REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, March 10, 2015, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
400 W. Civic Center Drive
Santa Ana, California

TODD SPITZER
CHAIRMAN
Third District

LISA A. BARTLETT
VICE CHAIRMAN
Fifth District

ANDREW DO
SUPERVISOR
First District

MICHELLE STEEL
SUPERVISOR
Second District

SHAWN NELSON
SUPERVISOR
Fourth District

ATTENDANCE:All Present

EXCUSED:None

PRESENT:	COUNTY EXECUTIVE OFFICER	Michael B. Giancola
	COUNTY COUNSEL	Leon J. Page, Senior Deputy
	INTERIM CLERK OF THE BOARD	Robin Stieler

INVOCATION:Supervisor Steel, Second District, gave the invocation

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

I.PRESENTATIONS/INTRODUCTIONS

II.CONSENT CALENDAR (Items 1-16)

45123 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 16 WHICH WAS CONTINUED TO 4/14/15, 9:30 A.M.**

BOARD APPOINTMENTS

1. **Chairman Spitzer -** Appoint Chairman Todd Spitzer to serve as the County's representative to the Association of California Cities-Orange County

DEPARTMENT APPOINTMENTS

2. **Treasurer-Tax Collector -** Treasury Oversight Committee - Reappoint William "Andy" Dunn, Costa Mesa, for term ending 3/13/18 - All Districts

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

3. Approve agreement PO-060-15011498 with L3 Communications Mobile-Vision, Inc. for purchase, installation and training of Patrol Video System for Saddleback Station, one-year period ($136,858.86); and authorize Purchasing Agent or authorized Deputy to execute agreement - District 5

4. Approve plans and specifications and set bid opening for 4/29/15, 2:00 p.m., for renovation of HVAC system at Loma Ridge Facility; and make California Environmental Quality Act findings - District 3

5. Approve plans and specifications and set bid opening for 4/29/15, 2:00 p.m., for repair of three walk-in refrigerators and replacement of one walk-in freezer at Theo Lacy Facility; and make California Environmental Quality Act findings - District 3

HEALTH CARE AGENCY

6. Approve amended bylaws to Orange County HIV Planning Council reducing the voting members from 35 to 27 and making administrative changes - All Districts

OC COMMUNITY RESOURCES

7. Authorize OC Community Resources to negotiate an agreement with Mercy House Living Centers, Inc. for continued operation of Armory Emergency Shelter Program, 7/1/15 - 6/30/17 and return to the Board for approval - All Districts

8. Approve amendment 2 to agreement OCP11-006 with BonTerra Psomas for on-call architect-engineer environmental and regulatory permitting services, extending term 5/2/16, with no increase to total agreement amount; and make California Environmental Quality Act findings - All Districts

OC PUBLIC WORKS

9. Approve amendment 3 to agreement MA-080-13011712 with Clear Creek Systems, Inc. for maintenance, repair and training for J01P28 Urban Runoff Treatment, 4/17/15 - 4/16/16 ($25,000); authorize Purchasing Agent or authorized Deputy to execute amendment; and consider application of Final Negative Declaration No. IP01-145 and other findings - District 5

10. Approve plans and specifications and set bid opening for 4/15/15, 2:00 p.m., for OC Data Center New Emergency Generator and Cooling Plant Refresh Project; and make California Environmental Quality Act findings - All Districts

11. Approve cooperative agreement with City of Seal Beach for the County to provide sand to the City, 3/11/15 - 6/30/15; and make California Environmental Quality Act findings - District 2

12. Approve amendment 2 to agreement with Moulton Niguel Water District for diversion of urban runoff

from J01P28 Urban Runoff Treatment Facility, 3/21/15 - 3/20/20 ($7,000 annually) and $1,000 one-time renewal cost; authorize Director or designee to execute amendment and make necessary changes under certain conditions; and consider application of Final Negative Declaration No. IP01-145 and other findings - District 5

13. Approve Memorandum of Understanding C-4-1940 with Orange County Transportation Authority for Measure M2 Tier 1 Grant Program Master Purchase Agreement, five-year period; and make California Environmental Quality Act findings - All Districts

14. **Acting as the Orange County Flood Control District -** Approve plans and specifications and set bid opening for 4/15/15, 2:00 p.m. for Greenville-Banning Channel Improvement Project from 1,100 feet downstream of California Street to I-405 freeway; approve agreement D14-047 with Mesa Water District for reimbursement for relocation of existing waterline; and consider application of Final Mitigated Negative Declaration No. IP 14-207 and other findings - District 2

15. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve amendment 1 to agreement D12-006 with the Orange County Water District for utilization of Measure M2 Environmental Cleanup - Tier 2 grant funds for construction improvements to Fletcher Retarding Basin; authorize Director or designee to carry out terms and conditions; and consider Mitigated Negative Declaration SCH No. 2011081037 and other findings - District 3

