REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, November 20, 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: Supervisors Nguyen, Moorlach, Campbell & Nelson

EXCUSED: Supervisor Bates

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

Orange Park Acres Association presented an award to Supervisor Bill Campbell for his service and dedication to the Orange Park Acres community

Chairman Moorlach will present the Solid Waste Association of North America Silver Award to OC Waste & Recycling for their Public Outreach Programs
CONTINUED TO 12/11/12, 9:30 A.M.

II. CONSENT CALENDAR (Items 1-30)

43152 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 20 WHICH**

X **WAS DELETED; AND ITEMS 6, 7, 11, 12, 19, 21, 25, 26, 27 & 28 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Bates -** Oversight Board of the Successor to the City Redevelopment Agencies, Lake Forest - Appoint Seth Kaufman

2. **Supervisor Nelson -** Acting as the Orange County Housing Authority - Housing and Community Development Commission - Appoint Nicholas Dunlap, Fullerton, to complete term ending 6/30/13

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

3. Approve amendment 1 to agreement with Los Angeles County Sheriff's Department for Regional Anti-Gang Intelligence-Led Policing Recovery Act Program Community-Based Information System, term ending 3/31/13; accept grant award funds from State Emergency Management Agency ($10,000; new total $90,000); and authorize Sheriff-Coroner or designee to execute amendment - All Districts

4. Approve amendment 1 to agreement MA-060-13010431 with NEC Corporation of America, LLC for maintenance of Automated Fingerprint Identification System, 12/13/12 - 12/12/13 ($206,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

5. Approve agreement PO-060-13010935 with AeroComputers, Inc. for purchase of two mapping systems and one year of software maintenance ($149,719); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

CHILD SUPPORT SERVICES

6. Approve Plan of Cooperation agreement with State Department of Child Support Services for administration of Title IV-D Program services, extending term through 9/30/14; and authorize Director or designee to execute agreement - All Districts

13452 **APPROVED AS RECOMMENDED**
X

HEALTH CARE AGENCY

7. Approve Children's Medical Services Plans with State Department of Health Care Services for Child Health and Disability Prevention Program, Health Care Program for Children in Foster Care and Children's Services Program, 7/1/12 - 6/30/12 - All Districts

31452 **APPROVED AS RECOMMENDED**
X

8. Approve amendment 1 to agreement with Laguna Beach Community Clinic for HIV Outpatient/Ambulatory Medical services, 3/1/12 - 2/28/13 ($55,000; new total $236,581); and authorize Director or designee to execute amendment - All Districts

OC COMMUNITY RESOURCES

9. Accept cash donation from Angels Baseball Foundation for animals at OC Animal Care Shelter ($12,216) - All Districts

10. Approve agreement MA-012-13010691 with Master Landscape and Maintenance, Inc. for landscape maintenance services, South Coastal Operations facilities, 12/1/12 - 11/30/13 ($302,252.04); renewable for four one-year periods under same terms and conditions; authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - District 5

11. Adopt resolution approving elimination of Santa Ana Heights Project Area Committee - District 2

23145 X **APPROVED AS RECOMMENDED**

RESO: 12-163

12. Decline to exercise County's First Refusal Right to purchase Peacock Hill Equestrian Center leasehold; approve consent assignment of the Peacock Hill Equestrian Center leasehold to Robin Bisogno and The Bisogno Company dba Country Trails and Riding School to provide quality equestrian facilities to the public, Irvine Regional Park; and make California Environmental Quality Act findings - District 3

31452 X **APPROVED AS RECOMMENDED**

13. Accept cash donation from Romance Writers of America, Inc. for operation of OC Public Libraries Adult Literacy Services Program READ/OC ($11,141.38) - All Districts

OC PUBLIC WORKS

14. Adopt resolution vacating two slope easements along Stonehill Drive, San Juan Capistrano; and make California Environmental Quality Act findings - District 5
RESO: 12-164

