REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, April 11, 2017, 9:00 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: All Present

EXCUSED: None

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 Spitzer, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairwoman Steel presented a resolution proclaiming April 24, 2017 as "Armenian Genocide Remembrance Day"

II. PUBLIC COMMENTS

Mark Daniels - Oral Re: Homeless issues; 'Al Fresco Gardens' project for low cost living communities in Anaheim by Nancy West; requested the Board review and consider Nancy West's plan

Jamie Ludovise - Oral Re: Asked when bathrooms will be placed in the riverbed, existing beds in the County are full, housing homeless in the riverbed, provide porta potties and open the park restrooms at night for the homeless, armories closing on Sunday, April 16

Dwight Smith - Oral Re: Contract between Kingdom Enterprises and the County to 'discourage rogue providers', food poisoning and no potable water in the Courtyard, no environmental health standards at the Courtyard, animal feces on ground and feces on mats in the Courtyard

Mohammed Aly - Oral Re: Met with Supervisor Nelson at Burger King by the riverbed and led him to a homeless family living in the riverbed, will not follow Board rules, will speak for 30 minutes and directly address Board Members, homeless children living in the riverbed, housing for the homeless, homeless living in tents, need portable restrooms in the riverbeds

Michael Klubnikin - Oral Re: Rescind November 8, 2016 Board approval of moving the general public comments to the beginning of Board meetings, Ilya Tseglin, Public Defender

Paul Hyek - Oral Re: Asked when the Kraemer Shelter will be open, armories closing on Sunday, April 16, 2017

Darrell Nolta - Oral Re: Agenda Item S29B, Board suppression of the right of the public to speak, First Amendment Rights and grievances against the Board of Supervisors and the County, supports ACLU suing the Board of Supervisors, use of magnetometers for Board Meetings is unreasonable

Jeanine Robbins - Oral Re: Read article 'Plight of the Homeless' by Mike Zint regarding homeless

Mike Robbins - Oral Re: Homeless issues, tightening of economic market and housing, homeless population is increasing and needs to be addressed

Rudy Padrel - Oral Re: Raising awareness of drug overdose, over prescribing drugs and the epidemic in Orange County, goal is to create County Awareness Day and would like the Board's support to make the event possible, 'Kids From the Other Side' Program by Dr. Headrick inspires youth to make their teen years drug and alcohol free

Dr. Daniel Headrick - Oral Re: 'Kids From the Other Side' Program inspires youth to make their teen years drug and alcohol free, focus on prevention and promote natural highs, drug assemblies at middle schools

Jodi Barber - Oral Re: Lost son and friends to prescription drug overdose, need to spread awareness and educate, 'Overtaken' documentary about the ongoing prescription pill epidemic in Orange County

Nancy West - Oral Re: Presented 'Al Fresco Gardens' Project for low cost living communities in Anaheim

Brendan Hamme - Oral Re: Brown Act, Board suppressing public comments at meetings, Board pleas poverty when faced with cries from its constituents for permanent supportive housing

Bruce Creel - Oral Re: Homeless issues, his ministry helps the homeless, multifaceted problems for the homeless including mental, health, drug addiction and prison records, delivers Christ Center help to the homeless at the riverbed

Rebecca Whitehead - Oral Re: Child living in the riverbed, policies in place do not help the homeless, need housing policy and feasibility study to help the homeless, need more policies to protect the children that are homeless

Lou Noble - Oral Re: Homeless advocate, need housing for the homeless, drug addiction and oppression of the homeless, thanked Supervisor Nelson for meeting with Mohammed Aly and visiting the homeless

in the riverbed, implement camping grounds for those waiting for housing, supports Al Fresco Garden plan

Jordan Hoiberg - Oral Re: Reprimand the Board for the behavior toward Mohammed Aly, commend Supervisor Nelson efforts for visiting the homeless in the riverbed, need permanent transition housing solution for the homeless, SB59 for the disposition of the Costa Mesa-based Fairview Developmental Center gives Orange County and the City of Costa Mesa first rights refusal of land

III. CONSENT CALENDAR (Items 1-15)

35142 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 3 AND 6 WHICH WERE DELETED; AND ITEMS 13 AND 14 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Spitzer:

1. Orange County Mental Health Board - Appoint Tia Christian, Orange, to complete term ending 11/19/17

2. Senior Citizens Advisory Council - Appoint Linda J. Barcelona, Santa Ana, to complete term ending 12/31/17

3. Acting as the Orange County Housing Authority - Housing and Community DevelopmentCommission - Appoint Matthew Buck, Irvine, to complete term ending 6/30/17 (Continued from 3/28/17, Item S36A)

