REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, August 5, 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: Supervisors: Nguyen, Moorlach, Spitzer & Bates

EXCUSED: Supervisor: Nelson

PRESENT:	COUNTY EXECUTIVE OFFICER	Michael B. Giancola
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Susan Novak

INVOCATION: Supervisor Moorlach, Second District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Moorlach presented a resolution celebrating Orange County's Quasquicentennial (125th)

Supervisor Spitzer presented a resolution to The Automobile Club of Southern California for their donation of maps for Orange County's Quasquicentennial (125th)

II. CONSENT CALENDAR (Items 1-10)

21345 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 1 WHICH WAS**

X **PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Chairman Nelson -** Development Processing Review Committee - Appoint Jim Holas, Anaheim, for term concurrent with 4th District Supervisor's term of office

23145 **APPROVED AS RECOMMENDED**
X

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

2. Approve amendment 4 to renew agreement MA-060-11011448 with Siemens Industry Inc. for preventive maintenance and repairs to Coroner facility energy management system hardware and software, 9/13/14 - 9/12/15 ($19,620); and authorize Purchasing Agent or authorized Deputy to execute amendment - District 1

3. Approve amendment 3 to renew agreement MA-060-12010125 with Siemens Industry Inc. for preventive maintenance and repairs to Theo Lacy facility energy management system hardware and software, 9/1/14 - 8/31/15 ($52,928); and authorize Purchasing Agent or authorized Deputy to execute amendment - District 3

4. Accept grant award from U.S. Department of Justice for Edward Byrne Memorial Justice Assistance Grant Program, FY 2014 ($434,569); approve form of agreement to transfer funds to participating cities; and authorize Sheriff-Coroner or designee to execute individual city agreements - All Districts

OC COMMUNITY RESOURCES

5. Rescind appointment of John Parent, Interim County Veterans Service Officer, effective 8/5/14 and designate Marco Martinez as County Veterans Service Officer, effective 8/6/14 - All Districts

OC PUBLIC WORKS

6. Approve agreement MA-080-14012029 with Larry Walker Associates, Inc., for architect-engineer on-call support services for environmental regulation, three-year term ($400,000); and make California Environmental Quality Act findings - All Districts

7. Approve agreement 14-0061 with the California Department of Food and Agriculture for reimbursement costs related to inspection of high-risk plant shipments, 7/1/14 - 6/30/15 ($131,666.01); authorize Director or designee to execute agreement; and make California Environmental Quality Act findings - All Districts

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

8. Approve agreements D14-026 with Earth Mechanics, Inc. and D14-027 with Kleinfelder West, Inc. for on-call geotechnical services, three-year terms ($300,000 each); and make California Environmental Quality Act findings - All Districts

9. Approve agreements D14-028 with Leighton Consulting, Inc. and D14-029 with Group Delta Consultants, Inc. for on-call materials testing services, three-year terms ($195,000 each); and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

10. **Clerk of the Board -** Approve proposed amendments to the Conflict of Interest Code Designated Filer Attachments for South Coast Regional Occupational Program - District 5

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 11-25)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

11. Ratify and approve agreement 14112111 with State of California for Peace Officer Standards and Training (POST) Basic Narcotics Investigation course, 7/1/14 - 6/30/15; accept reimbursement for training costs ($43,200); and authorize Sheriff-Coroner or designee to execute agreement - All Districts

35124 **APPROVED AS RECOMMENDED**
X

12. Ratify and approve agreement 14112123 with State of California for coroner training courses for Commission on Peace Officer Standards and Training, 7/1/14 - 6/30/15; accept reimbursement for training costs ($198,000); and authorize Sheriff-Coroner or designee to execute agreement - All Districts

32145 **APPROVED AS RECOMMENDED**
X

JOHN WAYNE AIRPORT

13. Approve amendment 4 to agreement with Flagship Airport Services for custodial maintenance services, 10/1/14 - 9/30/15 ($4,523,614); and authorize Purchasing Agent or authorized Deputy to execute amendment - District 2

23145 **APPROVED AS RECOMMENDED**
X

14. Approve agreements with Development One, Inc. for on-call architectural services ($200,000); with AE Consulting, Inc. for on-call civil services ($300,000); with PBS Engineers, Inc. for on-call electrical services ($200,000); with PBS for on-call mechanical services ($300,000); with RMA Group for on-call pavement engineering services ($200,000); with Bucknam Infrastructure Group, Inc. for on-call pavement management services ($200,000); and with IDS Group for on-call structural services ($300,000); and make California Environmental Quality Act findings - District 2

23145 **APPROVED AS RECOMMENDED**
X

OC COMMUNITY RESOURCES

15. Approve retroactive purchase order 012-01412767 with Vacate Termite and Pest Elimination Company for termite services, Old Orange County Courthouse ($6,876); and authorize Purchasing Agent or authorized Deputy to execute purchase order - District 1