15. Approve plans and specifications and set bid opening for 12/5/12, 2:00 p.m., for Roofing Services Job Order Contract; and make California Environmental Quality Act findings - All Districts

16. Approve amendment 1 to agreement MA080-10011716 with Sentry Control Systems, Inc. for parking access and revenue control system maintenance services, Santa Ana Civic Center and Manchester Parking facilities, 1/1/13 - 12/31/14 ($198,000); authorize Purchasing Agent or authorized Deputy to execute amendment and make necessary changes; and make California Environmental Quality Act findings - Districts 1 and 3

17. Approve Tract Map 17062, RMV Community Development, LLC; accept dedication for street purposes and vehicular access rights; accept easements for street lights, sewer and water, recycled water and survey monumentation; approve agreement S-1012-162 and accept bonds guaranteeing construction improvements; and make California Environmental Quality Act and other findings - District 5

18. Adopt and certify Mitigated Negative Declaration IP 11-445; approve proposed widening of

Lincoln 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 3

Acting as the Orange County Flood Control District:

19. Approve amendment 1 to agreement D11-027 between the Orange County Flood Control District (OCFCD) and SRG CHINO Limited Partnership for completion of entitlement approvals and excavation of material from OCFCD owned property, extending term to 12/31/13; and make California Environmental Quality Act findings - All Districts

23145 X **APPROVED AS RECOMMENDED**

20. Approve acquisition contract and accept grant deed from The Robert Rivera Jr. Family Trust for purchase of real property, 2105 W. Collins Avenue, Orange; authorize Director or designee to execute related documents; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - District 3

43152 X **DELETED**

21. **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve amendment 5 to agreement MA-080-11010899 with Environmental Systems Research Institute, Inc. for software licensing and support for Geographic Information Systems analysis, 1/1/13 - 12/31/13 ($11,967.94; new total $46,967.94); renewable for two additional one-year periods; authorize Purchasing Agent or authorized Deputy to execute amendment and make necessary changes; and make California Environmental Quality Act findings - All Districts

31452 X **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

22. Approve plans and specifications and set bid opening for 3/6/13, 2:00 p.m., for East Flank Landslide Remediation project, Frank R. Bowerman Landfill; and make California Environmental Quality Act findings - District 3

PUBLIC PROTECTION

Probation:

23. Approve lease agreement GA 1214-23-3 with CGJP-1, LLC for office space at 14180 Beach Blvd., Suite 200, Westminster; and make California Environmental Quality Act findings - District 1

24. Approve amendment 2 to agreement MA-057-12011052 with Intratek Computer, Inc. for information technology professional services, extending term to 6/30/13 ($140,300; new total $283,300); authorize Purchasing Agent or authorized Deputy to execute amendment; and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

25. Approve Memorandum of Understanding MJC0411 with Children and Families Commission of Orange County for child care coordinator services, 12/1/12 - 6/30/14 ($50,000) - All Districts

31452 **APPROVED AS RECOMMENDED**
X

26. Approve agreement WTM0212 with Volunteer Center of Greater Orange County, dba OneOC for training and technical support of the One-e-App Electronic Application System, 1/2/13-12/31/13 ($75,000); and authorize Director or designee to extend term of agreements for up to twelve additional months under the same terms and conditions without further Board approval - All Districts

31452 **APPROVED AS RECOMMENDED**
X

27. Approve plans and specifications and set bid opening for 1/16/13, 2:00 p.m., for replacement of energy management system at Orangewood Children and Family Center; and make California Environmental Quality Act findings - District 3

34152 **CONTINUED TO 12/4/12, 9:30 A.M.**
X

GENERAL ADMINISTRATION

28. **Internal Audit -** Receive and file Internal Audit Department Monthly Activity Status Report for October 2012 - All Districts

31452 **APPROVED AS RECOMMENDED**
X

Registrar of Voters:

29. Appoint District Officers in lieu of election on 11/6/12 for various districts where the number of persons filing a declaration of candidacy equals the number of positions to be filled - All Districts

