REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

*Tuesday, April 23, 2013,* 9:30 A.M.
BOARD HEARING ROOM, FIRST FLOOR
333 W. Santa Ana Blvd., 10 Civic Center Plaza
Santa Ana, California

**SHAWN NELSON**
CHAIRMAN
Fourth District

**PATRICIA BATES**
VICE CHAIRMAN
Fifth District

**JANET NGUYEN**
SUPERVISOR
First District

**JOHN M.W. MOORLACH**
SUPERVISOR
Second District

**TODD SPITZER**
SUPERVISOR
Third 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 Spitzer, Third District, gave the invocation

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

**I. PRESENTATIONS/INTRODUCTIONS**

**II. CONSENT CALENDAR (Items 1-17)**

25134 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 9, 15, 16, & 17 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

**BOARD APPOINTMENTS**

1. **Supervisor Moorlach -** Acting as the Orange County Housing Authority - Housing and Community Development Commission - Appoint Matt Moore, Newport Beach, to complete term ending 6/30/13

**DEPARTMENT APPOINTMENTS**

2. **OC Community Resources -** Orange County Workforce Investment Board - Appoint Barbara Mason, Huntington Beach, to complete term ending 12/31/15 - All Districts

**ELECTED DEPARTMENT HEADS**

**Sheriff-Coroner:**

3. Approve amendment 2 to agreement MA-060-11012291 renewing as MA-060-13011561 with Goodwill Industries of Orange County for packaging food and personal care items for jail commissary operations, 5/18/13 - 5/17/14 ($169,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

4. Receive bids and award contract to CJ PRO, Inc. for Americans with Disabilities Act (ADA) Accessibility Modifications to Tank P-13, Central Women's Jail ($175,700); and make California Environmental Quality Act findings - District 1

**HEALTH CARE AGENCY**

5. Approve agreement with State Department of Public Health for AIDS Drug Assistance Program, 7/1/12 - 6/30/15 ($291,258); and authorize Director or designee to execute agreement - All Districts

6. Approve renewal of master agreement MA-042-12011513 as MA-042-13011384 with Global Works Inc. dba Western Interpreting Network for sign language interpretation services, 7/1/13 - 6/30/14 ($145,000); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

**OC COMMUNITY RESOURCES**

7. Select various firms in ranked list for on-call architect/engineer and professional consultant services; authorize negotiation of agreements for Board approval; and make California Environmental Quality Act findings - All Districts

**OC PUBLIC WORKS**

8. Adopt resolution establishing standard plans and specifications with modifications, deletions and revisions for various public facilities; and authorize printing, distribution and sale of "OC Public Works Standard Plans, 2013 Edition"; and make California Environmental Quality Act findings - All Districts
*RESO: 13-026*

9. Receive and file County of Orange General Plan Progress Report and authorize submittal to State Department of Housing and Community Development and Governor's Office of Planning and Research; and make California Environmental Quality Act findings - All Districts

34125 **APPROVED AS RECOMMENDED**

10. Approve Memorandum of Understanding with San Diego Unified Port District and the Cities of San Diego and Oceanside for Regional Harbor Monitoring Program; authorize OC Public Works and OC Dana Point Harbor Directors or designees to execute Memorandum of

Understanding; and make California Environmental Quality findings - District 5

11. Select Harris & Associates as primary and AndersonPenna Partners, Inc. as alternate firms for construction management services of Edinger Avenue Bridge Widening project; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 1

12. Select AECOM as primary and Harris & Associates, Inc. as alternate firms for construction management services of Lincoln Avenue Bridge Widening project; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 3

13. **Acting as the Orange County Flood Control District -** Approve agreement D11-063 with the City of Orange for pedestrian and bikeway improvements and maintenance, ten-year term with annual renewals; and make California Environmental Quality Act findings - District 3

**OC WASTE & RECYCLING**

14. Approve amendment 5 to Successor Refuse Gas Lease and agreement; approve amendment 7 to Site Lease agreement; approve assignment agreement with Gas Recovery Systems LLC assigning to Coyote Canyon Energy LLC; approve consent to collateral assignment agreement with Union Bank; accept continuing guaranty from Fortistar LLC for Coyote Landfill; authorize Director or designee to execute agreements and amendments; and make California Environmental Quality Act findings - District 2

**PUBLIC PROTECTION**

15. **Probation -** Approve agreement with Orange County Superintendent of Schools for personnel support services for programs conducted at Youth Guidance Center, Youth Leadership Academy and Juvenile Hall, 7/1/13 - 6/30/14 ($327,000); and make California Environmental Quality Act findings - All Districts

