REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, March 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 COUNTY EXECUTIVE OFFICER	Steven Eldred, Deputy
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Susan Novak

INVOCATION: Supervisor Moorlach, Second District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Bates, Fifth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-10)

25134 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 2 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

1. Approve amendment 1 to agreement MA-060-12011223 renewing as MA-060-13011222 with Computer Deductions, Inc. for Live Scan software programming and

support, 3/10/13 - 3/9/14 ($87,510); and authorize Purchasing Agent to execute amendment - All Districts

2. Approve agreement MA-060-13011270 with Satellite Tracking of People, LLC for continuous GPS electronic monitoring services and equipment, 2/26/13 - 2/25/14 ($520,125); renewable for four additional one-year periods; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts (Continued from 2/26/13, Item 8)

32154 **APPROVED 1 YEAR AGREEMENT**

3. Approve Memorandum of Understanding (MOU) with Superior Court for electronic data exchange, 3/5/13 - 12/31/17; and authorize Sheriff-Coroner's Director of Support Services to execute MOU - All Districts

OC COMMUNITY RESOURCES

4. Approve grant of easement and agreement with Santa Margarita Water District to utilize portion of O'Neill Regional Park property for Upper Chiquita Reservoir and use of reservoir's perimeter road; and make California Environmental Quality Act findings - District 5

5. Approve amendment 2 to Newport Dunes Settlement agreement with City of Newport Beach, Waterfront Resort Properties L.P. and Newport Dunes Marina, LLC for continued redevelopment of Newport Dunes Waterfront Resort; and make California Environmental Quality Act findings - District 2

OC PUBLIC WORKS

6. Receive bids and award contract to AOS Inc. dba Superior Roofing for roofing services ($500,000); and make California Environmental Quality Act findings - All Districts

7. Adopt resolution initiating 2013 Weed Abatement Program; set public hearing for 4/16/13, 9:30 a.m., to consider assessment to private property for removal of weeds by County contractor; and make California Environmental Quality Act findings - All Districts
RESO: 13-014

8. Approve agreement MA-080-13011186 with EnergyCAP, Inc. for Utility Billing Management System maintenance, 4/1/13 - 3/31/18 ($156,428); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

9. **Acting as the Orange County Flood Control District -** Approve plans and specifications and set bid opening for 4/24/13, 2:00 p.m., for the Trabuco Creek Channel Levee Protection Project, Phase VII; approve amendment 1 to agreement D10-037 with Moulton Niguel Water District and Santa Margarita Water District for removal and replacement of joint owned Plant 3A Effluent Transmission Main; and make California Environmental Quality Act findings - District 5

10. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve plans and specifications and set bid opening for 3/27/13, 2:00 p.m., for Collins Welding Shop Exhaust System Project; and make California Environmental Quality Act findings - District 3

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 11-S24C)

ELECTED DEPARTMENT HEADS

11. **Assessor Department -** Approve amendment 1 to agreement MA-002-12011886 with Napoleon Dogaru, dba Modern eConcepts for technical system services and application support of the Assessment Tax System, 7/1/12 - 6/30/13 ($73,600; new total $239,200); and 7/1/13 - 6/30/14 ($257,600; new total $423,200); renewable for one additional year; and authorize Purchasing Agent or authorized Deputy to execute agreement and exercise contingency contract increase not to exceed 10% - All Districts (Continued from 2/26/13, Item 34)

B.O. **CONTINUED TO 3/19/13, 9:30 A.M.**

Sheriff-Coroner:

12. Ratify and approve amendment 6 to agreement MA-060-11011620 with Randstad North America L.P. dba Randstad Technologies, L.P. for information technology services, effective 2/1/12, extending term to 4/7/14 ($1,100,000; new total $3,289,816); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

B.O. **CONTINUED TO 3/12/13, 9:30 A.M.**

13. Accept Urban Areas Security Initiative funds from City of Anaheim, FY 2010, for purchase of computer technology ($24,000); and authorize Purchasing Agent or authorized Deputy to purchase related equipment - All Districts

41235 **APPROVED AS RECOMMENDED**

OC DANA POINT HARBOR

14. 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 ($4.7 million); and authorize Director or designee to execute amendment - District 5 (Continued from 2/5/13, Item 18; 2/26/13, Item 41)

B.O. **CONTINUED TO 3/19/13, 9:30 A.M.**

OC COMMUNITY RESOURCES

15. Receive bids and award Job Order Contracts (JOC) to Sea Pac Engineering, Inc. for JOC P010 (General Engineering) $1,000,000; Mackone Development, Inc. for JOC P011 (General Engineering) $1,000,000; PUB Construction, Inc. JOC P012 (General Building) $1,000,000; Vincor Construction, Inc. for JOC P013 (General Building) $1,000,000: FM & Sons, Inc. for JOC P014 (Earthwork & Paving) $1,000,000; and Excel Paving Company for JOC P015 (Earthwork & Paving) $1,000,000; and make California Environmental Quality Act findings - All Districts

34125 X **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

16. Authorize Director or designee to adjust Manchester Parking Facility parking rates effective 7/1/13; and make California Environmental Quality Act findings - District 3 (Continued from 12/4/12, Item 27; 1/29/13, Item 48)

32154 **APPROVED AS AMENDED TO SET HOURLY RATE TO $1.00 PER 20 MINUTES**

NA

17. Receive bids and award contract to Roy Allan Slurry Seal, Inc. for slurry seal of various streets in Orange County ($1,296,953); and make California Environmental Quality Act findings - Districts 1, 2 and 3