30. Appoint Ambrose Masto and Max Trette as Directors of Capistrano Bay Community Services District and John D. Cahoon as Director of Surfside Colony Storm Water Protection District in lieu of election, for four year terms - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 31-51)

ELECTED DEPARTMENT HEADS

Clerk-Recorder:

31. Approve agreement with PFA Inc., for converting Official Record TIFF images to microfilm, 12/1/12 - 6/30/13 ($768,300); and authorize Clerk-Recorder or designee to execute agreement and exercise contingency contract cost increase not to exceed 10% - All Districts

13452 **APPROVED AS RECOMMENDED**
X

32. Approve subordinate price agreement MA 059-13010690 to master agreement MA-017-12011903 with Raycom Data Technologies Inc. for scanning and redaction, 12/1/12 - 6/30/13 ($731,120.34); and authorize Clerk-Recorder or designee to execute agreement and exercise contingency contract cost increase not to exceed 10% - All Districts

43152 **APPROVED AS RECOMMENDED**
X

Sheriff-Coroner:

33. Approve amendment 1 to agreement with AECOM Technical Services, Inc. for master plan services for James A. Musick Jail Facility expansion project ($75,210); and make California Environmental Quality Act findings - District 3

34152 **APPROVED AS RECOMMENDED**
X

34. Approve agreement PO-060-13011045 with Helinet Aviation Services, LLC for purchase of Star Safire 380- HD digital video downlink system enhancement ($886,639); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

34152 **APPROVED AS RECOMMENDED**
X

JOHN WAYNE AIRPORT

35. Response to 11/22/11 Board Directive - Approve amendment 6 to agreement with Orange County Fire Authority for Aircraft Rescue Fire Fighting (ARFF) services, 12/1/12 - 11/30/17 ($4,372,350); authorize Purchasing Agent or authorized Deputy to execute amendment and extend agreement up to 90 days; and make California Environmental Quality Act findings - District 2 (Continued RA #1, #2 & #3 from 10/30/12, Item #26)

24135 **APPROVED AS RECOMMENDED**
X

OC COMMUNITY RESOURCES

36. Approve amendment 1 to Workforce Investment Act (WIA) Youth Master Cost Reimbursement agreements with City of La Habra, Orange County Asian and Pacific Islander Community Alliance and Orange County Conservation Corps for continued WIA youth employment and training services, 11/20/12 - 6/30/13 ($405,487.50; new total $3,634,577.50);

renewable for one-year with no single agreement exceeding $1,889,545; and authorize Director or designee to execute amended agreements and to exercise a cost contingency increase or decrease not to exceed 10% and make line item budget transfers under certain conditions - All Districts

43152 **APPROVED AS RECOMMENDED**
X

37. Approve Mitigated Negative Declaration 11-413; and approve plans and specifications and set bid opening for 12/19/12, 2:00 p.m., for Mile Square Regional Park Archery Range Project upgrade - District 1

12345 **APPROVED AS RECOMMENDED**
X

38. **Acting as the Board of Supervisors and Orange County Housing Authority -** Authorize Orange County Housing Authority (OCHA) to receive and administer up to 268 Special Admission Section 8 Tenant Protection Vouchers for qualified low-income elderly residents of Bethel Towers, Costa Mesa; authorize waiver of Chapter 17-1 A in OCHA's Administrative Plan; and approve retroactive application for Tenant Protection Vouchers announced on 10/4/12 with required submittal date 10/15/12 - District 2

21345 **APPROVED AS RECOMMENDED**
X

OC WASTE & RECYCLING

39. Approve master agreement MA-299-13010437 with Tetra Tech BAS, Inc. for landfill gas operation and maintenance services, South Region Landfills, 12/1/12 - 11/30/15 ($4,200,000) with option to renew for two additional one-year periods ($1,400,000 per year); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - Districts 3 & 5 (Continued from 10/23/12, Item 15)

