REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, December 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 Bates, Fifth District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Chairman Moorlach recognized volunteer dog handlers

Chairman Moorlach presented the Solid Waste Association of North America Silver Award to OC Waste & Recycling for their Public Outreach Programs

II. CONSENT CALENDAR (Items 1-22)

34152 **APPROVED AS RECOMMENDED WITH THE EXCEPT OF ITEMS 8 & 15 WHICH WERE CONTINUED TO 12/18/12, 9:30 A.M.; AND ITEMS 1, 9, 21 & 22 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Nguyen -** Oversight Board of the Successor to the City Redevelopment Agencies, Garden Grove - Appoint Jeremy Harris

13452 **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

2. **Auditor-Controller -** Receive and file Auditor-Controller Internal Audit Unit's Quarterly Status Report, August through November 2012 - All Districts

3. **Sheriff-Coroner -** Approve modification to five year agreement DROIGSA-10-0001 with U.S. Immigration and Customs Enforcement (ICE) to amend ICE detention standards; and authorize Sheriff-Coroner or designee to execute modification - All Districts

HEALTH CARE AGENCY

4. Approve selection of and agreement with AIDS Services Foundation Orange County for HIV Prevention services, 1/1/13 - 6/30/13 ($144,016) and 7/1/13 - 6/30/14 ($244,285); and authorize Director or designee to exercise cost contingency increase of agreement not to exceed 10% under certain conditions and to execute agreement - All Districts

5. Approve amendment 1 to agreement with Phoenix House Orange County, Inc. for Parolee Services Network Residential services, 7/1/12 - 6/30/13 ($46,590; new total $132,000); and authorize Director or designee to execute amendment - All Districts

OC COMMUNITY RESOURCES

6. Approve agreement OCP12-019 with APSI Construction Management for administration and contract management services of OC Parks capital projects, three year term ($400,000); and make California Environmental Quality Act findings - All Districts

7. Approve plans and specifications and set bid opening for 1/30/13, 2:00 p.m., for Irvine Ranch Historic Park Utility Infrastructure Construction Project; and make California Environmental Quality Act findings - District 3

8. Approve amended bylaws to Senior Citizens Advisory Council - All Districts

34152 **CONTINUED TO 12/18/12, 9:30 A.M.**

9. Approve Friends of the Library license agreement template to formalize relationship between each of the Friends of the Library organizations and OC Public Libraries; and make California Environmental Quality Act findings - All Districts

51342 **APPROVED AS RECOMMENDED**

10. **Acting as the Orange County Housing Authority -** Approve renewal of Memorandum of Agreement with Anaheim and Garden Grove Housing Authorities for inter-jurisdictional mobility supporting maintenance of Housing Choice Voucher assistance to eligible households that choose to relocate within County of Orange, 12/1/12 - 11/30/17; and authorize Director or designee to execute agreement - All Districts

OC PUBLIC WORKS

11. Adopt resolution declaring La Pata Avenue as a County Highway for the County Maintained Road System; and make California Environmental Quality Act and other findings - District 5
RESO: 12-174

12. Receive and file development fee deposit balance reports FY 2011-12; and find deposits held more than five years be retained for future projects within specified fee programs; and make California Environmental Quality Act findings - All Districts

13. Approve dissolution of Administrative Review Board; and make California Environmental Quality Act findings - All Districts

14. Approve amendment 2 to agreement MA-080-10012094 with J&J Landscaping for weed abatement services ($45,000; new total $342,000); and make California Environmental Quality Act findings - All Districts

15. Acting as the Board of Supervisors - Approve agreement with Rancho Santa Margarita Water District and San Juan Investment North, LLC for water quality and local flood control services, Gobernadora Multi-Purpose Basin; and make California Environmental Quality Act and other findings; Acting as the Orange County Flood Control District - Approve funding for construction inspection, annual operation and maintenance of flood retention component of basin - District 5

34152 **CONTINUED TO 12/18/12, 9:30 A.M.**

16. Select AECOM as primary and Wayne C. Siu, Architects as alternate firms for architect-engineer services at various Probation Department facilities; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - Districts 1 and 3

17. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreement D12-074 with the City of Westminster for graffiti abatement and street sweeping services in the unincorporated islands within the City's Sphere of Influence, 1/15/13 - 1/14/14 ($58,000); renewable for four additional years; authorize Director or designee to execute agreement; and make California Environmental Quality Act findings – District 1

OC WASTE & RECYCLING

18. Approve agreement MA-299-13010448 with Paradigm Software, LLC for software license, version upgrade, installation and implementation, maintenance and support services, 1/1/13 - 12/31/17 ($718,763); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

19. Approve amended bylaws to Orange County Child Care and Development Planning Council - All Districts

20. Approve agreement MA-063-13010714 with Bear Data Solutions, Inc. for Cisco Smartnet equipment maintenance services, 1/1/13 - 12/31/13 ($164,535); renewable for four one-year periods; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

GENERAL ADMINISTRATION

Internal Audit:

