REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, February 5, 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 DEPUTY COUNTY EXECUTIVE OFFICER	Steve Eldred
	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

Supervisor Bates presented a resolution proclaiming February 2013 as "American Heart Month"

Supervisor Moorlach presented "The State of the County, 2012: A Year in Review"

II. CONSENT CALENDAR (Items 1-14)

25134 **APPROVED AS RECOMMENDED WITH THE EXCEPTIONS OF ITEMS 7, 11, 12 & 13 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

1. Ratify and approve agreement PO-060-13011191 with Brad Smith dba Canine Tactical Operations and Consulting for provision of training class, 10/15/12 - 10/17/12 ($1,860); and authorize Purchasing Agent to execute agreement - All Districts

2. Approve plans and specifications and set bid opening for 3/13/13, 2:00 p.m., for American with Disabilities Act (ADA) Accessibility Modifications, Central Women's Jail, Tank P-13; and make California Environmental Quality Act findings - District 1

JOHN WAYNE AIRPORT

3. Approve consent to relieve Mel Smith Electric, Inc. from bid obligation; award contract to Palp, Inc., dba Excel Paving Company for Baker Street Gate Improvements project ($348,946); and make California Environmental Quality Act findings - District 2

OC COMMUNITY RESOURCES

4. Approve amendment 2 to agreement MA-012-11011489 with Igi's Landscape Services and Phillips and Jordan, Inc. for weed abatement, fuel modification, mowing, and discing services, 3/15/13 - 3/14/14 ($85,167; new total $292,000); authorize Purchasing Agent or designee to execute amendment; and make California Environmental Quality Act findings - All Districts

5. **Acting as the Successor Agency to the Orange County Development Agency -** Adopt Recognized Obligation Payment Schedule (ROPS), 7/1/13- 12/31/13; direct staff to submit ROPS to County's Oversight Board; upon approval of County's Oversight Board, authorize staff to submit ROPS to State Department of Finance and State Controller's Office; and direct staff to notify Board of any changes made to ROPS by County Auditor-Controller, County's Oversight Board, State Department of Finance, and/or State Controller's Office; and make California Environmental Quality Act findings - All Districts

OC PUBLIC WORKS

6. Approve plans and specifications and set bid opening for 2/27/13, 2:00p.m., for Twin Towers Parking Structure Elevator Controls project; and make California Environmental Quality Act findings - District 1

7. Approve agreement MA-080-13010919 with Environ Strategy Consultants, Inc. for waste water system maintenance & analysis services, 3/21/13 - 3/20/14 ($164,775); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - Districts 3 & 5

23154 **APPROVED AS RECOMMENDED**
X

Acting as the Orange County Flood Control District:

8. Approve license agreement, quitclaim and easement deeds with City of San Juan Capistrano for conveyance of property to make street and trail improvements in the vicinity of Del Obispo Street and Paseo Adelanto Avenue; and make California Environmental Quality Act and other findings - District 5

9. Approve agreement and easement deeds with Orange County Transportation Authority for construction of street overpass of railroad crossing; authorize Director or designee to execute related documents; and make California Environmental Quality Act findings - Districts 3 and 4

PUBLIC PROTECTION

10. **Probation -** Approve amendment 1 to Memorandum of Understanding with Superior Court for reimbursement of Court expenditures related to Parent Empowerment Program services, 4/1/12 - 6/30/13; and make California Environmental Quality Act findings - All Districts

11. **Public Defender -** Approve agreement MA-058-13011004 with GB Global LLC dba LegalEdge Software for maintenance and support on American Defender Software, 3/1/13 - 2/28/14 ($123,197.67); renewable for two additional one-year periods; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

32154 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

12. Approve amendment 1 to agreements CLC3311A with Aspiranet and CLC3211A with New Alternatives, Incorporated to expand Transitional Housing Program Plus services, Scattered Site Apartments, beginning 3/1/13 for contractual period of 7/1/11 - 6/30/14 - All Districts (Continued from 1/29/13, Item 35)

32154 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

13. **Clerk of the Board -** Approve proposed amendment to the Conflict of Interest Code Designated Filers Exhibits for Probation - All Districts (Continued from 1/29/13, Item 37)

21354 **APPROVED AS RECOMMENDED**

14. **County Counsel -** Approve amendment 1 to agreement with Spiegel & McDiarmid for legal services for federal airport law legal services; and authorize County Counsel to execute amendment - District 2

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 15-S29A)

ELECTED DEPARTMENT HEADS

15. **District Attorney -** Approve amendment 5 to agreement MA-026-12011323 with Astrid Hagen, term ending 8/31/13 ($50,000; new total $190,000); and approve amendment 6 to agreement MA-026-12011381 with Global works, Inc. dba Western Interpreting Network for professional sign language interpreting services, term ending 8/31/13 ($50,000 decrease; new total $50,000) - All Districts

23154 **APPROVED AS RECOMMENDED**

16. **Sheriff-Coroner -** Approve agreement MA-060-13011246 with TriTech Software Systems for software support, 2/16/13 - 11/14/13 ($242,891); renewable for four additional one year periods; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

21354 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

17. Approve agreement with Snyder Langston, LP for design and construction to Maintenance Building project ($8,683,862); and make California Environmental Quality Act findings - District 2

25134 **APPROVED AS RECOMMENDED**

OC DANA POINT HARBOR

18. Approve amendment 5 to agreement MA-108-10012441 with Project Dimensions, Inc. (PDI) for project management services associated with Dana Point Harbor Revitalization Plan, extending term five years ($4.7 million); and authorize Director or designee to execute amendment - District 5