21354 **APPROVED AS RECOMMENDED**

18. Approve amendment 1 to agreement D11-069 with Huitt-Zollars, Inc. for preparation of plans, specifications and cost estimates for La Pata Avenue/Camino Del Rio Extension Project ($450,000; new total $6,450,000); and make California Environmental Quality Act findings - District 5

52134 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

19. Select Habitat West, Inc. as primary and Nature's Image, Inc. as alternate firms for landscape habitat maintenance services, South Region Landfills; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - Districts 3 & 5

35124 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

20. **Chairman Nelson -** Receive Slate of County Executive Officer candidates for interview; set date for Board of Supervisors Interview of County Executive Officer candidates; and provide additional direction to County Executive Office and Human Resource Services staff concerning the interview process - All Districts

B.O. **DELETED**

21. **Supervisor Spitzer -** Approve 2013 Affiliate Membership between the County of Orange and the Association of California Cities - Orange County, and authorize Interim County Executive Officer to sign the Affiliate Membership Agreement (Continued from 2/26/13, Item 48)

31254 **APPROVED MEMBERSHIP FOR A PRORATED PERIOD OF MARCH - JUNE 2013**

N N

County Executive Office:

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

B.O. **CONTINUED RECOMMENDED ACTION #1 TO 3/19/13, 9:30 A.M.**

25134 **RECEIVED AND FILE 3/5/13 LEGISLATIVE BULLETIN**

23. Approve amendment 4 to agreement C-9-0258 with Orange County Transportation Authority and City of Santa Ana for maintenance of restrooms in the former Santa Ana Transit Terminal extending term to 3/24/15 ($20,433.21 per year); and make California Environmental Quality Act findings - All Districts

12345 **APPROVED AS RECOMMENDED**

24. Provide in open session the recommended names for interview for position of Clerk-Recorder by the Board of Supervisors and select candidates and set date for final interview - All Districts (Continued RA 3 & 4 from 2/26/13, Item 51)

B.O. **DELETED**

S24A. **Chairman Nelson -** Discussion of range of total compensation for the position of County Executive Officer
NOT DISCUSSED

S24B. **County Executive Office -** Provide recommended names for interview for position of Clerk-Recorder candidates by the Board of Supervisors; select candidates and set date for final interview; and provide additional direction to County Executive Office and Human Resource Services - All Districts
B.O. **THE FOLLOWING APPLICANT NAMES WERE SUBMITTED FOR FURTHER CONSIDERATION BY THE BOARD FOR AN INTERVIEW FOR THE POSITION OF CLERK-RECORDER: RICHARD ACKERMAN, DALE ANDERSON, LARRY BALES, ANDREW CALDERON, ALICIA CAMPBELL, WILLIAM COPULOS, RON DAVIDSON, STEWART DAVIS, LINDA DIXON, ELIZABETH FLEMING, MICHAEL FOX, ELLIE GHASEMI-FAZELI, LYDIA LAKE, NORA LESNET, FRANCIS LICATA, STEVEN MADOFF, TANYA MAYWEATHER, HIEU NGUYEN, CHRIS NORBY, BRUCE PEOTTER, RENEE RAMIREZ, ROY REYNOLDS, STEVEN ROSANSKY, HARRY SIDHU AND STEVEN WAECHTER**

25134 **CONTINUED TO 3/12/13, 9:30 A.M.**

S24C. **Human Resource Services -** Adopt resolution approving imposed unilaterally terms and conditions of employment for Orange County Attorney's Association - All Districts
24135 **APPROVED AS RECOMMENDED**
RESO: 13-015

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-CS-3)

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**

CS-2. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Cases: County of Orange, etc. v. Christopher Rayburn, etc., et al., Orange County Superior Court Case No. 30-2011-00531463; Christopher Rayburn, etc. v. County of Orange, et al., Orange County Superior Court Case No. 30-2011-00526044; Christopher Rayburn, etc. v. County of Orange, et al., United States District Court Case No. SACV 11-00287CJC (SHx)
B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASES OF COUNTY OF ORANGE, ETC. V. CHRISTOPHER RAYBURN, ETC., ET AL., OCSC CASE NO. 30-2011-00531463; CHRISTOPHER RAYBURN, ETC. V. COUNTY OF ORANGE, ET AL., OCSC CASE NO. 30-2011-00526044; CHRISTOPHER RAYBURN V. COUNTY OF ORANGE, ET AL., USDC CASE NO. SACV 11-00287CJC (SHX). THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE**

PROPOSED SENTIMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.

CS-3. **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**

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Shelley Ziliak, Maureen Flynn-Becerra - Oral Re: Proposed homeless shelter in Fullerton

Michael Klubnikin - Oral Re: Nate Tseglin, CEO appointment, County Counsel

Ilya Tseglin, Robert Tseglin - Oral Re: Nate Tseglin

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Supervisor Moorlach - Oral Re: Distributed copies of California State Association of Counties breakdown of member benefits and participation reviews

Supervisor Spitzer - Oral Re: Frank Ospino, Public Defender, named as Hispanic Bar Association of Orange County Attorney of the Year; Board decision to impose terms and conditions of employment for the Orange County Attorneys Association

Supervisor Bates - Oral Re: AB 1234 Trip Report to Sacramento on 3/1/13 to meet on bill to assist Coto de Caza with additional traffic enforcement

ADJOURNED: 1:00 P.M.

54123 **Adjourned in memory of Robert McCormick Jr.**

54123 **Adjourned in memory of Edward Lesneski Jr.**

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Spitzer
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