REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

*Tuesday, September 30, 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 Spitzer, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Moorlach, Second District, led the assembly in the Pledge of Allegiance

**I. PRESENTATIONS/INTRODUCTIONS**

**II. CONSENT CALENDAR (Items 1-17)**

32154 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 9, 10, 15 & 17 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE; AND ITEM 13 WHICH RECEIVED A NO VOTE FROM SUPERVISOR SPITZER**

**BOARD APPOINTMENTS**

1. **Supervisor Spitzer -** Assessment Appeals Board No. 5 - Reappoint Benjamin Smith, Irvine, for term ending 9/3/17

2. **Chairman Nelson -** Assessment Appeals Board No. 4 - Reappoint Steve White, Anaheim, for term ending 9/3/17

**DEPARTMENT APPOINTMENTS**

3. **OC Community Resources -** Acting as the Board of Supervisors and Orange County Housing Authority - Appoint Mike Alvarez, Orange, to complete term ending 6/30/16; and reappoint Ron Garcia, Brea; Helen Smith-Gardner, Mission Viejo; Phan Vu, Westminster and Kathryn McCullough, Lake Forest, to the Housing and Community Development Commission for terms ending 6/30/16 - All Districts

**ELECTED DEPARTMENT HEADS**

**Sheriff-Coroner:**

4. Approve agreement CT-060-15010162 with Impex Technologies, Inc. for one-time purchase of EMC-Avamar equipment and installation services ($210,990); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

5. Approve amendment 2 to Memorandum of Agreement with County of San Diego and participating public entities for FY 2013 Operations Stonegarden Grant; accept 2013 grant award funds from California Emergency Management Agency ($80,000; new total $200,000); and authorize Sheriff-Coroner to execute amendment and related documents - All Districts

**HEALTH CARE AGENCY**

6. Approve renewal of master agreement MA-042-13012007 as MA-042-14012082 with UMS, Inc. dba United Maintenance Systems for janitorial services, 11/1/14 - 10/31/15 ($189,540); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

**JOHN WAYNE AIRPORT**

7. Approve plans and specifications and set bid opening for 11/5/14, 2:00 p.m., for Campus Drive and Bristol Street Right Turn Lane Project; authorize Director or designee to sign plans and specifications and extend bid opening if required up to 60 days; and consider application of prior Final Environmental Impact Report 582 and other findings - District 2

8. Approve agreement with AE Consulting, Inc. for design and construction support services for the Paularino Gate Improvements Project ($340,620) - District 2

9. Approve agreement with TTG Engineers for site investigation/analysis, construction document preparation, construction administration services and closeout services for lighting system upgrades project ($103,482); and make California Environmental Quality Act findings - District 2

25134 **APPROVED AS RECOMMENDED**

**OC COMMUNITY RESOURCES**

10. Approve proposed amendment of Orange County Public Library Advisory Board Bylaws to rename to Orange County Public Libraries Advisory Board, adding one more voting member, required members for a quorum, effective date of Bylaws and all remaining proposed revisions - All Districts

25134 **APPROVED AS RECOMMENDED**

**OC PUBLIC WORKS**

11. Approve agreement MA-080-15010209 with GCS, Inc. Goodmen Cleaning Services for janitorial services for Social Services Agency, Chip Avenue Facility, Cypress, one-year term ($118,886); renewable for four additional years; authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - District 2 (Continued from 9/16/14, Item 19)

12. Approve agreement MA-080-14012226 with Aquatic Bioassay & Consulting Laboratories, Inc. for biological monitoring analysis services, 10/31/14 - 10/30/15 ($125,000); renewable for four additional years; authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

13. Select various firms in ranked list for on-call specialized engineering services; authorize negotiation of agreement for on-call services with Board approved ranked firms for a period of three years; and make California Environmental Quality Act findings - All Districts

32154 **APPROVED AS RECOMMENDED**
N

14. **Acting as the Orange County Flood Control District -** Approve agreement D12-053 and easement deed amendment and quitclaim deed with City of Tustin for Barranca Channel Improvements; authorize Director or designee to execute related documents; and consider application of prior Final Environmental Impact Report of the City of Tustin and other findings - District 3

**PUBLIC PROTECTION**

15. **Probation -** Authorize the County Executive Officer to notify the Board of State and Community Corrections of the County's interest in accepting Community Recidivism Reduction Grant funds and developing a grant program in accordance with Penal Code section 1233.10 - All Districts

