REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, November 8, 2016, 9:00 A.M.

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

LISA A. BARTLETT
CHAIRWOMAN
Fifth District

MICHELLE STEEL
VICE CHAIR
Second District

ANDREW DO
SUPERVISOR
First District

TODD SPITZER
SUPERVISOR
Third District

SHAWN NELSON
SUPERVISOR
Fourth 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 Do, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairwoman Bartlett presented a resolution to Pulmonary Hypertension Association in recognition of November 2016 as "Pulmonary Hypertension Awareness Month"

County Librarian Helen Fried presented OC Public Libraries' digital audibooks and e-books

Vice Chair Steel commended Alzheimer's Orange County for providing hands-on support and access to resources for families in Orange County and surrounding areas when facing memory loss, Alzheimer's and other types of dementia, while continuing to advance research for a cure

II. CONSENT CALENDAR (Items 1-15)

42135 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 11 WHICH**

WAS PULLED FOR DISCUSSION AND SEPARATE VOTE

ELECTED DEPARTMENT HEADS

1. **Sheriff-Coroner -** Approve agreement MA-060-17010370 with BVDA America Inc. for purchase andinstallation of GLScan Lifter, two year term ($72,957.24); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

2. **Treasurer-Tax Collector -** Adopt resolution approving public auction #1390 sale of certain tax-defaulted real properties delinquent for over five years - All Districts
RESO: 16-107

OC COMMUNITY RESOURCES

3. **Acting as the Board of Supervisors and Orange County Housing Authority -** Approve non-financialMemorandum of Understanding with various Coordinated Entry Outreach Teams for implementation, administration and operation of Homeless Admissions Preference; and authorize Director or designee to execute individual MOUs - All Districts

OC PUBLIC WORKS

4. Adopt resolution certifying completion of and accepting public street improvements, street lights, stormdrain and survey monumentation; and authorizing release of security, Tract Map 16981, Cal Atlantic - District 4
RESO: 16-108

5. Adopt resolution certifying completion of and accepting public street improvements, street lights, stormdrain and survey monumentation; and authorizing release of security, Tract Map 17287, Shea Tonner Hills, LLC - District 4
RESO: 16-109

6. Adopt resolution certifying completion of and accepting public street improvements, street lights, stormdrain and survey monumentation; and authorizing release of security, Tract Map 16982, Shea Tonner Hills, LLC - District 4
RESO: 16-110

7. Approve agreements MA-080-17010431 with AshBritt, Inc. as primary and MA-080-17010432 with DRC Pacific, Inc. as alternate firms for disaster related debris management services, 11/23/16 - 11/22/21; and authorize Purchasing Agent or authorized Deputy to execute agreements and to make agreements available to Riverside County and Orange County local government entities as part of the OC Purchasing Alliance Program - All Districts

8. Approve agreements MA-080-17010429 with Tetra Tech, Inc. as primary and MA-080-17010430 with Witt O'Brien's, LLC. as alternate firms for disaster related debris removal monitoring services, 11/23/16 - 11/22/21; and authorize Purchasing Agent or authorized Deputy to execute agreements and to make agreements available to Riverside County and Orange County local government entities as part of the OC Purchasing Alliance Program - All Districts

9. **Acting as the Orange County Flood Control District -** Approve plans and special provisions and set bid opening for 12/7/16, 2:00 p.m., for Airport Storm Channel Access Road improvements; and make California Environmental Quality Act and other findings - District 2

GENERAL ADMINISTRATION

Clerk of the Board:

10. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forPlacentia-Yorba Linda Unified School District - Districts 3 and 4

11. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forCounty Counsel - All Districts

12345 **APPROVED AS RECOMMENDED**

12. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forMagnolia School District - Districts 2 and 4

13. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forOrange County Fire Authority - All Districts

14. Approve 2017 Board of Supervisors regular meeting schedule - All Districts

15. **Human Resource Services -** Approve amended 1992 Defined Benefit Retirement Plan; and authorize Chief Human Resources Officer or designee as Plan Administrator to administer plan and execute underlying agreements necessary for proper function and to make changes under certain conditions - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 16-S33A)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

16. Approve agreement MA-060-17010367 with Premier Computing, Inc. for help desk support forcommissary operations system, 11/9/16 - 11/8/18 ($48,000); renewable for one additional two-year period and one additional one-year period; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

