

REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 7, 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

**JOHN M.W.
MOORLACH**
SUPERVISOR

Second District



**JANET
NGUYEN**
SUPERVISOR

First 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: Vice Chair Bates, Fifth 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 1-8)

13254 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 3, 5 & 8
WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Chairman Nelson - [Community Action Partnership of Orange County - Appoint Douglas](#)**

Wooley, Fullerton, for term concurrent with 4th District Supervisor's term of office

ELECTED DEPARTMENT HEADS

2. **Auditor-Controller** - Authorize Auditor-Controller to delete damaged, dismantled, missing, obsolete, stolen and surplus equipment items from department capital asset inventories - All Districts (Continued from 9/16/14, Item 5)
 3. **District Attorney** - Adopt resolution approving amendment to FY 2013-14 Federal Equitable Sharing Agreement and Certification Report - All Districts
- 32154 **APPROVED AS RECOMMENDED**
RESO: 14-090

CHILD SUPPORT SERVICES

4. Approve master agreement with various providers for Paternity Opportunity Program Services, 12/1/14 - 11/30/19 (\$650,000); and authorize Director or designee to execute individual agreements - All Districts

JOHN WAYNE AIRPORT

5. Authorize Director to allocate regulated Class A average daily departures, permanent Class E averaged daily departures, seat capacity, remain overnight and passenger capacity to scheduled commercial passenger, cargo and commuter carriers under Phase 2 Commercial Airline Access Plan and Regulation for 2015 Plan Year; approve related actions; and consider application of prior Environmental Impact Report No. 582 and other findings - District 2
- 23154 **APPROVED AS RECOMMENDED**
6. Approve agreement MA-280-14011682 with Schneider Electric USA Inc. for Power Disturbance Monitoring System upgrade and maintenance, 10/7/14 - 10/6/19 (\$98,896.19); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - District 2

OC PUBLIC WORKS

7. **Acting as the Orange County Flood Control District** - Approve contract and indemnification agreement with Southern California Edison for extension of electric distribution line and for relocation of power poles for Yorba Slaughter Adobe Protection Dike Project (\$138,540.36); authorize Auditor-Controller to make related payments; and consider application of Final EIR No. 583, previously certified by the Orange County Planning Commission and the Addendum previously approved by the US Army Corp to the requested action, and other findings - All Districts

SOCIAL SERVICES AGENCY

8. Approve subordinate agreement MA-063-15010426 with State of California, Department of Justice for processing and payment of expenditures for fingerprint and FBI background check reports, 11/1/14 - 10/31/19 (\$650,000); authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts
- 25134 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 9-S18A)

ELECTED DEPARTMENT HEADS

9. **District Attorney - Approve amendment 9 to agreement MA-026-11012394 with Community Service**Programs, Inc. for FY 2014-15 Gang Reduction Intervention Partnership Community Event Coordination Services (\$43,302; new total \$3,534,596); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts
- 23154 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

10. **Approve selection of and agreement with Access California Services for refugee health services, 11/1/14** - 9/30/15 (\$229,185); and authorize Director or designee to execute agreement and to exercise contingency cost increase of 10% under certain conditions - All Districts (Continued from 9/30/14, Item 28)
- 51234 **APPROVE AS AMENDED TO MAKE AGREEMENT EFFECTIVE ON 10/8/2014 WITH PRORATION OF AGREEMENT AMOUNT FOR ADDITIONAL DAYS; RENEWABLE FOR 2 ONE YEAR EXTENSIONS WITH BOARD APPROVAL**

OC DANA POINT HARBOR

11. **Approve lease agreement amendment form to modify leases with retail and small restaurant merchants at** OC Dana Point Harbor; authorize Director or designee to execute amendments; and consider application of prior Environmental Impact Report No. 591 and other findings - District 5
- 51234 **APPROVED AS RECOMMENDED**
12. **Approve amendment 1 to lease with San Clemente Sportfishing Inc., dba Dana Wharf Sportfishing to**authorize tenant improvements to be completed within 18 months; provide an option to extend the current lease an additional ten-years to 10/31/2032; authorize Director or designee to execute amendment; and consider application of prior Environmental Impact Report No. 591 and other findings - District 5
- 52134 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

13. **Approve retroactive amendment 4 to agreement MA-012-11011754 with RPW Services, Inc. for**herbicide spraying services for OC Parks, 3/15/11 - 7/14/14 (\$11,899.90; new total \$211,899.90); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts
- 32154 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