GENERAL ADMINISTRATION

16. **County Executive Office -** Receive and file Quarterly Information Technology Project Status Detail, Executive Summary and Risk Assessment Reports for October - December 2014 - All Districts (Continued from 2/10/15, Item 17)

45123 **CONTINUED TO 4/14/15, 9:30A.M.**

END OF CONSENT CALENDAR

III.DISCUSSION ITEMS (Items 17-S28B)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

17. Approve amendment 2 to agreement MA-060-13011549 with Traditional Funeral Services, Inc. for body transport services, 4/15/15 - 4/14/16 ($300,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

25143 **APPROVED AS RECOMMENDED**

18. Retroactively approve invoices with Netsential.com Inc. for web hosting and maintenance services, 11/1/13 - 10/31/14 and 11/1/14 - 10/31/15 ($3,400)- All Districts

54123 **APPROVED AS RECOMMENDED**

Treasurer-Tax Collector:

19. Receive and file oral and written Treasury Oversight Committee 2014 Annual Report - All Districts

54123 **RECEIVED AND FILED**

20. Adopt resolution authorizing Treasurer to make temporary transfers of monies to Orange County school and community college districts (Transfer Program) for FYs 2015-16, 2016-17, 2017-18 and 2018-19; approve temporary transfer agreements; authorize Treasurer to execute agreements; and make related findings - All Districts

51243 **APPROVED AS RECOMMENDED**
RESO: 15-016

HEALTH CARE AGENCY

21. Ratify Memorandum of Understanding with Children and Families Commission of Orange County for Public Health Nursing services in Bridges Maternal Child Health Network, 7/1/14 - 6/30/17 ($4,650,000); and authorize Director or designee to execute MOU - All Districts

45123 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

22. Receive and file addendum to Year-Round Emergency Shelter and Multi-Service Center Cost Model Report; consider and select from development options; (A) Government Initiated Development Option - County purchases and owns shelter site and procures a non-profit operator; (B) Public/Private Initiated Development Option - County selects a Developer/Operator through a Request for Proposal (RFP) or Qualification prior to site selection. The selected Developer/Operator handles the site selection and development with County participation. Site ownership flexible based on addressing development factors; or, (C) Privately Initiated Development Option - County selects a Developer/Operator with an already identified site through RFP.Selected Developer/Operator would purchase/own site identified in successful proposal; direct staff to proceed with selected option for development and operation of Year-Round Emergency Shelter(s) and Multi-Service Center(s) and return to the Board for approval; and direct staff to return with FY 2015-16 Augmentation Request to utilize $3,100,000 of unused funds previously approved for Year-Round Emergency Shelter operation funds and present Board with options for consideration including Commission to End Homelessness recommendations or reduction to capital development gap for development of two Year-Round Emergency Shelter/Multi-Service Centers - All Districts

B.O. **CONTINUED TO 3/24/15, 9:30 A.M.**

OC PUBLIC WORKS

23. Deny bid protest from Allison Mechanical, Inc.; receive bids and award contract to Thomasville Construction, Inc. for heating, ventilation and air-conditioning contracting services ($2,500,000); and make California Environmental Quality Act findings - All Districts

45123 **APPROVED AS RECOMMENDED**

24. Consider second reading and adoption of "An Ordinance of the County of Orange, California to Rescind the 2010/2011 Building and Planning Schedules Including the 2010/2011 Building and Safety Fee Schedule and Planning, Subdivision and Grading Permit Deposit and Fee Schedule, and the 2010/2011 Building and Safety and Planning Rate Table, as Created by Ordinance #10-008"; adopt resolution approving Development Service Fee schedule, effective 5/1/15 and rescinding Resolution 94-300 - All Districts (Continued from 3/3/15, Item 47)

54123 **APPROVED AS RECOMMENDED**
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RESO: 15-017
ORD: 15-005

25. Approve amendment 5 to agreement MA-080-12010736 with Barrios & Associates, LLC, dba- Communications Lab for stormwater education and outreach campaign services, 3/21/15 - 3/20/17 ($1,000,000); authorize Purchasing Agent or authorized Deputy to execute amendment; and make California Environmental Quality Act findings - All Districts
(Continued from 3/3/15, Item 34)
B.O. **CONTINUED TO 3/24/15, 9:30 A.M.**

GENERAL ADMINISTRATION

County Executive Office:

26. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
53124 **APPROVED AS RECOMMENDED**

27. Approve $500,000 Net County Cost for OC Public Works as indicated in FY 2014-15 Second Quarter Budget Report - All Districts (RA #1 4/5 vote of voting members present; Continued from 2/3/15, Item 13; 3/3/15, Item 40)
B.O. **DELETED**

