REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, January 26, 2016, 9:30 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

TODD SPITZER
SUPERVISOR
Third District

SHAWN NELSON
SUPERVISOR
Fourth District

ATTENDANCE: All Present

EXCUSED: None

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

INVOCATION: Vice Chair Steel, Second District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS (None)

Offer financial award for information leading to the apprehension and conviction of jail inmates Hossein Nayeri, Jonathan Tieu and Bac Duong for damage to County property, and make related findings pursuant to Government Code Section 54954.2(a)(2)

31245 Make a finding as to the need for immediate action
APPROVED

Offer an appropriate financial award for information leading to the apprehension and conviction of jail inmates Hossein Nayeri, Jonathan Tieu and Bac Duong
31245 **APPROVED THE FINANCIAL AWARD OF $50,000 FOR EACH INMATE FOR THE DAMAGE TO COUNTY PROPERTY AND THE APPREHENSION AND CONVICTION OF JAIL INMATES**

II. CONSENT CALENDAR (Items 1-27)

12345 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 1 WHICH WAS DELETED; AND ITEMS 8 AND 24 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Chairwoman Barlett:

1. Orange County Veterans Advisory Council - Appoint Greg Raths, Mission Viejo, to completeterm ending 1/4/18

12345 **DELETED**

2. Senior Citizens Advisory Council - Appoint Larry Kramer, San Juan Capistrano, to complete term ending 12/31/17

3. **Vice Chair Steel -** Orange County Cemetery District - Appoint Kelly Ann Rivers, Huntington Beach, tocomplete term ending 1/6/20

DEPARTMENT APPOINTMENTS

Health Care Agency:

4. Orange County Mental Health Board - Reappoint Brian Jacobs, Orange, for term ending 10/20/18 - All Districts

5. Alcohol and Drug Advisory Board - Reappoint Lorraine Martinez, Garden Grove, for term ending 10/18/18; and appoint Lori Sanjuan, Garden Grove, to complete term ending 12/3/18 - All Districts

6. **OC Community Resources -** Acting as the Board of Supervisors and Orange County Housing Authority - Housing and Community Development Commission - Appoint William "Billy" O'Connell, Huntington Beach, to complete term ending 6/30/16 - All Districts

ELECTED DEPARTMENT HEADS

Auditor-Controller:

7. Authorize Auditor-Controller to delete damaged, destroyed, dismantled, missing, obsolete, stolen and surplused equipment from department capital asset inventories - All Districts

8. Receive and file Semi-Annual Fund/Budget Control Report for FY 2015-16 - All Districts

41235 **APPROVED AS RECOMMENDED**

9. Approve schedule of County Capital Assets Physical Inventory Dates for calendar years 2016 and 2017 - All Districts

Sheriff-Coroner:

10. Approve agreement with Orange County Superintendent of Schools for supplemental lawenforcement services, 2/1/16 - 6/30/16 - District 2

11. Accept grant award from South Coast Air Quality Management District for Carl Moyer Memorial Air Quality Standards Attainment Program, term ending 6/30/30 ($431,781); and authorize Sheriff-Coroner or designee to execute grant award agreement and related documents - All Districts

Treasurer-Tax Collector:

12. Adopt resolution approving agreement and sale of tax-defaulted real properties to City of Laguna Beach - District 5
RESO: 16-005

13. Approve agreement MA-074-160-113-21 with Bloomberg Finance L.P. for daily security market pricing, 2/1/16 - 1/31/18 ($24,000); renewable for one successive two-year term; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

HEALTH CARE AGENCY

14. Approve agreement MA-042-16010242 with Resource Development Associates, Inc. for Triage Grant and Assisted Outpatient Treatment Evaluation services, 2/1/16 - 1/31/21 ($521,175); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

15. Approve amendment 1 to agreement with Orange County Association for Mental Health dba Mental Health Association of Orange County for Adult Mental Health Representative Payee and Social Security Income Outreach services, 2/1/16 - 6/30/16 ($34,205; new total $676,205); and authorize Director or designee to execute amendment - All Districts

