REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, April 10, 2018, 9:00 A.M.

BOARD HEARING ROOM, FIRST FLOOR
333 W. Santa Ana Blvd., 10 Civic Center Plaza
Santa Ana, California

ANDREW DO
CHAIRMAN
First District

SHAWN NELSON
VICE CHAIRMAN
Fourth District

MICHELLE STEEL
SUPERVISOR
Second District

TODD SPITZER
SUPERVISOR
Third District

LISA A. BARTLETT
SUPERVISOR
Fifth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Frank Kim
	COUNTY COUNSEL	Leon J. Page
	CLERK OF THE BOARD	Robin Stieler

INVOCATION: Supervisor Spitzer, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nelson, Fourth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Bartlett presented a proclamation to Ryan Hickman in recognition of his outstanding environmentalism and recycling efforts

Chairman Do presented a resolution proclaiming April as Black April Month

Chairman Do will be presenting a resolution proclaiming April 8-14, 2018 as "Science and Engineering Week"
DELETED

Chairman Do presented a resolution proclaiming April 8-14, 2018 as "Crime Victims' Rights Week"

Supervisor Steel presented a resolution recognizing "Armenian Genocide Remembrance Day"

II. CONSENT CALENDAR (Items 1-13)

34251 **APPROVED AS RECOMMENDED**

BOARD APPOINTMENTS

1. **Supervisor Spitzer -** Orange County Waste Management Commission - Appoint Dr. Beth Marie Haney, Yorba Linda, to complete term ending 1/18/20

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

2. Approve amendment 1 to contract MA-060-16011987 with Goodwill Industries of OrangeCounty for packaging food and personal care items for jail commissary operations, 5/18/18 - 5/17/19 ($169,000; cumulative total $507,000); renewable for two additional one-year terms; and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

3. Ratify amended agreement with State of California Commission on Peace Officer Standards and Training for coroner training courses, 7/1/17 - 6/30/18 ($91,091 reduction; new total $77,280); accept reduction in funding; and authorize Captain of the Coroner Division to execute amendment - All Districts

HEALTH CARE AGENCY

4. Adopt resolution approving designations of Children's Hospital of Orange County for involuntarydetention, evaluation and treatment facility of Mentally Disordered individuals; approve withdrawal of designation of Los Alamitos Medical Center; and direct Health Care Agency to submit designations and withdrawal of designation to State Department of Health Care Services - Districts 2 and 3
RESO: 18-022

JOHN WAYNE AIRPORT

5. Approve plans and specifications and set bid opening for 5/9/2018, 2:00 p.m., for Pavement Maintenance and Repair project; authorize Director or designee to extend bid opening date up to 60 days if necessary; and make California Environmental Quality Act and other findings - District 2

OC COMMUNITY RESOURCES

6. Approve proposed Aliso Creek Trail Slope Repair Project to restore bike trail and reduce future erosion of the creek; and consider adoption of Initial Study/Mitigated Negative Declaration No. IP 17-248 and other findings - District 5

7. Approve amendment 1 to agreement 13-23-629465 with Abrazar, Inc. for continued operations atMidway City Community Center, 7/1/18 - 6/30/20; authorize Director or designee to execute

amendment and related documents; and make California Environmental Quality Act and other findings - District 1

OC PUBLIC WORKS

8. Accept Grant Deeds from DMB San Juan Investment North, LLC and RMV PA2 Development, LLC,Cow Camp Road Segment 2a and 2b.; authorize Director or designee to accept minor interests in real estate needed for road right-of-way under certain conditions; and consider application of prior Final Environmental Impact Reports 584 and 589 and other findings - District 5

9. Approve plans, specifications and bid documents; and set bid opening for 5/16/18, 2:00 p.m. for portable restrooms and showers units project, The Courtyard - District 1

10. Approve Assignment, Novation and Consent agreements MA-080-16012253 and MA-080-16012254from HR Green California Inc. to HR Green Pacific, Inc. for architect-engineer on-call general services and on-call land development expedited processing services, at no cost to County, effective 1/23/18 and 1/24/18; and authorize Director or designee to execute agreements - All Districts

11. Approve contract MA-080-18011369 with EnergyCAP, Inc. for Utility Management & Billing Systemservices, 5/1/18 - 4/30/21 ($340,671); option to renew for two additional two year terms; authorize County Procurement Officer or authorized Deputy to execute contract; and make California Environmental Quality Act and other findings - All Districts

12. **Acting as the Orange County Flood Control District -** Approve plans, specifications and biddocuments; set bid opening for 5/9/18, 2:00 p.m. for F05 San Diego Creek sediment removal project - District 3

