REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, July 15, 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: Supervisor 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 1-12)

15234 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 8 WHICH WAS CONTINUED TO 7/22/14, 9:30 A.M.; AND ITEMS 9 & 11 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

DEPARTMENT APPOINTMENTS

1. **Health Care Agency -** Orange County Mental Health Board - Reappoint Michaell Rose, Fountain Valley, for term ending 5/20/17 - All Districts

ELECTED DEPARTMENT HEADS

2. **District Attorney -** Approve amendment 1 to lease agreement DA-11-014 with CGJP-1, LLC for office space at West Court Annex, Westminster; and make California Environmental Quality Act findings - District 1

Sheriff-Coroner:

3. Approve amendment 2 to agreement MA-060-13012001 with Association of Public Safety Communications Officials International Inc., dba APCO International Inc. for radio frequency coordination services, 7/24/14 - 7/23/15 ($30,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

4. Ratify and approve amendment 2 to agreement MA-060-12011920 with Clyde E. Eaton dba Shear Associates for American with Disabilities Act training courses, 6/25/12 - 6/24/13 ($2,893; new total $33,418); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

5. Accept Urban Areas Security Initiative (UASI) funds from the City of Santa Ana, FY 2013; approve agreement for transfer or purchase of equipment/services or for reimbursement of training costs; and adopt resolution authorizing Sheriff-Coroner or designee to execute agreement and related documents - All Districts
RESO: 14-065

6. Approve waiver of liability with Chapman University for canine training, 7/15/14 - 7/14/15; and authorize Sheriff Coroner or designee to execute agreement - All Districts

OC COMMUNITY RESOURCES

7. Approve amendment 2 to agreement OCP09-017 with RBF Consulting for on-call architect/engineer contract administration/contract management services, extending term to 10/5/15; approve amendment 3 to agreement OCP10-014 with Harris & Associates for on-call architect/engineer project management & contract administration services, extending term to 10/18/15; and make California Environmental Quality Act findings - All Districts

8. Adopt resolution approving designation of Bluff Park allowing alcoholic beverage service at Salt Creek Beach for Battle of the Paddle event on October 4 & 5, 2014 - District 5

15234 **CONTINUED TO 7/22/14, 9:30 A.M.**

9. Accept donation of $200,000 from Friends of the Library to offset cost of expansion project at San Clemente Branch Library - District 5

52134 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

10. Approve plans and specifications for a Job Order Contract for Crystal Canyon Road Drainage and Pavement Rehabilitation Project; approve agreement D12-092 with Trabuco Canyon Water District for adjustment of manholes, valve frames and covers; and make California Environmental Quality Act findings - District 3

OC WASTE & RECYCLING

11. Approve amendment 1 to agreement MA-299-13011641 with Habitat West, Inc. for landscape maintenance services, South Region Landfills 5/1/13 - 4/30/16 ($200,000; new total $2,000,000); renewable for two additional one year periods ($600,000 per year); authorize Purchasing Agent or authorized Deputy to execute amendment; and make California Environmental Quality Act findings - Districts 2 & 5

52134 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

12. **Probation -** Adopt resolution approving agreement 5600004548 with California Department of Corrections and Rehabilitation for diagnostic studies, treatment services and temporary detention for juvenile wards of the court, effective through 6/30/16 ($200,700); and authorize Chief Probation Officer to execute agreement - All Districts
RESO: 14-066

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 13-39)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

13. Approve ten-year lease agreement GA 1227-90 with Sy Corporation, a Nevada Corporation dba Sy Corporation in California for Sheriff's substation, Lake Forest ($9,411,178); renewable for two additional five year terms; and make California Environmental Quality Act findings - District 5

53124 **APPROVED AS RECOMMENDED**

14. Approve staffing and operating cost analysis for AB 900 Phase II 512 bed expansion, James A. Musick Facility; and find that Final Environmental Impact Report 564 as certified on November 5, 1996, and recertified as amended on October 20, 1998, together with the Supplemental to EIR No. 564, certified by the Board of Supervisors on December 11, 2012, fully analyzed and disclosed the proposed project's environmental effects, and the proposed project will not have any environmental effects beyond those analyzed and disclosed in these environmental documents which provide adequate documentation under the California Environmental Quality Act findings - Districts 3 & 5

