REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

*Tuesday, November 5, 2019,* 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

**DONALD P. WAGNER**
SUPERVISOR
Third District

**DOUG CHAFFEE**
SUPERVISOR
Fourth District

ATTENDANCE: Supervisors: Bartlett, Steel, Wagner and Chaffee

EXCUSED: Supervisor Do

| | | |
|---|---|---|
| PRESENT: | COUNTY EXECUTIVE OFFICER | Frank Kim |
| | COUNTY COUNSEL | Leon J. Page |
| | CLERK OF THE BOARD | Valerie Sanchez, Chief Deputy |

INVOCATION: Supervisor Wagner, Third District, gave the invocation

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

## I. PRESENTATIONS/INTRODUCTIONS

Supervisor Wagner presented a resolution proclaiming November 10-16, 2019 as "Nurse Practitioner Week"

## II. CONSENT CALENDAR (Items 1-4)

42135 X **APPROVED AS RECOMMENDED**

**ELECTED DEPARTMENT HEADS**

1. **District Attorney -** Approve contract MA-026-20010082 with Transource Services Corp for

TSaaS Global Services, 11/5/19 - 11/4/20 ($240,000); and authorize County Procurement Officer or authorized Deputy to execute contract - All Districts

2. **Sheriff-Coroner -** Receive and file annual Inmate Welfare Fund Revenue and Expenditure Reports for FY 2018-19 - Districts 1, 3 and 5

**OC COMMUNITY RESOURCES**

3. Approve amendment 1 to the Friends of the Library License Agreement for use of Laguna Beach Library parking lot; authorize Chief Real Estate Officer or designee to execute amendment and make non-material changes under certain conditions; and make California Environmental Quality Act and other findings - District 5

**GENERAL ADMINISTRATION**

4. **Clerk of the Board -** Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Rancho Santiago Community College District - Districts 1 and 3

END OF CONSENT CALENDAR

**III. DISCUSSION ITEMS (Items 5-S19E)**

**ELECTED DEPARTMENT HEADS**

**Sheriff-Coroner:**

5. Approve amendment 3 to contract MA-060-18010091 with SF Mobile-Vision, Inc. for purchase of L-3 Mobile-Vision Parts, term ending 8/15/20 ($240,000; new total $360,000); renewable for two additional one-year terms; and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

32145
X **APPROVED AS RECOMMENDED**

6. Approve amendment 1 to renew contract MA-060-18010186 with TriTech Software Systems for software support, 11/15/19 - 11/14/20 ($360,224; cumulative total $1,058,864); renewable for two additional one-year terms; and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

23145
X **APPROVED AS RECOMMENDED**

7. Approve amendment 2 to agreement MA-060-19011136 with HDR Architecture, Inc. for design and construction administration services, term ending 12/18/23 ($1,264,918; cumulative total $9,597,595); and approve revised plans and specifications for James A. Musick Facility Jail Construction projects, Phases 1 and 2 - Districts 3 and 5

32145
X **APPROVED AS RECOMMENDED**

**HEALTH CARE AGENCY**

8. Approve selection of and agreement with Western Youth Services for Behavioral Health Training services, 10/1/19 - 6/30/22 ($1,425,000); authorize Director or designee to exercise cost contingency increase not to exceed 10% under certain conditions and execute agreement - All Districts (Continued from 8/27/19, Item 18; 9/24/19, Item 18)

32145 **APPROVED AS RECOMMENDED**
X

**OC COMMUNITY RESOURCES**

9. **Acting as the Board of Supervisors and Orange County Housing Authority -** Acting as Housing Successor Agency - Authorize Director or designee to utilize HOME Investment Partnership Act funds and/or Orange County Housing Successor Agency funds for permanent loan financing to a limited partnership to be formed by C&C Development, Riverside Charitable Corporation and Sean Rawson for development of The Groves Senior Apartments, San Juan Capistrano; approve loan commitment ($567,000); approve subordination upon permanent financing and authorize Director or designee to subordinate additional senior debt and execute related documents; Acting as Orange County Housing Authority - Approve selection of The Grove Senior Apartments for utilization of eight Project-Based Housing Choice Vouchers; and authorize Executive Director of Orange County Housing Authority to execute documents related to the commitment of Housing and Urban Development Project-Based Housing Vouchers - District 5

