening Project (Segment 3, Phase II); adopt resolution declaring portions of Moulton Parkway as County highways for construction purposes; approve pre-qualified list of contractors and find addendum IP 09-048 to Final EIR 542 is adequate to satisfy requirements of California Environmental Quality Act - District 5 (4/5 vote of the membership)

35142 **APPROVED WITH MODIFICATION TO RECOMMENDED ACTION 1 TO INCLUDE ADDENDUM IP 09-048 WITH FINAL EIR 542 IN MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**
RESO: 12-134

23. Adopt resolution declaring portions of streets in Westminster related to Midway City Street and Drain Project to no longer be County highways; and make California Environmental Quality Act findings - District 1
RESO: 12-135

24. Approve agreement D11-093 with the City of Huntington Beach for rehabilitation of pavement surface of Sunset Beach streets annexed into the City ($300,000); authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - District 2

25. Approve agreement MA-080-11010177 with Republic Intelligent Transportation Services, Inc. for traffic signal maintenance services, 10/1/12 - 9/30/13 ($507,317); and make California Environmental Quality Act findings - All Districts

26. Adopt and certify Mitigated Negative Declaration IP 12-080; approve proposed widening of Edinger Avenue Bridge over Santa Ana River Project; return to the Board for approval of final plans and specifications and authorization to advertise for bids; and make California Environmental Quality Act findings - District 1

27. Select Jones Lang LaSalle Americas Inc. as primary and Keyser Marston Associates as alternate firms to assist with negotiations and development oversight of the master developer for 100 acre parcel at former MCAS El Toro and to develop disposition strategy for Alton parcels; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 3

35142 **CONTINUED TO 10/2/12, 9:30 A.M.**

28. Approve amendment 1 to agreement MA-080-11010170 with Orange County Transportation Authority for a Bus Stop Maintenance Assistance Program, 12/1/12 - 11/30/13 ($7,182.76); renewable for one additional year; and make California Environmental Quality Act findings - Districts 3 and 4

35142 **DELETED**

29. **Acting as the Orange County Flood Control District -** Approve agreements D12-048 with the City of Chino and D12-049 with the County of San Bernardino for construction of the

Yorba Slaughter Adobe Protection Project (potential cost up to $135,000); authorize Director or designee to perform related actions and execute related documents; and make California Environmental Quality Act and other findings - All Districts

25134 **APPROVED AS RECOMMENDED**

30. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve contracts, conveyance of certain Orange County Flood Control Districts and County of Orange parcels to the Orange County Transportation Authority, and the acquisition of access rights to the Orange County Flood Control District to enable Orange County Transportation Authority's construction of a street overpass of a railroad crossing; authorize Director or designee to execute related documents and amendments; and make California Environmental Quality Act findings - District 3

GENERAL ADMINISTRATION

Clerk of the Board:

31. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Anaheim City School District - All Districts

32. Approve initial Conflict of Interest Code for the Oversight Board of the County of Orange as Successor Agency to the Orange County Development Agency - All Districts

35142 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 33-56)

ELECTED DEPARTMENT HEADS

33. **Assessor Department -** Approve amendment 6 to master agreement MA-002-11012392 with Xerox State and Local Solutions Inc., for technical IT support staff, ATS Re-Engineering Project, 9/30/12 - 11/11/12 ($175,000; new total $15,917,039); and authorize Purchasing Agent or authorized Deputy to execute amendment- All Districts

34152 A **APPROVED AS RECOMMENDED**

34. **District Attorney -** Direct Human Resources Director to amend master position control to add seven recommended positions - All Districts

B.O. **CONTINUED TO 9/25/12, 9:30 A.M.**

Sheriff-Coroner:

35. Approve agreement MA-060-13010027 with Rancho Santiago Community College District for tuition/registration fees for Criminal Justice Academy classes, 9/18/12 - 9/17/17 ($950,000); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

13452 **APPROVED AS RECOMMENDED**

36. Approve amendment 1 to agreement MA-060-12010912 with Knowledge & Intelligence Program Professionals, Inc. revising course descriptions for terrorism liaison officer training, term ending 12/31/12; renewable for four additional years; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