JOHN WAYNE AIRPORT

16. Approve plans and specifications and set bid opening for 2/17/16, 2:00 p.m., for the Common UsePassenger Processing System Relocation Project; authorize Director or designee to extend bid opening date up to 90 days if necessary; and make California Environmental Quality Act and other findings - District 2

OC COMMUNITY RESOURCES

17. Approve amendment 1 to agreement 15-27-0028 with Alzheimer's Family Services Center, 7/1/15 -6/30/16 ($10,260; new total $91,471); authorize Director or designee to execute amendment and exercise cost contingency increase or decrease not to exceed 10% and make line item budget transfers under certain conditions - All Districts

OC PUBLIC WORKS

18. Approve agreement MA-012-16011133 with Michael Baker International, Inc. for on-call landscapearchitectural services, 1/26/16 - 1/25/19 ($400,000); authorize Director or designee to execute agreement; and make California Environmental Quality Act and other findings - All

Districts

19. Approve amendment 1 to agreements MA-080-16010087 with National Demolition Contractors and MA-080-16010158 with Environmental Remediation Contractors, Inc., for asbestos removal and decontamination services; approve amendment 1 to agreements MA-080-16010245 with Interlog Construction, MA-080-16010246 with Harry H. Joh Construction and MA-080-16010247 with MIK Construction for general contracting services ($500,000 each) - All Districts

20. Approve Assignment, Novation, and Consent Agreement from ES Engineering, Inc. to ES EngineeringServices, LLC and amendment 3 to agreement MA-080-13010919 with ES Engineering Services LLC., for waste water system maintenance and analysis services, Joplin Youth Center and Los Pinos Conservation Camp, 3/21/16 - 3/20/17 ($164,775; cumulative total $659,100); renewable for one additional year; and authorize Purchasing Agent or authorized Deputy to execute agreement and amendment - Districts 3 & 5

21. Approve amendment 1 to agreement CP013-005 with Swift Lee Office, Inc. for on-call architect-engineer services for Mile Square Regional Park Multi-Sport Facility and proposed OC Animal Care Facility, extending term two additional years ($215,500; cumulative total $615,000) - Districts 1 & 3

22. **Acting as the Orange County Flood Control District -** Approve amendment 3 to agreement D10-078 with Atkins North America, Inc. for design support during construction of the California Institute for Women's Prison Dike and the Santa Ana River Reach 9, Phase 5A Project, extending term to 3/21/18 ($125,000; cumulative total $525,000) - All Districts

GENERAL ADMINISTRATION

23. **Clerk of the Board -** Approve proposed amendments to the Conflict of Interest Code Designated FilerExhibits for the El Toro Water District - District 5

24. **County Counsel -** Receive and file 2015 Orange County Fraud Hotline Annual Activities Report - AllDistricts

42135 **APPROVED AS RECOMMENDED**

County Executive Office:

25. Acting as the Board of Supervisors and Orange County Flood Control District - Approveamendment 2 to Option agreement with Ganahl Lumber Company, effective 1/31/16; extending term an additional nine months to 10/26/16; and make California Environmental Quality Act and other findings - District 2

26. Approve amendment 6 to agreement N1000010408 with Calero Software, LLC for unified billing and operations management software solution, 10/28/16 - 10/27/18 ($20,000 per year), with option to renew for two additional one year terms ($20,800) for FY 2018-19 and ($21,632) for FY 2019-20 (cumulative total $552,407); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

27. **Human Resource Services -** Adopt side letter agreements with International Brotherhood of Teamsters and International Union of Operating Engineers, Local 501, AFL-CIO for overtime pay related to activations of County's Emergency Operations Center and/or Department

Operations Centers - All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 28-S47A)

ELECTED DEPARTMENT HEADS

28. **Sheriff-Coroner -** Approve reallocation of position R88080 from Captain to Commander position - AllDistricts
43125 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