54123 **APPROVED AS RECOMMENDED**
X

**OC PUBLIC WORKS**

10. Approve contracts MA-080-20010012 with David Evans and Associates, Inc., MA-080-20010013 with RJM Design Group, Inc., MA-080-20010016 with Schmidt Design Group, Inc., MA-080-20010017 with Michael Baker International, Inc., and MA-080-20010020 with Environmental Science Associates, for architect-engineer on-call landscape architectural services, three-year term beginning 11/5/19 ($1,500,000 each; aggregate total $7,500,000); renewable for two additional years; authorize Director or designee to execute contracts; and make California Environmental Quality Act and other findings - All Districts

23145 **APPROVED AS RECOMMENDED**
X

11. Approve job order contracts MA-080-20010440 with CTG Construction, Inc. dba CT Georgiou Painting Company, MA-080-20010438 with Harry H. Joh Construction, Inc., MA-080-20010439 with KLD Construction Corp. and MA-080-20010443 with Pub Construction, Inc. for painting services; MA-080-20010444 with Harry H. Joh Construction, Inc., and MA-080-20010447 with Prime ENC, Inc., for plumbing services; MA-080-20010442 with WESTCOR Environmental, Inc. for asbestos removal and decontamination services, 12/12/19 - 12/11/20 ($4,900,000 each; aggregate total $34,300,000); authorize Director or designee to execute contracts under certain conditions; authorize the return of bid guarantees to all bidders upon execution of contracts; and make California Environmental Quality Act and other findings - All Districts

23145 **APPROVED AS RECOMMENDED**
X

12. Approve contract MA-012-20010241 with Butier Engineering, Inc. for providing owner's representative services for the County of Orange, Dana Point Harbor Revitalization Project, 11/5/19 - 11/4/27 ($1,500,000); and authorize Director or designee to execute contract - District 5

54123 **APPROVED AS RECOMMENDED**
X

13. Approve job order contracts MA-080-20010450 with CTG Construction, Inc., MA-080-20010451 with Dalke & Sons Construction, Inc., MA-080-20010456 with MTM Construction, Inc., MA-080-20010457 with Pub Construction Inc., MA-080-20010454 with Macro-Z Technology Company, MA-080-20010455 with MIK Construction, Inc., MA-080-20010453 with Harry H Joh Construction, Inc., MA-080-20010452 with Exbon Development, Inc., MA-080-20010458 with SJD&B, Inc., and MA-080-20010459 with Vincor Construction, Inc. for general contracting services, 12/12/19 - 12/11/20 ($4,900,000 each; aggregate total $49,000,000); authorize Director or designee to execute contracts under certain conditions; authorize the return of bid guarantees to all bidders upon execution of contracts; and make California Environmental Quality Act and other findings - All Districts

23145 **APPROVED AS RECOMMENDED**
X

14. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve amendment 1 to contract MA-080-17010712 with ALS Group USA, Corp., Physis Environmental Laboratories, Inc., Weck Analytical Environmental Services, Inc., and Enthalpy Analytical, LLC, for water quality analytical services, 12/20/19 - 12/19/20 (aggregate total $1,070,000); authorize County Procurement Officer or authorized Deputy to execute amendment; and make California Environmental Quality Act and other findings - All Districts

23145 **APPROVED AS RECOMMENDED**
X

## GENERAL ADMINISTRATION

15. **County Counsel -** Consider second reading and adoption of "An Ordinance of the County of Orange, California, Amending Section 1-6-7 of Division 6 of Title 1 of the Codified Ordinances of the County of Orange" - All Districts (4/5 vote of the members present) (Continued from 10/22/19, Item S31E)