28. Approve grant applications/awards submitted by Sheriff-Coroner and ratify retroactive grant applications/awards submitted by OC Community Resources and Probation in 3/10/15 grant report and other actions as recommended - All Districts
45123 **APPROVED AS RECOMMENDED**

S28A. Ratify retroactive agreement with SHI International Corporation for Attachmate Reflection for Web 2014 Enterprise Edition Maintenance Software and Reflection Enterprise Suite 2014 Maintenance and Technical Support Subscription renewals, 2/28/15 - 2/28/16 ($777.60); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts
41253 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

S28B. Approve amendment 4 to cooperative agreement with South Orange County Wastewater Authority regarding Aliso Water Management Agency (AWMA) Bridge to enable continuing negotiations toward transfer of AWMA Bridge to County and implementation of a long-term plan for AWMA Bridge and maintenance and repair of adjoining road easements, extending term of agreement from date of execution by all parties to 9/3/15 with possible extension to 3/3/16; authorize Chief Real Estate Officer to make minor modifications to amendment under certain conditions; and make California Environmental Quality Act findings - District 5
53124 **APPROVED AS RECOMMENDED**

IV.PUBLIC HEARINGS (Item 29)

OC PUBLIC WORKS

29. Public Hearing to consider reading and adopting of "An Ordinance of the County of Orange, State of

California Adopting the Esperanza Hills Specific Plan and Rezoning Certain Land from the A-1 General Agricultural and A1(0) General Agriculture/Oil Production Districts to the S (Specific Plan) District"; adopt resolutions approving General Plan Amendment LUE 14-02; and adopt resolution to certify Final Environmental Impact Report No. 616 and make other findings - District 3

B.O. **CLOSED PUBLIC HEARING**

51243 **APPROVED RECOMMENDED ACTIONS 1, 2, AND 4 (WITH THE EXCEPTION OF #14 OF ATTACHMENT J), AND CONTINUED RECOMMENDED ACTIONS 3 (WITH EXCEPTION OF THE PUBLIC HEARING), 5 AND 6 TO JUNE 2, 2015, 9:30 A.M.**
RESO: 15-018

V.CLOSED SESSION (Items CS-1-SCS8)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATEDLITIGATION - Pursuant to Government Code Section 54956.9(d)(2):
Number of Cases:One Case

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:County v. RxAmerica, LLC., United States District Court Case No.SACV 13-00935-JLS (RNBx)

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

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case:Arturo Brito-Franco v. County of Orange, Merry Lynn Hudson, Orange County Superior Court Case No. 30-2014-00726371 CU-PA-CJC

B.O. **HELD, THE CLERK READ:THE BOARD BY A VOTE OF 3 TO 2, SUPERVISORS DO, BARTLETT AND SPITZER VOTING IN FAVOR, SUPERVISORS STEEL AND NELSON VOTING AGAINST, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF ARTURO BRITO-FRANCO V. COUNTY OF ORANGE, MERRY LYNN HUDSON.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 CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

CS-4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case:Elaine Christian v. County of Orange, et al., Orange County Superior Court Case No. 30-2009-00297758.

B.O. **HELD, THE CLERK READ:THE BOARD BY A UNANIMOUS VOTE, GAVE LEGAL COUNSEL APPROVAL TO SEEK APPELLATE REVIEW.**

CS-5. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATEDLITIGATION - Pursuant to Government Code Section 54956.9(d)(2):

Number of Cases:One Case

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

Human Resource Services:

CS-6. 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. **DELETED**

SCS7. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: Director of Performance Audit

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

SCS8. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location:Bridge and Access Easement from Alicia Parkway to and over Aliso and Wood Canyons Park
County Negotiator:Scott Mayer, Chief Real Estate Officer
Negotiating Party:South Orange County Wastewater Authority
Under Negotiation:Terms of Easement and Property Acquisition

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

VI.PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Michael Klubnikin - Oral Re:District Attorney

Brizy Mae - Oral Re:Support for homeless, permanent shelter and need of restroom facilities

Heidi Garcia - Oral Re:Homeless advocacy

Ilya Tseglin - Oral Re:Nate Tseglin, Regional Center, Social Services

Robert Tseglin - Oral Re:Nate Tseglin, Public Defender

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS:

Supervisor Steel - Oral Re:Thanked OCPW staff for assisting the public with the Edinger Avenue Bridge closure.

Chairman Spitzer - Oral Re:Encouraged Supervisors to write letter for employee personnel file for County employees who go above and beyond.

ADJOURNED:4:31 P.M.

53124 **Adjourned in memory of Mary Jo Mancuso**

KEY

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Sarmiento
3. = Supervisor Wagner
4. = Supervisor Chaffee
5. = Supervisor Foley

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)

/s/

Doug Chaffee
Chair, Orange County Board of Supervisors

/s/
Robin Stieler
Orange County Clerk of the Board