31452 **APPROVED AS RECOMMENDED**
X

40. Approve master agreement MA-299-13010711 with SWT Engineering, Inc. and Tetra Tech BAS, Inc. for multi-discipline engineering support services, North Region Landfills, 11/23/12 - 11/22/15 ($1,000,000); and make California Environmental Quality Act findings - Districts 3 & 4

34152 **APPROVED AS RECOMMENDED**
X

41. Approve amendment 2 to agreement GLK10000010 with Advanced Earth Sciences, Inc. for construction engineering support services for East Flank Landslide Remediation project, Frank R. Bowerman Landfill ($113,916; new total $2,843,916); and make California Environmental Quality Act findings - District 3

32145 **APPROVED AS RECOMMENDED**
X X

42. Approve master agreement MA-299-13010708 with Simplus Management for construction management, quality assurance/quality control, and archaeological/paleontological services, Central Region Landfills, 11/20/12 - 11/19/15 ($5,200,000); and make California Environmental Quality Act findings - District 3

32145 **APPROVED AS RECOMMENDED**

X X

SOCIAL SERVICES AGENCY

43. Ratify emergency agreement PO-063-13010834 with OP Almaraz dba Allied Restoration Services Inc. for emergency sanitation clean-up at 800/840 N. Eckhoff St., Orange, 9/1/12 - 9/3/12 ($182,186.05); and make related findings - District 3 (4/5 vote of members present) (Continued from 10/23/12, Item 17)
B.O. **CONTINUED TO 12/4/12, 9:30 A.M.**

44. Approve agreement MA-063-13010432 with Transnational Computer Technology DBA EK Associates for technical support for automated Child Welfare Services Case Management System, 1/1/13 - 12/31/15 ($1,755,936); renewable for one two-year period; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts
43152 **APPROVED AS RECOMMENDED**
XX

45. Approve additional expenditures for services rendered under master agreement CDB0109 for child abuse and/or neglect prevention/intervention counseling services by California licensed marriage and family therapists, clinical social workers and clinical psychologists ($59,300); and master agreement CMJ2509 for child abuse and/or neglect prevention/intervention counseling and parent education services by family assessment counseling & education services, 7/1/11 - 6/30/12 ($24,000) - All Districts
43152 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

County Executive Office:

46. Approve 2013 County of Orange Legislative Platform and consider other legislative subject matters - All Districts
23145 **APPROVE AS RECOMMENDED AND DIRECTED CEO/LEGISLATION AND**
X **COUNTY COUNSEL TO DEVELOP PROPOSED LEGISLATIVE LANGUAGE TO CORRECT CHALLENGES POSED BY RECENT FPPC REGULATION ON BEHESTED PAYMENTS AND IMPACT IT WILL HAVE ON NOT-FOR-PROFITS**

47. Approve selection of KNN Public Finance as financial advisor and Wells Fargo and Company as underwriter for Tustin Regional Park and Dana Point Harbor Revitalization projects - All Districts
24135 **APPROVED AS RECOMMENDED**
X

48. Approve FY 2012-13 First Quarter Budget Report; approve related budget adjustments and amend master position control; authorize County Executive Officer or designee to execute amendment 1 to FY 2011-12 Memorandum of Understanding with OC Superior Court for retroactive Detention Release costs ($24,975) and retroactive Alternate Defense costs ($151,733); approve amendment 3 to agreement with Liebert Cassidy Whitmore for labor negotiation services, 1/25/12 - 1/24/14 ($300,000; new total $800,000); and authorize Purchasing Agent or authorized Deputy to execute amendment

- All Districts (R.A. 1 & 2 4/5 vote of the members present)

31452 X **APPROVED RECOMMENDED ACTION 1 AS AMENDED TO ADD APPROPRIATIONS OF $600,000 TO THE DISTRICT ATTORNEY AND $1,667,000 TO THE SHERIFF-CORONER BUDGETS AND TO REMOVE THE REQUESTED ADMINISTRATIVE MANAGER II POSITION AND CORRESPONDING APPROPRIATIONS OF $179,170 FROM INTERNAL AUDIT**

