REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, July 25, 2017, 9:00 A.M.

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

MICHELLE STEEL
CHAIRWOMAN
Second District

ANDREW DO
VICE CHAIR
First District

TODD SPITZER
SUPERVISOR
Third District

SHAWN NELSON
SUPERVISOR
Fourth 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 Nelson, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Spitzer, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairwoman Steel presented a resolution proclaiming July 16-22, 2017 as "Probation Services Week"

II. PUBLIC COMMENTS

Michael Klubnikin - Oral Re: Criminal behavior of the current and former members of the Board of Supervisors, organized crime, money laundering, sale of property without escrow, probate code, Ilya Tseglin, Public Defender and Guardian Ad Litem

Jeanina Cole - Oral Re: Fountain Valley resident with homeless tent encampment on riverbed behind her home and tent 12 feet from her daughter's window, homeless threatening her and her neighbors and police will not help

Carol Magee - Oral Re: Fountain Valley resident with homeless tent encampment on riverbed behind homes, law enforcement cooperation needed, health concerns and waste going to oceans

Paul Hyek - Oral Re: Homeless and living at Bridges at Kraemer Place, need chemicals for chemical toilets, suggests using vacant lot for tent people to live

Pamela Swartz - Oral Re: Fountain Valley resident with homeless tent encampment behind her home, breaking into cars and theft of property

Jennifer - Oral Re: Resident of Ladera Ranch, opposes toll road extension of 241 by TCA using Los Patrones Parkway; oppose any offers to convert or take by eminent domain

Jonathan An - Oral Re: Fountain Valley resident with homeless encampment on riverbed behind his home, increase in crime, agencies not clear on jurisdiction, Fountain Valley police unsupportive of homeowners and tell them not to call; contract with CityNet does not extend to the area behind his home and wants to know how decision was made regarding which areas of the riverbed to serve

David Lopez - Oral Re: Opposes Orange County Sheriff Department taking over air support from Orange County Fire Authority; Sheriff should maintain focus on law enforcement and Fire Authority should continue to provide air support for fire, rescue and medical response.

Sarah Mary Wallace - Oral Re: CityNet services to homeless only provided bottled water, harassment and displacement of the homeless, Fairview Development Center vacant and available to house homeless, Alfresco Gardens

Michele Musacchio - Oral Re: League of Women Voters opposes change to terms of appointments to the Campaign Finance and Ethics Commission, members should be staggered terms as defined in the voter approved ordinance

Daisy Ramirez - Oral Re: American Civil Liberties Union report on conditions and abuse of inmates in Orange County Jails, petition for Sheriff Hutchins to resign, Danny Pham death in custody, need for independent civilian oversight body

Mike Robbins - Oral Re: Homeless funding, moving homeless people around causes death, using non-profits removes oversight, no statistics showing homeless encampments contribute to crime

Steve Rocco - Oral Re: Political corruption, arrested by son of Albertsons CEO, home raided by District Attorney and neighbor, cable TV show, ran for public office, mother murdered by intubation in political hit, 7/20 anniversary

Sheena Innocente - Oral Re: Racial disparities in criminal justice system, deportation of juveniles, Brown Act violations, homelessness, housing first approach and living wages

Jordan Hoiberg - Oral Re: Riverbed homeless encampments need portable restrooms, CityNet contract not enough to address the issues, housing first bond proposal, urges Fountain Valley residents to work with homeless advocates toward long term solution

IIya Tseglin - Oral Re: Nate Tseglin kidnapped and tortured for public profiteering, OC Regional Center, government organized crime, public defender, corruption and genocide

Robert Tseglin - Oral Re: Nate Tseglin kidnapped by police, judges and writs of habeas corpus, group

home confinement, psychotropic drugs, lack of documentation and concealment of medical records

Lou Noble - Oral Re: Constitutional rights of homeless people, homeless need essential basic services like portable toilets, portable showers, affordable housing

Nancy West - Oral Re: Officer involved domestic violence, victims denied service, Amanda Jensen shot and killed

The Cameraman - Oral Re: Mayor Tait at City of Anaheim, homeless need restrooms and showers, camping ordinances, property confiscated

Nancy Tran - Oral Re: Fountain Valley resident with homeless encampment on riverbed behind her home, homeless stealing items from her yard, trespass and dump fecal matter in her yard, need to raise walls to 12 feet to keep homeless from climbing over

