REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, April 16, 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 Moorlach, Second District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nguyen, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-20)

21354 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 4 WHICH WAS CONTINUED TO 5/14/13, 9:30 A.M.; ITEMS 11, 12, 13 AND 15 WHICH WERE CONTINUED TO 5/7/13, 9:30 A.M.; AND ITEMS 8, 16 & 20 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Bates:

1. Senior Citizens Advisory Council - Reappoint Elizabeth Busick, Mission Viejo, to

complete term ending 12/31/14

2. Oversight Boards of the Successor Agencies to the City Redevelopment Agencies, Mission Viejo - Appoint Sherri Butterfield

ELECTED DEPARTMENT HEADS

3. **Treasurer-Tax Collector** - Approve agreement with City of Westminster for water billing and payment processing services, 5/1/13 4/30/18; and authorize Treasurer-Tax Collector to execute agreement - District 1 (Continued from 2/26/13, Item 13)

OC COMMUNITY RESOURCES

4. Approve master agreement with various providers of veterinary services, 7/1/13 - 6/30/15 ($600,000); and authorize Director or designee to execute agreements and exercise contingency contract increase not to exceed 10% - All Districts

21354 **CONTINUED TO 5/14/13, 9:30 A.M.**

5. Approve agreement MA-012-13011419 with Rosario Tapia dba Tapia Landscaping for landscape maintenance services, Santa Ana River Trail and Bikeway, 5/1/13 - 4/30/14 ($253,502.20); renewable for four one-year periods; authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - Districts 1, 2, & 3

6. Approve agreement with Moffat & Nichol for design and consulting services for Sunset Harbour Maintenance Dredging Project ($720,301); and make California Environmental Quality Act findings - District 2

7. Approve Commercial Day Camp Licenses with U.S. Ocean Safety, Inc. and California Junior Lifeguard Programs, Inc. for Junior Lifeguard programs, Salt Creek Beach; and make California Environmental Quality Act findings - District 5

8. Approve final draft general development plan for Orange County Zoo for future zoo operations and improvements; and make California Environmental Quality Act and other findings - District 3

21354 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

9. Approve agreement MA-080-11011371 with RBF Consulting for stormwater permit implementation assistance services, 5/17/13 - 5/16/14 ($250,000); authorize Purchasing Agent or authorized Deputy to execute agreement; authorize Director or designee to make adjustments under certain conditions; and make California Environmental Quality Act findings - All Districts

10. Select AECOM as primary and Faith + Gould, Inc. as alternate firms for comprehensive building assessment; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - Districts 1 and 3

11. Approve plans and specifications and set bid opening for 5/8/13, 2:00 p.m., for asbestos removal and decontamination services Job Order Contract; and make California Environmental

Quality Act findings - All Districts

21354 **CONTINUED TO 5/7/13, 9:30 A.M.**

12. Approve plans and specifications and set bid opening for 5/29/13, 2:00 p.m., for Job Order Contract O&M 007, FY 2013-14, General Engineering-Road Projects; and make California Environmental Quality Act findings - All Districts

21354 **CONTINUED TO 5/7/13, 9:30 A.M.**

13. Approve plans and specifications and set bid opening for 5/29/13, 2:00 p.m., for Job Order Contract O&M 008, FY 2013-14, Earthwork & Paving-Road Projects; and make California Environmental Quality Act findings - All Districts

21354 **CONTINUED TO 5/7/13, 9:30 A.M.**

14. Receive and file Traffic Committee Report dated 2/21/13; approve recommendations and adopt necessary resolution; rescind a portion of Resolution 83-0447 and 96-0270; and make California Environmental Quality Act findings - Districts 1 and 3
RESO: 13-022

15. **Acting as the Orange County Flood Control District -** Approve plans and specifications and set bid opening for 5/29/13, 2:00 p.m., for Job Order Contract O&M 009, FY 2013-14, General Engineering-Flood Projects; and make California Environmental Quality Act findings - All Districts