12345 **APPROVED AS RECOMMENDED**

17. Approve amendment 6 to renew agreement MA-060-13011246 with TriTech Software Systems for software support, 11/15/16 - 11/14/17 ($55,095.81; new total $410,213.58; cumulative total $1,695,597.35); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

42135 **APPROVED AS RECOMMENDED**

18. **Auditor-Controller, Vice Chair Steel, and Supervisor Spitzer -** Adopt resolution requiring designated County officials to take anti-fraud training provided by Auditor-Controller (Continued from 9/13/16, Item S36A; 9/27/16, Item 24; 10/11/16, Item 11; 10/25/16, Item 26)

B.O. **CONTINUED TO 12/13/16, 9:30 A.M.**

HEALTH CARE AGENCY

19. Ratify cooperative agreement with City of Anaheim for housing and supportive services for persons living with HIV infection, 7/1/16 - 6/30/17 ($894,332) - All Districts (Continued from 10/25/16, Item 28)
14235 **APPROVED AS RECOMMENDED**

20. Approve selection of and agreements with Telecare Corporation for Assisted Outpatient Treatment FullService Partnership services ($6,372,821) and Enhanced Recovery Full Services Partnership services ($5,042,355), 11/1/16 - 6/30/18; and authorize Director or designee to exercise cost contingency increase not to exceed 10% under certain conditions and execute agreements - All Districts
14235 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

21. Approve agreement with Orange County Visitors Association for Mexico Initiative for marketing andpromotional support as a tourism destination, 11/8/16 - 11/7/17 ($35,000); with option to renew for two additional one-year periods; authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act and other findings - District 2
B.O. **CONTINUED TO 11/22/16, 9:30 A.M.**

OC COMMUNITY RESOURCES

22. Adopt resolution certifying Final PEIR No. 623, adopting Statement of Findings, Facts in Support ofFindings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program and making related findings; approve addendum 2 to Affordable Housing Implementation Agreement with Rancho Mission Viejo for affordable housing in Planning Areas 3, 4, 5 and 8 of the Rancho Mission Viejo Ranch Plan Development; authorize Director or designee to execute addendum and related documents under certain conditions - District 5
54123 **APPROVED AS RECOMMENDED**
RESO: 16-111

23. Approve use of up to $375,000 in previously approved Year-Round Emergency Shelter operation funds to allow the Armory Emergency Shelters to remain open for 51 additional days in FY 2016-17; approve amendment 1 to agreement 16-23-0015-PS with Mercy House Living Centers, Inc. for Armory Emergency Shelter Program, 7/1/16- 6/30/17 ($375,000; cumulative total $1,659,914); and authorize Director or designee to execute amendment, to exercise a contingency cost increase or decrease not to exceed 10% and make line item budget transfers under certain conditions - Districts 1 and 4
41235 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

Acting as the Board of Supervisors and Orange County Flood Control District:

24. Approve amendment 1 to memorandum of agreement D12-051 with U.S. Army Corps of Engineers for regulatory permitting process on flood, road and maintenance projects, term ending 9/30/22 ($600,000; cumulative total $1,000,000) - All Districts

14235 **APPROVED AS RECOMMENDED**

25. Consider first reading of "An Ordinance of the County of Orange, California, Creating Article 5 of Division 7 of Title 2, Adding Thereto Sections 2-7-40 Through 2-7-42 Providing for Commercial Advertising on County Property, of the Codified Ordinances of the County of Orange"; and set second reading and adoption for 11/22/16, 9:30 a.m.; and delegate authority to Director or designee to execute revenue agreements under certain conditions - All Districts

54123 **CHAIRWOMAN BARTLETT COMBINED THE DISCUSSION OF AGENDA ITEM NOS. 25 AND 26 AND CONTINUED ITEMS INDEFINITELY. ON THE MOTION OF CHAIRWOMAN BARTLETT, SECONDED BY SUPERVISOR NELSON, THE BOARD REFERRED AGENDA ITEM NOS. 25 AND 26 TO AN AD HOC COMMITTEE, CONSISTING OF CHAIRWOMAN BARTLETT AND SUPERVISOR NELSON, TO WORK WITH COUNTY STAFF (OCPW) ON EVALUATING REVENUE INITIATIVES; AND DIRECTED CEO TO PROVIDE A COMPREHENSIVE ANALYSIS ON BUDGET TRENDS AND REVENUE INITIATIVES AT THE STRATEGIC FINANCIAL PLAN OFF-SITE**

