REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, March 3, 2015, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
333 W. Santa Ana Blvd., 10 Civic Center Plaza
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	Nicholas S. Chrisos
	INTERIM CLERK OF THE BOARD	Robin Stieler

INVOCATION: Supervisor Do, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Steel, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Spitzer will be presenting his State of the County Address
CONTINUED TO 3/24/15, 9:30 A.M.

II. CONSENT CALENDAR (Items 1-25)

54123 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 25 WHICH WAS DELETED; ITEMS 1, 2, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 AND 24 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

ELECTED DEPARTMENT HEADS

1. **District Attorney -** Adopt resolution approving extension of $3.00 recording fee on certain real

estate instruments for funding prosecution and deterrence of real estate fraud crimes, 4/1/15 - 3/31/18; and make related findings - All Districts

53124 **APPROVED AS RECOMMENDED**
RESO: 15-010

Sheriff-Coroner:

2. Approve amendment 3 to agreement MA-060-13011277 with Lexipol, LLC for online policy manual development subscription, 3/17/15 - 3/16/16 ($9,950); and authorize Purchasing Agent or authorize Deputy to execute amendment - All Districts

51243 **APPROVED AS RECOMMENDED; COUNTY COUNSEL READ INTO THE RECORD CORRECTING CONTRACT AMENDMENT TO NUMBER "THREE"**

3. Approve amendment 6 to agreement MA-060-15011324 with Orange County Pumping, Inc. for septic tank cleaning services, one-year period ($120,000); renewable for four additional years; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

4. Approve agreement MA-060-15011312 with Hampton Tedder Electric Company for maintenance and repair of high and medium voltage equipment, one-year period ($250,000); renewable for four additional years; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

5. **Treasurer-Tax Collector -** Approve agreement with Bloomberg Finance L.P. for access to real time electronic investment and financial market information and an investment trade order management system, 3/15/15 - 3/14/17 ($672,200); renewable for one successive two-year term - All Districts

JOHN WAYNE AIRPORT

6. Approve plans and specifications and set bid opening for 4/8/15, 2:00 p.m., for 3160 Building Roof Rehabilitation Project; authorize Director or designee to extend bid opening date up to 60 days if necessary; and make California Environmental Quality Act findings - District 2

7. Select Kimley-Horn as primary firm and Burns & McDonnell as alternate for design and construction support services for Taxiway Bravo Rehabilitation Project; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 2

OC COMMUNITY RESOURCES

8. Approve amendment 1 to agreement OCP12-013 with LSA Associates, Inc. for on-call Architect-Engineer environmental, regulatory and permitting services, extending term effective 4/17/15 - 4/16/17 with no increase to total agreement amount; approve amendment 1 to agreement OCP12-014 with Saxon Engineering Services, Inc. for on-call Architect-Engineer civil engineering services, extending term effective 4/17/15 - 4/16/17 with no increase to total agreement amount; and make California Environmental Quality Act findings - All Districts

9. Accept donation of $45,248.23 from Friends of the Library to offset cost of new furnishings in various areas throughout Fountain Valley Branch Library - District 2

10. Approve amendment 1 to cooperative agreement OCP14-002 with Orange County Fire Authority (OCFA) for OC Parks to utilize OCFA hand crew services in County parks and nature

preserves, 3/11/15 - 3/10/16 ($200,000); and make California Environmental Quality Act findings - All Districts

11. **Acting as the Successor Agency to the Orange County Development Agency -** Adopt Recognized Obligation Payment Schedule (ROPS), 7/1/15 - 12/31/15; authorize staff to submit ROPS to State Department of Finance and the State Controller's Office; 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

12. Adopt resolution initiating 2015 Weed Abatement Program; set public hearing for 4/14/15, 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: 15-011

13. Approve plans and specifications and set bid opening for 4/1/15, 2:00 p.m., for Gilbert Street Improvements Project - Districts 1, 2 and 4