29. Approve selection of and agreement with Hospital Association of Southern California for Administrative Mental Health Hospital Triage services, 11/1/15 - 6/30/17 ($3,422,448); and authorize Director or designee to exercise cost contingency increase not to exceed 10% under certain conditions and to execute agreement - All Districts (Continued from 10/27/15, Item 16; 11/17/15, Item 5; 12/8/15, Item 27; 12/15/15, Item 41)
15234 **APPROVED AS RECOMMENDED**

30. Approve selection of and agreements with AIDS Services Foundation Orange County ($6,091,170), Delhi Center ($463,275), Shanti Orange County ($370,821) and Special Services for Groups, Inc. ($390,000) for HIV Care Services, 3/1/16 - 2/28/19; and authorize Director or designee to exercise cost contingency increase of agreements not to exceed 10% under certain conditions and to execute agreements - All Districts
14235 **APPROVED AS RECOMMENDED**

31. Adopt resolution approving amendment 3 to agreement 12-89327 with California Department of HealthCare Services for Cancer Detection Partnership services, 7/1/12 - 12/31/16; and authorize Director or designee to execute amendment and Certification Form, CCC 307 - All Districts
12345 **APPROVED AS RECOMMENDED**
RESO: 16-006

32. Ratify retroactive Cooperative agreement with City of Anaheim for housing and supportive services forperson living with HIV infection, 7/1/15 - 6/30/16 ($878,018) - All Districts
12345 **APPROVED AS RECOMMENDED**

33. Ratify retroactive amendment 3 to agreement with California Department of Public Health for HIV CareProgram services, 4/1/15 - 3/31/16 ($331,281; new total $1,817,814) and 7/1/13 - 3/31/16 ($4,204,781); and authorize Director or designee to execute amendment - All Districts
14235 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

34. Approve amendment 1 to amended and restated lease and option with Waterfront Resort Properties, L.P. and Newport Dunes Marina, LLC (tenant) allowing development of two hotels and extend lease option period to 2021; authorize CEO/Chief Real Estate Officer to execute amendment; approve consent to hotel sublease between tenant and Brighton Management, LLC; approve consent to amended and restated sublease between tenant and Newport Dunes Resort and Marina Partnership; delegate to CEO/Chief Real Estate Officer or designee the authority to consent to hotel sublease under certain conditions and to enter into model subordination, attornment and non-disturbance agreements with Brighton Management, LLC or a Brighton affiliate under certain conditions; and make California Environmental Quality Act

and other findings - District 2 (Continued from 12/8/15, Item 34; 12/15/15, Item 43; 1/12/16, Item 23)

25134 **APPROVED AS RECOMMENDED**

35. Adopt resolution approving agreement FA-1516-22 and contractor/vendor confidentiality statement with California Department of Aging, 11/2/15 - 9/30/17 ($130,593); and approve agreement with Council on Aging - Orange County for term ending 6/30/16 ($78,751) with option to renew for additional one-year term, for education and assistance for Medicare and Medi-Cal services; and authorize Director or designee to execute agreements, exercise a cost contingency increase or decrease not to exceed 10% and make line item budget transfers under certain conditions - All Districts

12345 **APPROVED AS RECOMMENDED**
RESO: 16-007

OC PUBLIC WORKS

36. Approve agreement MA-080-16010724 with Property Building Maintenance Services, LLC for janitorial services at various locations, 3/1/16 - 2/28/21 ($1,339,000); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act and other findings - Districts 1 and 3

13245 **APPROVED AS RECOMMENDED**

37. Award contract to West Coast Air Conditioning Co., Inc. for Central Utility Facility Infrastructure Upgrade Project ($59,164,835); adopt resolution authorizing future reimbursement of costs (aggregate amount not to exceed $68,000,000); authorize Director or designee to make necessary changes under certain conditions; and consider adoption of Final Mitigated Negative Declaration No. IP 14-362 and other findings - District 1

15234 **APPROVED AS RECOMMENDED**
RESO: 16-008

38. Approve amendment 4 to agreement MA-080-12011186 with A Lighting by Design, Inc. for lighting andmaintenance repair services, 4/1/16 - 3/31/17 ($284,895.60; cumulative total $1,436,958); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