31254 **APPROVED AS RECOMMENDED**

**GENERAL ADMINISTRATION**

16. **County Executive Office -** Approve offer and agreement to purchase real property and quitclaim with Abbott Investments for sale of 283 square foot County-owned parcel, Buena Park ($5,000); authorize Real Estate Officer or designee to carry out the terms of purchase agreement; and make California Environmental Quality Act and other findings - District 4

17. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for August 2014 - All Districts

25134 N **RECEIVED & FILED WITH SUPERVISOR SPITZER RECORDING A NO VOTE FOR ATTACHMENT E**

END OF CONSENT CALENDAR

## III. DISCUSSION ITEMS (Items 18-40)

## ELECTED DEPARTMENT HEADS

18. **Assessor Department -** Approve master agreement MA-002-15010027 with Digital Map Products for GEO-Spatial Tools module, orthogonal aerial images, annual application maintenance and support services, 10/1/14 - 9/30/15 ($503,540); renewable for four additional one-year consecutive terms; and authorize Purchasing Agent or authorized Deputy to execute agreement and exercise contingency contract increase not to exceed 10% - All Districts

23154 **APPROVED AS RECOMMENDED**

**Sheriff-Coroner:**

19. Approve 3 modifications P00013, P00011 and P00015 to five year agreement DROIGSA-10-0001 with U.S. Immigration and Customs Enforcement (ICE) to close out tasks and de-obligate unused Federal funds; and authorize Sheriff-Coroner or designee to execute modifications - All Districts (Continued from 9/9/14, Item S37A; 9/16/14, Item 26)

23154 **APPROVED AS RECOMMENDED**

20. Ratify and approve amendment 7 to agreement MA-060-12010930 with Safariland LLC for purchase of body armor, 11/29/12 - 11/28/13 ($27,888; new total $297,888); authorize retroactive payments; and authorize Purchasing Agent or authorized Deputy to execute amendment -All Districts

35124 **APPROVED AS RECOMMENDED**

21. Ratify and approve amendment 5 to reduce total amount of five-year agreement with City of Yorba Linda for law enforcement services, 7/1/14 - 6/30/15 ($50,771 reduction; new total $9,007,957) - District 3

35124 **APPROVED AS RECOMMENDED**

22. Approve agreement with Vector Aerospace USA, Inc. dba Vector Aerospace Helicopter Services USA for overhaul and repair of helicopter components and engines, one year term; renewable for four additional one-year periods ($950,000 per year); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

52134 **APPROVED AS RECOMMENDED**

## HEALTH CARE AGENCY

23. Approve amendment 1 to agreement with Telecare Corporation for Enhanced Recovery Full Service Partnership services to provide assisted outpatient treatment, 10/1/14 - 6/30/15 ($500,000; new total $2,818,993); and authorize Director or designee to execute amendment - All Districts

25134 **APPROVED AS RECOMMENDED**

24. Approve agreement 14-10527 with California Department of Public Health for Center for Disease Control Public Health Emergency Preparedness Grant, State General Fund Pandemic Influenza Grant and Health and Human Services Hospital Preparedness Program, FY 2014-15 through FY 2016-17

($11,307,315); and authorize Director or designee to execute Certification Regarding Lobbying, CCC-307 Certification, Non-Supplantation Certification and amendment to agreement 14-10527 to carry forward funding from FY 2013-14 into FY 2014-15 - All Districts

25134 **APPROVED AS RECOMMENDED**

25. Approve amendment 2 to lease agreement with Orange County Real Estate Holdings, LLC to construct additional tenant improvements and extend lease term an additional 10 years to 2/28/25, for office and warehouse space for Health Disaster Management program, Santa Ana; and make California Environmental Quality Act findings - District 1

13254 **APPROVED AS RECOMMENDED**

26. Approve amendment 1 to lease agreement with PS Business Parks, L.P. to construct tenant improvements and extend lease term an additional 10 years, for office space for Environmental Health program, Santa Ana; and make California Environmental Quality Act findings - District 1

13254 **APPROVED AS RECOMMENDED**

27. Approve agreement 14-10240 with California Department of Public Health for Women, Infants and Children (WIC) Supplemental Nutrition program, 10/1/14 - 9/30/15 ($4,937,305); and authorize Director or designee to execute Contractor's Release form upon submission of final invoices and execute Certification Regarding Lobbying - All Districts