35124 **APPROVED AS RECOMMENDED**

15. Select Vanir Construction Management as primary and Jacobs Project Management Company as alternate firms for construction management services for AB 900 Phase II bed expansion, James A. Musick Facility; authorize negotiation of agreement for Board approval; and find that Final Environmental Impact Report 564 as certified on November 5, 1996, and recertified as amended on October 20, 1998, together with the Supplemental to EIR No. 564, certified by the Board of Supervisors on December 11, 2012, fully analyzed and disclosed the proposed project's environmental effects, and the proposed project will not have any environmental effects beyond those analyzed and disclosed in these environmental documents which provide adequate documentation under the California Environmental Quality Act findings - Districts 3 & 5

B.O. **CONTINUED TO 7/22/14, 9:30 A.M.**

16. **Treasurer-Tax Collector -** Approve amendment 10 to master agreement MA-074-10010309 with Financial Statement Services, Inc., for additional time to issue and complete a Request for Proposal for printing and mailing services, effective 8/25/14 - 2/28/15 ($400,000) - All Districts

23154 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

17. Approve selection of and agreements with AHMC Anaheim Regional Medical Center ($1,350,000), National Council on Alcoholism and Drug Dependence - Orange County, South Region ($750,000) and Community Service Programs, Inc., General Region ($750,000) for tobacco cessation and prevention services, 7/15/14 - 6/30/17; and authorize Director or designee to execute agreements - All Districts

(Continued from 6/17/14, Item 50)

53124 **APPROVED AS RECOMMENDED**

18. Approve agreement with Horizon Cross Cultural Community Center for Peer Mentoring services for Adults and Older Adults, on month to month basis thru 6/30/15 ($93,741 per contract month); and authorize Director or designee to execute agreement and to exercise contingency cost increase of 10% under certain conditions - All Districts (Continued from 5/6/14, Item 21; 5/20/14, Item 34; 6/17/14, Item 46; 6/24/14, Item 47)

B.O. **DELETED**

OC COMMUNITY RESOURCES

19. Approve Workforce Investment Act (WIA) Youth Master Model agreements and Model amendments to form with City of La Habra ($372,075); Irvine Unified School District ($235,280); Orange County Asian and Pacific Islander Community Alliance ($1,190,400) and Orange County Conservation Corps ($453,725) for youth employment and training services in Northern, Coastal and Western regions, 8/1/14 - 6/30/15; renewable for four additional one-year periods; approve amendments with Irvine Unified School District and Orange County Conservation Corps for WIA youth employment and training services in Southern region, 8/1/14 - 6/30/15 ($548,520); and authorize Director or designee to execute individual agreements and subsequent amendments and to exercise contingency cost increase not to exceed 10% and make line item budget transfers under certain conditions - All Districts (Continued from 6/17/14, Item 59)

B.O. **CONTINUED TO 7/22/14, 9:30 A.M.**

20. Approve Workforce Investment Act (WIA) Model Cost Reimbursement agreements with procured One-Stop providers for WIA employment and training services, 8/1/14 - 6/30/15 ($9,312,500); authorize Director or designee to execute individual agreements, amendments and exercise cost contingency increase or decrease not to exceed 10%, make line item budget transfers under certain conditions - All Districts

14235 **APPROVED AS RECOMMENDED**

21. Approve amendment 3 to agreement MA-012-12010099 with Merchants Landscape Services, Inc. for landscape maintenance services at Irvine, Yorba, Mile Square, Laguna Niguel, and Mason Regional Parks, 9/1/14 - 8/31/15 ($1,642,869); and authorize Purchasing Agent or authorized Deputy to execute amendment; and make California Environmental Quality Act findings - Districts 1, 3, & 5

13254 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

22. Receive bids and award Job Order Contract O&M 010 to Bitech Construction Co., Inc. for FY 2014-15 General Engineering-Road Projects ($3,000,000); and make California Environmental Quality Act findings - All Districts