32154 **APPROVED WITH MODIFICATION CHANGING SECTION 10 TO 10.1 AND ADDING 10.2 IN CASE OF AN ESCAPE OR LOCKDOWN OR OTHER REASON TEACHERS SHOULD NOT COME TO A FACILITY, THIS INFORMATION WILL BE IMMEDIATELY COMMUNICATED BETWEEN THE PARTIES.**

**GENERAL ADMINISTRATION**

16. **County Executive Office -** Receive and file charitable organizations actual income/expenses for 2012 and planned activities for 2013 - All Districts

23154 **APPROVED AS RECOMMENDED EXCLUDING CRIME SURVIVORS, INC.**

14235 X **APPROVED CRIME SURVIVORS, INC. SUPERVISOR SPITZER RECUSED HIMSELF FROM THE DISCUSSION AND VOTE DUE TO A POTENTIAL CONFLICT OF INTEREST**

17. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for March 2013 - All Districts

24135 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

**III. DISCUSSION ITEMS (Items 18-S36B)**

**HEALTH CARE AGENCY**

18. Approve amendment 1 to master agreement with various providers for adult mental health inpatient services, 7/1/12 - 6/30/13 ($101,743; new total $4,375,163); and authorize Director or designee to execute amendments - All Districts

B.O. **DELETED**

19. Approve master agreement with various providers for Socialization Program for isolated and older adults, 7/1/13 - 6/30/14 ($919,500); and authorize Director or designee to execute agreements - All Districts

21354 **APPROVED AS RECOMMENDED**

20. Approve master agreement with various providers of Adult Mental Health Inpatient Services, 7/1/13 - 6/30/15 ($8,750,326); and authorize Director or designee to execute agreements - All Districts

32154 **APPROVED AS RECOMMENDED**

21. Approve master agreement with various providers of Post Custody Re-Entry services, 7/1/13 - 6/30/16 ($836,049); and authorize Director or designee to execute agreements and exercise contingency contract increase not to exceed 10% - All Districts

25134 **APPROVED AS RECOMMENDED**

**JOHN WAYNE AIRPORT**

22. Approve agreements with Jeff Oviedo & Associates, Inc. dba JOA Group ($1,050,000), Faithful+Gould, Inc. ($750,000) and Butier Engineering, Inc. ($750,000) for project management services, Capital Improvement Program, effective for three year period; and make California Environmental Quality Act findings - District 2

24135 **APPROVED AS RECOMMENDED**

**OC COMMUNITY RESOURCES**

23. Approve fund decrease to the Workforce Investment Act (WIA) Youth Cost Reimbursement agreement with Orange County Conservation Corps, 5/7/13 - 6/30/13 ($589,545 decrease; new total $1,300,000); and authorize Director or designee to execute amended agreements, exercise a cost contingency increase or decrease not to exceed 10% and make line item budget transfers under certain conditions - All Districts

B.O. **CONTINUED TO 5/7/13, 9:30 A.M.**

**OC PUBLIC WORKS**

24. Receive bids and award contract to Powell Constructors, Inc. for Edinger Avenue Bridge widening over Santa Ana River from East of Harbor Boulevard to West of Fairview Street ($5,460,789.46); and make California Environmental Quality Act findings - District 1

15234 **APPROVED AS RECOMMENDED**

25. Approve amended agreement MA-080-11010824 with Atkins North America, Inc., Bureau Veritas North America, Inc., Tait and Associates, Inc. and Willdan Engineering for land use planning and engineering services ($2,150,000; new total $5,150,000); authorize Purchasing

Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

15234 **APPROVED AS RECOMMENDED**

26. Receive bids and award contract to PALP, Inc. dba Excel Paving Company for construction of the La Colina Drive Pavement Rehabilitation project, North Tustin area ($1,332,284.30); accept Proposition 1B State-Local Partnership Program funds ($764,000); and make California Environmental Quality Act findings - District 3

31254 **APPROVED AS RECOMMENDED**

27. Receive bids and award contract to KEC Engineering for construction of Midway City Street and Drainage Improvements Phase III ($6,269,618.20); approve agreement D13-022 with Midway City Sanitary District for reimbursement costs to relocate conflicting sewer lines and adjustment of existing sewer facilities within project limits; and make California Environmental Quality Act findings - District 1

14235 **APPROVED AS RECOMMENDED**

**OC WASTE & RECYCLING**

28. Approve agreement MA-299-13011641 with Habitat West, Inc. for native plant habitat management and landscape maintenance services, South Region Landfills, 5/1/13 - 4/30/16 ($1,800,000); renewable for two additional one-year periods ($600,000 per year); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - Districts 2 & 5