13. **Acting as the Board of Supervisors and Orange County Flood Control District -** ApproveCooperative Agreement MA-080-18011125 with Southern California Regional Rail Authority to procure design of San Juan Creek Bridge Underpass to serve as a maintenance road, public bikeway and trail along easterly levee of San Juan Creek Channel; authorize Auditor-Controller or designee to issue payment of $225,060 under certain conditions; and authorize Director or designee to exercise cost contingency increase not to exceed 15%, carry out terms, and execute related documents under certain conditions - District 5

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 14-S37C)

ELECTED DEPARTMENT HEADS

14. **Auditor-Controller -** Approve agreement MA-003-18011477 with IntelliTime Systems Corporation for VTI technical support services, 4/16/18 - 4/15/21 ($787,617); and authorize County Procurement Officer or authorized Deputy to execute agreement - All Districts

23451 **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

15. Ratify amendment 3 to contract MA-060-15011312 with Hampton Tedder Electric Company Inc. for maintenance and repair of high and medium voltage equipment, 3/3/18 - 3/2/19 ($300,000; cumulative total $1,100,000); renewable for one additional year; and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

42351 **APPROVED AS RECOMMENDED**

16. Approve amendment 4 to renew contract MA-060-14011108 with Siemens Industry, Inc. forpreventive maintenance, certification and full parts coverage of energy management system/fume hoods, 4/23/18 - 4/22/19 ($35,000; cumulative total $172,176); and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

54231 **APPROVED AS RECOMMENDED**

17. Approve contract MA-060-18011472 with Traditional Funeral Services, Inc. for bodytransportation services, 4/15/18 - 4/14/20 ($850,000); renewable for three additional one-year terms; and authorize County Procurement Officer or authorized Deputy to execute contract - All Districts

35241 **APPROVED AS RECOMMENDED**

18. Ratify retroactive amendments 1 through 4 to contract MA-060-14011544 with DLT Solutions, LLC dba DLT Solutions for annual subscription of Autodesk Building Design Suite Standard and Autodesk Building Design Suite Premium, 5/30/14 - 5/29/18 ($32,771.19); approve amendment 5 to contract MA-060-14011544 with DLT Solutions, LLC dba DLT Solutions for annual subscription of Autodesk Building Design Suite Standard and Autodesk Building Design Suite Premium, 5/30/18 - 5/29/19 ($5,700; cumulative $38,471.19); and authorize County Procurement Officer or authorized Deputy to execute amendments - All Districts

45231 **APPROVED AS RECOMMENDED**

19. Receive and file status report and approve continuance of local emergency related to Theo LacyFacility for repair to inoperable elevator used for public, legal visits and emergency egress for inmates; set review to determine need for continuing local emergency for 4/24/18, 9:30 a.m. and every regularly scheduled meeting thereafter until terminated - District 3 (4/5 vote of the members present) (Continued from 9/26/17, Item S46E; 10/17/17, Item 22; 10/31/17, Item 13; 11/14/17, Item 17; 12/5/17, Item 31; 12/12/17, Item 17; 1/9/18, Item 9; 1/23/18, Item 21; 2/6/18, Item 12; 2/27/18, Item 15; 3/13/18, Item 11; 3/27/18, Item 5)

32451 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

20. Approve agreement with OneOC for administrative support services for Waste Not OC Coalition, 7/1/18 - 6/30/19 ($225,000); and authorize Director or designee to execute agreement - District 1

15234 **APPROVED AS RECOMMENDED**

21. Approve selection of and agreements with Child Guidance Center, Inc. ($23,199,219), Olive Crest($6,920,724), Pathways Community Services, LLC ($4,682,016), Seneca Family of Agencies ($13,707,945), South Coast Children's Society, Inc., dba South Coast Community

Services ($3,314,301), Wayfinders Supportive Solutions ($3,101,091) and Western Youth Services ($31,314,072) for Behavioral Health Outpatient services for Children and Youth, 7/1/18 - 6/30/21; and authorize Director or designee to exercise cost contingency increase not to exceed 10% under certain conditions and to execute agreements - All Districts

41235 **CONTINUED TO 4/24/18, 9:30 A.M.**

22. Approve amendment 3 to master agreement with various providers of recuperative care services, 7/1/17 - 12/31/20 ($3,483,627; revised cumulative total $8,386,517); and authorize Director or designee to execute individual amendments - All Districts