Bryan Kaye - Oral Re: CityNet contract, complaint regarding incident involving personnel, has not committed acrime, received no response from Board offices

III. CONSENT CALENDAR (Items 1-8)

34152 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 1 WHICH WAS DELETED**

BOARD APPOINTMENTS

1. **Supervisor Bartlett -** Orange County Cemetery District - Appoint Neil O'Connor, San Juan Capistrano, to complete term ending 1/6/20

34152 **DELETED**

DEPARTMENT APPOINTMENTS

2. **Social Services Agency -** Approve amended bylaws of the Orange County Child Care and Development Planning Council; appoint Sue DiMaria, Costa Mesa; Fredrika Kimmel Gragg, Trabuco Canyon and Amanda Selogie, Huntington Beach; and reappoint Janet Deusenberry, Orange; Maureen Fitzpatrick, San Clemente; Susan McClintic, Irvine; Sandra L. Peffer-Stone, Laguna Woods and Teresa (Traci) Stubbler, Irvine for terms ending 8/5/19 - All Districts

ELECTED DEPARTMENT HEADS

3. **District Attorney -** Approve amendment 1 to renew agreement MA-026-16012161 with SouthernCalifornia Private Investigators, Inc. for Real Estate Fraud Document Analyst Services, 8/1/17 - 7/31/18 ($125,000; cumulative total $250,000); and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

OC COMMUNITY RESOURCES

4. Approve amendment 4 to small city cooperation agreement and amendment 1 to metro city cooperationagreement with eleven small cities and two metro cities for participation in the Urban County Program for receipt and allocation of Federal funding for housing and community development activities for FY 2018-19 through FY 2020-21; and authorize Director

or designee to execute amendments and subsequent non-substantial and immaterial modifications if necessary, and forward to the U.S. Department of Housing and Urban Development - All Districts

OC PUBLIC WORKS

5. Approve items A, B, C and D of Orange County Traffic Committee Report dated 5/18/17 related to speed limits on South Bend Road, Tipu Run and Vista Del Verde, Coto de Caza area; assign adult school crossing guard, Ladera Ranch area; adopt necessary resolutions; and rescind a portion of Resolution 06-064 - District 5
RESO: 17-087 - 17-088

6. Approve Final Tract Map 17598; approve Subdivision Improvement Agreement S1705-218 withCalAtlantic Group, Inc. and accept bonds guaranteeing construction; accept dedication of easements for emergency access, public utility and public service vehicle ingress and egress purposes; and accept vehicular access rights to all arterial highways - District 5

7. Approve Final Tract Map 17600; approve Subdivision Improvement Agreement S1704-217 with William Lyon Homes, Inc. and accept bonds guaranteeing construction; accept dedication of easement for emergency access, public utility and public service vehicle ingress and egress purposes; and accept vehicular access rights to F Street - District 5

GENERAL ADMINISTRATION

8. **County Executive Office -** Approve amendment 1 to five year leases with Joseph M. D'Angelo for cafe space at 301 The City Drive, Orange ($72,000; cumulative total $360,000) and 12 Civic Center Plaza, Santa Ana ($24,000; cumulative total $120,000); and make California Environmental Quality Act and other findings - Districts 1 and 3

END OF CONSENT CALENDAR

IV. DISCUSSION ITEMS (Items 9-S24B)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

9. Approve agreement MA-060-17012119 with Motorola Inc. for replacement of obsolete radioequipment in the 800 MHz Countywide Coordinated Communication Systems upgrade project, 7/26/17 - 7/25/22 ($25,444,348); and authorize Sheriff-Coroner or designee to execute agreement - All Districts

31452 **APPROVED AS RECOMMENDED; DIRECTED COUNTY EXECUTIVE OFFICE TO NOTIFY THE 800MHZ GOVERNING BOARD THAT THE BOARD OF SUPERVISORS RECOMMEND AN AUDIT OF THE PROGRAM BE CONDUCTED EITHER THROUGH THE AUDITOR-CONTROLLER INTERNAL AUDIT OR BY AN INDEPENDENT AUDIT FIRM; AND DIRECTED COUNTY EXECUTIVE OFFICE TO WORK WITH SHERIFF DEPARTMENT TO PROVIDE IN WRITING THE OUTCOME OF THE GOVERNING BOARD'S ACTIONS**