15234 **APPROVED AS RECOMMENDED**

23. Receive bids and award Job Order Contract O&M 011 to RJ Noble Co., for FY 2014-15-Pavement

Maintenance-Road Projects ($3,000,000); and make California Environmental Quality Act findings - All Districts

25134 **APPROVED AS RECOMMENDED**

24. Receive bids and award Job Order Contract O&M 012 to Roy Allan Slurry Seal for FY 2014-15-Slurry/Crack Sealing-Road Projects ($1,500,000); and make California Environmental Quality Act findings - All Districts

54123 **APPROVED AS RECOMMENDED**

25. Declare emergency and make findings pursuant to Public Contract Code Sections 22035 and 22050(a)(1)(2); ratify change order No. 1 to agreement CT-080-1401544 with Fleming Environmental, Inc. for emergency repairs on Gates Fuel Tank Sump and Piping Replacement project ($10,843.08); and make California Environmental Quality Act and other findings - District 1 (4/5 vote of the voting members present)

13254 **APPROVED AS RECOMMENDED**

26. **Acting as the Orange County Flood Control District -** Waive informality in bid received by Access Pacific; receive bids and award Job Order Contract O&M 013 to Access Pacific for FY 2014-15-General Engineering-Flood Projects ($4,400,000); and make California Environmental Quality Act findings - All Districts

25134 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

27. Approve amendment 2 to lease agreement GA 1213-139 with Warland Investments Company for office space for SSA West Regional Center, Cypress, reducing rental rate through 3/31/16; and make California Environmental Quality Act findings - District 2

25134 **APPROVED AS RECOMMENDED**

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

34125 **APPROVED LEGISLATIVE BULLETIN WITH MODIFIED LETTER TO GOVERNOR BROWN CHANGING THE ORANGE COUNTY CONTACT PERSON TO THE BOARD CHAIRMAN**

29. Approve proposed response to FY 2013-14 Grand Jury Report "Orange County Information Technology Management: Good Job Overall; Disaster Recovery Must be Addressed" - All Districts

15234 N **APPROVED WITH MODIFICATION CHANGING THE WORKING GROUP LEADER FROM HRS DIRECTOR TO THE CEO - CHIEF INFORMATION OFFICER, WITH THE HRS DIRECTOR REMAINING AS A MEMBER OF THE WORKING GROUP**

30. Approve 15-year lease agreement CEO/ALS/SSA-13-047 with IX CW 500 Orange Tower, LP for relocation of SSA Administration Headquarters, Orange; and make California Environmental Quality Act findings - District 3

B.O. **CONTINUED TO 8/5/14, 9:30 A.M.**

31. Authorize use of County resources, consisting of staff time and informational brochures to assist with the host County role for the 2014 California State Association of Counties (CSAC) Annual Meeting and seek partnerships with other local public entities to assist with attendee events; and make appropriate findings - All Districts

23154 **APPROVED AS RECOMMENDED**

32. Direct Registrar of Voters to place "An Ordinance of the County of Orange, California, Authorizing the California Fair Political Practices Commission to Prosecute Violations of the Orange County Campaign Reform Ordinance and adding Sections 1-6-15.1 and 1-6-15.2 and Amending Sections 1-6-16 and 1-6-17 of Article 1, Division 6 of Title 1 of the Codified Ordinances of the County of Orange" on the ballot for Statewide General Election on November 4, 2014; and direct County Counsel to prepare ballot language and impartial analysis of ordinance - All Districts

34125 **APPROVED AS RECOMMENDED**

33. Approve the Purchase and Sale agreement with B&N Group, a California General Partnership and JRMV Investments, Inc. for purchase of property at 1217 E. Normandy Place, Santa Ana to facilitate a year-round emergency shelter and multi-services center for homeless families and individuals ($3,600,000); authorize Chief Real Estate Officer or designee to sign related documents, make minor modifications under certain conditions and perform related actions; authorize funding not to exceed $50,000 to conduct due diligence investigations to comply with applicable County ordinances and best practices; direct Chief Real Estate Officer or designee to return to the Board in the event due diligence investigations regarding the real estate are not completed and the contingencies set forth in the purchase and sale agreement are not fulfilled; and make California Environmental Quality Act findings - District 1