35142 **DELETED**

Vice Chair Do:

4. Orange County Human Relations Commission - Appoint Kim Toan Do, Westminster, for term ending 4/10/19

5. Acting as the Orange County Housing Authority - Housing and Community DevelopmentCommission - Appoint An Nguyen, Fountain Valley, to complete term ending 6/30/17

DEPARTMENT APPOINTMENTS

6. **Health Care Agency -** Well Standards Advisory Board - Reappoint John Gregg, Huntington Beach;Roy Herndon, Fountain Valley; Robert McVicker, Anaheim; Jian Peng, Orange; and Nabil Saba, Santa Ana for terms ending 1/6/20 - All Districts (Continued from 12/13/16, Item 3; 1/24/17, Item 4)

35142 **DELETED**

ELECTED DEPARTMENT HEADS

7. **Sheriff-Coroner -** Adopt list of prequalified contractors; adopt unit price book and technicalspecifications and set bid opening for 5/3/17, 2:00 p.m., for Job Order Contract for general contracting services; and make California Environmental Quality Act and other findings

- All Districts

OC COMMUNITY RESOURCES

8. Approve Saddleback Gateway Interim Operations Plan to make site accessible and suitable for publicuse at former Silverado Elementary School property; and consider adoption of Mitigated Negative Declaration No. IP 16-213 and other findings - District 3

OC PUBLIC WORKS

Acting as the Orange County Flood Control District:

9. Approve agreement MA-080-171011119 with City of Westminster for bikeways and trailsimprovements, Anaheim Barber City Channel, 20-year term, renewable for 30 additional one-year terms; approve grant deed with City of Westminster granting fee interest and reserving flood control purposes, Rancho Road; and make California Environmental Quality Act and other findings - District 1

10. Adopt resolution making certain findings pertinent to leasing of Orange County Flood ControlDistrict property; approve demonstration garden lease with City of Anaheim, 10 year term with option to extend for 15 additional one-year periods ($7,500 each year); make California Environmental Quality Act, and other findings; and authorize Director or designee to perform all activities specified under lease terms - District 3
RESO: 17-036

SOCIAL SERVICES AGENCY

11. Approve Privacy and Security agreement with California Department of Social Services for continuedaccess to Social Security Administration, Medi-Cal Eligibility Data System and applicant income and eligibility verification system personally identifiable information, for term ending 10/1/19; and authorize Director or designee to execute agreement and any related documents - All Districts

GENERAL ADMINISTRATION

Clerk of the Board:

12. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Orange County Department of Education - All Districts

13. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for District Attorney - All Districts

34152 **APPROVED AS RECOMMENDED; DIRECTED STAFF TO REVIEW THE DEFINITION OF 'PARTY' WITHIN DISCLOSURE CATEGORY OC-50 AND TO RETURN TO THE BOARD WITH A RECOMMENDATION WITHIN 30 DAYS**

14. Approve initial Conflict of Interest Code and Designated Filer Exhibits for Citrus Springs Charter School, a California Public Charter School - District 1

24135 **APPROVED AS RECOMMENDED**
N

15. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Trabuco Canyon Water District - Districts 3 and 5

END OF CONSENT CALENDAR

IV. DISCUSSION ITEMS (Items 16-S29F)

OC COMMUNITY RESOURCES

16. Approve increase to agreement for Provision of Professional services with various providers ofveterinary services ($200,000; new total $550,000) for term ending 6/30/17 - All Districts

53142 **APPROVED AS RECOMMENDED; DIRECTED STAFF TO LOOK AT THE DEMANDS OF THE SHELTER WHILE TRANSITIONING TO THE NEW SHELTER IN TUSTIN AND REVISIT THE NEED TO HIRE A FULL-TIME VETERINARIAN; WORK WITH DR. HAWKINS AND JVR STRATEGIES TO IDENTIFY KEY VETERINARY BOARDS AND ASSOCIATIONS NATIONWIDE IN ORDER TO ADVERTISE POSITION TO THE LARGEST POOL OF REPUTABLE APPLICANTS; LOOK AT UNFREEZING THE POSITION, WORKING WITH THE STAKEHOLDERS AND MOVING TOWARDS HIRING A FULL-TIME VETERINARIAN; AND WORK ON SALARY REVIEW IF COMPENSATION IS AN ISSUE.**

OC PUBLIC WORKS

17. Approve agreement MA-299-17011360 with Sukut Construction, LLC for Crews Quarters and Storage Facility, Frank R. Bowerman Landfill ($2,481,632); and authorize Director or designee to execute agreement - District 3

