REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, February 25, 2014, 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:	COUNTY EXECUTIVE OFFICER	Michael B. Giancola
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Susan Novak

INVOCATION: Supervisor Moorlach, First District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-26)

51234 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 8, 14 & 26 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE; AND SPITZER NOTED A NO VOTE ON ITEM 16**

BOARD APPOINTMENTS

Supervisor Nguyen:

1. Waste Management Commission - Reappoint Xuan-Nhi Van Ho, Westminster, for term ending

3/21/16

2. Veterans Advisory Council - Reappoint Miguel A. Vasquez, Westminster, for term ending 3/26/16

3. Orange County Human Relations Commission - Appoint Bang Van Pham, La Habra, for term ending 2/24/16

4. **Vice Chair Bates -** Orange County Veterans Advisory Council - Reappointment - Peter McCormick, Laguna Niguel, for term ending 1/4/16

5. **Chairman Nelson -** Waste Management Commission - Appoint Samuel Han, Fullerton, for term ending 2/2/15

DEPARTMENT APPOINTMENTS

6. **OC Community Resources -** Orange County Workforce Investment Board - Appoint Dr. Randy W. Peebles, Mission Viejo and Robin Murbach, Anaheim, to complete terms ending 12/31/16 - All Districts

ELECTED DEPARTMENT HEADS

7. **Auditor-Controller -** Approve amendment 3 to agreement MA-003-12012128 with Aeris Enterprises, Inc. to enhance security of the Automated CAPS+ Access Request Form, 6/18/14 - 8/31/14 ($87,500; new total $378,000); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

Sheriff-Coroner:

8. Authorize County employees to voluntarily donate to Sheriff's Advisory Council through payroll deductions - All Districts (Continued from 12/10/13, Item 8; 1/14/14, Item 3)

35124 **APPROVED AS RECOMMENDED**

9. Approve amendment 4 to agreement MA-060-10011712 renewing as MA-060-14011077 with Fujitec America, Inc. for elevator maintenance and repair services, 3/16/14 - 3/15/15 ($32,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

10. Approve plans and specifications and set bid opening for 4/2/14, 2:00 p.m., for replacement of domestic water pressure boosting pump system at Sheriff's Headquarters, and Central Men's and Women's Jails; and make California Environmental Quality Act findings - District 1

11. Approve plans and specifications and set bid opening for 4/2/14, 2:00 p.m., for installation of security improvements to the Public Lobby of Aliso Viejo Sheriff's Station; and make California Environmental Quality Act findings - District 5

12. Approve plans and specifications and set bid opening for 4/2/14, 2:00 p.m., for renovation of heating and ventilation system, Barracks D & E, James A. Musick Jail Facility; and make California Environmental Quality Act findings - Districts 3 & 5

13. Ratify and accept grant awards from State Department of Parks and Recreation for Abandoned

Watercraft Abatement Grant ($25,000) and Vessel Turn-In program ($5,000), FY13-14 & FY14-15; and authorize Sheriff-Coroner or designee to execute grant award agreements and related documents - All Districts

14. Approve amendment 2 to agreement MA-060-12011223 renewing as MA-060-14011018 with Computer Deductions, Inc. for Live Scan software programming and support, 3/10/14 - 3/9/15 ($87,510); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

25134 **APPROVED AS RECOMMENDED AND DIRECTED CEO TO RETURN TO BOARD ON 3/4/14 WITH OPTIONS TO PROVIDE SHERIFF WITH RESOURCES TO ADDRESS OUTSTANDING VOLUME OF CONCEALED WEAPON PERMIT APPLICATIONS**

15. Approve amendment 5 to agreement MA-060-10011200 renewing as MA-060-14011163 with Life Technologies Corporation for supplies and reagents used in DNA extraction, quantitation and typing using genetic analyzers, 3/2/14 - 3/1/15 ($550,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

JOHN WAYNE AIRPORT

16. Receive bids and award contract to All American Asphalt, Inc. for Runway Re-designation project ($726,000); and make California Environmental Quality Act findings - District 2

