REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, November 5, 2013, 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, Second District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nguyen, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-21)

21345 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 10 WHICH WAS DELETED; AND ITEMS 2, 3 & 18 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Spitzer -** Waste Management Commission - Appoint Steve Chavez Lodge, Anaheim, to

complete term ending 1/18/14

COMMENDATIONS/PROCLAMATIONS/REPORTS

2. **Supervisor Nguyen -** Adopt resolution declaring November as "Purple Heart Month"
12345 **APPROVED AS RECOMMENDED**
X
RESO: 13-109

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

3. Accept Urban Areas Security Initiative funds from City of Anaheim, FY 2012, for purchase of grant funded equipment and services ($178,885); and authorize Purchasing Agent or authorized Deputy to purchase related equipment and services - All Districts
31245 **APPROVED AS RECOMMENDED**
X

4. Approve amendment 2 to agreement MA-060-14010456 with TriTech Software Systems for software support for Computer Aided Dispatch, Records Management System, 11/15/13 - 11/14/14 ($300,531); and make related findings (Board Directive 2/5/13) - All Districts

5. Approve agreement GA 1227-72-1 with Signature Combs, Inc. for Air Support Unit's use of two hangars at John Wayne Airport, commencing 12/1/13 ($112,800 per year); and make California Environmental Quality Act findings - District 2

6. Accept donation from Drug Use Is Life Abuse to fund one Deputy Sheriff I position for one year ($150,000) - All Districts

7. Approve amendment 1 to agreement with TMAD, Taylor & Gaines for design to connect electrical components in the closed circuit television room to an emergency power source, Theo Lacy Facility ($6,650; new total $85,550); authorize Sheriff-Coroner or designee to execute amendment; and make California Environmental Quality Act findings - District 3

8. Ratify and approve amendment 1 to agreement CT-060-13010898 with Incident Management Training Consortium, LLC for hazards incident management training, extending term to 8/31/13 ($65,720); authorize Purchasing Agent or authorized Deputy to execute amendment; and authorize Auditor-Controller to make related payments - All Districts

9. **Treasurer-Tax Collector -** Adopt resolution approving public auction sale #1385 of tax-defaulted real property - All Districts
RESO: 13-110

OC COMMUNITY RESOURCES

10. Adopt resolution of intent to abandon Parcel PR70T-302.1, Aliso and Wood Canyon Wilderness Park; and set public hearing for 1/28/14, 9:30 a.m. - District 5 (unanimous vote)

21345 **DELETED**
X

11. Approve Memorandum of Understanding 13HMOU22 and license 13-070 with State Department of Veterans Affairs for term effective upon execution of agreement; and authorize Director or designee to execute agreement and related documents - All Districts

12. Receive and file Developer Fee Deposit Balance Reports, FY 2011-12 and 2012-13; and make related findings - All Districts

13. Approve acceptance of $40,000 from the City of Anaheim and $40,000 from the City of Fullerton for the Fullerton Armory Emergency Shelter to open for an additional 18 days; and authorize Director or designee to execute agreements and to amend agreement with Mercy House Living Centers, Inc. - District 4

OC PUBLIC WORKS

Acting as the Orange County Flood Control District:

14. Approve in concept Glassell Campus Low-Impact Development Retrofit project; and make California Environmental Quality Act findings - District 3

15. Relying upon Mitigated Negative Declaration IP 11-189 as compliance under the California Environmental Quality Act, approve plans and specifications and set bid opening for 12/11/13, 2:00 p.m., for the Rossmoor Channel Improvement Project between Los Alamitos Boulevard to Rochelle Street; and make other findings - District 2

16. Approve amendment 1 to agreements D10-064 with RBF Consulting, Inc., D10-065 with Pacific Advanced Civil Engineering, Inc., and D10-082 with Tetra Tech, Inc., for on-call technical support services, extending terms two additional years; and make California Environmental Quality Act findings - All Districts