21354 **CONTINUED TO 5/7/13, 9:30 A.M.**

SOCIAL SERVICES AGENCY

16. Approve amendment 3 to MA-063-12011704 to renew as MA-063-13011175 with Quakleen Co. Inc. for janitorial and day porter services , Orangewood Children and Family Center, 6/1/13 - 5/31/14 ($207,540); and authorize Purchasing Agent or authorized Deputy to execute amendment - District 3

31254 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

Clerk of the Board:

17. Approve the proposed amendments to the Conflict of Interest Code Designated Filers Exhibits for the Auditor-Controller - All Districts

18. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Orange County Fire Authority - All Districts

19. Approve re-adoption of the State's Model Code by reference and modifications to Designated Filer Positions and Disclosure Categories Exhibits A & B for East Orange County Water District - All Districts

20. **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

32154 **CONTINUED TO 4/23/13, 9:30 A.M.**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 21-33)

ELECTED DEPARTMENT HEADS

21. **Auditor-Controller -** Approve agreement MA-003-13011289 with Intellitime Systems Corporation for enterprise license, annual maintenance and support fees, 4/16/13 - 4/15/18 ($812,000); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

23154 **APPROVED AS RECOMMENDED**

22. **Sheriff-Coroner -** Accept State Public Work Board's decision for establishment for expansion of James A. Musick Facility project (JAMF); approve amendment 2 to agreement with AECOM Technical Services, Inc. for architectural design services for Phase I Expansion of JAMF ($6,863,160); and make California Environmental Quality Act findings - All Districts

35124 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

23. Approve Memorandum of Understanding with City of Newport Beach, Airport Working Group and Stop Polluting Our Newport for funding and preparation of Environmental Impact Report; and make California Environmental Quality Act findings - District 2

23154 **APPROVED AS RECOMMENDED**

OC DANA POINT HARBOR

24. Approve amendment 5 to agreement MA-108-10012441 with Project Dimensions, Inc. for project management services associated with Dana Point Harbor Revitalization Plan, extending term five years ($4.4 million); and authorize Director or designee to execute amendment - District 5 (Continued from 2/5/13, Item 18; 2/26/13, Item 41; 3/5/13, Item 14; 3/19/13, Item 23; 4/9/13, Item 38)

53124 **APPROVED AS MODIFIED TO CHANGE FROM FIXED PRICE TO A TIME AND MATERIALS BASIS UP TO THE AMOUNT OF $4,411,310**

OC PUBLIC WORKS

25. Approve agreement with Santa Margarita Water District and Rancho Mission Viejo for financing of specific on and offsite transportation infrastructure in South Orange County for Community Facility District 2013-1; and make California Environmental Quality Act findings - District 5

53124 **APPROVED AS RECOMMENDED**

26. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreements D13-001 with Harris & Associates and D13-002 with CALTROP Corporation for on-call construction support services, three-year terms ($400,000 each); and make California Environmental Quality Act findings - All Districts

43125 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

Probation:

27. Approve submission of Orange County Comprehensive Multi-Agency Juvenile Justice Plan and application for continued funding for FY 13-14 to Board of State and Community Corrections; and authorize Chief Probation Officer to execute application - All Districts

23154 **APPROVED AS RECOMMENDED**

28. Approve renewal of agreement with C.M. Tipton Polygraph and Associates for adult sex offender post conviction polygraph examination services, 6/1/13 - 5/31/14 ($170,000); renewable for one additional year; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

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

SOCIAL SERVICES AGENCY

29. Approve amendment 1 to master agreement MA-063-12011826 with Orange County Transportation Authority for purchase of bus passes for mandated programs ($3,380,000; new total $5,980,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

51234 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

23154 **APPROVED AS RECOMMENDED**

31. Approve pre-annexation agreement with City of Mission Viejo for Northeast Annexation and adopt resolution approving property tax exchange; authorize OCPW Director or designee to execute Local Agency Formation Commission Property Owner Consent form for annexation of parcels 856-061-30 and 856-061-40; and make California Environmental Quality Act and other findings - Districts 3 & 5