25134 **APPROVED AS RECOMMENDED**

**SOCIAL SERVICES AGENCY**

29. Approve master agreement CRR0213-00 with various state licensed group home providers for certified residential care and support services to dependent children, 7/1/13 - 6/30/16; and authorize Director or designee to execute agreements - All Districts

B.O. **CONTINUED TO 5/7/13 9:30 A.M.**

**GENERAL ADMINISTRATION**

30. **Clerk of the Board -** Children and Families Commission - Approve selection of one individual to the Education Category (annual alternating category); one individual to the Education Category; and one individual to the Health Category, for terms ending 3/31/15 - All Districts

12354 **SELECTED & APPOINTED SANDRA BERRY TO EDUCATION CATEGORY (ANNUAL ALTERNATING CATEGORY)**

32154 **SELECTED & APPOINTED HUGH HEWITT TO EDUCATION CATEGORY**

21354 **SELECTED & APPOINTED KIMBERLY CRIPE TO HEALTH CATEGORY**

**County Executive Office:**

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

25134 **APPROVED AS RECOMMENDED WITH CHAIRMAN NELSON ABSTAINING ON RECOMMENDED ACTION 3**

32. Approve grant applications/awards submitted by OC Community Resources and John Wayne Airport in 4/23/13 grant report and other actions as recommended; authorize OC Community Resources Director or designee to execute agreement with Orange County Workforce Investment Board and South Bay Workforce Investment Board ($1,344,530) - All Districts

31254 **APPROVED AS RECOMMENDED**

33. Receive and file Quarterly Information Technology Project Status Detail, Executive Summary and Risk Assessment Reports for January - March 2013 - All Districts

14235 **APPROVED AS RECOMMENDED**
N

34. Approve in concept issuance of Tax and Revenue Anticipation Notes for financing general fund cash flow needs for FY 2013-14; and approve selection of Orrick, Herrington & Sutcliffe LLP as note and disclosure counsel and KNN Public Finance as financial advisor - All Districts

24135 **APPROVED AS RECOMMENDED**

35. Approve agreement 13-002FA with KNN Public Finance for general financial advisory services ($75,000 annually) and services related to issuance of Tax and Revenue Anticipation Notes (compensation not to exceed $40,000, plus not to exceed $2,500 in expenses) and services related to refunding of Tax Allocation Bonds (not to exceed $55,000 plus $2,500 in expenses); approve agreement 13-001FA with C.M. de Crinis & Company, Inc. for general financial services ($75,000 annually) and services related to Tax Allocation Bonds (not to exceed $47,500 annually); approve agreement 13-003FA with Montague DeRose and Associates, LLC for general financial advisory services ($75,000 annually); and authorize Public Finance Manager to execute agreements - All Districts

34125 **APPROVED AS RECOMMENDED ACTIONS 1, 2 AND 4**

36. Approve agreements 13-001BC with Orrick, Herrington & Sutcliffe LLP for general legal services (not to exceed $75,000 annually) and bond and disclosure counsel services related to Tax and Revenue Anticipation Notes ($62,500 plus not to exceed $25,000 in expenses); approve agreement 13-002BC with Stradling Yocca Carlson & Rauth for general legal services ($75,000 annually) and bond and disclosure counsel services ($75,000) related to Tax Allocation Bonds; approve agreement 13-003BC with Polsinelli Shughart LLP for general legal services ($75,000 annually); and authorize Public Finance Manager to execute agreements - All Districts

12354 **APPROVED AS RECOMMENDED**

S36A. **Human Resource Services -** Approve amendment 1 to agreement with Great-West Retirement Services for County's Internal Revenue Code Section 457 defined contribution plan, Section 401 (a) Retirement Plan and Section 3121 plan for extra-help employees; approve adoption of agreements amending 457 defined contribution plan and 401 (a) retirement plan; and authorize Director or designee, as Plan Administrator to administer plans, negotiate and execute underlying agreements necessary for proper function and to make changes under certain conditions - All Districts (Continued from 4/16/13, Item 20)

B.O. **CONTINUED TO 5/7/13, 9:30 A.M.**

**ELECTED DEPARTMENT HEADS**

S36B. **Sheriff-Coroner -** Declare Emergency and make finding pursuant to Public Contract Code Section 22050(a)(1)(2); authorize Sheriff-Coroner Research and Development Director or designee to negotiate and award an agreement with Trane U.S. Inc. for replacement of 300 Ton Centrifugal Chiller, Theo Lacy Jail Facility ($425,000); set review to determine continuing need for emergency action for 5/7/13, 9:30 a.m. and every 14 days thereafter; and make California Environmental Quality Act findings - District 3 (4/5 vote of members present and voting)