35241 **APPROVED AS RECOMMENDED**

23. Approve participation agreement with California Mental Health Services Authority for Mental HealthServices Act Innovation program, 4/27/18 - 6/30/22 ($24,000,000); authorize Director or designee to execute agreement; and direct Auditor-Controller to distribute funds to California Mental Health Services Authority upon approval and subsequent to approval by Mental Health Services Oversight and Accountability Commission - All Districts

51234 **APPROVED AS RECOMMENDED**
N

OC PUBLIC WORKS

24. Approve contracts MA-080-18011103 with Digital Mapping, Inc. and MA-080-18011104 with Quantum Spatial, Inc. for architect-engineer contracts for on-call aerial surveying services, three-year term ($1,500,000 each; aggregate total $3,000,000) with option to renew for two additional years; authorize Director or designee to execute contracts; direct Department to return to the Board on a quarterly basis with a progress report at the end of the second year; and make California Environmental Quality Act and other findings - All Districts

54231 **APPROVED AS RECOMMENDED**

25. Approve contracts MA-080-18011097 with David Evans and Associates, Inc., MA-080-18011099 with Johnson-Frank & Associates, Inc., MA-080-18011100 with Huitt-Zollars, Inc., MA-080-18011101 with Michael Baker International, Inc., and MA-080-18011102 with Psomas for architect-engineer contracts for on-call land surveying services, three-year term ($1,500,000 each; aggregate total $7,500,000) with option to renew for two additional years; authorize Director or designee to execute contracts; direct Department to return to the Board on a quarterly basis with a progress report at the end of the second year; and make California Environmental Quality Act and other findings - All Districts

45231 **APPROVED AS RECOMMENDED**

26. Approve contracts MA-080-18011183 with Moffatt & Nichol, MA-080-18011184 with NobleConsultants, Inc., MA-080-18011185 with Anchor QEA, LLC, MA-080-18011354 with GHD, Inc. and MA-080-18011355 with Environmental Science Associates for architect-engineer on-call coastal engineering services, three-year term ($750,000 each; aggregate total $3,750,000); with option to renew for two additional years; authorize Director or designee to execute contracts; direct Department to return to the Board on a quarterly basis with a progress report at the end of the second year; and make California Environmental Quality Act and other findings - All Districts

54231 **APPROVED AS RECOMMENDED**

27. Approve job order contracts MA-080-18011459 with Wreck Age Demolition, Inc. and MA-080-18011460 with Exbon Development, Inc. for demolition services, MA-080-18011441 with

Baker Electric, Inc. and MA-080-18011442 with Exbon Development, Inc. for electrical services, MA-080-18011452 with Thomasville Construction, Inc., MA-080-18011453 with Harry H. Joh Construction, Inc., MA-080-18011454 with Exbon Development, Inc. and MA-080-18011455 with Applied Air Conditioning, Inc. for heating, ventilation and air conditioning services, MA-080-18011439 with Exbon Development, Inc. and MA-080-18011440 with Best Contracting Services, Inc. for roofing services, MA-080-18011444 with All American Asphalt and MA-080-18011445 with PALP, Inc. dba Excel Paving Company for slurry and paving services, 4/12/18 - 4/11/19 ($4,640,000 each; aggregate total $55,680,000); authorize Director or designee to execute contracts under certain conditions; and make California Environmental Quality Act and other findings - All Districts

52341 **APPROVED AS RECOMMENDED**

28. **Acting as the Orange County Flood Control District -** Approve change order 10 to contract MA-080-15012058 with Tobo Construction, Inc. for liquidated damages assessed to Glassell Yard Campus Stormwater Low-Impact Development Retrofit project ($306,000); and authorize Auditor-Controller to make related payments - District 3

32451 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

29. Approve Fourth Cycle Regional Recycling and Waste Reduction Funding Agreement with OneOC; and authorize Director or designee to execute agreement - All Districts (Continued RA 4 from 2/27/18, Item 25; 3/13/18, Item 24)

52341 **APPROVED AS RECOMMENDED**

30. Approve contract MA-299-18011418 with Tetra Tech BAS, Inc. for landfill gas operation andmaintenance services, Central Region Landfills, 4/10/18 - 4/9/21 ($7,500,000); with option to renew for two additional one-year terms ($2,500,000 per year); authorize County Procurement Officer or authorized Deputy to execute contract; and make California Environmental Quality Act and other findings - Districts 2 and 3

32451 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

31. Accept retroactive grant award $288,062 from Governor's California Office of Emergency Services forChild Abuse Treatment Program for continued therapy, advocacy and support to child victims of abuse and neglect, 10/1/17 - 9/30/18 - All Districts