SOCIAL SERVICES AGENCY

14. Approve agreement CVC1115 with Children and Families Commission of Orange County for production and distribution of 21st through 23rd Annual Reports on the Conditions of Children in Orange County, 4/1/15 - 2/28/18 ($339,000) - All Districts
53124 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

Clerk of the Board:

15. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Santa Margarita Water District - District 5
15243 **APPROVED AS RECOMMENDED**
N

16. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Laguna Beach County Water District - District 5
15243 **APPROVED AS RECOMMENDED**

17. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for South Orange County Community College District - Districts 2, 3 and 5
15243 **APPROVED AS RECOMMENDED**

18. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Orange County Water District - All Districts
15243 **APPROVED AS RECOMMENDED**

19. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Orange County Community Resources - All Districts
15243 **APPROVED AS RECOMMENDED**

20. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits

for South Coast Water District - District 5
15243 **APPROVED AS RECOMMENDED**
N

21. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for South Coast Water District Financing Authority - District 5
15243 **APPROVED AS RECOMMENDED**
N

22. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the Orange County Fire Authority - All Districts
15243 **APPROVED AS RECOMMENDED**

23. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Magnolia School District - Districts 2 and 4
15243 **APPROVED AS RECOMMENDED**

24. **County Executive Office -** Approve amendment 1 to agreement MA-017-14011465 with Glass Box Technology for Brocade hardware maintenance services, 4/20/15 - 4/19/16 ($121,287); renewable for one additional year; and authorize Purchasing Agent or authorized Deputy to execute agreement and to add or delete equipment within the established monetary limits - All Districts
54123 **APPROVED AS RECOMMENDED**

25. **Office of the Performance Audit Director -** Receive and file status report on progress of Board-ordered performance audit of District Attorney's Office - All Districts
54123 **DELETED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 26-S45B)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

26. Approve amendment 2 to agreement MA-060-13011270 with Satellite Tracking of People, LLC for continuous electronic monitoring services and equipment, 3/5/15 - 3/4/16 ($520,125); authorize Purchasing Agent or authorized Deputy to execute amendment; and review and approve rules and regulations of Sheriff home detention monitoring programs for misdemeanor inmates per Resolution 12-137 - All Districts
54123 **APPROVED AS RECOMMENDED**
N

27. Ratify and approve retroactive agreement 14112308 with the State of California for Peace Officer Standards and Training (POST) Driving Simulator courses and Force Option Simulator courses, 7/1/14 - 6/30/15 ($144,000); and authorize Sheriff-Coroner or designee to execute agreement - All Districts
54123 **APPROVED AS RECOMMENDED**

28. Retroactively approve invoice with AT&T for Blackboard Connect data received in support of AlertOC ($2,124.06) - All Districts
45123 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

29. Approve amendment 1 to lease agreement with Civic Center, LLC for office and clinic space at 600 W. Santa Ana Blvd., Santa Ana for HCA/Public Health/Employee Health Services Program; extending term 10-years, 4/1/15 - 3/31/25; and make California Environmental Quality Act findings - District 1
15243 **APPROVED AS RECOMMENDED**

30. Approve amendment 2 to lease agreement with Civic Center, LLC for office space at 600 W. Santa Ana Blvd., Santa Ana for HCA/Behavioral Health/Mental Health Services Act Program; extending term 10 years, 4/1/15 - 3/31/25; and make California Environmental Quality Act findings - District 1
15243 **APPROVED AS RECOMMENDED**

31. Approve amendment 1 to master agreement with various providers of clinic services for Medical Safety Net Program, 1/1/14 - 6/30/15; and authorize Director or designee to execute individual agreements - All Districts
45123 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

32. Approve Transportation Network Company Charter Operator Commercial Ground Transportation Operating Permit for passenger pick-up from and to John Wayne Airport; authorize Director to make necessary amendments to permit; and make California Environmental Quality Act findings - District 2 (Continued from 2/3/15, Item 10; 2/10/15, Item 21)
24153 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