13452 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

37. Approve agreement with Cerner Corporation for Behavioral Health Electronic Health Record System services, 9/11/12 - 6/30/16 ($7,323,671); and authorize Director or designee to execute agreement - All Districts

35142 **APPROVED AS RECOMMENDED**

38. Approve agreement EPO 12-30 with State Department of Public Health for Center for Disease Control Public Health Emergency Preparedness Grant, State General Fund Pandemic Influenza Grant, and Health and Human Services Hospital Preparedness Program funds, FY 2012-13 ($4,100,438) - All Districts

35142 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

39. Approve Certificated Passenger Airline Lease with ABC Aerolineas, S.A. de C.V. dba InterJet; and make California Environmental Quality Act findings - District 2 (4/5 vote of members present)

23145 **APPROVED AS RECOMMENDED**

40. Approve Certificated Passenger Airline Operating License with Skywest Airlines, Inc.; and make California Environmental Quality Act findings - District 2 (4/5 vote of members present)

23145 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

41. Consider second reading and adoption of "An Ordinance of the County of Orange, California, Amending Sections 4-1-76, 5-1-1 and 5-1-29 of the Codified Ordinances of the County of Orange to Clarify the Requirements for Certain Permits and Licenses for the Keeping and Maintenance of Animals and for the Operation of Fixed and Mobile Animal Grooming Parlors" - All Districts (Continued from 8/21/12, Item 34)

32145 **APPROVED AS RECOMMENDED**

ORD: 12-030

42. Approve sponsor agreement with Orange County Conservation Corps for removal of arundo donax, Aliso and Wood Canyons Wilderness Park; and make California Environmental Quality Act findings - District 5

54132 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

43. Approve agreement MA-080-12012247 with Digital Archive Technology, LLC and HOV Services, Inc. for scanning, indexing and imaging services, term ending 5/6/13 ($477,000); renewable for three additional one-year periods; authorize Purchasing Agent or authorized Deputy to execute agreement and make California Environmental Quality Act findings - All Districts

14352 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

44. Select SWT Engineering, Inc. and Tetra Tech BAS, Inc. as primary and Geo-Logic Associates as alternate firms for environmental multi-discipline engineering services, North Region Landfills; authorize negotiation of agreements for Board approval; and make California Environmental Quality Act findings - Districts 3 & 4

43152 **APPROVED AS RECOMMENDED**

45. Select Geosyntec Consultants and Tetra Tech BAS as primary and Geo-Logic Associates as alternate firms for multi-discipline engineering support services; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - Districts 2 & 3

32145 **APPROVED AS RECOMMENDED**

46. Approve master agreement MA-299-13010267 with Environ Strategy Consultants, Inc. for operation and maintenance services of groundwater control and monitoring and water supply systems, North Region Landfills, 11/23/12 - 11/22/15 ($1,050,000); renewable for two additional one-year periods ($350,000 per year); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - Districts 3 & 4

43152 **APPROVED AS RECOMMENDED**

47. Approve agreement MA-299-13010182 with LSA Associates, Inc. for biological and archaeological/paleontological services, South Region Landfills, 9/11/12 - 9/10/15 ($950,000); and make California Environmental Quality Act findings - Districts 2, 3 & 5

35142 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

48. Approve proposed response to FY 2011-12 Grand Jury Report "Orange County Juvenile Detention and Treatment Facilities" - All Districts
43152 **APPROVED AS RECOMMENDED**

49. Approve proposed response to FY 2011-12 Grand Jury Report "Detention Facilities Report: Part 1-Adult" - All Districts
32145 **APPROVED AS RECOMMENDED**

50. Approve proposed response to FY 2011-12 Grand Jury Report "Nesi/Site Study: The Saga Continues" - All Districts
35142 **APPROVED AS RECOMMENDED**

51. Approve compensation of $200 per meeting (maximum 12 meetings per year) for appointed members of Public Financing Advisory Committee (PFAC); and direct staff to amend PFAC Bylaws to include compensation - All Districts (Continued from 8/14/12, Item 26; 8/21/12, Item 44)
45132 **APPROVED AS RECOMMENDED**
N