53124 **APPROVED AS RECOMMENDED**

28. Approve selection of and agreement with Access California Services for refugee health services, 10/1/14 - 9/30/17 ($750,000); and authorize Director or designee to execute agreement and to exercise contingency cost increase of 10% under certain conditions - All Districts

B.O. **CONTINUED TO 10/7/14, 9:30 A.M.**

**JOHN WAYNE AIRPORT**

29. Adopt proposed project approval resolution authorizing increase in permitted operational capacity; approving amendments to 1985 settlement agreement with City of Newport Beach; authorizing execution of ninth supplemental stipulation under certain conditions; and consider certification of Environmental Impact Report 617 and other findings - District 2

23154 **APPROVED AS RECOMMENDED**
*RESO: 14-084 , 14-088*

**OC PUBLIC WORKS**

30. Approve amended and restated Joint Powers agreement with City of Santa Ana for ongoing electric, steam and chilled water service for Civic Center operations; authorize Director or designee to execute agreement; and make California Environmental Quality Act findings - District 1

14235 **APPROVED AS RECOMMENDED**

31. Approve FY 2014-15 OC Civic Center Parking/Maintenance Fund 828 Budget ($7,120,000); authorize Auditor-Controller to make related payments and advance funds from Parking Facilities Fund 137 to

fund 828 not to exceed $820,000; and make California Environmental Quality Act findings - District 1

13254 **APPROVED AS RECOMMENDED**

32. Approve indemnification and agreement MA-080-15010124 with Solar Turbines, Inc. for comprehensive maintenance and service for combustion turbine engines, Central Utility Facility, 10/1/14 - 9/30/19 ($5,084,028); authorize supplementary work orders for necessary maintenance, equipment and service not to exceed $500,000; and make California Environmental Quality Act findings - District 1

13254 **APPROVED AS RECOMMENDED**

**OC WASTE & RECYCLING**

33. Approve amendment 1 to agreement MA-299-1410026 with Wood Bros., Inc. for landslide remediation activities and stabilize East Loma Landslide at Frank R. Bowerman Landfill, extending term to 7/2/15 ($3,734,380; new total $33,230,565); and consider application of prior Environmental Impact Report No. 604 and addendums 604-3 and 604-9 and other findings - District 3

32154 **APPROVED AS RECOMMENDED**

34. Approve amendment 1 to agreement MA-299-13010708 with Simplus Management Corporation for construction management, quality assurance/quality control, and archaeological/paleontological services, Central Region Landfills ($988,100.18; new total $6,188,100.18); and consider application of prior Environmental Impact Report No. 604 and addendums 604-3 and 604-9 and other findings - District 3

32154 **APPROVED AS RECOMMENDED**
N

**SOCIAL SERVICES AGENCY**

35. Designate Social Services Agency and Health Care Agency as entities authorized to act on behalf of County jail inmates for purposes of applying for Medi-Cal coverage for acute inpatient hospital services, as authorized by Assembly Bill 720, codified as Penal Code Section 4011.11; approve agreement ARR0413 with Volunteer Center of Greater Orange County dba OneOC to provide medi-cal outreach, enrollment and retention activities, 11/1/14 - 6/30/16 ($1,350,000); and authorize Social Services Director or designee to extend term of agreement for up to twelve additional months under same terms and conditions without exceeding maximum obligation - All Districts

31254 **APPROVED RECOMMENDED ACTION 1**

32154 **APPROVED RECOMMENDED ACTIONS 2 & 3 AND 4 AS AMENDED TO ADD "THE SSA**
N **DIRECTOR SHALL AGENDIZE FOR THE BOS AN UPDATE 60 DAYS PRIOR TO EXECUTING THIS EXTENSION"**

**GENERAL ADMINISTRATION**

**County Executive Office:**

36. 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; 8/5/14, Item 21; 8/12/14, Item 17; 8/19/14, Item 38; 9/9/14, Item 31; 9/16/14, Item 44)