13245 **APPROVED AS RECOMMENDED**
X

16. Receive and file judging panel's selected conceptual design for Orange County Crime Victims'

Monument, Mason Regional Park; approve retroactive agreement CT 012-15010075 with Barrios & Associates LLC for public relations and event management related to and following the 4/12/14 announcement of the selected design ($25,000); and authorize Purchasing Agent or authorized Deputy to execute agreement - District 3

35124 X **APPROVED RECOMMENDED ACTION 1 AND DIRECTED THE CEO TO RESEARCH AND COME BACK TO THE BOS TO DISCUSS OPTIONS WITH OC COMMUNITY FOUNDATION OR ANOTHER ENTITY TO ACT AS THE MANAGEMENT ENTITY OF THE CRIME VICTIMS' MONUMENT FOR DESIGN AND CONSTRUCTION MANAGEMENT AND TO OVERSEE THE FUNDS AS THEY COME IN FROM FUNDRAISING EFFORTS. CEO SHOULD ALSO RESEARCH OC COMMUNITY FOUNDATION'S ABILITY TO ASSIST WITH OVERSEEING MAINTENANCE OF THE CRIME VICTIMS' MONUMENT, AND SHOULD RESEARCH HOW MAINTENANCE WILL BE PART OF THE ENDOWMENT ONCE THE CRIME VICTIMS MONUMENT IS FULLY CONSTRUCTED.**

OC PUBLIC WORKS

17. Approve agreement MA-080-14012229 with Computer Service Company for traffic signal maintenance services, 10/1/14 - 9/30/19 ($1,497,576); authorize Purchasing Agent or authorized Deputy to execute agreement and make necessary changes; and make California Environmental Quality Act findings - All Districts

12345 X **APPROVED AS RECOMMENDED**

18. Receive bids and award Job Order Contract to Hardy & Harper, Inc. for paving services ($1,000,000); and make California Environmental Quality Act findings - All Districts

23145 X **APPROVED AS RECOMMENDED**

19. Approve agreement 14-0159-SF with California Department of Food and Agriculture for reimbursement of inspection services for Pierce's Disease Program, 7/1/14 - 6/30/16 ($955,336); and make California Environmental Quality Act findings - All Districts

13245 X **APPROVED AS RECOMMENDED**

20. Find that an emergency existed and make findings pursuant to Public Contract Code Sections 22035 and 22050(a)(1)(2); approve emergency work to maintain cooling systems supporting County, State, Federal and Santa Ana City facilities, Civic Center; and make California Environmental Quality Act and other findings and approve termination of emergency action - District 1 (4/5 vote of the voting members present)

13245 X **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

21. 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 (Continued from 7/15/14, Item 30)

B.O. **CONTINUED TO 8/12/14, 9:30 A.M.**

22. Approve agreement 14-001AR with BLX Group, LLC for arbitrage rebate consultant services for County's financing reporting requirements, 8/1/14 - 7/1/19; and authorize Public Finance Manager to execute agreement - All Districts (Continued from 7/22/14, Item 32)

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

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

B.O. **RECEIVED AND FILED**

24. Approve grant applications/awards submitted in 8/5/14 grant report and other actions as recommended - All Districts

B.O. **DELETED**

25. **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; 6/24/14, Item 67; 7/15/14, Item 39; 7/22/14, Item 40)

23145 **APPROVED AS RECOMMENDED**
X

ORD: 14-005

IV. PUBLIC HEARINGS (Item 26)

OC PUBLIC WORKS

26. Public Hearing to consider adopting resolution approving FY 2013-14 Weed Abatement Cost Report and special assessments on identified properties; and make California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

23145 **APPROVED AS RECOMMENDED**
XX

RESO: 14-074

V. CLOSED SESSION (Items CS-1-CS-3)

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant

to Government Code Section 54956.9(d)(1):
Name of Case: Edward Gould v. County of Orange, Workers' Compensation Appeal Board Case No. 74 ANA 53180

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR NELSON BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF EDWARD GOULD 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. **County Executive Office -** 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 (Continued from 7/15/14, Item CS-3)

B.O. **CONTINUED TO 8/12/14, 9:30 A.M.**

CS-3. **Human Resource Services -** 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:

Brad Van Thof - Oral Re: Trabuco Creek bank reinforcement

Craig Durfy - Oral Re: Cyclist and pedestrian safety

Michael Klubnikin - Oral Re: Looting of a senior's estate

Ilya Tseglin - Oral Re: Nate Tseglin, Regional Center

Melinda Waite and Ruth Hall - Oral Re: Lexi Dillon

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Spitzer - Oral Re: Court's ruling of misconduct by District Attorney's office with direction for CEO to review District Attorney's resource needs to comply with the law.

Supervisor Moorlach - Oral Re: Requested input from other Board members on Propositions 43, 44, 46 & 47 for CSAC Executive Committee meeting on 8/7/14; Thanked all those involved in Quasquicentennial activities and presentations

ADJOURNED: 12:08 P.M.

51234 **Adjourned in memory of Alice Marguerite O'Neill Avery**
X

51234 **Adjourned in memory of Ruby Netzley**
X

*** 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

Orange County Clerk of the Board