33. Adopt resolution establishing the Adopt-A-Roadway Pilot Program in County maintained portion of Santiago Canyon Road; approve program manual and authorize Director or designee to make non-material changes to the Adopt-A-Roadway Program manual as needed; approve marketing plan recognition signs; and make California Environmental Quality Act findings - District 3 (Continued from 1/13/15, Item 13; 1/27/15, Item 47)
B.O. **DELETED**

34. 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
34125 **CONTINUED TO 3/10/15, 9:30 A.M.**

35. Receive bids and award one year contract to MIK Construction, Inc. for roofing services for OC Public Works facilities maintenance and repair projects ($1,800,000); and make California Environmental Quality Act findings - All Districts
15243 **APPROVED AS RECOMMENDED**

36. Receive bids and award one year contract to Angeles Contractor, Inc. for electrical contracting services for OC Public Works facilities maintenance and repairs projects ($1,600,000); and make California Environmental Quality Act findings - All Districts
45123 **APPROVED AS RECOMMENDED**

37. Approve cooperative agreement with City of Irvine for installation and maintenance of landscape, irrigation, street light, road drainage, street sweeping, curb, gutter and sidewalks within County owned portion of Alton Parkway, 25-year term; and make California Environmental Quality Act findings - District 3

B.O. **DELETED**

OC WASTE & RECYCLING

38. Approve agreement MA-299-15010878 with TetraTech BAS, Inc. to provide Renewable Technologies Implementation Plan, 3/3/15 - 3/2/18 ($735,000); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts (Continued from 1/27/15, Item 50)

54123 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

39. **Probation -** Approve retroactive amendment 1 to Memorandum of Agreement (MOA) with Orange County Superintendent of Schools for Accountability Commitment Program support services, 7/1/14 - 6/30/15 ($27,256); and authorize Chief Probation Officer to execute amendment and renew MOA for one additional year, 7/1/15 - 6/30/16 ($27,300) and exercise contingency cost increase up to 10% - District 4

45123 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

40. 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)

B.O. **CONTINUED TO 3/10/15, 9:30 A.M.**

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

43125 **APPROVED AS RECOMMENDED**

42. Adopt resolution of intention to establish Community Facilities District No. 2015-1 (Village of Esencia) to authorize the levy of a special tax to pay the costs of acquiring or constructing certain facilities and expenses of the District and to pay debt service on bonded indebtedness; Adopt resolution of intention to incur bonded indebtedness ($110,000,000); approve Tri-Party agreement with Santa Margarita Water District and RMV PA 2 Development, LLC; authorize financial advisor Fieldman, Rolapp & Associates to prepare a Policy Compliance Report that reviews various elements of the district formation and proposed bond financing - District 5

54123 N **APPROVED AS RECOMMENDED**

RESO: 15-012 - 15-013

43. Approve grant applications/awards submitted by OC Public Works in 3/3/15 grant report and other actions as recommended; adopt resolution authorizing OC Public Works Deputy Director or designee to submit and execute application to California Department of Water Resources (DWR) for flood emergency response project and to prepare necessary data, make investigations, sign certification as required and other related actions; and make

appropriate findings; Acting as the OC Flood Control District - adopt resolution authorizing OC Public Works Director or designee to submit and execute application to DWR for repair of San Juan Creek Levee and prepare necessary data, make investigations, sign certification as required and to invoice DWR for payment; and make related findings - All Districts

54123 **APPROVED AS RECOMMENDED**
RESO: 15-014 - 15-015

44. **Human Resource Services -** Receive and file County Elected Department Heads' utilization of Executive Assistant (EA) classification; request direction on maintaining or changing current acquisition, use and compensation of EA positions - All Districts

