REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, July 11, 2017, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
333 W. Santa Ana Blvd., 10 Civic Center Plaza
Santa Ana, California

MICHELLE STEEL
CHAIRWOMAN
Second District

ANDREW DO
VICE CHAIR
First District

TODD SPITZER
SUPERVISOR
Third District

SHAWN NELSON
SUPERVISOR
Fourth District

LISA A. BARTLETT
SUPERVISOR
Fifth District

ATTENDANCE: Supervisors Do, Steel, Spitzer and Nelson

EXCUSED: Supervisor Bartlett

PRESENT:	COUNTY EXECUTIVE OFFICER	Frank Kim
	COUNTY COUNSEL	Leon J. Page
	CLERK OF THE BOARD	Robin Stieler

INVOCATION: Supervisor Spitzer, Third District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS (None Scheduled)

II. PUBLIC COMMENTS

Michael Klubnikin - Oral re: 11/8/16 violation of the Ralph M. Brown Act regarding public comments; illegal criminal behaviors and exposure of judges; money laundering, real estate fraud and falsification of documents

Randy Argo - Oral re: Previously submitted Memorandum of Understanding to the Board regarding the Dana Point Tideland Trust Act; has not heard from anyone regarding discrimination against tolls, fees and charges; personal boat is deemed oversized after 4 years of being in boat slip at the marina

Richard Longobordo - Oral re: Representing his homeowners association; read letter from his homeowners association President Ava O'Keefe opposing Toll Road in San Clemente and requesting to

abolish the TCA and Toll Roads

Nich Kolev PhD - Oral re: Corruption of Child Support Services and law firms that have connections with Child Support Services; taking Child Support Services to Federal court

Mohammed Aly - Oral re: Contract with City Net to provide services to the homeless on the Santa Ana Riverbed does not include basic sanitation services to the homeless; submitted demand letter to the Clerk and County Counsel regarding discussion of City Net contract during closed session; discussion during closed session was a violation of the Brown Act; Honda Center contributions to contract received by City Net; asked for information regarding contributions made by the Honda Center regarding City Net contract; cannot evict homeless until County provides alternatives to the homeless

Craig Sheets - Oral re: Meth labs in Orange County; individuals connected to the meth labs; electronic eyes; litmus paper, mother ship conspiracy

Steve Rocco - Oral re: Wrote book titled "Behind the Orange Curtain"; was arrested and home was raided; July 20th - date his parents were murdered and article in OC Register; cover-up of Tony Rackauckas

Mark McGuire - Oral re: Toll Road extension beyond Oso Parkway; request to keep Los Patrones Parkway a free County arterial and not convert to a portion of the 241 toll road; believes County can look at other arterial solutions and work with cities that would be preferable for everyone

Norris - Oral re: Used Google Search to learn more about the phrase and passage from the bible 'Harvest is ready but the laborers are few;' passage was discussed in church; time stamp of Google search on Beach and Chapman

Ilya Tseglin - Oral re: Nate Tseglin; OC Regional Center; corruption and organized government crime in the County; Public Defender corruption; Social Services; Public Guardian and law enforcement; corrupted officials stealing money

Robert Tseglin - Oral re: Nate Tseglin kidnapped three times and placed in group home; OC Regional Center; conservatorship; Social Services; Adult Protective Services; Public Defender; psychotropic abuse; concealing medical records

Lou Noble - Oral re: Criminalizing the homeless; no policing at night in the riverbed; Alfresco Gardens; resistance of the homeless to utilize shelters and preference to live in tents at the riverbed; shelters are locked down; City Net; bathrooms and showers for the homeless; Nate Tseglin

III. CONSENT CALENDAR (Items 1-19)

14352 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 3 WHICH WAS DELETED; AND ITEMS 1 AND 12 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE; AND SUPERVISOR SPITZER VOTING NO ON ITEM 19**

BOARD APPOINTMENTS

1. **Supervisor Spitzer -** Orange County Veterans Advisory Council - Reappoint Robert Vernon McDonald, Anaheim, for term ending 4/14/19

34152 X **APPROVED AS RECOMMENDED**

DEPARTMENT APPOINTMENTS

Health Care Agency:

2. Well Standards Advisory Board - Appoint James Fortuna, Orange; and reappoint John Gregg,Signal Hill; Roy Herndon, Fountain Valley; Robert McVicker, Anaheim; and Nabil Saba, Santa Ana for terms ending 1/6/20 - All Districts