B.O. **CONTINUED TO 11/25/14, 9:30 A.M.**

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

25134 **RECEIVED AND FILED**

38. Approve grant applications/awards submitted by OC Community Resources/OC Parks, District Attorney and Sheriff-Coroner in 9/30/14 grant report and other actions as recommended; adopt resolution authorizing Director of OC Community Resources or designee to negotiate, execute and submit applications, related documents and amendments to State Department of Parks and Recreation for Habitat Conservation Fund Program; and adopt resolutions authorizing District Attorney or designee to execute grant award agreements and amendments with California Department of Insurance for Disability and Healthcare Insurance Fraud Program ($1,400,000) and Life and Annuity Consumer Protection Program ($140,000), 7/1/14 - 6/30/15 - All Districts

54123 **APPROVED AS RECOMMENDED**
*RESO: 14-085 - 14-087*

**Office of the Performance Audit Director:**

39. Receive and file CEO/Risk Management Audit Recommendations Follow-Up Final Report - All Districts

25134 **APPROVED AS RECOMMENDED**

40. Receive and file Performance Audit of the Orange County Housing Authority report - All Districts

53124 **CONTINUED TO 12/9/14, 9:30 A.M.**
N

## IV. PUBLIC HEARINGS (Items 41-43)

## HEALTH CARE AGENCY

41. Public Hearing to consider selecting one of two alternative fee proposals and adopt resolution updating Environmental Health Division Fee Schedule, effective 7/1/15, 7/1/16 and 7/1/17; superseding and rescinding Resolution 13-050, effective 7/1/15; and make California Environmental Quality Act and other findings - All Districts (Continued from 9/9/14, Item 38)

B.O. **DELETED**

42. Public Hearing to consider adopting resolution approving update of maximum 9-1-1 emergency basic life support ground ambulance rates and maximum advanced life support paramedic assessment and transportation rates, effective 7/1/14; supersedes and rescinds Resolution 13-087; and first reading of "An Ordinance of the County of Orange, California Amending Sections 4-9-1 Through 4-11-17 of the

Codified Ordinances of the County of Orange Regarding Ambulance Service"; and set second reading and adoption for 10/7/14, 9:30 a.m.; and make California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

42135 **CONTINUED TO 11/18/14, 9:30 A.M.**

43. Public Hearing to consider selecting one of two alternative fee proposals and adopt resolution updating Environmental Health Division Fee Schedule, effective 7/1/15, 7/1/16 and 7/1/17; superseding and rescinding Resolution 13-050, effective 7/1/15; and make California Environmental Quality Act and other findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

2 **MOTION FAILED TO RECEIVE A SECOND TO APPROVE STAFF RECOMMENDATIONS AND SELECT OPTION A FOR RECOMMENDED ACTION 3a**

53124 **CONTINUED TO 11/25/14, 9:30 A.M.**

## V. CLOSED SESSION (Items CS-1-SCS4)

### GENERAL ADMINISTRATION

**County Counsel:**

CS-1. 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)
**HELD, NO REPORTABLE ACTION**

SCS2. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(d)(4):
Number of Cases: One Case
**HELD, NO REPORTABLE ACTION**

SCS3. **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
**HELD, NO REPORTABLE ACTION**

SCS4. **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
**HELD, NO REPORTABLE ACTION**

## VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

**PUBLIC COMMENTS:**

Michael Klubnikin - Oral Re: alleged corruption and cover-up

Christine Nguyen, Allen Franz, Alma Moller, Queenie Hoang, Toni Taloa, Donta Harrison - Oral Re: wages for home care workers

Ilya Tseglin, Robert Tseglin - Oral Re: Nate Tseglin, Regional Center

Dr. Long Pham - Oral Re: intent to start recall petition of Supervisor Nguyen

**COUNTY EXECUTIVE OFFICER COMMENTS:**
None

**BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:**
Supervisor Spitzer - Oral Re: CalOptima, Dr. Pham's public comments

Chairman Nelson - Oral Re: Dr. Pham's public comments, placement of public comments on the agenda

Supervisor Nguyen - Oral Re: public speakers' comments re: CalOptima

Vice Chair Bates - Oral Re: O. C. Housing Authority performance audit

Supervisor Moorlach - Oral Re: CSAC Conference and opportunity for appointment to Executive Committee, new definition of recidivism, expressed thanks to his Chiefs of Staff throughout his tenure as Supervisor for their work on the JWA Settlement Agreement

**ADJOURNED: 3:00 P.M.**
24135 **Adjourned in memory of Pete Schaafsma**

*** 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*