REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, May 3, 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	Suasn 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

Supervisor Moorlach presented a resolution commending Restaurant Facility Management Association for selfless efforts in renovating Someone Cares Soup Kitchen
(Continued from 4/19/11)

Chairman Campbell presented a resolution honoring "2011 United Way Campaign"

II. CONSENT CALENDAR (Items 1-27)

21453 **APPROVED AS RECOMMENDED WITH THE EXCEPTION ITEM 19 WHICH RECEIVED AN ABSTENTION FROM SUPERVISOR BATES; ITEM 18 WHICH WAS DELETED; ITEM 22 WHICH WAS CONTINUED TO 5/17/11, 9:30 A.M.; AND ITEMS 12, 14, 16 & 26 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Moorlach -** Waste Management Commission - Reappoint James A. Wahner, Costa Mesa, for term ending 1/2/13 and Daniel L. Worthington, Costa Mesa, for term ending 1/31/13

ELECTED DEPARTMENT HEADS

Auditor-Controller:

2. Receive and file Fund/Budget Control Semi-Annual Report for 7/1/10 - 12/31/10 for new and closed funds - All Districts

3. Approve schedule of County Capital Assets Physical Inventory Dates for calendar years 2011 and 2012 - All Districts

4. Receive and file report of cash losses of $1,000 or more for FY 2010-11 - All Districts

5. Authorize Auditor-Controller to delete dismantled, missing, obsolete, stolen and surplused equipment items from department capital asset inventories - All Districts

6. **District Attorney -** Approve modification to District Attorney Fellowship Program with participating law schools to allow for a total of four program participants - All Districts

Sheriff-Coroner:

7. Approve agreement MA-060-11012102 with Microsoft Corporation for software support services, 5/4/11 - 5/3/12 ($68,730); and authorize Purchasing Agent or designee to execute agreement - All Districts

8. Approve Form Release, Indemnification and Hold Harmless agreement with plaintiffs and various vendors retained to remove property pursuant to court order; and authorize Purchasing Agent or designee to execute agreements - All Districts

9. Approve agreement CT-060-11010582 with ICF Consulting Services, LLC for development of a manual and procedures for Orange County Operational Area Joint Information System Operations Plan ($150,000); and authorize Purchasing Agent or designee to execute agreement - All Districts

10. Adopt resolution authorizing Sheriff-Coroner or designee to execute and submit to California Emergency Management Agency all documents necessary to accept FY09 Buffer Zone Protection Program Grant ($399,640); approve agreement to transfer funds and authorize Sheriff-Coroner or designee to execute agreements; and authorize Auditor-Controller to transfer funds to other entities under certain conditions - All Districts
RESO: 11-059

11. Adopt resolution authorizing Sheriff-Coroner or designee to execute and submit to California Emergency Management Agency all documents necessary to accept FY10 Buffer Zone Protection Program Grant ($390,000); approve agreement to transfer funds and authorize Sheriff-Coroner or designee to execute agreements; and authorize Auditor-Controller to transfer funds to other entities under certain conditions - All Districts
RESO: 11-060

JOHN WAYNE AIRPORT

12. Receive bids and award contract to All American Asphalt, Inc. for pavement maintenance and repairs ($450,000); and make California Environmental Quality Act findings - District 2

21453 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

13. Approve agreement OCP11-006 with BonTerra Consulting for on-call environmental and regulatory permitting services for a three-year term ($400,000) - All Districts

14. Accept Workforce Investment Act (WIA) National Emergency Grant (NEG) 2010 Severe Storm (NEG-Storm) funds for public lands affected by 2010 winter storms ($503,216.34); authorize Director or designee to execute grant; approve WIA Cost Reimbursement agreement P3-NEGSTM-11 with Orange County Conservation Corps for emergency clean-up and restoration efforts, 2/1/11 - 3/31/12 ($397,370); authorize Director or designee to execute agreement and make changes under certain conditions - All Districts

52143 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

15. Approve plans and specifications and set bid opening for 6/8/11, 2:00 p.m., for Job Order Contract O&M 001, General Engineering - Road Projects, FY 2011-12; and make California Environmental Quality Act findings - All Districts

