REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, August 21, 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:	ACTING 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 Nelson, Fourth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-28)

31452 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 7, 18, 19 & 27 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Bates:

1. Senior Citizens Advisory Council - Appoint Anthony Allevato, Mission Viejo, to

complete term ending 12/31/13

2. Assessment Appeals Board No. 1 - Reappoint Jeanette M. Krembas, Laguna Niguel, for term ending 9/6/15

3. Assessment Appeals Board No. 3 - Reappoint Jerry McCloskey, Laguna Niguel, for term ending 9/6/15

4. Assessment Appeals Board No. 4 - Reappoint Craig Alexander, Dana Point, for term ending 9/6/15

COMMENDATIONS/PROCLAMATIONS/REPORTS

5. **Supervisor Campbell** - Adopt resolution recognizing September 10-14, 2012 as "Project Management Month"
RESO: 12-126

ELECTED DEPARTMENT HEADS

District Attorney:

6. Adopt resolution approving FY 2011-12 Federal Equitable Sharing agreement and Certification Report - All Districts
RESO: 12-127

7. Approve Real Estate Fraud Prosecution Annual Report, FY 2011-12 pursuant to Government Code Section 27388 (d) (1) & (d) (2) - All Districts
15342 **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

8. Select HDR Architecture Inc. as primary and TMAD Taylor & Gaines, Inc. as alternate firms for design services for Immigration and Customs Enforcement (ICE) administrative office space, Theo Lacy Facility; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 3

9. Approve license agreement with Santa Catalina Island Conservancy for operation of emergency communications equipment, Mt. Black Jack Communications Facility; and make California Environmental Quality Act findings - All Districts

10. Approve amendment 7 to agreement MA-060-11012345 with American Textiles Systems for jail bed sheets, term ending 6/14/12 ($34,000; new total $164,600); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

11. Approve FY 2011-12 Federal Equitable Sharing Agreements and Certification Reports for federally forfeited property or proceeds received for Sheriff-Coroner Department, Regional Narcotics Suppression Program and Orange County Pro-Active MethLab Investigative Task Force - All Districts

12. Approve agreement MA-060-13010252 with Govplace for EMC Corporation data storage system hardware and software maintenance, 9/1/12 - 6/30/13 ($118,929);

renewable for four additional one-year periods ($142,715 per year); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

HEALTH CARE AGENCY

13. Approve agreements with Community Action Partnership of Orange County for Network for a Healthy California - Children's Power Play! Campaign services ($140,000) and Latino Campaign services ($155,000), 10/1/12 - 9/30/13; and authorize Director or designee to execute agreements - All Districts

OC COMMUNITY RESOURCES

14. Approve agreement MA-012-12012165 with Merchants Landscape Services, Inc. for landscape maintenance services, Craig Regional Park, 9/1/12 - 8/31/13 ($300,140); renewable for four one-year periods; authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - District 4

15. Approve amendment 1 to subordinate agreement MA-012-12012135 with Exclusive Network Enterprises for information technology temporary help services, 8/22/12 - 5/31/13 ($375,000; new total $400,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

16. Approve renewal of agreement MA-012-10013355 with AquaTechnex for lake management services at OC Parks facilities, 9/1/12 - 8/31/13 ($400,000); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

17. Approve OC Public Libraries code of conduct for library patrons; and authorize County Librarian to make immaterial changes - All Districts

18. **Acting as the Orange County Housing Authority -** Authorize Executive Director or designee to sign Section 8 Management Assessment Program Certification and related documents for monitoring key areas of performance of Section 8 Housing Choice Voucher Program - All Districts

12345 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

19. Approve agreements D12-040 with Rancho Mission Viejo, LLC and D12-041 with DMB Ladera, LLC for development in the Ranch Planned Community and Ladera Ranch Planned Community; authorize Director or designee to execute future agreements; and make California Environmental Quality Act findings - District 5

51342 **APPROVED AS RECOMMENDED**

20. Adopt resolution relinquishing County jurisdiction over portions of Moulton Parkway and El Toro Road to City of Laguna Woods; and make California Environmental Quality Act findings - District 5
RESO: 12-128

21. Approve agreement D12-046 with Rancho Mission Viejo Community Development, LLC and amendment 1 to agreement D11-008 with DMB Ladera, LLC for landscape maintenance of

Antonio Parkway Landscape project; and make California Environmental Quality Act findings - District 5