51234 N **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

17. Approve agreement OCP14-004 with Newport Bay Naturalists and Friends for Upland to Tideland exhibit in Muth Interpretive Center, Upper Newport Bay Nature Preserve one year term ($60,000); and make California Environmental Quality Act findings - District 2

18. Approve easement deed for Parcel PR51A-950 to Rancho Mission Viejo Company for access road purposes across O'Neill Regional Park; and make California Environmental Quality Act findings - District 5

19. **Acting as the Successor Agency to the Orange County Development Agency** - Adopt Recognized Obligation Payment Schedule (ROPS), 7/1/14 - 12/31/14; authorize staff to submit ROPS to State Department of Finance and the 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

20. Approve amendment 3 to agreement MA-080-12011450 with Jonset Corporation dba Sunset Property Services for street sweeping services, 5/1/14 - 4/30/15 ($384,567); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

Acting as the Orange County Flood Control District:

21. Authorize Director or designee to execute licenses of Orange County Flood Control District

property when specific criteria are met for cost saving purposes; direct Chief Real Estate Officer or designee to submit an annual report to the Board; and make California Environmental Quality Act findings - All Districts (Continued from 1/28/14, Item 27)

22. Relying upon Mitigated Negative Declaration 07-03 as clearance under the California Environmental Quality Act, approve agreement D13-098 with City of Brea for pedestrian/bikeways, riding and hiking trail improvements, 10-year term, renewable annually for total term of 50 years - District 4

23. **Acting as the Board of Supervisors and Orange County Flood Control District -** Relying upon Final Mitigated Negative Declaration IP12-079 as compliance under the California Environmental Quality Act, approve plans and specifications and set bid opening upon federal approval for construction of Coyote Creek Class I Bikeway Project from Malvern Avenue to Hillsborough Drive - District 4

OC WASTE & RECYCLING

24. Renew agreement MA-299-12011170 with Associated Laboratories and Weck Laboratories, Inc. for water quality analytical services, 4/1/14 - 3/31/15 ($186,500); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

25. **Human Resource Services -** Approve agreement with Brandman University for reduced tuition for County employees; and authorize Human Resource Services to execute agreement - All Districts

26. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for January 2014 - All Districts

23154 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 27-41)

ELECTED DEPARTMENT HEADS

27. **District Attorney -** Approve agreement PO-026-14011020 with Hitachi High Technologies America, Inc. for purchase of forensic equipment and maintenance services ($297,930); make related budget adjustments; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts (4/5 vote of the members present)

35124 **APPROVED AS RECOMMENDED**

28. **Sheriff-Coroner -** Approve amendment 6 to agreement MA-060-12011079 renewing as MA-060-14011075 with Enterprise Rent-A-Car of Los Angeles, LLC for rental of vehicles for undercover surveillance work, 3/1/14 - 2/28/15 ($1,086,100); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

31254 **APPROVED AS RECOMMENDED**

29. **Treasurer-Tax Collector -** Receive oral report on Treasury Oversight Committee 2013 Annual Report - All Districts

RECEIVED AND FILED

HEALTH CARE AGENCY

30. Approve amendment 1 to ten-year lease with Stadium Corporate Plaza for office/clinical space for Behavioral Health programs, Anaheim; and make California Environmental Quality Act findings - District 4

42135 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

31. Approve agreement with Concourse Communications Group for Wireless Public Internet Access and Distributed Antenna System; and make California Environmental Quality Act findings - District 2

24135 **APPROVED AS RECOMMENDED**

32. Approve agreement with Reliable Energy Services Corporation for Interior and Exterior Lighting Maintenance, 3/1/14 - 2/28/18 ($1,275,515); authorize Purchasing Agent or authorized Deputy to execute agreement; exercise cost contingency increase not to exceed $50,000; and make California Environmental Quality Act findings - District 2

24135 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

33. Approve amendment 3 to agreement MA-012-11011489 with Igi's Landscape Services and Phillips and Jordan, Inc. for weed abatement, fuel modification, mowing and discing services, 3/15/14 - 3/14/15 ($18,000; new total $310,000); authorize Purchasing Agent or authorized Deputy to execute amendment; and make California Environmental Quality Act findings - All Districts