16. Approve plans and specifications and set bid opening for 6/8/11, 2:00 p.m., for asphalt overlay resurfacing of various streets in Orange County, 2011-12; and make California Environmental Quality Act findings - District 3

34125 **APPROVED AS RECOMMENDED**

17. Approve plans and specifications and set bid opening for 6/8/11, 2:00 p.m., for Job Order O&M 002, Earthwork and Paving - Road Projects, FY 2011-12; and make California Environmental Quality Act findings - All Districts

18. Authorize County Executive Office/Risk Management to add cities of Anaheim, Buena Park, Costa Mesa, Cypress, Fountain Valley, Fullerton, Garden Grove, Huntington Beach, Irvine, La Palma, Los Alamitos, Orange, Placentia, Santa Ana, Stanton, Tustin and Westminster as additional insured entities to the County's Insurance Certificates for County over limit vehicle permits; and make California Environmental Quality Act findings - Districts 1, 2, 3 and 4

21453 **DELETED**

19. Select various firms in ranked lists for on-call professional Road and Bridge projects; authorize negotiation of agreements for Board approval; and make California Environmental Quality Act findings - All Districts

21453 A **APPROVED AS RECOMMENDED**

Acting as the Orange County Flood Control District:

20. Approve plans and specifications and set bid opening for 6/8/11, 2:00 p.m., for Job

Order Contract O&M 003, General Engineering - Flood Projects, FY 2011-12; and make California Environmental Quality Act findings - All Districts

21. Receive bids and award contract to Three D Service Company, Inc. for Prado Demolition, Cucamonga Avenue ($143,293) - All Districts

22. Approve payment to City of Seal Beach for water service connection fee, Los Alamitos Pump Station ($172,417); and authorize Auditor-Controller to make related payments - District 2

21453 **CONTINUED TO 5/17/11, 9:30 A.M.**

Acting as the Board of Supervisors and Orange County Flood Control District:

23. Approve agreements D10-072 with Towill, Inc., and D11-009 with Digital Mapping, Inc. for on-call aerial surveying services, three-year terms ($600,000 each); and make California Environmental Quality Act findings - All Districts

24. Approve contract MA 08010012030 with LA Consulting, Inc. for maintenance systems enhancements and program management support services, 5/3/11 - 5/2/12 ($238,548); renewable for two additional one year periods; and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

25. Approve agreement MA-063-11010814 with Father Flanagan's Boys' Home for technical assistance services for Orangewood Children and Family Center, 6/1/11 - 5/31/14 ($29,259); and authorize Purchasing Agent or designee to execute agreement - All Districts

GENERAL ADMINISTRATION

26. **County Counsel -** Approve amendment 3 to agreement with Groom Law Group for legal services ($20,000; new total $110,000); and authorize County Counsel or designee to execute amendment - All Districts

35124 N **CONTINUED TO 5/10/11, 9:30 A.M.**

27. **County Executive Office -** Receive and file Quarterly Information Technology Project Status Detail and Executive Summary Report for January - March and Risk Assessment Report for January - March 2011 - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 28-52)

ELECTED DEPARTMENT HEADS

28. **Auditor-Controller** - Receive and file CAPS+ and PTMS Project Status Reports for February 2011 - April 2011 - All Districts
52143 **RECEIVED AND FILED**

HEALTH CARE AGENCY

29. Approve master agreement with various providers for Behavioral Health CalWORKs services, 7/1/11 - 6/30/12 ($2,869,243); authorize Director or designee to execute agreements - All Districts
41253 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

30. Approve agreement with AEPC Group, LLC, for architectural services, one year term ($65,000); renewable for two additional one year periods without further Board action ($65,000 per year); and make California Environmental Quality Act findings - District 2
24153 **APPROVED AS RECOMMENDED**

31. Approve agreement with AE Consulting Inc. for civil engineering services, one year term ($65,000); renewable for two additional one year periods without further Board action ($65,000 per year); and make California Environmental Quality Act findings - District 2
24153 **APPROVED AS RECOMMENDED**

32. Approve agreement with AE Consulting Inc. for electrical engineering services, one year term ($65,000); renewable for two additional one year periods without further Board action ($65,000 per year); and make California Environmental Quality Act findings - District 2
24153 **APPROVED AS RECOMMENDED**