14. **Receive bids and award Job Order Contracts to PUB Construction, Interlog Corp. dba Interlog**Construction, CTG Construction, Inc., Vincor Construction, Inc. and Good-Men Roofing for general contracting services (\$2,000,000 each); and make California Environmental Quality Act findings - All Districts
- 25134 **APPROVED AS RECOMMENDED**

15. **Acting as the Orange County Flood Control District - [Approve amendment 3 to agreement D09-122](#)**with MWH Americas, Inc. for construction management services for the Santa Ana River Interceptor Line Project (\$717,176; new total \$11,570,369); and consider application of prior supplemental Environmental Impact Summary/Environmental Impact Report No. 583 and other findings - District 3
35124 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

16. [Approve recommended positions on introduced or amended legislation and consider other](#)legislative subject matters - All Districts
24135 **RECEIVED & FILED**
17. [Approve amendment 11 to agreement MA-017-10011150 with TW Telecom Holdings, Inc. for](#)wide area network services, 11/14/14 - 11/13/15 (\$392,001); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts
21354 **MOTION FAILED TO APPROVE STAFF RECOMMENDED ACTIONS**
NNN
- 41235 **CONTINUED TO 10/28/14, 9:30 A.M.**
N
18. [Approve grant applications/awards submitted by Sheriff-Coroner and District Attorney in](#) 10/7/14 grant report and other actions as recommended; adopt resolution authorizing District Attorney or designee to execute grant agreement and amendments with California Office of Traffic Safety for Alcohol and Drug Impaired Driver Vertical Prosecution Program, 10/1/14 - 9/30/15 (\$764,758); and make California Environmental Quality Act and other findings - All Districts
25134 **APPROVED AS RECOMMENDED**
RESO: 14-089
- S18A. **Chairman Nelson - [Consider first reading of "An Ordinance of the County of Orange, California](#)**, Prohibiting the Installation of Automated "Red Light" Traffic Enforcement Cameras in Unincorporated Areas Creating Article 8 of Division 1 of Title 6 and Adding Section 6-1-140 to Article 8 of Division 1 of Title 6, to the Codified Ordinances of the County of Orange"; and set second reading and adoption for 10/21/14, 9:30 a.m.
43125 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-SCS6)

GENERAL ADMINISTRATION

County Counsel:

- CS-1. [CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to](#)Government Code Section 54956.9(d)(1):
Name of Case: County of Orange v. Catalina Channel Express, Inc., etc., et al., Orange

- County Superior Court Case No. 30-2013-00694750-CU-CO-CJC
- B.O. **HELD, NO REPORTABLE ACTION**
- 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: Tim Shaw v. County of Orange, Worker's Compensation Appeal Board
Case No. ADJ7858866
- B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO 0,**
SUPERVISORS NELSON, BATES, MOORLACH AND SPITZER VOTING IN
FAVOR AND SUPERVISOR NGUYEN ABSTAINING, APPROVED A
PROPOSED SETTLEMENT IN THE CASE OF TIM SHAW 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.
- SCS4. **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. **NOT HELD**
- County Executive Office:**
- SCS5. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government**
Code Section 54956.8:
Property Location: 500 N. State College Blvd., Orange, CA 92868
888 N. Main St., Santa Ana, CA 92701
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: IX CW 500 Orange Tower, LP
Eastcom Corp
Under Negotiation: Terms and Value of Leases
- B.O. **HELD, NO REPORTABLE ACTION**
- SCS6. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government**
Code Section 54956.8:
Property Location: Open space property in the City of Anaheim adjacent to Gypsum

Canyon Road and California State Route 91 and open space property adjacent to and within the City of Orange near the intersection of Santiago Canyon Road and Jamboree Road

County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: The Irvine Company
RRM Properties
Under Negotiation: Terms and Value of Future Conveyance

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Ilya Tseglin - Oral Re: Nate Tseglin, Regional Center

Michael Klubnikin - Oral Re: Tseglin's, racketeering, sale of properties

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:

Supervisor Moorlach - Oral Re: congratulated the Angels baseball for winning the American League West Division title

ADJOURNED: 1:30 P.M.

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen	A. = Abstained
2. = Supervisor Moorlach	X. = Excused
3. = Supervisor Spitzer	N. = No
4. = Supervisor Nelson	BO = Board Order
5. = Supervisor Bates	

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