B.O. **CONTINUED TO 2/26/13, 9:30 A.M.**

OC COMMUNITY RESOURCES

19. Determine that the Orange County Parks Foundation's Investment Plan (for the endowment portion of the Restricted Fund) provides a diversified asset allocation approach appropriate for the Endowment Funds donated to the County by the Irvine Company and The Nature Conservancy (Endowment Funds); approve restated and amended endowment agreement OCP10-020 with The Nature Conservancy and Orange County Parks Foundation to allow funding to be held and managed by the Foundation ($2,000,000); approve restricted fund agreement with Orange County Parks Foundation for management of endowment funds; authorize Auditor-Controller to transfer funds as designated; and make California Environmental Quality Act findings - All Districts

31254 **CONTINUED TO 2/26/13, 9:30 A.M.**

20. Approve Workforce Investment Act (WIA) Youth Cost Reimbursement agreement with Irvine Unified School District to fund WIA employment and training services for in-school and out-of-school youth, 2/5/13 - 6/30/13 ($144,512.50; new total $992,955.50); 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

21354 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

21. Approve renewal of agreement MA-080-11010652 with Aquatic Bioassay & Consulting and Nautilus Environmental for water toxicity testing services, 3/10/13 - 11/9/14 ($1,000,000); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

35124 **APPROVED AS RECOMMENDED**

22. Approve renewal of agreement MA-080-11010376 with AndersonPenna Partners, Inc. for on-call code enforcement services, 3/22/13 - 3/21/14 ($275,000); authorize Purchasing Agent or authorized Deputy to execute agreement and make necessary changes; and make California Environmental Quality Act findings - All Districts

25134 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

23. Approve agreement MA-299-13010956 with Discovery Science Center to operate and maintain the EcoChallenge exhibits, promote brand and manage the EcoChallenge Strategic Marketing Plan, 2/5/13 - 2/4/16 ($1,500,000); renewable for two additional one-year periods ($500,000 per year); approve agreement MA-299-13010957 with Angels Baseball LP for marketing and media outreach elements to promote EcoChallenge exhibits, 2/5/13 - 2/4/16 ($477,822); renewable for two additional one-year periods ($159,274 per year); authorize Purchasing Agent or authorized Deputy to execute agreements; and make California Environmental Quality Act findings - All Districts

12354 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

24. **County Counsel -** Consider second reading and adoption of "An Ordinance of the County of Orange, California Amending Sections 1-6-5 and 1-6-6 of the Codified Ordinances of the County of Orange Adjusting the Limitations on Campaign Contributions" - All Districts (Continued from 1/29/13, Item 52)

23154 **APPROVED AS RECOMMENDED**
ORD: 13-002

County Executive Office:

25. Receive and file Quarterly Information Technology (IT) Project Status Detail, Executive Summary and Risk Assessment Reports for October - December 2012 - All Districts

35124 **APPROVED AS RECOMMENDED**

26. Approve cancellation of FY 2012-13 OC Green Fair; and authorize CEO or designee to work with local private sector trade organizations to take over the administration and promotion of future events - All Districts

45123 **APPROVED CANCELLATION OF FY 2012-13 OC GREEN FAIR**

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

25134 **APPROVED AS RECOMMENDED**

28. Approve grant applications/awards submitted by OC Community Resources in 2/5/13 grant report and other actions recommended; and adopt resolution authorizing Director or designee to apply for the Congestion Mitigation and Air Quality funding under the Moving Ahead for Progress in the 21st Century Act for the Antonio Parkway Class I Bikeway Spur Project ($611,760) - All Districts

51234 **APPROVED AS RECOMMENDED**
RESO: 13-012

29. **Human Resource Services -** Approve agreement with Orange County Employees Association (OCEA) for all bargaining units represented by OCEA requiring all employees hired on or after January 1, 2013 ("new members" and "new employees," as these terms are defined in the Public Employees' Pension Reform Act of 2013), to pay for past service liability associated with the 2.7% @ 55 retirement formula provided to certain County employees and commonly referred to as the "Reverse Pick-up", effective January 25, 2013 - All Districts

24135 **APPROVED AS RECOMMENDED**
N

OC PUBLIC WORKS

S29A. **Acting as the Orange County Flood Control District -** Approve plans and specifications and award contract to SS Mechanical for construction of the Los Alamitos Pump Station Main Pump Replacement Project ($2,967,000); and make California Environmental Quality Act findings - District 2

25134 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-SCS7)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Lyle Wilson v. County of Orange, Court of Appeal Case No. G046625

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

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Gregory Moore v. County of Orange, et al., Orange County Superior Court Case No. 30-2011 00476941

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

CS-3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(d)(2):
Number of Cases: One Case

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

SCS4. **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**

SCS5. **County Counsel -** 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**

SCS6. **Chairman Nelson -** PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957:
Title: County Executive Officer

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

SCS7. **County Executive Office -** PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: County Counsel

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Michael Klubnikin - Oral Re: Tseglins, Crystal Cathedral

DeVera Heard - Oral Re: Black History Month and Parade

Ilya and Robert Tseglin - Oral Re: Nate Tseglin

Darrell Nolta - Oral Re: earthquakes, appointment of OC Public Works Director, Shoreline Ambulance

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Supervisor Moorlach - Oral Re: Clerk-Recorder selection process, AB 1234 Trip Report to CSAC Meeting in Sacramento 1/16 - 17/13

Supervisor Spitzer - Oral Re: Black History Parade, new Children's Hospital of Orange County Tower, Tseglins

Supervisor Bates - Oral Re: AB 1234 Trip Report to Sacramento last week to meet with Orange County's

delegation and Calif Highway Patrol on 5th District issues and VLF

ADJOURNED: 1:20 P.M.

54123 **Adjourned in memory of Donald Bondi**

54123 **Adjourned in memory of Charlie Capazzoli**

*** 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