52. Approve amendment 3 to agreement MA-017-11010285 with Platinum Advisors, LLC, for State Legislative Advocacy services, 1/1/13 - 9/30/14 ($264,000 first year and $198,000 second year), plus authorized expenses approved in advance; and make California Environmental Quality Act findings - All Districts
35142 **APPROVED AS RECOMMENDED**

53. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
53142 **RECEIVED AND FILED**

54. Approve grant applications/awards submitted by District Attorney, John Wayne Airport, OC Community Resources and Sheriff-Coroner in 9/11/12 grant report and other actions as recommended - All Districts
43152 **APPROVED AS RECOMMENDED**

55. Approve proposed response to FY 2011-12 Grand Jury Report "Sex Trafficking of Girls" - All Districts
45132 **APPROVED AS RECOMMENDED**

56. Acting as the Board of Supervisors, South Orange County Public Financing Authority, Legislative Body of Community Facilities Districts 86-1 (Rancho Santa Margarita), 86-2 (Rancho Santa Margarita), 87-1 (Dimensions Business Park), 87-2 (Portola Hills), 87-3 (Mission Viejo), 87-4 (Foothill Ranch), 87-5A (Rancho Santa Margarita), 87-5B (Rancho Santa Margarita), 87-5C (Rancho Santa Margarita), 87-5D (Rancho Santa Margarita), 87-5E (Rancho Santa Margarita), 87-6 (Baker Ranch), 87-7 (Los Alisos), 87-8 (Coto de Caza), 87-9 (Santa Teresita), 88-1 (Aliso Viejo), 88-2 (Lomas Laguna),

99-1 (Ladera Ranch), 2000-1 (Ladera Ranch), 2001-1 (Ladera Ranch), 2002-1 (Ladera Ranch), 2003-1 (Ladera Ranch), 2004-1 (Ladera Ranch) and Assessment Districts 88-1 (Irvine Coast), 92-1 (Newport Ridge), 94-1 (Golden Lantern), 99-1R (Newport Coast Reassessment District) and Newport Coast Phase IV 01-1 (Newport Coast) - Approve agreement 12-006FA with Fieldman, Rolapp & Associates, Inc. for general financial advisory services, effective upon approval and terminating 9/30/14 ($100,000 per year); and authorize Public Finance Manager or designee to execute agreement - All Districts

53142 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-CS-5)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: County of Orange v. Eastcom Corp., etc., et al., OCSC Case No. 30-2011-00526759

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

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Cases: City of Brea v. State of California, et al., Sacramento County Superior Court Case No. 34-2012-80001204; and City of Mission Viejo v. State of California, et al., Sacramento County Superior Court Case No. 34-2012-80001203

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

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Orange County Managers Association, Inc., v. County of Orange, Orange County Superior Court Case No. 30-2012-00581261

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

Human Resources Department:

CS-4. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Robert J. Franz
Employee Organizations: Association of County Law Enforcement Management (ACLEM), American Federation of State, County and Municipal Employees (AFSCME), Association of Orange County Deputy Sheriffs (AOCDS), 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**

CS-5. PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section

54957:
Title: Performance Audit Director

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

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

PUBLIC COMMENTS:

Opinion Online

Elias Alcaraz - Oral Re: Santa Ana River Flood Control project

Billion Godsun - Oral Re: Khalid Flimban

Michael Klubnikin - Oral Re: Public fiduciary

Darrell Nolta - Oral Re: Death in Theo Lacy jail, ambulance services and Ron Norby

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Campbell - Oral Re: Coastal and Trails Clean Up Day on 9/15/12

Supervisor Nguyen - Oral Re: Thank you to all the organizations and volunteers that participated in the 5th Annual Townsend Raitt Street and Resource Fair and the 3rd Annual Central County Senior Caregiver Expo

ADJOURNED: 1:07 P.M.

52134 **Adjourned in memory of Chris G. Alexander**

32145 **Adjourned in memory of Neil Armstrong**

*** 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