PUBLIC PROTECTION

17. **Probation -** Approve lease agreement GA 1214-29-4 with Sycamore Plaza, Ltd for office space at 32118 Paseo Adelanto, Suites 1A and 2A, San Juan Capistrano, 12/1/13 - 11/30/16; and make California Environmental Quality Act findings - District 5

GENERAL ADMINISTRATION

Clerk of the Board:

18. Approve 2014 Board of Supervisors Meeting Schedule - All Districts

25134 **APPROVED AS AMENDED TO CANCEL MEETINGS ON 1/7/2014 AND 7/29/2014**

AND TO ADD A MEETING ON 8/5/2014 AND DIRECTED CLERK OF THE BOARD TO REVIEW THE NUMBER OF AGENDA ITEMS TYPICALLY FILED IN MAY AND RETURN TO THE BOARD IF A MEETING CAN BE CANCELLED IN MAY 2014.

19. Approve proposed amendments to the County's Conflict of Interest Code Designated Filers Exhibits for OC Public Works - All Districts

20. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for the South Orange County Community College District - District 5

21. **County Executive Office -** Receive and file Quarterly Information Technology Project Status Detail, Executive Summary and Risk Assessment Reports for July - September 2013 - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 22-41)

GENERAL ADMINISTRATION

22. **Supervisor Spitzer -** Consider first reading of "An Ordinance of the County of Orange, California, Adding Title 3, Division 19 to the Codified Ordinances of the County of Orange Establishing Social Host Liability for the Consumption or Possession of Alcohol by Persons Under Age 21 at Gatherings"; and set second reading and adoption for 11/19/13, 8:00 a.m.

32154 **FIRST READING CONTINUED TO 12/10/13, 9:30 A.M.**

ELECTED DEPARTMENT HEADS

23. **Treasurer-Tax Collector -** Adopt resolution authorizing Saddleback Valley Unified School District to issue Saddleback Valley Unified School District General Obligation Bonds, Election 2004, Series 2013A; and authorizing acceptance of District Obligation for payment of County costs and necessary documents and other related actions - Districts 3 & 5 (Continued from 10/22/13, Item 24)

B.O. **DELETED**

HEALTH CARE AGENCY

24. Approve selection of and agreement with Occupational Health Centers of California, dba Concentra Medical Centers for physical examination services, 1/1/14 - 6/30/16; authorize Director or designee to execute agreement; and authorize Auditor Controller to pay invoices - All Districts

51234 **APPROVED AS RECOMMENDED**

25. Approve agreements with State Department of Public Health for HIV Prevention Program, 7/1/13 - 12/31/13 ($508,150) and HIV Care Program, 7/1/13 - 3/31/14 ($963,751); and authorize Director or designee to execute agreements and Contractor's Release Form upon end of the agreement - All Districts

12354 **APPROVED AS RECOMMENDED**

26. Approve lease agreement with Town & Country Partners for office space for Behavioral Health Prevention and Intervention programs, ten year term; and make California Environmental Quality Act findings - District 3

32154 **APPROVED AS RECOMMENDED**

27. Approve grant agreement 13-20487 with State Department of Public Heath to accept award for Supplemental Nutrition Assistance Program - Education project, 10/1/13 - 9/30/16 ($4,096,008 annually) - All Districts

54123 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

28. Approve amendment 1 to agreement MA-280-12010686 with Universal Protection Service, LP for unarmed guard services, 1/1/14 - 1/31/14 ($34,509); approve amendment 2 to agreement MA-280-12010686 with Universal Protection Service, LP for renewal of agreement, 2/1/14 - 1/31/15 ($404,062;

new total $1,352,960); authorize Purchasing Agent or authorized Deputy to execute amendments; and make California Environmental Quality Act findings - District 2

24135 **APPROVED AS RECOMMENDED**

N

OC COMMUNITY RESOURCES

29. Consider second reading and adoption of "An Ordinance of the County of Orange, California Amending Sections 4-1-23 and 4-1-95 of the Codified Ordinances of the County of Orange to Amend the Definitions of "Vicious Dog" and "Potentially Dangerous Dog" and Make Various Other Amendments to Facilitate the Implementation of Safety Restrictions on Vicious and Potentially Dangerous Dogs" - All Districts (Continued from 9/17/13, Item 40; 10/1/13, Item 23)