33. Approve agreement with Toft Wolff Farrow Inc. for mechanical engineering services, one year term ($65,000); renewable for two additional one year periods without further Board action ($65,000 per year); and make California Environmental Quality Act findings - District 2
24153 **APPROVED AS RECOMMENDED**

34. Approve agreement with RMA Group for pavement engineering services, one year term ($65,000); renewable for two additional one year periods without further Board action ($65,000 per year); and make California Environmental Quality Act findings - District 2
24153 **APPROVED AS RECOMMENDED**

35. Approve agreement with Bucknam & Associates for pavement management engineering services, one year term ($65,000); renewable for two additional one year periods without further Board action ($65,000 per year); and make California Environmental Quality Act findings - District 2
24153 **APPROVED AS RECOMMENDED**

36. Approve agreement with Integrated Design Services, Inc. for structural engineering services, one year term ($65,000); renewable for two additional one year periods without further Board action ($65,000 per year); and make California Environmental Quality Act findings - District 2

24153 **APPROVED AS RECOMMENDED**

37. Approve agreement with Advantec Consulting Engineers for traffic engineering services, one year term ($65,000); renewable for two additional one year periods without further Board action ($65,000 per year); and make California Environmental Quality Act findings - District 2
24153 **APPROVED AS RECOMMENDED**

38. Select BNP Associates as primary and Epstein as alternate firms for design and construction administration services for Transportation Security Administration Checked Baggage Inspection System and Baggage Handling System Enhancement Project in Terminals A & B; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 2
24153 **APPROVED AS RECOMMENDED**

39. Approve agreement with Sterling Energy International, Inc for operation and maintenance of Central Utility Plant, 5/3/11 - 5/2/14 ($4,636,319); renewable for two additional one-year period with Board approval; authorize Purchasing Agent or designee to exercise contingency contract cost increase not to exceed 5% without further Board action; and make California Environmental Quality Act findings - District 2
25143 **APPROVED AS RECOMMENDED**

40. Approve User Fee Airport Memorandum of Agreement with U.S. Customs and Border Protection for inspectional services, effective 1/1/12; and make California Environmental Quality Act findings - District 2
24153 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

41. Approve Workforce Investment Act (WIA) Youth Master Cost Reimbursement agreements with various vendors to fund WIA Youth employment and training services, 6/1/11 - 6/30/12 ($3,144,858); and authorize Director or designee to execute individual agreements and exercise cost contingency increase or decrease not to exceed 10% and make line item budget transfers under certain conditions - All Districts
51243 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

42. Receive bids and award contract to Cedars Engineering Construction, Inc. for replacement of electric transformer and switchgear, Central Utility Facility ($963,000) - District 1
14253 **APPROVED AS RECOMMENDED**

Acting as the Orange County Flood Control District:

43. Receive and file status report on Emergency Declaration for Harding Creek Emergency Gabion Construction project and set review to determine continuing need for emergency action for 5/17/11, 9:30 a.m., and every 14 days thereafter - District 3 (Continued from 4/19/11, Item S40A)
34125 **APPROVED AS RECOMMENDED**

44. Receive bids and award contract to Los Angeles Engineering, Inc. for the Santa Ana River Interceptor Relocation, Yorba Linda Spur Project ($7,210,400) - District 3

34125 **APPROVED AS RECOMMENDED**

45. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve amendment 1 to agreement MA 080 11010058 with Baja Trucking, Inc. for on-call haul trucks for material removal ($750,000; new total $1,470,000); and make California Environmental Quality Act findings - All Districts

54123 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

46. Approve agreement CDB0711 with A White and Yellow Cab, Inc. for children's school of origin transportation services, 7/1/11 - 6/30/14, ($240,000); and authorize Director or designee to extend term of agreement for up to twelve additional months under the same terms and conditions without further Board approval - All Districts

54123 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

47. **County Counsel -** Consider second reading and adoption of "An Ordinance of the County of Orange, California Amending Sections 4-11-1 and 4-11-2 Subsections (a), (f) and (g) and Adding Subsection (h) to the Codified Ordinances of the County of Orange Regarding the Orange County Health Authority" - All Districts (Continued from 4/19/11, Item 33)

54123 **APPROVED AS RECOMMENDED**
ORD: 11-013

County Executive Office:

48. Approve agreement C-9-0258 with Orange Transportation Authority and City of Santa Ana for maintenance of public restroom at former Santa Ana Transit Terminal for term 3/24/10 - 3/23/11 as previously amended by Board on 7/27/10 and for term 3/24/11 - 3/23/12; authorize CEO to make minor amendments and that such changes do not increase more than 10%; and authorize reinstatement of Article 4 of original agreement stipulating automatic annual renewals - All Districts

B.O. **DELETED**

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

25143 **APPROVED AS RECOMMENDED**

50. Approve recommended grant application submitted by OC Community Resources in 5/3/11 grant report and other actions as recommended - All Districts

51243 **APPROVED AS RECOMMENDED**

51. Consider second reading and adoption of "An Ordinance of the County of Orange, California Amending Sections 1-1-80 (b) (3) and (h) (8) of the Codified Ordinances of the County of Orange Pertaining to Lobbyist Registration and Reporting" - All Districts (Continued first reading from 4/5/11, Item 46; 4/19/11, Item 37)

54123 **APPROVED AS RECOMMENDED**
ORD: 11-014

52. Approve FY 2010-11 Third Quarter Budget Report; approve related budget adjustments

and amend master position control - All Districts (RA 1 requires 4/5 vote of members present)

51243 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Items 53-54)

OC COMMUNITY RESOURCES

53. Public Hearing to consider approving allocation of new Community Development Block Grant (CDBG) Program, CDBG reprogrammed, CDBG-Recovery, CDBG Program Income, HOME Investment Partnership Act, HOME Program Income and Emergency Shelter Grant (ESG) Program in FY 2011-12 Annual Action Plan ($6,959,746); approve renewal of Housing Rehabilitation and Public Service Agreements; approve selection and funding recommendations for Public Facilities and Improvements agreements; approve amendment to agreement with Mercy House Living Centers, Inc. for 2011-12 Armory Emergency Shelter Program ($419,046); approve License to Use State Military Facility agreement with California National Guard for emergency shelters at Santa Ana and Fullerton Armory facilities ($134,100) and authorize Director to designee to submit all documents necessary to implement referenced programs, execute agreements, amendments and six month extensions and make changes under certain conditions without further Board action - All Districts

B.O. **CONTINUED TO 5/10/11, 9:30 A.M.**

GENERAL ADMINISTRATION

54. **County Counsel -** Acting as the Orange County Flood Control District - Public Hearing to consider adopting resolution determining the necessity of acquisition by eminent domain of real property for Santa Ana River/Prado Dam Mainstem Project; authorizing County Counsel or litigation counsel to institute eminent domain proceedings; and making California Environmental Quality Act and other findings - All Districts (4/5 vote of the membership)

B.O. **CLOSED PUBLIC HEARING**

15243 **CONTIINUED TO 6/7/11, 9:30 A.M.**

V. CLOSED SESSION (Items CS-1-CS-3)

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: County of Orange v. Association of Orange County Deputy Sheriffs, et al., California Court of Appeal, 2d District Case No. B218660 (LACS Case No. BC389758)

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

CS-2. **County Executive Office -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Fogarty-Hardwick v. County of Orange, et al., OCSC Case No. 01CC02379

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF DEANNA FOGARTY-HARDWICK 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. **Human Resources Department -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organizations: Association of Orange County Deputy Sheriffs (AOCDS), Orange County Employees Association (OCEA), Orange County Managers Association (OCMA)
RE: Terms and Conditions of Employment

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

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

PUBLIC COMMENTS:
Sahar Aziz & Dr. Dina Eletreby - Oral Re: Human Relations Commission award to Dr. Siddiqi

Charles Griffin - Oral Re: Fusion energy

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Moorlach - Oral Re: Letter to the editor in OC Register Re: Dependency Hearings

Supervisor Nguyen -Oral Re: thank you to CEO & OC Parks for efforts for event at Roger Stanton Park

ADJOURNED: 12:45 P.M.

25143 **Adjourned in memory of Mary Jo Hammett**

51243 **Adjourned in memory of Barton "Bo" Boyd**

12453 **Adjourned in memory of Ben De Leon**

21453 **Adjourned in memory of Betty Mae Riley**

*** 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