3. Orange County Alcohol and Drug Advisory Board - Reappoint Geoffrey Henderson, Anaheim, for term ending 3/6/20; and appoint Alexis Patlan, Garden Grove, to complete term ending 11/16/19; Mark Prizmic, Anaheim, to complete term ending 10/28/17; Fasi Siddiqui, San Clemente, to complete term ending 12/3/18 and Lauren Slivinski, Santa Ana, to complete term ending 10/18/17 - All Districts

14352 X **DELETED**

4. Orange County Mental Health Board - Reappoint Michaell Rose, Fountain Valley, for termending 5/20/20 - All Districts

ELECTED DEPARTMENT HEADS

5. **Auditor-Controller -** Approve Auditor-Controller Internal Audit Division's Audit Plan and RiskAssessment FY 2017-18 as detailed in Attachment A - All Districts

6. **Sheriff-Coroner -** Ratify agreement 17112308 with State of California for Peace Officer Standards and Training (POST) Driving Simulator courses and Force Option Simulator courses, 7/1/17 - 6/30/18 ($165,000); and authorize Sheriff-Coroner or designee to execute agreement - All Districts

JOHN WAYNE AIRPORT

7. Approve selection of and agreement with Mastek, Inc. for Airport Power Distribution Studies, term 150 days ($438,215); and make California Environmental Quality Act and other findings - District 2

OC COMMUNITY RESOURCES

8. Designate Eddie L. Falcon to the positions of County Veterans Service Officer and County VeteransRemains Officer, effective 7/11/17 - All Districts

9. Approve Library Fee Payment Implementation agreement with La Floresta, LLC, and Birch/Kraemer,LLC to establish guidelines for collection and disbursement of fee payments required to mitigate impacts resulting from a residential housing project on existing or future library facilities or services, Brea Branch Library - District 4

10. Accept donation of $11,515 from Brian F. Smith & Associates, Inc. to offset the cost of cataloguing and storing fossil and paleontological materials found in Lake Forest - Districts 1 and 5

11. Approve agreement MA-012-17011894 with American Kennel Club Companion Animal

RecoveryCorporation dba AKC Reunite to receive trailers and supplies for displaced pets and service animals in the event of an emergency or disaster, effective upon Board approval; and authorize Director or designee to execute agreement - All Districts

12. Approve agreement MA-012-17011781 with Convergent Nonprofit Solutions, LLC for assistance indevelopment, execution and management of a fundraising campaign program for new animal shelter project, effective upon Board approval and continuing through completion and acceptance of all services ($200,000); and authorize the Purchasing Agent or authorized Deputy to execute agreement and to exercise cost contingency increase not to exceed 10% under certain conditions - All Districts

32145 X **APPROVED ITEM AS AMENDED CHANGING RECOMMENDED ACTION #1 TO AUTHORIZE THE COUNTY PURCHASING AGENT OR AUTHORIZED DEPUTY TO EXECUTE CONTRACT WITH CONVERGENT NONPROFIT SOLUTIONS, LLC AFTER AMENDING CONTRACT TO REQUIRE BOARD APPROVAL PRIOR TO MOVING FORWARD WITH PROPOSED FUNDRAISING CAMPAIGN; AND TO AUTHORIZE COUNTY PURCHASING AGENT OR AUTHORIZED DEPUTY TO MAKE APPROPRIATE AMENDMENTS TO THE AGREEMENT PER AMENDMENTS TO RECOMMENDED ACTION #1**

OC PUBLIC WORKS

13. Approve Final Tract Map 17601; approve Subdivision Improvement agreement S1704-215 with William Lyon Homes, Inc.; accept bonds guaranteeing construction; accept dedication of easements for emergency access, public utility, public service vehicle ingress and egress and accept vehicular access rights to Airoso Street - District 5

14. Approve Final Tract Map 17603; approve Subdivision Improvement agreement S1704-216 with The New Home Company Southern California, LLC; accept bonds guaranteeing construction; accept dedication of easements for emergency access, public utility and public service vehicle ingress and egress purposes; and accept vehicular access rights to Airoso Street - District 5

15. Approve Final Tract Map 17604; approve Subdivision Improvement agreement S1703-214 with The New Home Company Southern California, LLC; accept bonds guaranteeing construction; accept dedication of easements for emergency access, public utility and public service vehicle ingress and egress purposes; and accept vehicular access rights to Airoso Street - District 5