10. Receive and file status report and approve termination of local emergency related to Theo LacyFacility, H Barracks West for unrepairable drain and plumbing system issues - District 3 (4/5 vote of the members present) (Continued from 5/23/17, Item S72B; 6/6/17, Item 31; 6/13/17, Item 2; 6/27/17, Item 50; 7/11/17, Item 23)

31452 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

11. Approve amendment 2 to agreement with Correctional Managed Care Medical Corporation for physician services for Correctional Health Services program, effective 8/1/17 ($1,437,930; new total $4,713,494); and authorize Director or designee to exercise cost contingency increase not to exceed 10% under certain conditions and execute amendment - All Districts

35142 **APPROVED AS RECOMMENDED**
X

JOHN WAYNE AIRPORT

12. Approve agreement MA-280-17012195 with Frasca & Associates, LLC for financial analysis andplanning services, 8/1/17 - 7/31/20 ($175,000); renewable for two additional one-year terms; authorize County Procurement Officer or authorized Deputy to execute agreement; and make California Environmental Quality Act and other findings - District 2

23145 **APPROVED AS RECOMMENDED**
X

13. Approve amendments to 1985 Settlement Agreement and to Phase 2 Commercial Airline Access Plan and Regulation to modify definition of commuter air carrier as Class E aircraft regularly configured with not more than seventy-six seats; and consider application of Final Environmental Impact Report No. 617 and other findings - District 2 (Continued from 6/27/17, Item 58; 7/11/17, Item 25)

B.O. **DELETED**

OC COMMUNITY RESOURCES

14. Approve amendment 5 to renew agreement MA-012-14011932 with HAPPY Software, Inc. for Housing Pro Software maintenance and support services, 9/1/17 - 8/31/18 ($64,045; cumulative total $437,322) renewable for one additional one-year term; authorize County Procurement Officer or authorized Deputy to execute amendment; and authorize Director or designee to exercise cost contingency increase not to exceed 10% under certain conditions - All Districts

52134 **APPROVED AS RECOMMENDED**
X

15. Approve amendment 4 to renew agreement MA-012-14010167 with United Site Services of California,Inc. for portable toilet rental and services, 9/1/17 - 8/31/18 ($157,000; cumulative total $881,000); and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

54132 **APPROVED AS RECOMMENDED**
X

16. Approve amendment 3 to agreement MA-012-16010217 with West Coast Arborists, Inc. for

treemaintenance services, 9/1/17 - 8/31/18 ($1,500,000; for a cumulative total $4,500,000); and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

45132 **APPROVED AS RECOMMENDED**
X

OC PUBLIC WORKS

17. Approve amendment 2 to agreement MA-080-15011293 with Climatec, LLC. for physical security andaccess control services ($2,000,000; new total $4,000,000); and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

45132 **APPROVED AS RECOMMENDED**
X

18. Approve agreements MA-080-17011783 with Mariposa Landscapes, Inc. and West Coast Arborists, Inc. for tree trimming, pruning and removal and arborist services on an as-needed basis, three-year term (aggregate total $5,000,000), with option to renew for two additional one-year terms; authorize County Procurement Officer or authorized Deputy to execute agreements; and make California Environmental Quality Act and other findings - All Districts

42135 **APPROVED AS RECOMMENDED**
X

OC WASTE & RECYCLING

19. Approve amendment 4 to agreement MA-299-14010260 with Adam's Falconry Service, Airstrike BirdControl, Inc. and Avian Entertainment, LLC for bird abatement services, 9/20/17 - 9/19/18 ($295,000; cumulative total $1,815,000); and authorize County Procurement Officer or authorized Deputy to execute amendment - Districts 3, 4, and 5

54132 **APPROVED AS RECOMMENDED**
X

SOCIAL SERVICES AGENCY

20. Approve agreement MA-063-17011318 with Binti, Inc. for web application for Resource FamilyApproval program, 8/1/17 - 7/31/20 ($450,000); renewable for two additional one-year terms; and authorize County Procurement Officer or authorized Deputy to execute agreement - All Districts