34152 **APPROVED AS RECOMMENDED**

18. Approve aggregate agreements MA-080-17010674 with Mesa Energy Systems, Inc., Orange CoastPlumbing, All American Mechanical Contractors, Inc. and Verne's Plumbing, Inc. for on-call maintenance, repair and alteration services for plumbing systems, 4/11/17 - 4/10/22 (aggregate total $5,000,000); and authorize Purchasing Agent or authorized Deputy to execute agreements - All Districts

13452 N **APPROVED RA 1(A), 1(B), 1(C) AND 1(D) AS AMENDED TO MODIFY TERMS OF AGREEMENTS TO 3 YEAR TERMS WITH A 2 YEAR RENEWAL**

19. Approve aggregate agreements MA-080-17010662 with Delta Power, Inc., Fakouri ElectricalEngineering, Inc., and Global Power Group, Inc., for maintenance and repair services for emergency generators, 4/11/17 - 4/10/22 (aggregate total $5,000,000); authorize Purchasing Agent or authorized Deputy to execute agreements; and make California Environmental Quality Act and other findings - All Districts

13452 N **APPROVED RA 1(A), 1(B), AND 1(C) AS AMENDED TO MODIFY TERMS OF AGREEMENTS TO 3 YEAR TERMS WITH A 2 YEAR RENEWAL**

20. Approve Change Orders No. B4 and No. B5 with Sukut Construction, LLC for La Pata AvenueWidening Project for additional work to address adverse geological conditions ($6,000,000); and authorize Director or designee to execute Change Orders - District 5

53142 **APPROVED AS RECOMMENDED**

21. **Acting as the Orange County Flood Control District -** Approve cooperative agreement MA-080-17010657 with Orange County Civic Center Authority for procurement of San Juan Creek Channel Levee Protection Project Phases 4, 5, and 6, three year term; approve expenditure of funds for agreement between Orange County Civic Center Authority and Ames Construction, Inc. for Construction Manager At-Risk design phase services, three year term ($6,000); approve expenditure of funds to fund a negotiated agreement with Ames Construction, Inc. for construction phase services ($33,000,000); and authorize Chief Engineer to adopt plans, specifications and working details - District 5

53142 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

22. **Probation -** Approve agreement MA-057-17011493 with HOV Services, Inc. for scanning, indexingand imaging services, 4/15/17 - 4/14/20 ($800,000); renewable for two additional one-year terms; and authorize Chief Probation Officer or designee to execute agreement - All Districts

15342 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

23. **Clerk of the Board -** Children and Families Commission - Approve selection of one individual to theEducation Category (annual alternating category); one individual to the Health Category; and one individual to the Education Category, for terms ending 3/31/19 - All Districts

13452 **SELECTED AND APPOINTED SANDRA BARRY TO EDUCATION CATEGORY (ANNUAL ALTERNATING CATEGORY)**

31452 **SELECTED AND APPOINTED KIMBERLY CRIPE TO THE HEALTH CATEGORY**

21345 **SELECTED AND APPOINTED GREGORY HAULK TO THE EDUCATION CATEGORY**

County Executive Office:

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

12345 **APPROVED AS RECOMMENDED**

25. Approve Regional Cooperative agreement RCA-017-17010018 with Tevora BusinessSolutions, Inc. for Cyber Security Assessment and Audit services, 4/11/17 - 4/10/20 with option to renew for two additional one-year terms; authorize Chief Information Officer or designee to execute agreement; authorize County departments to enter into subordinate agreements under Regional Cooperative agreement with Tevora Business Solutions, Inc. ($200,000 per year); and direct CEO, Chief Information Officer, Chief Information Security Officer or designee to work will all County departments to execute subordinate agreements to conduct baseline security assessment by no later than 6/30/18; and direct Chief Information Officer or designee to provide a written report to the Board on state of County cyber security on a bi-annual basis, first report due by 11/14/17 - All Districts

53142 **APPROVED AS RECOMMENDED**

26. Acting as the Legislative Body of Community Facilities District No. 2017-1 (Village ofEsencia) - Adopt resolution certifying election results within Improvement Area No. 1 and Improvement Area No. 2 for levy of special tax, bond indebtedness and issuance of bonds and authorizing filing of validation action; and consider first reading of "Ordinance of the Board of Supervisors of Orange County, California Acting in its Capacity as the Legislative Body of Community Facilities District No. 2017-1 of the County of Orange (Village of Esencia) Authorizing the Levy of Special Taxes within Improvement Area No. 1 and Improvement Area No. 2"; and set second reading and adoption for 4/25/17, 9:30 a.m. - District 5