16. Approve items A, B and C of Orange County Traffic Committee Report dated 4/20/17 related to speedlimits and stop signs in unincorporated Orange Park Acres, North Tustin and Ladera Ranch; approve recommendations; adopt necessary resolutions; rescind a portion of Resolution No. 83-447 and rescind Resolution No. 76-1881; and make California Environmental Quality Act and other findings - Districts 3 and 5
RESO: 17-081 - 17-082

17. **Acting as the Orange County Flood Control District -** Approve Bikeways and Trails agreement MA-080-17011865 with City of Irvine to construct and maintain bikeway and pedestrian trail improvements, 50-year term with automatic annual renewals; authorize Director or designee to carry out terms of agreement; and make California Environmental Quality Act and other findings - Districts 3 and 5

18. **Acting as the Board of Supervisors and Orange County Flood Control District -** Adopt unit pricebook, unit price list, and technical specifications, and set bid opening for 8/9/17, 2:00 p.m. for Job Order Contracts for general engineering and pavement maintenance; and make California Environmental Quality Act and other findings - All Districts

GENERAL ADMINISTRATION

19. **Clerk of the Board -** Approve proposed amendments to the Conflict of Interest Code Designated FilerExhibits for Coast Community College District - Districts 1 and 2

14352 **APPROVED AS RECOMMENDED**
NX

END OF CONSENT CALENDAR

IV. DISCUSSION ITEMS (Items 20-S37C)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

20. Approve amendment 1 to agreement MA-060-15012270 with Siemens Industry, Inc. forpreventive maintenance and repairs to Theo Lacy and Coroner facilities energy management system hardware and software, 9/1/17 - 8/31/19 ($154,576; new total $300,704); renewable for one additional year; and authorize Purchasing Agent or authorized Deputy to execute amendment - Districts 1 and 3

31452 **APPROVED AS RECOMMENDED**
X

21. Approve agreement MA-060-17011748 with Dimension Data North America, Inc. fortelecommunication technology solution services and products utilizing the Fast Open Contracts Utilization Services, term ending 4/25/18 ($5,000,000); renewable for three additional one-year terms; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

41352 **APPROVED AS RECOMMENDED**
X

22. Waive informality in bids for Interlog Corporation and Nu Age Development, Inc.; receive bidsand award job order contracts to MIK Construction, Inc., MTM Construction, Inc., Exbon Development, Inc., Interlog Corporation, CTG Construction, Inc. and Nu Age Development, Inc. for general contracting services, 7/11/17 - 7/10/18 ($4,475,000 each); authorize Director of Research and Development or designee to execute contracts; and make California Environmental Quality Act and other findings - All Districts

14352 **APPROVED AS RECOMMENDED**
X

23. Receive and file status report and approve continuance of local emergency related to Theo LacyFacility, H Barracks West for unrepairable drain and plumbing system issues; and set review to determine need for continuing local emergency for 7/25/17, 9:30 a.m.

and every regularly scheduled meeting thereafter until terminated - District 3 (4/5 vote of the members present) (Continued from 5/23/17, Item S72B; 6/6/17, Item 31; 6/13/17, Item 2; 6/27/17, Item 50)

34152 X **APPROVED AS RECOMMENDED**

24. **Treasurer-Tax Collector -** Approve amendment 5 to agreement MA-074-13010137 with Wells FargoMerchant Services, L.L.C. and Wells Fargo Bank, N.A. for electronic payment acceptance and processing services for non-convenience fee credit and debit cards and eCheck transactions, 8/14/17 - 8/13/18 ($1,900,000; cumulative total $8.8 million); approve amendment 6 to agreement MA-074-13010138 Wells Fargo Bank, N.A. for Internet payment gateway services to accept and process payments via Internet, 8/14/17 - 8/13/18 ($10,000; cumulative total $70,000); and authorize Purchasing Agent or authorized Deputy to execute amendments - All Districts

14352 X **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

25. Approve amendments to 1985 Settlement Agreement and to Phase 2 Commercial Airline Access Plan and Regulation to modify definition of commuter air carrier as Class E aircraft regularly configured with not more than seventy-six seats; and consider application of Final Environmental Impact Report No. 617 and other findings - District 2 (Continued from 6/27/17, Item 58)

B.O. **CONTINUED TO 7/25/17, 9:30 A.M.**

OC COMMUNITY RESOURCES

26. Approve amendment 2 to agreement MA-012-15011980 with MaintStar Inc. for ComputerizedMaintenance Management System software and support, 8/1/17- 7/31/18 ($54,287; cumulative total $160,599); authorize Purchasing Agent or authorized Deputy to execute amendment; and make California and Environmental Quality Act and other findings - All Districts