26. Contingent upon the passage and adoption of an Ordinance providing for advertisement on public property, delegate Director or designee to execute revenue agreements projected to generate less than $100,000 per year for OC Public Works and Orange County Flood Control property; contingent upon passage and adoption of a resolution finding a public purpose, delegate authority to Director or designee to execute revenue agreements less than $100,000 per year for revenue initiatives not associated with advertisement on public property; and direct OC Public Works to include summary for all revenue projects as part of annual budget process - All Districts

54123 **CHAIRWOMAN BARTLETT COMBINED THE DISCUSSION OF AGENDAS ITEM NOS. 25 AND 26 AND CONTINUED ITEMS INDEFINITELY. ON THE MOTION OF CHAIRWOMAN BARTLETT, SECONDED BY SUPERVISOR NELSON, THE BOARD REFERRED AGENDA ITEM NOS. 25 AND 26 TO AN AD HOC COMMITTEE, CONSISTING OF CHAIRWOMAN BARTLETT AND SUPERVISOR NELSON, TO WORK WITH COUNTY STAFF (OCPW) ON EVALUATING REVENUE INITIATIVES; AND DIRECTED CEO TO PROVIDE A COMPREHENSIVE ANALYSIS ON BUDGET TRENDS AND REVENUE INITIATIVES AT THE STRATEGIC FINANCIAL PLAN OFF-SITE**

SOCIAL SERVICES AGENCY

27. Approve amendment 1 to agreement MA-063-15010941 with BIT California LLC dba DocumentFulfillment Services for CalWIN client correspondence printing, postage and mailing services, 3/1/15 - 2/28/17 ($794,068; new total $7,994,068) and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

12345 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

28. Approve recommended positions on introduced or amended legislation and consider otherlegislative subject matters; and approve Orange County 2017 Legislative Affairs program guidelines - All Districts

12345 **APPROVED AS RECOMMENDED**

29. Approve amendment 3 to agreement MA-017-12011201 with Granicus, Inc. for eGovernmentServices, 3/28/16 - 3/27/19 ($25,000 per year; new total $899,964; cumulative total $2,594,305) with option to renew for two additional one-year periods; and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

14235 **APPROVED AS RECOMMENDED**

30. Approve lease agreement with PS Business Parks, L.P., for office space for Health Care Agency at 2200 West Orangewood Avenue, Orange, ten-year term; with option to extend for one additional ten-year period, ($6,555 per month plus 3% adjustment annually); and authorize Chief Real Estate Officer or designee to execute subsequent lease amendments that make non-monetary and/or monetary changes under certain conditions; and make California Environmental Quality Act and other findings - District 3

34125 **APPROVED AS RECOMMENDED**

31. Approve grant applications/awards submitted by John Wayne Airport and Sheriff's Department in 11/8/16 grant report and other actions as recommended - All Districts

42135 **APPROVED AS RECOMMENDED**

Human Resource Services:

32. Approve revisions to classification specifications and update pay grades for Child Support Officer occupational series, effective 11/11/16 - All Districts

42135 **APPROVED AS RECOMMENDED**

33. Approve and adopt Side Letter agreement with Association of County Law Enforcement Managers for terms and conditions of employment - All Districts

14235 **APPROVED AS RECOMMENDED**

S33A. **Chairwoman Bartlett -** Approve amendments to Rules of Procedure to provide opportunities for publiccomment at the beginning of each regular meeting effective immediately

54123 **APPROVED AS RECOMMENDED**
N

IV. PUBLIC HEARINGS (Items 34-35)

OC PUBLIC WORKS

34. Public Hearing to consider reading and adoption of "An Uncodified Ordinance of the County of Orange,State of California Adopting Zone Change 16-03 and Rezoning Certain Land from the R1 "Single-Family Residence" District to R1 (3,000) PD (3,200) "Single-Family Residence" District with a "Planned Development District"; adopt resolution approving Use Permit PA140071 for Cerritos Avenue Project; and consider adoption of Mitigated Negative Declaration No. PA140071 and other findings - District 4