34125 **APPROVED AS RECOMMENDED**

**IV. PUBLIC HEARINGS (Item 37)**

**GENERAL ADMINISTRATION**

37. **County Executive Office -** Public Hearing to consider first reading and adoption of "An Ordinance of the County of Orange, California Approving a Public/Private Partnership with Related/Griffin for the Assessment and Construction of an Office Building for Governmental and Commercial Uses in the Santa Ana Civic Center"; approve agreement CT-080-13010515 with Griffin Structures, Inc. for Building 16/Civic Center Master Plan Study, 4/16/2013 - 4/15/2014 ($459,450); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - District 1 (4/5 vote of membership) (Continued from 2/26/13, Item 52; 3/12/13, Item 19; 3/19/13, Item 34; 4/16/13, Item 35)

B.O. **CLOSED PUBLIC HEARING**

31254 **APPROVED AS RECOMMENDED**
*ORD: 13-003*

**V. CLOSED SESSION (Items CS-1-SCS8)**

**GENERAL ADMINISTRATION**

**County Counsel:**

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Phoebe Loggins, et al. v. County of Orange, et al., United States District Court Case No. SACV12-691 JVS (MLGx) (Continued from 4/1613, Item CS-4)

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF PHOEBE LOGGINS, ET AL. V. COUNTY OF ORANGE, ET AL. 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(d)(1):
Name of Case: Juvenal Carrasco, Plaintiff, and Tower Insurance Company of New York, a New York insurance company, Intervenor v. County of Orange, Orange County Superior Case No. 30-2011-004608175

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE,**

**APPROVED A PROPOSED SETTLEMENT IN THE CASE OF JUVENAL CARRASCO, PLAINTIFF AND TOWER INSURANCE COMPANY OF NEW YORK, A NEW YORK INSURANCE COMPANY, INTERVENOR 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(d)(1):
Name of Case: William J. Hunt v. County Of Orange, et al., Orange County Superior Court NO. 30-2009 00313239

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF WILLIAM J. HUNT V. COUNTY OF ORANGE, ET AL. 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-4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Voice of Orange County.org, et al. v. County of Orange, Orange County Superior Court Case No. 30-2012-00585774

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

CS-5. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Various locations
County Negotiator: Robert J. Franz
Negotiating Party: Purchasing and sellers of buildings
Under Negotiations: Terms and value of Futures sale(s) and acquisition(s), including -
801 W. Civic Center Drive, Santa Ana, CA;
405 W. 5th Street, Santa Ana, CA;
200 W. Santa Ana Blvd., Santa Ana, CA

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

CS-6. **Human Resource Services -** 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 other non-represented employees
RE: Terms and Conditions of Employment

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

SCS7. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION -Pursuant to Government Code Section 54956.9(d)(4): Number of Cases: One Case

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

SCS8. **Chairman Nelson -** PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section
54957:
Title: County Executive Officer

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

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

### PUBLIC COMMENTS:

Opinion Online

Michael Klubnikin - Oral Re: Family estate, Nate Tseglin and corruption in County

Ilya Tseglin - Oral Re: Nate Tseglin, Regional Center of Orange County, Michael Klubnikin and Judah Jacobsen's daughter

Robert Tseglin - Oral Re: Nate Tseglin

Charles Griffin - Oral Re: Beach fire rings, John Wayne Airport and high speed rail

Darrell Nolta - Oral Re: Sheriff's heightened security and monitoring; private ambulance services

### COUNTY EXECUTIVE OFFICER COMMENTS:

None

### BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Supervisor Moorlach - Oral Re: Point in Time Homeless Count celebration; impacts of State prison overcrowding; introduced Phillip Chang, the new Performance Auditor; private ambulance issue in Alameda County

Supervisor Bates - Oral Re: Dana Point Harbor Beautification Award for water quality

Supervisor Nguyen - Oral Re: Central County Health Expo 2013; 2nd Annual Child Celebration Day; Walk of Honor; Countywide sexual harassment training

Supervisor Spitzer - Oral Re: AB 109/State Prison overcrowding impacts and high level of health care services County will be required to provide prisoners; Crime Victims Week

### ADJOURNED: 3:25 P.M.

54123 **Adjourned in memory of Kathryn Jan Pedero**

34125 **Adjourned in memory of Angela Sandoval, Genaro Fernandez, Raudel Fernandez-Avila, Leonardo Fernandez-Avila and Belen Fernandez**

*** KEY ***

***Left Margin Notes***

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

ORD. = Ordinance
RESO. = Resolution

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

*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*