14352 X **APPROVED AS RECOMMENDED**

27. Approve agreement MA-012-17011868 with OCLC Online Computer Library Center Inc. dba OCLC,Inc. for cataloging, interlibrary loan services and worldwide library sharing of materials, information and services to patrons, 8/1/17 - 7/31/18 ($135,629.32); with option to renew for four additional one-year terms; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

14352 X **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

28. Approve agreements MA-080-17011737 with JJJ Floor Covering Inc. and Interfinish Corporation for on-call flooring maintenance and repair services, 7/11/17 - 7/10/20 ($3,000,000 each; aggregate total $6,000,000); renewable for two additional one-year terms; authorize Purchasing Agent or authorized Deputy to execute agreements; and make California Environmental Quality Act and other findings - All Districts

14352 **APPROVED AS RECOMMENDED**
X

29. Approve amendment 1 to renew agreement MA-299-15010787 with Geosyntec Consultants, Inc. forregulatory compliance support services, 11/25/17 - 11/24/19 ($1,260,000; new cumulative total $3,260,000); and authorize Director or designee to execute amendment - All Districts

41352 **APPROVED AS RECOMMENDED**
X

30. Approve agreement MA-080-17011742 with Simon Wong Engineering, Inc., MA-080-17011740 withTRC Engineers, Inc. and MA-080-17011741 with McCormick-Busse Inc. for on-call public relations services, 7/11/17 - 7/10/20 ($1,500,000 each; aggregate total $4,500,000) renewable for two additional one-year terms; authorize Director or designee to execute agreements; and make California Environmental Quality Act and other findings - All Districts

32145 **APPROVED AS RECOMMENDED**
X

OC WASTE & RECYCLING

31. Approve agreement MA-299-17011739 with Helix Environmental Construction Group, Inc. for nativeplant habitat management and landscape maintenance services, Central and North Region Landfills, 7/15/17 - 7/14/20 ($1,200,000); renewable for two additional one-year terms ($400,000 per year); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act and other findings - Districts 3 and 4

34152 **APPROVED AS RECOMMENDED**
X

32. Approve four Amended and Restated Communications Site Licenses PM123-15A&R, PM123-16A&R, PM123-17A&R and PM123-18A&R with Sprint PCS Assets, L.L.C., New Cingular Wireless PCS, LLC, T-Mobile West LLC and Los Angeles SMSA Limited Partnership dba Verizon Wireless, terms ending 10/31/46 ($39,600 each for the first year; 4% increase each year thereafter); authorize Director or designee to execute licenses and any amendments under certain conditions; and consider application of Mitigated Negative Declaration No. PA2016-091 and other findings - District 2

24135 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

County Executive Office:

33. Approve recommended positions on introduced or amended legislation and consider otherlegislative subject matters - All Districts

13452 **APPROVED STAFF RECOMMENDATIONS IN 7/11/17 LEGISLATIVE REPORT WITH ADDITIONAL DIRECTION TO OPPOSE SB4 (MENDOZA)**
X

34. Approve grant applications/awards submitted by Health Care Agency and ratify retroactive grant applications/awards submitted by District Attorney in 7/11/17 grant report and other actions as recommended; adopt resolution authorizing Health Care

Agency Director or designee to accept grant award, execute grant agreement 16-11046 and amendments with California Department of Public Health/Safe and Active Communities Branch; and adopt resolution authorizing District Attorney or designee to execute agreement VC-7072 and amendments with California Victim Compensation Board for Criminal Restitution Compact Program, 7/1/17 - 6/30/19 ($91,316 per year); and make California Environmental Quality Act and other findings - All Districts

42135 NX **APPROVED AS RECOMMENDED**

RESO: 17-083 - 17-084

35. Approve proposed response to FY 2016-17 Grand Jury Report "Unfinished Business: Responses to 2015-2016 Orange County Grand Jury Reports" - All Districts

14352 X **APPROVED AS RECOMMENDED**

36. Approve proposed response to FY 2016-17 Grand Jury Report "Is Orange County Ready forZika? It Takes a Village to Handle Mosquito-Borne Viruses" - All Districts

14352 X **APPROVED AS RECOMMENDED**

37. Approve proposed response to FY 2016-17 Grand Jury Report "The Great Escape - NeverAgain?" - All Districts

12345 X **APPROVED AS RECOMMENDED**

County Counsel:

S37A. Authorize County Counsel to consent to law firm of Meyers, Nave, Riback, Silver and Wilson, PC representation of City of Anaheim in Children's Dental Group litigation - All Districts

14352 NX **APPROVED AS RECOMMENDED**

S37B. Adopt resolution approving agreement with California Department of Social Services for legalconsultation and representation for Resource Family Approval administrative action appeals, 7/11/17 - 6/30/19; and authorize County Counsel or designee to enter into and execute agreement - All Districts

13452 X **APPROVED AS RECOMMENDED**

RESO: 17-085

S37C. **Chairwoman Steel and Vice Chair Do -** Consider first reading of "An Ordinance of the County ofOrange, California Amending Sections 4-11-11 and 4-11-12 of the Codified Ordinances of the County of Orange Regarding the Orange County Health Authority"; and set second reading and adoption for 7/25/17, 9:30 a.m.
ON THE MOTION OF CHAIRWOMAN STEEL, SECONDED BY VICE CHAIR DO, THE BOARD, ON A VOTE OF 3 TO 1, SUPERVISOR SPITZER VOTING NO, AND SUPERVISOR BARTLETT ABSENT, APPROVED FIRST READING OF SUBSTITUTE ORDINANCE, PROPOSED BY VICE CHAIR DO, AMENDING ORANGE COUNTY ORDINANCE SECTIONS 4-11-11 (a), (c), (e), (f), AND (G) AND 4-11-12 (a), (b), (c), (d) AND (e), RELATING TO THE BOARD OF DIRECTORS OF

CALOPTIMA (COPY ON FILE WITH THE CLERK OF THE BOARD), AND DIRECTED THAT THE SUBSTITUTE ORDINANCE BE PLACED ON THE 7/25/17, 9:30 A.M. AGENDA FOR SECOND READING AND ADOPTION

V. PUBLIC HEARINGS (Item 38)

OC PUBLIC WORKS

38. Public Hearing to consider adopting resolution approving annual sewage unit fee for La Mirada CountyService Area No. 13 sewer services; and make California Environmental Quality Act and other findings - District 4 (4/5 vote of the members present)
CLOSED PUBLIC HEARING

41352 X **APPROVED AS RECOMMENDED**

RESO: 17-086

VI. CLOSED SESSION (Items CS-1-SCS5)

GENERAL ADMINISTRATION

CS-1. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:Agency Negotiator: Brenda DiederichsEmployee Organizations: Association of County Law Enforcement Management (ACLEM), American Federation of State, County and Municipal Employees (AFSCME), Association of Orange County Deputy Sheriffs (AOCDS), International Brotherhood of Teamsters, Local 952, In-Home Supportive Services (IHSS), 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 employeesRE: Terms and Conditions of Employment

B.O. **DELETED**

County Counsel:

SCS2. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(4):
Number of Cases: One Case

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

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

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

SCS4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: Troy Jon Thomas v. County of Orange, United States District Court Case No. 8:16-cv-01717-AG-DFMx

B.O. **HELD, COUNTY COUNSEL READ: THE BOARD BY A VOTE OF 4 TO 0, SUPERVISORS DO, STEEL, SPITZER AND NELSON VOTING IN FAVOR AND SUPERVISOR BARTLETT BEING ABSENT, APPROVED A PROPOSED**

SETTLEMENT IN THE CASE OF TROY JON THOMAS 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.

SCS5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Cases: Steve Castillo v. County of Orange Code Enforcement, Orange County Superior Court Case No. 30-2014-00763116; Appellate Case No. 30-2015-00787443;

Diane Le v. County of Orange Code Enforcement, Orange County Superior Court Case No. 30-2014-00763184; Appellate Case No. 30-2015-00787645;

Thanh Le v. County of Orange Code Enforcement, Orange County Superior Court Case No. 30-2014-00763189; Appellate Case No. 30-2015-00787649

B.O. **CONTINUED TO 7/25/17, 9:30 A.M.**

VII. CEO, BOARD COMMENTS & ADJOURNMENT

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
None

ADJOURNED: 1:11 P.M.
42135 **Adjourned in memory of Dale Dykema**
X

*** KEY ***

Left Margin Notes

1. = Supervisor Do
2. = Supervisor Steel
3. = Supervisor Spitzer
4. = Supervisor Nelson
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)

_____
Chair, Orange County Board of Supervisors

Orange County Clerk of the Board