54132 **APPROVED AS RECOMMENDED**
RESO: 17-037

27. Approve grant applications/awards submitted by District Attorney and Health Care Agency in4/11/17 grant report and other actions as recommended - All Districts

51342 **APPROVED AS RECOMMENDED**

28. Approve acquisition agreement with Enrique Puch and Guillermo Benitez for purchase ofproperty at 334 S. Jennifer Lane, Orange ($860,000); authorize Chief Real Estate Officer or designee to sign all escrow documents, make minor modifications under certain conditions and perform related actions; accept Grant Deed; and authorize Auditor-Controller to make related payments - District 3

34152 **APPROVED AS RECOMMENDED**

29. Approve Fourth Amended and Restated County of Orange Board of Supervisors Policies andProcedures for consideration and approval of proposed Public Financings and amended Debt Management Policy - All Districts (Continued from 3/28/17, Item 33)

B.O. **DELETED**

County Counsel:

S29A. Authorize County Counsel to consent to law firm of Meyers, Nave, Riback, Silver and Wilson,PC representation of Orange County Fire Authority regarding pension liability - All Districts

53142 **APPROVED AS RECOMMENDED**

S29B. Approve amendments to Rules of Procedure to delete cumulative total time limits for publiccomments, add time for public speakers who utilize translators and clarify existing prohibition on signs, posters, banners and other hazardous objects in Board Room, effective immediately - All Districts

41352 N **APPROVED AS RECOMMENDED**

S29C. **Chairwoman Steel -** Acting as the Orange County Housing Authority - Housing and CommunityDevelopment Commission - Appoint James R. Fisler, Costa Mesa, to complete term ending 6/30/17

21345 **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

S29D. **District Attorney -** Approve reallocation of position R98704 from Senior Deputy District Attorney toExecutive Manager position - All Districts
51342 **APPROVED AS RECOMMENDED**
N

GENERAL ADMINISTRATION

S29E. **Supervisor Nelson -** Orange County Parks Commission - Appoint John Koos, Brea, for term concurrent with 4th District Supervisor's term of office
41352 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

S29F. Approve Interagency Cost Sharing Agreement with City of Lake Forest to fund operation of animaladoption center pilot program ($15,000); and authorize Director or designee to execute agreement - District 5
52134 **APPROVED AS RECOMMENDED**

V. PUBLIC HEARINGS (Item 30)

OC PUBLIC WORKS

30. Public Hearing to consider adopting resolution approving 2017 Weed Abatement Program; and directOC Public Works to report back to the Board on 8/8/17 and 7/24/18 with itemized cost reports - All Districts
B.O. **CLOSED PUBLIC HEARING**

54132 **APPROVED AS RECOMMENDED**
RESO: 17-038

VI. CLOSED SESSION (Items CS-1-CS-2)

GENERAL ADMINISTRATION

CS-1. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: 334 S. Jennifer Lane, Orange, CA
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: Guillermo Benitez and Enrique Puch
Under Negotiation: Terms and Value of Future Sale
B.O. **DELETED**

CS-2. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Brenda Diederichs
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, 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**

VII. CEO, BOARD COMMENTS & ADJOURNMENT

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS:

Vice Chair Do - Oral Re: Public speaker comments regarding some members of the Board are foreigners, un-American and don't know the content of the United States Constitution, will ask Chair of the Board to hold a person out of order if this occurs at future Board meetings, will ask County Counsel to look into what the Board can do to prevent it from happening in the future, need to look at how the Board conducts their meetings

Chairwoman Steel - Oral Re: Upset with public speaker comments regarding some members of the Board not understanding the Freedom of Speech, asked County Counsel for guidance on what the Board needs to do to prepare or stop public speakers who are out of order

Supervisor Spitzer - Oral Re: Supervisor Nelson led a discussion 2 years ago in Fullerton regarding how to conduct a meeting, need to hold an open public forum Special Meeting to allow constituents and the public to vent on issues of homelessness, agrees with Supervisor Do that the public speaker comments were out of order

Supervisor Bartlett - Oral Re: Shocked by public speaker comments; meetings should be conducted with respect, common courtesy, and proper decorum

ADJOURNED: 12:16 P.M.

32145 **Adjourned in memory of Lucille Cruz**

52134 **Adjourned in memory of Dennis Junka**

21345 **Adjourned in memory of Karen Smith and Jonathan Martinez who are victims of the San Bernardino shooting on April 10, 2017 at North Park Elementary School; prayers and thoughts to a student who was also a victim of the shooting and is currently hospitalized; prayers to their families and to all families and children who are affected by this incident**

*** 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

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Orange County Clerk of the Board