45132 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

21. **Chairwoman Steel and Vice Chair Do -** Consider second reading and adoption of "An Ordinance of the County of Orange, California Amending Sections 4-11-11 and 4-11-12 of the Codified Ordinances of the County of Orange Regarding the Orange County Health Authority" (Continued from 7/11/17, Item S37C)

12345 **ON THE MOTION OF VICE CHAIR DO, SECONDED BY CHAIRWOMAN STEEL,**
N N **THE BOARD, ON A VOTE OF 3 TO 2, SUPERVISOR SPITZER AND SUPERVISOR BARTLETT VOTING NO, APPROVED THE ORDINANCE WITH AMENDED EFFECTIVE DATE OF JANUARY 1, 2018 AND DIRECTED THE REVISED ORDINANCE BE PLACED ON THE 8/8/17, 9:30 A.M. AGENDA FOR SECOND**

READING AND ADOPTION

County Executive Office:

22. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
52134 X **APPROVED AS RECOMMENDED WITH SUPERVISOR SPITZER VOTING NO ON OPPOSING SB4**

23. Approve grant applications/awards submitted by Health Care Agency in 7/25/17 grants report and other actions as recommended - All Districts
54132 X **APPROVED AS RECOMMENDED**

24. Ratify amendment 3 to lease agreement with Leland W. Geiler II for office space for Health Care Agency at 5 Mareblu, Aliso Viejo, retroactive to 7/1/17 - 6/30/24; and authorize Chief Real Estate Officer or designee to execute subsequent lease amendments for non-monetary and/or monetary changes under certain conditions - District 5
54132 X **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

S24A. Approve agreement MA-060-18010134 with Motorola Inc. for programming all subscriberequipment with re-banded channels in the 800 MHz Countywide Coordinated Communication System, 7/26/17 - 7/25/22 ($4,140,000); and authorize Sheriff-Coroner or designee to execute agreement - All Districts
34152 X **APPROVED AS RECOMMENDED**

S24B. Approve Memorandum of Understanding with Orange County Fire Authority for search andrescue coordination services; and authorize Sheriff-Coroner or designee to execute MOU - All Districts
B.O. **CONTINUED TO 8/8/17, 9:30 A.M.**

V. PUBLIC HEARINGS (None)

VI. 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(d)(1):Name of Cases: Steve Castillo v. County of Orange Code Enforcement, Orange County Superior Court Case No. 30-2014-00763116; Appellate Case No. 30-2015-00787443; Diane Le v. County of Orange Code Enforcement, Orange County Superior Court Case No. 30-2014-00763184; Appellate Case No. 30-2015-00787645; Thanh Le v. County of Orange Code Enforcement, Orange County Superior Court Case No. 30-2014-00763189; Appellate Case No. 30-2015-00787649(Continued from 7/11/17,

Item SCS5)

B.O. **DELETED**

CS-2. **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:

SCS3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: W.A. Rasic Construction Co., Inc. v. Orange County Flood Control District and the County of Orange, Orange County Superior Court Case No. 30-2015-00767173

B.O. **HELD, COUNTY COUNSEL READ: THE BOARD WITH A VOTE OF 4 TO 0, SUPERVISORS STEEL, SPITZER, NELSON AND BARTLETT VOTING IN FAVOR AND SUPERVISOR DO BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF W.A. RASIC CONSTRUCTION CO., INC. V. ORANGE COUNTY FLOOD CONTROL DISTRICT AND THE COUNTY OF ORANGE. 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.**

SCS4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(2):
Number of Cases: One Case

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

SCS5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: Arnie Pike, Marilyn Pike, John Hilsop v. County of Orange, Orange County Superior Court Case Nos. 00784343 and 00784177

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

SCS6. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION -Pursuant toGovernment Code Section 54956.9(d)(2):
Number of Cases: Two Cases

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

VII. CEO, BOARD COMMENTS & ADJOURNMENT

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS:
Supervisor Spitzer - Oral Re: Letter alleging conflict of interest to consider closed session items and AB895 allowing electronic filing of campaign documents and whether Registrar of Voters will eliminate paper filing

ADJOURNED: 12:46 P.M.

52134 **Adjourned in memory of Captain Sean "Puffin" Elliott**

32145 **Adjourned in memory of Margaret Barker**

21345 **Adjourned in memory of Jim Kanno**

*** 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