32145 **APPROVED AS RECOMMENDED**
X

*ORD: 19-005*

**County Executive Office:**

16. Approve lease agreement with Headway Properties, LLC for office space for Health Care Agency at 2801 Bristol Street, Costa Mesa, 5/1/20 - 4/30/35, with three five-year option terms; authorize Chief Real Estate Officer or designee to execute subsequent lease amendments and option terms for non-monetary and/or monetary changes under certain conditions; and make California Environmental Quality Act and other findings - District 2 (Continued from 9/24/19, Item 35; 10/8/19, Item 25)

24135 **APPROVED AS RECOMMENDED**
X

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

23145 X **APPROVED AS RECOMMENDED**

18. Approve grant applications/awards submitted by Sheriff-Coroner and OC Waste and Recycling in 11/5/19 grant report and other actions as recommended; adopt resolution authorizing Sheriff-Coroner or designee to execute and submit application and grant assurance to California Office of Emergency Services for FY 2019 Homeland Security Grant Program ($3,389,080); and to make related actions under certain conditions - All Districts

23145 X **APPROVED AS RECOMMENDED**

*RESO: 19-104*

19. **Supervisor Do and Supervisor Chaffee -** Approve proposed 2020 Census County of Orange Implementation Plan; authorize County Executive Officer or designee to make minor modifications as necessary

45123 X **APPROVED AS RECOMMENDED**

S19A. **Supervisor Wagner -** Approve addition of Veterans Day Weekend Parking Fee Exemption scheduled for November 9, 2019 through November 11, 2019 at all OC Parks Facilities to County Events Calendar and make related findings per Government Code Section 26227; and adopt resolution to waive parking fees at all County Parks to the public on Veterans Day weekend from Saturday, November 9, 2019 through Monday, November 11, 2019

35124 X **APPROVED AS RECOMMENDED**

*RESO: 19-105*

S19B. **Supervisor Wagner and Vice Chair Steel** - Direct Registrar of Voters to place "An Ordinance of the County of Orange, California, Amending the County Charter of the County of Orange to Require a 2/3 Vote of the Board of Supervisors to Propose Taxes and Adding Article VII, Section 702 to the Charter of Orange County" on the ballot and to consolidate that election with March 3, 2020 Presidential Primary Election; direct County Counsel to prepare ballot title, summary of ordinance and impartial analysis of ordinance; and direct Auditor-Controller to prepare a fiscal impact statement pursuant to Article VII, Section 701 of the County Charter

B.O. **CONTINUED TO 11/19/19, 9:30 A.M.**

## ELECTED DEPARTMENT HEADS

S19C. **Sheriff-Coroner -** Accept one-time donation of one hazardous device detection canine from Orange County Sheriff's Advisory Council ($13,194) - All Districts

23145 X **APPROVED AS RECOMMENDED**

## GENERAL ADMINISTRATION

S19D. **County Executive Office -** Approve and adopt 2019-2023 Memorandum of Understanding with Orange County Managers Association for Administrative Management Unit and approve and adopt amendment to Article XXI (Retirement) of 2003 Personnel and Salary Resolution -

All Districts
23145 **APPROVED AS RECOMMENDED**
X

**HEALTH CARE AGENCY**

S19E. Adopt resolution authorizing Director or designee to submit and execute application and related documents to State Department of Housing and Community Development for No Place Like Home Competitive Notice of Funding Availability to fund Commonwealth Airport Inn Apartments project by Jamboree Housing Corporation, Buena Park ($4,933,996), Orchard View Gardens project by National CORE, Buena Park ($1,769,795); Santa Angelina Senior Community project by National CORE, Placentia ($3,795,408) and Center for Hope project by Salvation Army, Anaheim ($12,145,744); and approve Special Needs Housing Program funding for Mental Health Services Act units with Cartwright Family Apartments, Irvine (10 units) and Lincoln Avenue Apartments, Buena Park (10 units), Airport Inn Apartments (28 units), Orchard View Gardens (8 units) and Santa Angelina Senior Community (16 units); and authorize Director or designee to execute Local Government Certification and Regulated Unit Occupancy Restrictions form - Districts 2, 3 and 4
23145 **APPROVED AS RECOMMENDED**
X