B.O. **CONTINUED TO 12/17/13, 9:30 A.M.**

OC PUBLIC WORKS

30. Approve assignment, novation, and consent agreement and amendments and renewal to agreement MA-080-11011082 with Omni Enterprise, Inc. and ABM Services, Inc. for janitorial services at various County facilities 3/1/13 - 2/28/14; renewable for one additional year, 3/1/14 - 2/28/15 ($366,192); and make California Environmental Quality Act findings - Districts 1 and 3

13254 **APPROVED AS RECOMMENDED**

31. Approve agreement MA-080-14010479 with HR Green California, Inc., Atkins North America, Inc., Bureau Veritas North America, Inc., Tait and Associates, Inc., and Willdan Engineering for on-call architect-engineer services, 11/10/13 - 11/9/16 ($10,500,000); and make California Environmental Quality Act findings - All Districts

32154 **APPROVED AS RECOMMENDED**

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

32. Approve agreements D13-034 with RBF Consulting, Inc., D13-035 with Johnson-Frank & Associates, Inc. and D13-036 with Huitt-Zollars, Inc. for on-call land surveying services, three-year terms ($600,000 each); and make California Environmental Quality Act findings - All Districts

24135 **APPROVED AS RECOMMENDED**

33. Approve agreement D13-092 with City of Irvine, City of Tustin, Irvine Ranch Water District and State Department of Transportation for design, operation and construction of Peters Canyon Pipeline project ($1,173,222); and make California Environmental Quality Act findings - Districts 1, 2, 3 and 5

25134 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

34. Approve agreement MA-299-14010492 with Tetra Tech BAS, Inc. for geotechnical investigation and design of Zone 1, Phase D Groundwater Protection Composite Liner, Prima Deshecha Landfill,

commencing 11/5/13 ($1,000,000); and find that Final Environmental Impact Report 575 previously certified by the Board of Supervisors on November 6, 2001 reflects the independent judgment of the County of Orange and satisfies the requirements of California Environmental Quality Act for the proposed project, which is a necessarily included element contemplated as part of this action - District 5

51234 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

35. Approve agreement MA-063-14010321 with ANI Acquisition Sub a subsidiary of DocuLynx, Inc. for scanning, indexing and imaging services, 1/1/14 - 5/6/14 ($615,371); renewable for one-year term, not to exceed $1,388,880; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

25134 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

23154 **APPROVED RECOMMENDED ACTION 2**

37. Approve grant applications/awards submitted by Sheriff-Coroner and Social Services Agency in 11/5/13 grant report and other actions as recommended - All District

13254 X **APPROVED AS RECOMMENDED, SUPERVISOR MOORLACH ABSTAINED ON RECOMMENDED ACTION 2 (MEDI-CAL)**

38. Approve amendment 9 to agreement N1000008297 as MA-017-10011150 with TW Telcom Holdings, Inc. for wide area network services, 11/14/13 - 11/13/14 ($422,400; new total $3,606,926.34); authorize Purchasing Agent or authorized Deputy to execute agreement and to add or delete services in an amount not to exceed 10% of the agreement total without further Board action - All Districts

24135 **APPROVED AS RECOMMENDED**

Supervisor Spitzer and Supervisor Nguyen:

39. Revise Personnel and Salary Resolution to eliminate County pick-ups of required member pension contributions for members of Board of Supervisors, effective 11/5/13

31254 **APPROVED AS RECOMMENDED**

40. Direct the Registrar of Voters to place "An Ordinance of the County of Orange, Adding Article V, Section 501 to the Charter of Orange County to Prevent the County of Orange from Paying Required Employee Contributions for Members of the Board of Supervisors and Other County Elected Officials Who Begin a Term on or After January 1, 2015", on the ballot for 6/3/14 election; and direct County Counsel to prepare the ballot title and summary and impartial

analysis of the Ordinance

31254 **APPROVED WITH AMENDMENT TO ORDINANCE SECTION 501 CHANGING THE EFFECTIVE DATE TO "ON OR AFTER JUNE 4, 2014"**
ORD: 13-005