12354 **APPROVED AS RECOMMENDED**

34. Approve grant applications/awards submitted by Sheriff's Department and Health Care Agency in 7/15/14 grant report and other actions as recommended; adopt resolutions authorizing Sheriff-Coroner or designee to execute and submit to California Office of Emergency Services the FY 2014 Emergency Management Performance Grant Application ($776,800) and FY14 Homeland Security Grant Program ($3,235,095) and grant assurances and to take related actions under certain conditions - All Districts

35124 **APPROVED AS RECOMMENDED**
X

RESO: 14-067 - 14-068

Human Resource Services:

35. Approve agreement with Hartford Life and Accident Insurance Company for Life and Accident

Death and Dismemberment Insurance for various employee groups, 1/1/15 - 12/31/17; renewable for two additional one-year periods; and authorize Assistant Human Resources Officer/Employee Benefits or designee to execute agreement - All Districts

32154 **APPROVED AS RECOMMENDED**

36. Approve policy for Considering Universities for Reduced Tuition Partnerships - All Districts

24135 **APPROVED AS RECOMMENDED**

N N

37. Approve and adopt 2012-2016 Memorandum of Understanding (MOU) with Association of Orange County Deputy Sheriffs (AOCDS) for Peace Officer and Supervising Peace Officer Unit - All Districts

35124 **APPROVED AS RECOMMENDED**

NN

38. **Supervisor Spitzer -** Consider first reading of "An Ordinance of the County of Orange, California, Prohibiting the Solicitation of Signatures for Candidate Nomination Papers from any County Employee at His or Her Workplace and Adding Article III of Division 6 of Title 1, Section 1-6-33 to the Codified Ordinances of the County of Orange"; and set second reading and adoption for 7/22/14, 9:30 a.m. (Continued first reading from 6/24/14, Item 66)

34125 **APPROVED FIRST READING AND CONTINUED TO 7/22/14, 9:30 AM FOR SECOND READING AND ADOPTION.**

N

39. **Supervisor Moorlach -** Consider second reading and adoption of "An Ordinance of the County of Orange, California Adding Section 1-3-21 to the Codified Ordinances of the County of Orange to Require Civic Openness in Negotiations (COIN)" (Continued from 5/20/14, Item 64; 6/17/14, Item 76; first reading heard on 6/24/14, Item 67)

24135 **CONTINUED TO 7/22/14 FOR FIRST READING**

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-CS-5)

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Diana Russell v. County of Orange, Workers' Compensation Appeal Board Case Nos. ADJ181633, ADJ392232

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF DIANA RUSSELL 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.**

County Executive Office:

CS-2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: 405 West 5th Street, Santa Ana, California
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiation Party: 405 West Fifth Street Holdings LLC, a Maryland limited liability company
Under Negotiation: Terms and Value of Purchase

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

CS-3. 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. **CONTINUED TO 8/5/14, 9:30 A.M.**

Human Resource Services:

CS-4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:Title: County Executive Officer

B.O. **DELETED**

CS-5. 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. **HELD, NO REPORTABLE ACTION**

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Ilya Tseglin & Robert Tseglin - Oral Re: Nate Tseglin

Mufsa Aharad - Oral Re: Horizon Cross Cultural Community Center's peer mentoring program

Darrell Nolta - Oral Re: Antibiotics; District Attorney lawsuit re: painkillers

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Nguyen - Oral Re: AB 1234 trip report to Washington DC re: HR4254

Supervisor Moorlach - Oral Re: Opening of exhibit at Old County Courthouse celebrating Orange County's Quasquicentennial on 7/17/14 and presentation at future Board meeting; LA County's adoption of Laura's Law

ADJOURNED: 2:50 P.M.

24135 **Adjourned in memory of Ben Carlson**

24135 **Adjourned in memory of George G. Group III**

54123 **Adjourned in memory of Charles Fox**

14235 **Adjourned in memory of Malcom Lloyd Pecor**

*** 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