*RESO: 19-106*

**IV. PUBLIC HEARINGS (Item 20)**

**OC PUBLIC WORKS**

20. Public Hearing to consider adopting resolutions and second readings and adoption of "An Ordinance of the County of Orange, California, Repealing the International Building Code, 2015 Edition; the California Building Code, 2016 Edition; the California Residential Code, 2016 Edition; and the California Green Building Standards Code, 2016 Edition; Repealing Ordinance 16-018 and Adopting by Reference the California Building Code, 2019 Edition; the International Building Code, 2018 Edition; the California Residential Code, 2019 Edition; the California Energy Code, 2019 Edition; the California Green Building Standards Code, 2019 Edition; the California Historical Building Code, 2019 Edition; the California Existing Building Code, 2019 Edition; with Amendments Thereto"; "An Ordinance of the County of Orange, California, Repealing the 2015 Edition of the Uniform Plumbing Code, Repealing the 2016 Edition of the California Plumbing Code Repealing Ordinance 16-019, and Adopting by Reference the Uniform Plumbing Code, 2018 Edition and the California Plumbing Code, 2019 Edition, Including Appendices, with Amendments Thereto"; "An Ordinance of the County of Orange, California, Repealing the 2015 Edition of the Uniform Mechanical Code, Repealing the 2016 Edition of the California Mechanical Code, Repealing Ordinance 16-020 and Adopting by Reference the Uniform Mechanical Code, 2018 Edition, and the California Mechanical Code, 2019 Edition, Amendments Thereto"; "An Ordinance of the County of Orange, California Repealing the National Electrical Code, 2014 Edition, Repealing the California Electrical Code, 2016 Edition, Repealing Ordinance 16-021 and Adopting by Reference the National Electrical Code, 2017 Edition and the California Electrical Code, 2019 Edition with Amendments Thereto"; "An Ordinance of the County of Orange, California Repealing the California Fire Code, 2016 Edition Ordinance 16-022 and Adopting by Reference the California Fire Code, 2019 Edition with Appendix B, BB, C, CC, and H and Amendments Thereto" - All Districts (Continued from 10/22/19, Item 32)
B.O. **CLOSED PUBLIC HEARING**

42135 **APPROVED AS RECOMMENDED**
X

*RESO: 19-107 - 19-111*
*ORD: 19-006 - 19-010*

**V. CLOSED SESSION (Items CS-1-SCS5)**

**GENERAL ADMINISTRATION**

**County Executive Office:**

CS-1. PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957(b):
Title: County Librarian

B.O. **DELETED**

CS-2. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Tom Hatch
Employee Organizations: Orange County Managers Association (OCMA), American Federation of State, County and Municipal Employees (AFSCME), Teamsters Local 952 (Teamsters), Orange County Attorneys Association (OCAA), International Union of Operating Engineers (IUOE), and other non-represented employees
RE: Terms and conditions of employment

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

**County Counsel:**

SCS3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(d)(4):
Number of Cases: One Case

B.O. **COUNTY COUNSEL READ: THE BOARD ON A VOTE TO 4 TO 0, WITH CHAIRWOMAN BARTLETT AND SUPERVISORS STEEL, WAGNER, AND CHAFFEE, VOTING AYE, AND SUPERVISOR DO ABSENT, APPROVED A PROPOSED SETTLEMENT WITH GRIFFIN STRUCTURES, INC., AND SWINERTON BUILDERS CONCERNING THE 2018 FLOODING OF THE BASEMENT GARAGE AND PUMP ROOM AT THE COUNTY HALL OF ADMINISTRATION. THE AGREEMENT REMAINS SUBJECT TO THE FINAL APPROVAL OF OTHERS. WHEN THE SETTLEMENT AGREEMENT BECOMES FINAL, COPIES OF THE AGREEMENT WILL BE MADE AVAILABLE IN THE OFFICE OF COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**