B.O. **CLOSED PUBLIC HEARING**

12345 **APPROVED AS RECOMMENDED**
RESO: 16-112 - 16-113

ORD: 16-017

35. Public Hearing to consider first readings of "An Ordinance of the County of Orange, California, Repealing the International Building Code, 2012 Edition; the California Building Code, 2013 Edition; the California Residential Code, 2013 Edition; and the California Green Building Standards Code, 2013 Edition; Repealing Ordinance 13-010 and Adopting by Reference the California Building Code, 2016 Edition; the International Building Code, 2015 Edition; the California Residential Code, 2016 Edition; the California Energy Code, 2016 Edition; the California Green Building Standards Code, 2016 Edition; the California Historical Building Code, 2016 Edition; the California Existing Building Code, 2016 Edition; with Amendments Thereto"; "An Ordinance of the County of Orange, California, Repealing the 2012 Edition of the Uniform Plumbing Code, Repealing the 2013 Edition of the California Plumbing Code Repealing Ordinance 13-011, and Adopting by Reference the Uniform Plumbing Code, 2015 Edition and the California Plumbing Code, 2016 Edition, Including Appendices, with Amendments Thereto"; An Ordinance of the County of Orange, California Repealing the 2012 Edition of the Uniform Mechanical Code, Repealing the 2013 Edition of the California Mechanical Code, Repealing Ordinance 13-012 and Adopting by Reference the Uniform Mechanical Code, 2015 Edition, and the California Mechanical Code, 2016 Edition, Amendments Thereto"; "An Ordinance of the County of Orange, California Repealing the National Electrical Code, 2011 Edition, Repealing the California Electrical Code, 2013 Edition, Repealing Ordinance 13-013 and Adopting by Reference the National Electrical Code, 2014 Edition and the California Electrical Code, 2016 Edition with Amendments Thereto"; "An Ordinance of the County of Orange, California Repealing the California Fire Code, 2013 Edition Ordinance 13-014 and Adopting by Reference the California Fire Code, 2016 Edition with Appendix B, BB, C, CC, H, X, Y and Z and Amendments Thereto"; set second readings and adoptions for 11/22/16, 9:30 a.m.; and make California Environmental Quality Act and other findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

21345 **APPROVED AS RECOMMENDED**

V. 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 Case: Charlie Rinehart, et al. v. County of Orange, et al., Orange County Superior Court Case No. 30-2016-00873876-CU-TT-CXC

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

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, 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 to Government Code Section 54956.9(d)(1):
Name of Case: Michael Crawford v. Dillon Alley, et al., United States District Court Case
No. 8:16-CV-01503-DOC-DFM

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

SCS4. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(4):
Number of Cases: One Case

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO FILE LITIGATION. THE IDENTITY OF THE PARTIES AND OTHER PARTICULARS WILL BE DISCLOSED TO ANY PERSON UPON INQUIRY ONCE THE ACTION IS FILED.**

SCS5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Cases: Sierra Club, et al. v. City of Highland, et al., San Bernardino Superior Court Case Number CIVDS 1615347; and Greenspot Residents Association, et al. v. City of Highland, et al., San Bernardino Superior Court Case Number CIVDS 1615280

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

SCS6. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant toGovernment Code Section 54956.8:
Property Location: County Owned Property at Former MCAS El Toro
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: City of Irvine
Lowe Enterprises Real Estate Group
Future Lessees
Under Negotiation: Terms of and Value of Development and Future Leases

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Michael Klubnikin - Oral Re: Complaint to the Attorney General; expose the Board running an illegal business through County Counsel, Public Defender, and Public Guardian; Franchise Tax Board tax levy on senior and taking away social security benefits from senior

Heidi Zimmerman - Oral Re: homeless Angels; coalition of churches and non-profits building tiny homes; want to put homeless back to work by building homes but need location to build them; concerns with Orange Police Department ticketing homeless individuals; Courtyard running out of cots

Darrell Nolta - Oral Re: Board of Supervisors Brown Act violation regarding modification of the agendas in regards to Public Comments speaker time limits (Agenda item S33A); Voice of OC articles regarding Open Records lawsuit and mass mailers

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Supervisor Do - Oral Re: Thanked Supervisor Spitzer for his comments during the invocation; encouraged County Staff to continue bringing new ideas to the Board for consideration; and addressed public comments regarding mass mailers

Chairwoman Bartlett - Oral Re: Wished Supervisor Do and his family for a successful outcome of the November 8, 2016 election

ADJOURNED: 12:49 P.M.
None

*** 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)

_____
Chairwoman, Orange County Board of Supervisors

_____
Orange County Clerk of the Board