12453 NN **RECEIVED AND FILED ATTACHMENTS A - G; APPROVED AND AUTHORIZED EXECUTIVE ASSISTANT POSITIONS FOR SHERIFF CORONER (4 POSITIONS), DISTRICT ATTORNEY (1 POSITION), CLERK RECORDER (1 POSITION) AND TREASURER-TAX COLLECTOR (2 POSITIONS); AUTHORIZED COUNTY ELECTED DEPARTMENT HEADS TO HIRE EAs AT A SALARY WITHIN THE EA SALARY RANGE (ML-A) AND TO ESTABLISH THE NUMBER OF EXECUTIVE ASSISTANTS FOR THEIR DEPARTMENTS; AND DIRECTED STAFF TO RETURN WITH REQUESTS TO ADD TWO NEW EXECUTIVE ASSISTANT POSITIONS EACH FOR THE AUDITOR-CONTROLLER AND ASSESSOR DEPARTMENTS.**

45. **Supervisor Spitzer -** Approve recommendation to California Veterinary Medical Board that the guidelines approved by that board for training of animal control officers in administration of tranquilizers be filed with Office of Administrative Law on an emergency basis

31245 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

S45A. Approve agreement and transfer deed with South Orange County Wastewater Authority (SOCWA) regarding Aliso Water management Agency (AWMA) Bridge and AWMA Road to transfer ownership of AWMA Bridge from South Orange County Wastewater Authority to County and clarify responsibilities of SOCWA and County for ongoing maintenance and emergency repair of AWMA Road and replacement of AWMA Bridge ($1,000,000); and make California Environmental Quality Act findings - District 5

54123 **CONTINUED TO 5/12/15, 9:30 A.M.**

GENERAL ADMINISTRATION

S45B. **Human Resource Services -** Approve agreements with Ralph Andersen & Associates and William Avery & Associates for a nationwide recruitment for critical County positions of Assistant Chief Information Officer and Assistant Director of OC Public Works, 3/15/15 - 12/14/15 ($24,990 and $23,900 respectively); and authorize Purchasing Agent or authorized Deputy to negotiate and execute agreements - All Districts

53124 N **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Items 46-47)

OC PUBLIC WORKS

46. Public Hearing to consider adoption of "An Uncodified Interim Urgency Ordinance of the County of Orange, California, Extending a Temporary Moratorium on the Issuance of Permits Consistent with the Senior Residential Housing Land Use District within the North Tustin Specific Plan"; and

make California Environmental Quality Act findings - District 3 (4/5 vote of the members present)

B.O. **CLOSED PUBLIC HEARING**

34125 **APPROVED AS RECOMMENDED**
ORD: 15-004

47. Public Hearing to consider first reading 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"; set second reading and adoption for 3/10/15, 9:30 a.m.; adopt resolution approving Development Service Fee Schedule, effective 5/1/15 and rescinding Resolution 94-300; and make California Environmental Quality Act and other findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

45123 **APPROVED AS RECOMMENDED**
NN

V. CLOSED SESSION (Items CS-1-CS-6)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Martin Ray v. County of Orange, Worker's Compensation Appeal Board Case No. ADJ7986908

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF MARTIN RAY V. 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 CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Saundra Wyngate v. County of Orange, Worker's Compensation Appeal Board Case No. ADJ517037

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF SAUNDRA WYNGATE V. 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 CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Lady Audree Rebecca Hernandez v. Carlos Parra, County of Orange, Orange County Superior Court Case No. 30-2012-00599326

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

CS-4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Scott Montoya v. County of Orange, United States District Court Case No. SACV11-01922 JVS (RNBx)
B.O. **HELD, NO REPORTABLE ACTION**

CS-5. **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 Wilderness 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**

CS-6. **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: County corruption

Ilya Tseglin - Oral Re: Nate Tseglin

Robert Tseglin - Oral Re: Nate Tseglin

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Supervisor Steel - Oral Re: Welcomed back Mike Giancola

Chairman Spitzer - Oral Re: Will continue his State of the County to March 24, 2015

ADJOURNED: 4:24 P.M.
53124 **Adjourned in memory of Charles Kenney**

35124 **Adjourned in memory of Henry T. Segerstrom**

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*** KEY ***

Left Margin Notes

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

ORD. = Ordinance
RESO. = Resolution

A. = Abstained
X. = Excused
N. = No
BO = Board Order

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

Chair, Orange County Board of Supervisors

Interim Orange County Clerk of the Board