SCS4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Nader Nagy, Magda Giwargi, The Estate of Beter Nashed v. County of Orange OCSC Case No.: 30-2015-00827446

B.O. **COUNTY COUNSEL READ: THE BOARD ON A VOTE TO 4 TO 0, WITH CHAIRWOMAN BARTLETT AND SUPERVISORS STEEL, WAGNER, AND**

**CHAFFEE, VOTING AYE, AND SUPERVISOR DO ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF NADER NAGY, MAGDA GIWARGI, AND THE ESTATE OF BETER NASHED V. COUNTY OF ORANGE, ORANGE COUNTY SUPERIOR COURT CASE NO. 30-2015-00827446. THE AGREEMENT REMAINS SUBJECT TO THE FINAL APPROVAL OF OTHERS. WHEN THE SETTLEMENT AGREEMENT BECOMES FINAL, COPIES OF THE AGREEMENT WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

SCS5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Kathy Craig & Gary Witt v. County of Orange Case No.: 17-cv-491-CJC-KES

B.O. **COUNTY COUNSEL READ: THE BOARD ON A VOTE TO 4 TO 0, WITH CHAIRWOMAN BARTLETT AND SUPERVISORS STEEL, WAGNER, AND CHAFFEE, VOTING AYE, AND SUPERVISOR DO ABSENT, APPROVED AN APPEAL TO THE NINTH CIRCUIT IN THE CASE OF KATHY CRAIG & GARY WITT V. COUNTY OF ORANGE, UNITED STATES DISTRICT COURT CASE NO. 17-CV-491-CJC-KES.**

## VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

### PUBLIC COMMENTS:

Brigitte - Oral re: Bryan Kaye in jail; Tseglin's are in Israel; public confused by agenda; County runs an illegal business; there is no oversight at the County; deaths in jails

Gianni Castellanos - Oral Re: October 22nd approval of ballot initiative for Keeping California Safe; need community resources instead of bigger jails; 94% of death row inmates were victims of abuse

Vern Nelson - Oral Re: Opposes Item 7, Orange County does not need a mental health jail

Julie Sebestyen - Oral Re: Owns a caregiver agency and is a mandated reporter of senior/elder abuse; read list of families in each district victimized by fraudulent billing, double billing, theft, racketeering and real estate fraud by Sally Cicerone

### COUNTY EXECUTIVE OFFICER COMMENTS:

None

### BOARD COMMENTS:

Supervisor Chaffee - Oral Re: Trip to Washington, DC included meetings for OC Public Works and Flood Control with Army Corp of Engineers and Senators, also met with HUD regarding homeless housing; next week on November 13th, the inaugural Kindness Awards for District 4

Supervisor Wagner - Oral Re: Discouraging relationship with City of Santa Ana; Santa Ana Police issuing tickets for parents dropping off students in front of the building for Saturday workshops; Thanked Board members for supporting waiver of fees for veterans events at OC Parks over the Veterans day weekend; resolved resident complaints concerning new LED lighting in the canyons by installing shields on the lights; directed OC Public Works, OC Parks, and OC Waste & Recycling to develop best practices plan for weed abatement on County properties without using glyphosates and return to the Board with

draft plan

Vice Chair Steel - Oral Re: Vietnamese Physicians Health Fair at Mile Square Park was a success and thanked staff Christine Nguyen on behalf of Supervisor Do; Trip to Washington, DC and meeting with Army Corp of Engineers included discussions for funding sand replenishment to protect Orange County beaches

Chairwoman Bartlett - Event on Saturday November 9th Salute to Veterans sponsored by Orange County Employees Association at the Orange County Fair and Event Center; 1st Orange County Street Car Project promotes connectivity to job centers and future connections to John Wayne Airport and Anaheim areas

**ADJOURNED: 1:29 P.M.**

*** KEY ***

***Left Margin Notes***

1. = Supervisor Do
2. = Supervisor Steel
3. = Supervisor Wagner
4. = Supervisor Chaffee
5. = Supervisor Bartlett

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*

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*Orange County Clerk of the Board*