32451 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

32. **County Counsel -** Adopt resolution directing County public officials to seek County Counsel legal advice on mass mailing items and prohibiting use of County funds for certain mass mailings and requiring 2/3 vote for future amendments to the resolution; and receive and file mass mailing best practices, checklist and mass mailing training materials - All Districts (Continued from 3/13/18, Item S29F)

54231 **APPROVED AS RECOMMENDED**
RESO: 18-023

County Executive Office:

33. Approve recommended positions on introduced or amended legislation and consider otherlegislative subject matters - All Districts
52341 **APPROVED AS RECOMMENDED**

34. Approve contracts 017-18001MA with KNN Public Finance, LLC, 017-18002MA withFieldman, Rolapp & Associates, Inc., and 017-18003MA with CSG Advisors Inc. for on-call general municipal advisory services, 4/23/18 - 4/22/21 (not to exceed $150,000 each, per year) with option to renew for two additional one-year terms; and authorize Public Finance Director to execute contracts - All Districts
52341 **APPROVED AS RECOMMENDED**

35. Approve contracts 017-18001BC with Orrick, Herrington & Sutcliffe LLP, 017-18002BC with Norton Rose Fulbright US LLP, and 017-18003BC with Stradling Yocca Carlson & Rauth for general on-call legal services, 4/23/18 - 4/22/21 (not to exceed $150,000 each, per year) with option to renew for two additional one-year terms; and authorize Public Finance Director to execute contracts - All Districts
34251 **APPROVED AS RECOMMENDED**

36. Approve grant applications/awards submitted by Sheriff-Coroner and Health Care Agency andratify retroactive grant applications/awards submitted by Health Care Agency in 4/10/18 grant report and other actions as recommended; adopt resolutions authorizing HCA Director or designee to submit and execute application, related documents and amendments to State Department of Resources Recycling and Recovery (CalRecycle) for Local Enforcement Agency - All Districts
32451 **APPROVED AS RECOMMENDED**
RESO: 18-024 - 18-025

37. **Human Resource Services -** Approve amendment 1 to contract with The StayWell Company, LLC foradministration of health management program, 5/13/18 - 5/12/20 ($3,330,200); and authorize Chief Human Resources Officer or designee to execute amendment - All Districts
45231 **APPROVED AS RECOMMENDED**

S37A. **Supervisor Spitzer -** Direct the Office of Independent Review, Executive Director Kevin Rogan, toanalyze the lawsuit against the District Attorney and Sheriff Department and prepare an analysis to present to the Board of Supervisors in closed session
NO ACTION TAKEN

S37B. **County Executive Office -** Receive and file investigative report "Review of the Initial Response toCanyon 2 Fire"; and direct staff as necessary - All Districts
RECEIVED AND FILED

S37C. **Chairman Do -** Discussion of proper use of Board staff when conducting constituent outreach outside of district
DISCUSSED; NO ACTION TAKEN

IV. PUBLIC HEARINGS (Items 38-40)

OC PUBLIC WORKS

38. Public Hearing to consider joint appeal filed regarding Red Rock Gardens Planning ApplicationPA080053, and either (a) approve or disapprove Planning Commission's decision,

(b) add, modify or delete conditions, (c) deny appeals and approve a modified Planning Application PA080053, or (d) provide direction and refer the matter back to Planning Commission - District 3 (Continued from 3/13/18, Item 32)

B.O. **CLOSED PUBLIC HEARING**

35241 **APPROVED RECOMMENDED ACTIONS #1, 2 AND 3 AND SELECTED RECOMMENDED ACTION 4(a); DIRECTED TO ENTER INTO THE RECORD THE SIGNED COPY AND RELEASE BY MR. SAMAAN OF HIS INDEMNIFICATION AGREEMENT WITH THE COUNTY WITH RESPECT TO ATTORNEY'S FEES; DIRECTED TO ADD CONDITION #32 TO ATTACHMENT H: "ANY AND ALL NOISE, AMBIENT OR AS OTHERWISE MANUFACTURED FROM THE SITE, CANNOT EXCEED THE NOISE STANDARDS AS PRESENTED IN ORANGE COUNTY CODIFIED ORDINANCES SECTIONS4-6-1, ET. SEQ. THE PERMIT HOLDER MUST HAVE AT ALL TIMES A NOISE MONITORING DEVICE IN USE AT EVENTS IN COMPLIANCE WITH ORANGE COUNTY CODIFIED ORDINANCE SECTION 4-6-3. NOISE MONITORING DATA MEASURED AT THE MOST NOISE IMPACTED POINT OF THE SUBJECT SITE'S PROPERTY LINE SHALL BE PRESENTED TO OC DEVELOPMENT SERVICES FOLLOWING EACH EVENT."; DIRECTED TO ADD AS THE 2ND SENTENCE IN CONDITION #11: "NO EVENT SHALL BE APPROVED OR AUTHORIZED BY THE DIRECTOR, OC DEVELOPMENT SERVICES, IF THERE IS A SUSTAINED FINDING OF ANY CODE VIOLATION, UNTIL THAT CODE VIOLATION IS CORRECTED, AND SUFFICIENT EVIDENCE HAS BEEN PROVIDED TO THE DIRECTOR, OC DEVELOPMENT SERVICES THAT THE VIOLATION WILL NOT RE-OCCUR."**