12345 **APPROVED AS RECOMMENDED**

Acting as the Board of Supervisors and Orange County Flood Control District:

39. Approve agreements MA-080-16010973 with HDR Engineering, Inc., MA-080-16010921 withStantec Consulting Services, Inc., MA-080-16010974 with URS Corporation, and MA-080-16010967 with Geosyntec Consultants, Inc. for on-call architect-engineering services for flood and road projects, 1/26/16 - 1/25/21 ($1,500,000 each); and authorize Director or designee to execute agreements - All Districts

43125 **APPROVED AS RECOMMENDED**
X

40. Approve Assignment, Novation and Consent Agreement with VA Consulting, Inc. with effective date 8/28/15 to transfer eight existing contracts to Stantec Consulting Services, Inc., for on-call architect-engineering services - All Districts

24135 **APPROVED AS RECOMMENDED**
X

SOCIAL SERVICES AGENCY

41. Approve agreements with Staff4jobs LLC dba Lyneer Staffing Solutions ($1,997,486) and Lloyd Staffing, Inc. ($1,273,251) for temporary help services 2/1/16 - 1/31/17; renewable for four additional one year terms; and authorize Purchasing Agent or authorized Deputy to execute agreements - All Districts (Continued from 1/12/16, Item 32)

24135 X **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

42. **County Counsel -** Consider first reading of "An Ordinance of the County of Orange, California Amending Sections 4-11-11, 4-11-12, and 4-11-14 of the Codified Ordinances of the County of Orange Regarding the Orange County Health Authority"; relating to the composition of the CalOptima Board of Directors and set second reading and adoption for 2/9/16, 9:30 a.m. - All Districts

51234 **CONTINUED TO 2/9/16, 9:30 A.M.**

County Executive Office:

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

15234 **APPROVED AS RECOMMENDED**

44. Approve amendments to 2015-16 County of Orange Legislative Platform and legislative proposal for 2016 - All Districts (Continued from 1/12/16, Item 35)

5 **MOTION TO APPROVE STAFF RECOMMENDATION FAILED TO RECEIVE A SECOND**

12345 **APPROVED AS AMENDED TO ADD NEW POLICY STATEMENT 'TRANSPORTATION AND INFRASTRUCTURE FUNDING - ORANGE COUNTY SUPPORTS MORE TRANSPORTATION AND INFRASTRUCTURE FUNDING WITHOUT NEW TAXES' TO ATTACHMENT A (2015-16 PLATFORM CHART OF NEW POLICY STATEMENTS AND DEPARTMENT JUSTIFICATIONS)**

45. Approve grant applications/awards submitted by OC Community Resources/OC CommunityServices, Sheriff-Coroner and OC Public Works in 1/26/16 grant report and other actions as recommended; adopt resolution authorizing Director of OC Public Works or designee to apply to S. L. Gimble Foundation for funds to reimburse the U.S. Army Corps of Engineers for its construction of a portion of the Santa Ana River Regional Riding and Hiking Trail as part of the Santa Ana River Mainstem Project, Reach 9 Phase 5 A, Bank Protection Project and invoice S.L. Gimbel Foundation for payment - All Districts

12345 **APPROVED AS RECOMMENDED**
RESO: 16-009

46. Approve FY 2015-16 Second Quarter Budget Report; approve related budget adjustments andreserve changes; amend master position control; direct Auditor-Controller to make payment from Fund 12J for reimbursement of costs related to DNA

collection; direct Auditor-Controller to close Fund 12K and Fund 486, and take necessary budgetary actions to transfer any residual balances; adopt resolution establishing County Business Travel and Meeting Policy, superseding Resolution 15-127; approve proposed organizational change in accordance with County Administrative Procedure; and direct Human Resources to take necessary steps to implement change in staffing and reporting alignment of Reprographics Internal Service fund from County Executive Office to Registrar of Voters - All Districts (R.A. #1, 4/5 vote of members present and voting)