22. **Acting as the Orange County Flood Control District -** Adopt Mitigated Negative Declaration IP 12-077; approve agreement D12-017 with Midway City Sanitary District for Newland Storm Channel Improvements Project; authorize Orange County Flood Control District to develop final plans and seek permits; and make California Environmental Quality Act findings - District 1

OC WASTE & RECYCLING

23. Approve plans and specifications and set bid opening for 11/21/12, 2:00 p.m., for Phase VIII-C Groundwater Protection project, Frank R. Bowerman Landfill; and make California Environmental Quality Act findings - District 3

24. Approve plans and specifications and set bid opening for 11/21/12, 2:00 p.m., for West Channel Realignment/South Basin/Wetlands Area Construction project, Frank R. Bowerman Landfill; and make California Environmental Quality Act findings - District 3

PUBLIC PROTECTION

Probation:

25. Approve Federal Equitable Sharing agreement, 10/1/12 - 9/30/13 and Federal Annual Certification Report, FY 2011-12; and make California Environmental Quality Act findings - All Districts

26. Approve agreement MA-057-13010126 with North Orange County Regional Occupational Program for personnel support services, Youth Guidance Center and Youth Leadership Academy, 9/1/12 - 8/31/13 ($160,000); authorized Purchasing Agent or authorize Deputy to execute agreement; and make California Environmental Quality Act findings - Districts 1 & 3

SOCIAL SERVICES AGENCY

27. Approve amendment 2 to lease with Manh Family Trust (Charles Manh and Anh Manh as Trustees) for County Community Service Center, Westminster, 10/1/07 - 9/30/17; and make California Environmental Quality Act findings - District 1

13452 **APPROVED AS RECOMMENDED**
N N

GENERAL ADMINISTRATION

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

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 29-S44A)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

29. Approve lease agreement with Laguna Beach County Water District for use of Moorhead Reservoir at 10 Water Tank Road, Laguna Beach, for emergency radio communications, 10/6/09 - 10/5/17; and make related findings - District 5
51342 **APPROVED AS RECOMMENDED**

30. Accept Urban Areas Security Initiative funds from City of Anaheim, FY10, for purchase of computer equipment ($90,000); and authorize Purchasing Agent or authorized Deputy to purchase related equipment - All Districts
34152 **APPROVED AS RECOMMENDED**

31. Approve amendment 5 to five year agreement with City of Stanton for law enforcement services, 7/1/12 - 6/30/13 ($7,291,782); and authorize Sheriff-Coroner to execute agreement and subsequent amendments under certain conditions - District 2
23145 A **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

32. Approve master agreement with various providers of professional medical, dental, behavioral and other support services, 9/29/12 - 9/28/13; authorize Director or designee to execute agreements - All Districts
43152 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

33. Approve grant deed to United States Department of Agriculture - Forest Service for transfer of Santiago Truck Trail Property for public access to Cleveland National Forest; authorize Director or designee to execute grant deed and related documents; and make California Environmental Quality Act and other findings - All Districts (4/5 vote of members present) (Continued from 5/22/12, Item 70; 6/26/12, Item 58; 7/31/12, Item 14)
B.O. **DELETED**

34. Consider first reading of "An Ordinance of the County of Orange, California, Amending Sections 4-1-76, 5-1-1 and 5-1-29 of the Codified Ordinances of the County of Orange to Clarify the Requirements for Certain Permits and Licenses for the Keeping and Maintenance of Animals and for the Operation of Fixed and Mobile Animal Grooming Parlors"; and set second reading and adoption for 9/11/12, 9:30 a.m. - All Districts
34152 **APPROVED AS RECOMMENDED**

35. Approve amendment 3 to agreement MA-012-10012969 with OC Partnership for technical assistance to Continuum of Care Homeless Assistance Programs for contract period ending 5/31/13, ($197,000; new total $280,500); renewable for two additional one-year periods; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts
13452 X **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

36. Approve agreement MA-080-13010105 with Bureau Veritas North America Inc., GHD, Inc. and The Code Group, Inc. for plan check and related on-call support services, three-year term ($1,430,000); renewable for two additional years; and make California Environmental Quality Act findings - All Districts
43152 **APPROVED AS RECOMMENDED**
X