39. Public Hearing to consider adopting resolution approving 2018 Weed Abatement Program; and direct OC Public Works to report back to the Board on 7/31/18 and 8/6/19 with itemized cost reports - All Districts

B.O. **CLOSED PUBLIC HEARING**

52341 **APPROVED AS RECOMMENDED**
RESO: 18-026

40. Public Hearing to consider reading and adoption of "An Uncodified Ordinance of the County of Orange, State of California Adopting Zone Change ZC 17-01 and Rezoning Certain Land from the A1 General Agricultural District to the AR Agricultural Residential District for the Preserve at San Juan"; receive Orange County Planning Commission Resolution No. 18-01; adopt resolution considering certification of Final Environmental Impact Report No. 618 and other findings; adopt resolution approving General Plan Amendment Land Use Element 17-01; and adopt resolution approving Area Plan PA130026 - District 5

B.O. **CLOSED PUBLIC HEARING**

53241 **APPROVED AS RECOMMENDED**
RESO: 18-027 - 18-029
ORD: 18-001

V. CLOSED SESSION (Items CS-1-SCS3)

GENERAL ADMINISTRATION

CS-1. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant

to Government Code Section 54957.6:
Agency Negotiator: Brenda Diederichs
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), International Brotherhood of Teamsters, Local 952, In-Home Supportive Services (IHSS), International Union of Operating Engineers (IUOE), Orange County Attorneys Association (OCAA), Orange County Employees Association (OCEA), Orange County Managers Association (OCMA) and other non-represented employees
RE: Terms and Conditions of Employment

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

County Counsel:

SCS2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(d)(4):
Number of Cases: One Case

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

SCS3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: Orange County Catholic Worker, et al. v. County of Orange, et al., United States District Court Case No. 8:18-cv-00155-DOC-JDE
David Ramirez, et al. v. County of Orange, United States District Court Case No.8:18-cv-0220-DOC-JDE

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Kenneth Batiste - Oral re: Changes to agenda and speaker time limits for general public comments, homeless situation

Bryan Kaye - Oral re: Comments by Bryan Kaye at previous Board meeting, unreported crimes and mental health professionals, Sheriff, District Attorney and Public Defender forging documents, falsifying reports and placing innocent people in jail who are not mentally ill

Ilya Tseglin - Oral re: Ilya Tseglin, Robert Tseglin and Michael Klubnikin attend every meeting to plead for Nate Tseglin's life from being exterminated, OC Regional Center profiteering from public funding, Probate Case, Probate mental family court is a fraud, Judges, Public Defender

Robert Tseglin - Oral re: Nate Tseglin kidnapped by Irvine Police Department, placed in home, almost overdosed and transferred to Fairview Development Center, OC Regional Center removed services provided to Nate, placed in Cerritos Medical Center, psychotropic drugs and seizures, Public Defender, Probate case

Lou Noble - Oral re: Mental Health Services and drug experimentation of Nate Tseglin, criminalization of the homeless and fearmongering, mental problems of the homeless comes from depression and oppression, unlawful foreclosure causes stress and mental problems, oppression by law enforcement, more social workers and housing is needed for the homeless

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Supervisor Spitzer - Oral re: Congratulated and thanked OC Waste & Recycling regarding closed landfill at Yorba and Chapman and the 55 Freeway and opening of Orange Dog Park on Saturday, April 7, 2018

ADJOURNED: 4:05 P.M.

51234 **Adjourned in memory of Carolyn McInerney**

51234 **Adjourned in memory of Santa Ana Police Chief Ray Davis**

51234 **Adjourned in memory of Melvyn E. Gruben**

51234 **Adjourned in memory of William King, Jr.**

*** KEY ***

Left Margin Notes

1. = Supervisor Do
2. = Supervisor Steel
3. = Supervisor Spitzer
4. = Supervisor Nelson
5. = Supervisor Bartlett

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