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

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: 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 surplused 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 SharingAgreement 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 averagedaily 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 DisturbanceMonitoring 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 indemnificationagreement 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 forprocessing 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 ServicePrograms, 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 toauthorize 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. forherbicide 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 InterlogConstruction, 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 D09-122with 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 otherlegislative subject matters - All Districts

24135 **RECEIVED & FILED**

17. Approve amendment 11 to agreement MA-017-10011150 with TW Telecom Holdings, Inc. forwide area network services, 11/14/14 - 11/13/15 ($392,001); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

21354 NNN **MOTION FAILED TO APPROVE STAFF RECOMMENDED ACTIONS**

41235 N **CONTINUED TO 10/28/14, 9:30 A.M.**

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 toGovernment 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 toGovernment 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 toGovernment 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 toGovernment 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 CodeSection 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 CodeSection 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: Tseglins, 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
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)

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Chair, Orange County Board of Supervisors

Orange County Clerk of the Board