35124 **APPROVED AS RECOMMENDED**
RESO: 13-023

32. Approve grant application/awards submitted by District Attorney in 4/16/13, grant report and other actions recommended; adopt resolution authorizing District Attorney or designee to execute agreement and amendments with State Victim Compensation and Government Claims Board for State Criminal Restitution Compact Program ($263,337); and make California Environmental Quality Act findings - Al Districts

31254 **APPROVED AS RECOMMENDED**
RESO: 13-024

33. Conduct interviews of candidates for the position of Auditor-Controller; appoint Auditor-Controller; and provide additional direction to County Executive Office and Human Resource Services staff - All Districts

23154 **APPROVED APPOINTMENT OF JAN GRIMES AS AUDITOR-CONTROLLER OF ORANGE COUNTY, CONDITIONED ON HER AGREEMENT TO PAY THE EMPLOYEE PORTION AND REVERSE PICK-UP OF HER RETIREMENT CONTRIBUTION AND AUTHORIZED CHAIRMAN TO SIGN**

AN AGREEMENT WITH JAN GRIMES ACKNOWLEDGING THIS CONDITION.

IV. PUBLIC HEARINGS (Items 34-35)

OC PUBLIC WORKS

34. Public Hearing to consider adopting resolution approving 2013 Weed Abatement Program and direct OC Public Works to report back to the Board on 7/30/13 and 7/29/14 with itemized cost reports; and make California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

31254 **APPROVED AS RECOMMENDED**
RESO: 13-025

GENERAL ADMINISTRATION

35. **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)

B.O. **CLOSED PUBLIC HEARING**

24135 **CONTINUED TO 4/23/13, 9:30 A.M.**

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

GENERAL ADMINISTRATION

CS-1. **Chairman Nelson -** PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957:
Title: County Executive Officer

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

County Counsel:

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
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**

CS-3. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9 (d)(4):
Number of Cases: One Case

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO RETAIN JACOBS & DODDS, AND**

AUTHORIZED COUNTY COUNSEL AND JACBOS & DODDS TO FILE LITIGATION. THE IDENTITY OF THE PARTIES AND OTHER PARTICULARS WILL BE DISCLOSED TO ANY PERSON UPON INQUIRY ONCE THE ACTION IS FILED.

CS-4. 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)

B.O. **CONTINUED TO 4/23/13, 9:30 A.M.**

CS-5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Aliso Beach Cafe v. County of Orange, Orange County Superior Court Case No. 30-201100462884

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF ALISO BEACH CAFE 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-6. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8: Property Location: County Owned and Leased Buildings, Civic Center, Santa Ana, CA County Negotiator: Robert J. Franz Negotiating Party: Related/Griffin, and future sellers or lessors in the Civic Center area, Santa Ana, CA
Under Negotiations: Terms and potential development(s)

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

CS-7. **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**

SCS8. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1): Name of Case: Lyle Wilson v. County of Orange, Orange County Superior Court Case No. 30-2011-00477697-CU-PT-CJC

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Judah, Ilya Tseglin and Robert Tseglin - Oral Re: Nate Tseglin

Michael Klubnikin - Oral Re: Nate Tseglin, Internal Auditor and Clerk Recorder

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Nelson - Oral Re: AB 1234 Report on trip to Washington D.C. on flood control issues and funding

Supervisor Bates - Oral Re: Served as judge for a 7th grade debate at St. Margaret's School in San Juan Capistrano

ADJOURNED: 5: 23 P.M.

24135 **Adjourned in memory of George Jeffries**

54123 **Adjourned in memory of Ernie Schneider**

34125 **Adjourned in memory of Yvonne Junor**

*** 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)

Chair, Orange County Board of Supervisors

Orange County Clerk of the Board