37. Select RELATED/Griffin as primary and Birtcher Garfield Traub as alternate firms for development of Building 16 site in Santa Ana Civic Center; authorize Director or designee to negotiate agreement for Board approval; and make California Environmental Quality Act findings - District 1
15342 **APPROVED AS RECOMMENDED**
N

38. **Acting as the Orange County Flood Control District -** Approve contract change order 16 to agreement D10-035 with KEC Engineering for tunneling work ($3,096,695); and make California Environmental Quality Act and other findings - Districts 1 and 2 (4/5 vote of the members present)
12345 **APPROVED AS RECOMMENDED**

39. **Acting as the Board of Supervisors and Orange County Flood Control District -** Select and approve agreement D12-044 with AECOM for construction management and inspection services for the Haster Retarding Basin, Pump Station and Recreational Field Project, three-year term ($1,754,265); and make California Environmental Quality Act findings - District 1
13452 **APPROVED AS RECOMMENDED**
A

GENERAL ADMINISTRATION

County Executive Office:

40. Approve proposed response to FY 2011-12 Grand Jury Report "The Dissolution of Redevelopment: Where Have We Been? What Lies Ahead?" - All Districts
35142 **APPROVED AS RECOMMENDED**

41. Exercise option to renew current agreement and approve amendment 5 to agreement with James F. McConnell, Jr. for Washington, D.C. federal advocacy services, 1/1/13 - 12/31/14 ($252,150 per year); renewable for one additional two-year term with Board approval; and authorize payment of $40,000 annually for specialized consultant work and authorized expenses - All Districts
43152 **APPROVED AS RECOMMENDED**

42. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
45132 **APPROVED AS RECOMMENDED**

43. Acting as Board of Supervisors and Community Facilities District 86-1 and 86-2 (Rancho Santa Margarita) - Adopt resolutions approving amendment 4 to Funding and

Acquisition agreements for Community Facilities District 86-1 (Rancho Santa Margarita) and amendment 4 to Amended and Restated Funding and Acquisition agreement for Community Facilities District 86-2 (Rancho Santa Margarita); for reimbursement of costs to City of Rancho Santa Margarita for road projects completed; and authorize Public Finance Director to execute agreements - District 5

54132 **APPROVED AS RECOMMENDED**
RESO: 12-129 - 12-132

44. Approve compensation of $200 per meeting (maximum 12 meetings per year) for appointed members of Public Financing Advisory Committee (PFAC); and direct staff to amend PFAC Bylaws to include compensation - All Districts (Continued from 8/14/12, Item 26)

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

S44A. **Chairman Moorlach -** Oversight Boards of the Successor Agencies to the City Redevelopment Agencies, Buena Park & Stanton - Appoint David Mansdoerfer

24135 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (None)

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. Eastcom Corp., etc., et al., OCSC Case No. 30-2011-00526759

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: Various locations
County Negotiator: Robert J. Franz
Negotiating Party: Purchasers and sellers of buildings
Under Negotiations: Terms and value of futures sale(s) and acquisitions(s), including - County owned property in Santa Ana Civic Center; 801 W. Civic Center Drive, Santa Ana, CA; 405 W. 5th Street, Santa Ana, CA; 200 Santa Ana Blvd., Santa Ana, CA

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

Human Resources Department:

CS-3. PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957:
Title: Interim County Executive Officer

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), 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 Counsel:

SCS5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Jeff Bardzik v. County of Orange, et al., United States District Court Case No. SACV07-141-JVS (RNBx)

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

SCS6. CONFERENCE WITH LEGAL COUNSEL - THREATENED LITIGATION - Pursuant to Government Code Section 54956.9(b):
Number of Cases: One Case

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT OF THREATENED LITIGATION. 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 COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**

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

PUBLIC COMMENTS:

Opinion Online

Michael Klubnikin - Oral Re: Public Guardian oversight

Charles Griffin - Oral Re: Low noise take-offs at John Wayne Airport

Darrell Nolta - Oral Re: Ambulance services in Westminster

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Bates - Oral Re: Commended Steve Franks, Director, Orange County Community Resources

and Helen Fried, County Librarian, on the Laguna Niguel Library opening event

Supervisor Nguyen - Oral Re: Announced 3rd Annual Central County Senior Summit on 8/25/12 at Christ Cathedral/Crystal Cathedral, Garden Grove

ADJOURNED: 4:45 P.M.

52134 **Adjourned in memory of Ed Iglacias**

*** 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