41. **Office of the Performance Audit Director -** Receive and file Performance Audit CEO/Office of Information Technology Recommendations Follow-up report - All Districts

14235 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 42)

OC PUBLIC WORKS

42. Relying upon Mitigated Negative Declaration IP 08-048 and Addendum IP 12-010 as compliance under the California Environmental Quality Act, conduct public hearing to consider reading and adoption of "An Ordinance of the County of Orange, California Adding Section 7-1-2 of the Codified Ordinances of the County of Orange Related to Reasonable Accommodation", "An Ordinance of the County of Orange, California Amending Sections 7-9-24, 7-9-26, 7-9-40 and 7-9-41 of the Codified Ordinances of the County of Orange Related to Definitions of Community Care Facility, Emergency Shelter, Supportive Housing and Transitional Housing", "An Ordinance of the County of Orange, California Amending Section 7-9-34 and Section 7-9-148, ET. SEQ., of the Codified Ordinances of the County of Orange Related to the Definition of Multi-Service Center for the Homeless, Housing Opportunities Overlay Regulations and Emergency Shelter/Multi-Service Center for the Homeless Site Development Standards and Operational Requirements", "An Ordinance of the County of Orange, California Amending Section 7-9-40 and Section 7-9-140 of the Codified Ordinances of the County of Orange Related to the Definition of Senior Citizen and Senior Citizen Housing, and Density Bonus Regulations" and "An Ordinance of the County of Orange, California Adding Section 7-9-148.7 (c) of the Codified Ordinances of the County of Orange Related to Graduated Density Zoning" - All Districts
(Continued from 10/8/13, Item 17; 10/22/13, Item 38)

B.O. **CONTINUED TO 12/10/13, 9:30 A.M.**

V. CLOSED SESSION (Items CS-1-CS-4)

GENERAL ADMINISTRATION

County Counsel:

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

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO RETAIN LIEBERT CASSIDY WHITMORE, TO REPRESENT THE COUNTY IN ANTICIPATED LITIGATION.**

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

Number of Cases: One Case

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: Saddleback Canyons Conservancy, et al., v. County of Orange, et al., (Rutter Santiago LP, Real Party in Interest), Orange County Superior Court Case Nos. 20-2012-00609766 and 20-2013-00625000

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED STIPULATION FOR ATTORNEYS' FEES IN THE CASE OF SADDLEBACK CANYONS CONSERVANCY, ET AL., V. COUNTY OF ORANGE, ET AL. THE PROPOSED STIPULATION REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED STIPULATION BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**

CS-4. **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) 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: cover-up and scandal

Craig Durfey - Oral Re: cyclist safety measures; dangers of using electronics while walking or driving

Ilya Tseglin & Robert Tseglin - Oral Re: Regional Center, social workers, anti-Semitism

Darrell Nolta - Oral Re: homelessness, toll lanes, public decorum

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Supervisor Spitzer - Oral Re: Procedure for adding a section to the Final Budget Adoption agenda staff report clearly identifying changes made between close of public budget hearings and adoption of budget

Supervisor Nguyen - Oral Re: Regional Hwy Committee of OCTA vote re: 405 freeway; speaker's comments re: Vietnamese refugees; 15 year Anniversary of passage of Prop 10 and creation of Children's & Families Commission

Supervisor Bates - Oral Re: Brad Gross, Director Dana Point Harbor, awarded State Harbor Master of the Year for the third time

Supervisor Moorlach - Oral Re: Paul Cocking, Assistant Treasurer-Tax Collector has accepted a position with County of Sonoma; Quasquicentennial

ADJOURNED: 1:20 P.M.

*** 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