21. Receive and file Internal Audit Department Monthly Activity Status Report for November 2012 - All Districts

43152 **APPROVED AS RECOMMENDED**

22. Approve amended Audit Oversight Committee Charter and bylaws, effective 1/1/13 - All Districts

25134 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 23-31)

HEALTH CARE AGENCY

23. Adopt resolution approving amendment to agreement 12-89327 with State Department of Health Care Services for Cancer Detection Partnership services, 1/1/12 - 12/31/14; and authorize Director or designee to execute agreement - All Districts

51342 **APPROVED AS RECOMMENDED**
RESO: 12-175

JOHN WAYNE AIRPORT

24. Approve amendment 5 to agreement with T.Y. Lin International/Integrated Design Services (TYLin/IDS) for changes in engineering services to seismic remediation of elevated roadways, ($90,628; new total $1,890,461); and make California Environmental Quality Act findings - District 2

25134 **APPROVED AS RECOMMENDED**

OC DANA POINT HARBOR

25. Receive staff report; adopt resolution certifying Final SEIR 613 under the California Environmental Quality Act adopting Mitigation Monitoring and Reporting Program, Statement of Findings of Facts and Statement of Overriding Considerations; and adopt resolution approving revised Marina Improvement project - District 5

52134 **APPROVED AS RECOMMENDED**
RESO: 12-176 - 12-177

OC PUBLIC WORKS

26. Approve agreements D12-060 with Johnson-Frank & Associates, Inc., D12-061 with Coast Surveying, Inc., D12-062 with Huitt-Zollars, Inc., D12-063 with D. Woolley & Associates, Inc. and D12-064 with Carol Knox, Land Surveyor for on-call map checking services, three-year terms ($300,000 each); and make California Environmental Quality Act findings - All Districts

43152 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

27. Approve agreement MA-299-13010709 with Geosyntec Consultants and Advanced Earth Sciences, Inc. for environmental multi-discipline engineering services, 12/11/12 - 12/10/15 ($2,100,000); and make California Environmental Quality Act findings - All Districts

43152 **APPROVED AS RECOMMENDED**

28. Approve agreement MA-299-13010710 with Geosyntec Consultants and Tetra Tech BAS, Inc. for multi-discipline engineering support services, Central Region Landfills, 1/1/13 - 12/31/15 ($2,000,000); and make California Environmental Quality Act findings - Districts 2 & 3

32145 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

29. Adopt resolution approving property tax exchange with City of Newport Beach for annexation of 1.9 acres of unincorporated territory, Emerson Island - District 2

25134 **APPROVED AS RECOMMENDED**
RESO: 12-178

30. Approve Performance Incentive Award to Xerox State and Local Solutions, Inc. for end user survey results, FY 11-12 ($163,458.36) - All Districts

35142 **APPROVED AS RECOMMENDED**

31. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters; and consider and submit nominations to the California Coastal Commission - All Districts

32145 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 32)

ELECTED DEPARTMENT HEADS

32. **Sheriff-Coroner -** Receive staff report; adopt resolution certifying Supplement to FEIR 564 under the California Environmental Quality Act and adopting Mitigation Monitoring and Reporting Program Findings of Fact and Statement of Overriding Considerations; adopt resolution approving 2012 James A. Musick Site and Facilities Master Plan; and approve Memorandum of Understanding (MOU) with City of Lake Forest - District 3 & 5

B.O. **CLOSED PUBLIC HEARING**

45132 **APPROVED AS RECOMMENDED**
RESO: 12-179 - 12-180

V. CLOSED SESSION (Items CS-1-SCS6)

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. Air California et. al., United States District Court Case No. CV 85-1542

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

CS-2. **County Executive Office -** 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
(Continued from 11/20/12, Item SCS6)

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

Human Resource Services:

CS-3. PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957:

Title: Performance Audit Director

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

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**

County Executive Office:

SCS5. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: 801 W. Civic Center Drive, Santa Ana, CA; 405 W. 5th Street, Santa Ana, CA; 200 W. Santa Ana Blvd., Santa Ana, CA
County Negotiator: Robert J. Franz
Negotiating Party: Purchasers and sellers of buildings
Under Negotiation: Terms and value of potential future sale(s) and acquisition(s)

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

SCS6. 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 Negotiation: Terms of potential future development(s)

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

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

PUBLIC COMMENTS:
Ilya Tseglin, Robert Tseglin, Tanya, Michael Klubnikin, Frances J. Stein, Michael Lerman and Daniel - Oral Re: Nate Tseglin

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Chairman Moorlach announced there will be a reception honoring Supervisor Bill Campbell prior to next Board meeting on December 18th at 8:15 am and directed the CEO to include in 12/18/12 Strategic Financial Plan agenda item an analysis of the impact of Orange County Retirement System's reduction of the assumption rate to 7.25%

ADJOURNED: 12:10 P.M.

32145 **Adjourned in memory of Barbara Alvey**

52134 **Adjourned in memory of Richard Beach Bennett**

*** 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