45123 **APPROVED AS RECOMMENDED**
RESO: 16-010

47. Approve Workplace Violence Preparedness Action Plan - All Districts
31245 **APPROVED AS RECOMMENDED**

S47A. **County Counsel -** Approve amended Board of Supervisors Rules of Procedure to add Rule 38, effectiveimmediately
52134 **CONTINUED TO A LATER DATE**

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-SCS9)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Monica Gomez-Gonzalez v. County of Orange, Workers' Compensation Appeals Board Case No. ADJ8385875
B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF MONICA GOMEZ-GONZALEZ 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.**

CS-2. 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. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO RETAIN THE DURINGER LAW GROUP TO INITIATE LITIGATION ON BEHALF OF THE COUNTY. THE IDENTITY OF THE PARTIES AND OTHER PARTICULARS WILL BE DISCLOSED TO ANY PERSON UPON INQUIRY ONCE THE ACTION IS FILED.**

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: County of Orange v. Tata Consultancy Services Ltd., et al., United

States District Court Case No. SACV13-683 JST (JCx)

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

CS-4. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant toGovernment Code Section 54956.8:
Property Location: County Owned Property at Former MCAS El Toro
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: City of Irvine
Lowe Enterprises Real Estate Group
Future Lessees
Under Negotiation: Terms of Development and Value of Future Leases

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

Human Resource Services:

CS-5. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section54957.6:
Agency Negotiator: Robert O'Brien
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), International Brotherhood of Teamsters, Local 952, 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**

CS-6. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957(b)(1):
Title: Clerk of the Board of Supervisors

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

CS-7. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957(b)(1):
Title: County Counsel

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

CS-8. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957(b)(1):
Title: County Executive Officer

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

SCS9. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant toGovernment Code Section 54956.8:
Property Location: Former Santa Ana Transit Terminal Property, Santa Ana, CA
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: Orange County Transportation Authority
Under Negotiation: Terms and Value of Future Lease

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Madeleine Spencer - Oral Re: Project Homelessness; provided petition requesting the Board designate emergency site for all people living outdoors in the El Nino storms.; shigella/MRSA outbreak

Eve Garrow - Oral Re: ACLU of Southern California Dignity for All Project; emergency sites for all people livingoutdoors during El Nino storms; contracting out services to private organization; asked if backup plan is in place should private organization fail to supply beds during the El Nino storms; safe and dry refuge to homeless during next El Nino storms.

Jennifer Rojas - Oral Re: ACLU of Southern California; petition requesting the Board designate emergency site for all people living outdoors in the El Nino storms and the Board recognize the need for affordable, permanent and supportive housing

Ilya Tseglin - Oral Re: Nate Tseglin, Regional Center, Public Defender, County corruption and waste of public funds

Robert Tseglin - Oral Re: Nate Tseglin, probate courts

C.J. Ford, Jr. - Oral Re: Kenneth Clair Campaign Petition, unethical illegal activities of the District Attorney, petition to have Kenneth Clair exonerated due to DNA and fingerprint exculpatory evidence withheld

Michael Klubnikin - Oral Re: Attorney General, Agenda Item S47A regarding Rule 38 of the Boards Rules ofProcedure

Lou Noble - Oral Re: Homeless situation, illnesses and death due to lack of shelter

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Vice Chair Steel - Oral Re: Acknowledged Barry Rondinella, John Wayne Airport Director and Courtney Wiercioch, Deputy Airport Director; toured Prado Dam and acknowledged OC Public Works staff

Chairwoman Bartlett - Oral Re: Attended the La Pata Trail Hike on Saturday, January 23, 2016

ADJOURNED: 4:30 P.M.

15234 **Adjourned in memory of Dwight Schroeder**

35124 **Adjourned in memory of Angel Aguilera**

52134 **Adjourned in memory of Babies Aaliyah & Collette**

*** 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)

_____

Chairwoman, Orange County Board of Supervisors

_____

Orange County Clerk of the Board