31452 X **APPROVED RECOMMENDED ACTION 2**

31452 X **APPROVED RECOMMENDED ACTIONS 3 - 7**

49. Approve grant applications/awards submitted by Health Care Agency, Probation Department, Sheriff-Coroner and OC Public Works in 11/20/12 grant report and other actions as recommended; adopt resolution ratifying Chief Probation Officer's submittal and execution of grant application with Board of State and Community Corrections (BSCC) for Enhanced Disproportionate Minority Contact-Technical Assistance Project Phase III (DMC-TAP III); and return to the Board for approval - All Districts

31452 X **APPROVED AS RECOMMENDED**

RESO: 12-165

50. Response to 10/30/12 Board Directive - Direct CEO and Human Resource Services to modify draft job descriptions for Clerk-Recorder and Public Administrator as needed; and provide direction to staff concerning selection process and timing to fill vacant countywide elected positions - All Districts

B.O. **CONTINUED TO 12/4/12, 9:30 A.M.**

51. **Human Resource Services -** Approve or deny request to reclassify CEO Director of Corporate Real Estate position to Executive Manager - All Districts

41352 X **APPROVED CLASSIFYING CEO DIRECTOR OR CORPORATE REAL ESTATE AS EXECUTIVE MANAGEMENT BASED UPON THE PLACEMENT OF ALL COUNTY REAL ESTATE RELATED POSITIONS UNDER ITS SUPERVISION**

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-SCS7)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: David Berry v. County of Orange, Workers' Compensation Appeals Board Case Nos. ADJ 7087586 & 3965752

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO 0, WITH SUPERVISORS MOORLACH, NELSON NGUYEN AND CAMPBELL VOTING IN FAVOR, SUPERVISOR BATES BEING ABSENT, THE BOARD APPROVED**

A PROPOSED SETTLEMENT IN THE CLAIMS OF DAVID BERRY 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.

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Sharyn Bruno v. County of Orange, Workers' Compensation Appeals Board Case No. ADJ 4488504

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO O, SUPERVISORS MOORLACH, NELSON, NGUYEN AND CAMPBELL VOTING IN FAVOR, SUPERVISOR BATES BEING ABSENT, THE BOARD APPROVED A PROPOSED SETTLEMENT IN THE CLAIMS OF SHARYN BRUNO 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.**

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: California Department of Finance, et al. v. Jan Grimes, etc., OCSC Case No. 30-2012-00559592-CU-WM-CJC

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

Human Resource Services:

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), In-Home Supportive Services Provider Unit (IHSS) represented by United Domestic Workers of America (UDWA), 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: County Executive Officer

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

County Executive Office:

SCS6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government

Code Section 54956.8:
Property Location: 7531 Santiago Canyon Road, Unincorporated County of Orange
County Negotiator: Robert J. Franz
Negotiating Party: Orange Unified School District
Under negotiation: Terms and Value of Possible Purchase

B.O. **CONTINUED TO 12/11/12, 9:30 A.M.**

SCS7. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:Property Location: 2105 W. Collins Avenue, OrangeCounty Negotiator: Robert J. FranzNegotiating Party: The Robert Rivera Jr. Family TrustUnder Negotiation: Potential Purchase of Property

B.O. **DELETED**

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

PUBLIC COMMENTS:
IIya Tseglin, Robert Tseglin, Linda Ripps, Zachary Ripps & Michael Klubnikin - Oral Re: Nate Tseglin

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Campbell - Oral Re: Nate Tseglin

Supervisor Nelson - Oral Re: direction for CEO to place on a future agenda a top to bottom review of the Green Fair, what its future is and current operations

ADJOURNED: 1:30 P.M.

24135 **Adjourned in memory of Orville Amburgey and Jerry Tardie**
X

*** 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