12354 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

34. Approve amendment 1 to agreement with County Sanitation District No. 2 of Los Angeles County for increase of imported tonnage, Orange County landfills; authorize Director or designee to execute

amendment; and find that Final Environmental Impact Report 588, RELOOC Strategic Plan, previously certified by Board of Supervisors on April 17, 2007, Final Environmental Impact Report 604, previously certified by the Board of Supervisor's on 8/15/06, with addenda reflect the independent judgment of the County of Orange and satisfy the requirements of California Environmental Quality Act for the proposed project, which is necessarily included element contemplated as part of the action - Districts 3 & 4

35124 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

35. **Clerk of the Board -** Approve 2014 Chairman's appointments of Board Members to various Boards, Commissions and Committees and adopt California Form 806 - Agency Report of Public Official Appointments - All Districts

24135 **APPROVED AS RECOMMENDED**

County Executive Office:

36. Consider options for supporting charities through payroll deductions - All Districts (Continued from 1/14/14, Item 15)

B.O. **DELETED**

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

RECEIVED AND FILED LEGISLATIVE REPORT. VICE CHAIR BATES AND SUPERVISOR NGUYEN MADE AB 1234 REPORTS ON TRIP TO SACRAMENTO FOR LEGISLATIVE SUMMIT

38. Approve amendment 1 to amended and restated lease with 405 West Fifth Street Holdings, LLC extending the time frame for conveyance option, Santa Ana; authorize Chief Real Estate Officer or designee to execute lease and all necessary related documents; and make California Environmental Quality Act findings - District 1

13254 **APPROVED AS RECOMMENDED**

39. Approve grant applications/awards submitted by Sheriff-Coroner, OC Community Resources/OC Parks and Health Care Agency in 2/25/14 grant report; and authorize OC Parks Director or designee to accept grant award for Mile Square Regional Park Archery Range Equipment - All Districts

15234 **APPROVED AS RECOMMENDED**

40. Consider options for charitable donations through payroll deductions - All Districts

53124 N **SELECTED OPTION 2**

41. Response to 2/4/14 Board Directive - Consider options for CalOptima Board of Directors membership and first reading of "An Ordinance of the County of Orange, California Amending Sections 4-11-11, 4-11-12, and 4-11-14 of the Codified Ordinances of the County of Orange Regarding the Orange County Health Authority"; and set second reading and adoption for 3/4/14, 9:30 a.m. - All Districts

35124 N **SELECTED OPTION 3 AS MODIFIED ADDING THE DIRECTOR OF THE SOCIAL SERVICES AGENCY AS A NON-VOTING MEMBER OF THE BOARD OF DIRECTORS AND CHANGING SECTION 4-11-11(3) TO THE TWO BOARD OF**

SUPERVISORS APPOINTED AS REGULAR MEMBERS OF THE CALOPTIMA BOARD OF DIRECTORS; HELD FIRST READING OF THE ORDINANCE AND DIRECTED CLERK TO PLACE THE ORDINANCE ON THE 3/4/14 AGENDA FOR SECOND READING AND ADOPTION.

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-CS-2)

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Foothill Communities Coalition v. County of Orange, et al., Orange County Superior Court Case Number 30-2011-00467132

B.O. **CONTINUED TO 3/11/14, 9:30 A.M.**

CS-2. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Steve Danley
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), Orange County Managers Association (OCMA) 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:

Michael Klubnikin - Oral Re: Fraudulent sale of property by County and Court

Craig Durley - Oral Re: Distracted driving and SR 17

Shelly Haggerty - Oral Re: Transition of MSI to CalOptima

Carole Levers - Oral Re: Oversight of Registrar of Voters by Mark Denny, Chief Operating Officer

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Supervisor Nguyen - Oral Re: MSI transition from County to CalOptima; opening of Haster Basin Recreation Parks

Supervisor Spitzer - Oral Re: Unveiling reception of OC Crime Victims' Memorial Finalist Design

ADJOURNED: 1:00 P.M.

14235 **Adjourned in memory of Miguel Suarez Orozco**

24135 **Adjourned in memory of Walter Ehlers**

24135 **Adjourned in memory of Carl Holmes**

24135 **Adjourned in memory of Arvella Schuller**

*** 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