REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

*Tuesday, February 10, 2015,* 9:00 A.M.

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

**TODD SPITZER**
CHAIRMAN
Third District

**LISA A. BARTLETT**
VICE CHAIRMAN
Fifth District

**ANDREW DO**
SUPERVISOR
First District

**MICHELLE STEEL**
SUPERVISOR
Second District

**SHAWN NELSON**
SUPERVISOR
Fourth District

ATTENDANCE: Supervisors: Bartlett, Do, Spitzer and Steel

EXCUSED: Supervisor Nelson (Present for CS-1, CS-3, CS-4, CS-5, CS-6 and SCS7)

| | | |
|---|---|---|
| PRESENT: | COUNTY EXECUTIVE OFFICER | Frank Kim, Acting |
| | COUNTY COUNSEL | Nicholas S. Chrisos |
| | CLERK OF THE BOARD | Susan Novak |

INVOCATION: Chairman Spitzer, Third District, gave the invocation

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

## I. PRESENTATIONS/INTRODUCTIONS

Chairman Spitzer presented resolution commending Susan D. Novak on her retirement

## II. CONSENT CALENDAR (Items 1-18)

15243 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 4 WHICH WAS DELETED; ITEM 17 WHICH WAS CONTINUED TO 3/10/15, 9:30 A.M.; AND ITEMS 10 & 18 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

## BOARD APPOINTMENTS

1. **Chairman Spitzer -** Orange County Cemetery District - Reappoint Hon. William E. Nelson, Villa Park, for term ending 1/8/18

2. **Vice Chair Bartlett -** Oversight Boards to the Successor Agencies to the City Redevelopment Agencies, Mission Viejo - Appoint Trish Kelley

3. **Supervisor Nelson -** Oversight Boards to the Successor Agencies to the City Redevelopment Agencies, Buena Park - Appoint John Muller

## ELECTED DEPARTMENT HEADS

4. **District Attorney -** Approve agreement MA-026-15011027 with RCS Investigations & Consulting, LLC. for background investigative services, 2/1/15 - 1/31/16; renewable for four additional one-year periods ($85,000 per year); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts (Continued from 1/27/15, Item 8; 2/3/15, Item 2)

15243 **DELETED**

X

**Sheriff-Coroner:**

5. Adopt resolution authorizing expenditures in the amount of $12,000 annually to provide appreciation certificates, letters, plaques, awards, meals and refreshments to volunteers at Sheriff-Coroner Department's Community Programs and Service Division Recognition events; and make related findings - All Districts
*RESO: 15-008*

6. Approve amendment 2 to agreement MA-060-13010961 with Cerilliant Corporation for the purchase of analytical reference standards used in the Orange County Crime Lab, 4/1/14 - 3/31/15 ($5,500; new total $25,000); renewable for one additional year, 4/1/15 - 3/31/16 ($5,000; new total $30,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

7. **Treasurer-Tax Collector -** Approve amendment 2 to agreement MA-074-10012235 with Sectran Security, Inc. for armored car services, 4/1/15 - 9/30/15 ($63,000); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

## HEALTH CARE AGENCY

8. Approve agreement with The Regents of the University of California, on behalf of UC Irvine Physicians & Surgeons for Primary Medical Care Physician services, 3/1/15 - 2/28/17 ($115,000 annually); authorize Director or designee to exercise cost contingency increase of agreement not to exceed 10% under certain conditions and to execute agreement - All Districts

## OC COMMUNITY RESOURCES

9. Approve agreement CPO15-001 with RBF Consulting for on-call A/E contract administration and contract management services, three-year term effective date of execution ($400,000); and make California Environmental Quality Act findings - All Districts

10. Approve Cooperative Agreement with Crime Survivors, Inc. for maintenance of the Orange County Crime Victims' Monument, five year term commencing date of execution; renewable for five-year periods; authorize Director or designee to provide written consent to renew agreement - District 3

35124 **APPROVED AS RECOMMENDED**

X

**OC PUBLIC WORKS**

11. Approve amendment 4 to agreement MA-080-12011450 with Jonset Corporation dba Sunset Property Services for street sweeping services, 5/1/15 - 4/30/16 ($9,555; new total $394,122); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

12. Approve agreement D13-014 with various counties, cities, regulatory agencies and special authorities for participation in Southern California Stormwater Monitoring Coalition, effective the date of last signatory through 6/30/19 ($423,659); appoint Deputy Director OC Environmental Resources, or designee to Steering Committee; and make California Environmental Quality Act findings - All Districts

**OC WASTE & RECYCLING**

13. Approve agreement MA-299-15010862 with HF&H Consultants, LLC for financial advisory services, 3/7/15 - 3/6/18 ($500,000); renewable for two additional years ($100,000 per year); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

14. Approve plans and specifications and set bid opening for 4/8/15, 2:00 p.m., for Segunda Deshecha Canada Pre-Mitigation Irrigation System and Vegetation Planting Project, Prima Deshecha Landfill; and consider application of prior Environmental Impact Report No. 575 and other findings - District 5

15. Approve plans and specifications and set bid opening for 3/11/15, 2:00 p.m., for Asphalt Overlay Resurfacing at Frank R. Bowerman Landfill; and consider application of prior Environmental Impact Report No. 604 and other findings - District 3

16. Approve plans and specifications and set bid opening for 3/11/15, 2:00 p.m., Stockpile V-D Screening Plan Project at Frank R. Bowerman Landfill; and consider application of prior Environmental Impact Report No. 604 and other findings - District 3

**GENERAL ADMINISTRATION**

17. **County Executive Office -** Receive and file Quarterly Information Technology Project Status Detail, Executive Summary and Risk Assessment Reports for October - December 2014 - All Districts

15243 **CONTINUED TO 3/10/15, 9:30 A.M.**
X

18. **Internal Audit -** Receive and file Monthly Internal Audit Activity Status Report for January 2015 - All Districts

51243 **APPROVED AS RECOMMENDED**
X

END OF CONSENT CALENDAR

**III. DISCUSSION ITEMS (Items 19-S32B)**

**ELECTED DEPARTMENT HEADS**

**Sheriff-Coroner:**

19. Approve Project Description for the proposed Medical/Mental Health Renovation and Modification Project at the Intake Release Center; and make California Environmental Quality Act and other findings - District 1
15243 **APPROVED AS RECOMMENDED**
X

20. Retroactively approve three invoices from San Bernardino Sheriff Emergency Vehicle Operation Center to allow Sheriff-Coroner to pay for Pursuit Intervention Technique driver training services provided in August, September and November of 2013 ($5,040) - All Districts
52143 **APPROVED AS RECOMMENDED**
X

**JOHN WAYNE AIRPORT**

21. Approve Transportation Network Company Charter Operator Commercial Ground Transportation Operating Permit for passenger pick-up from and to John Wayne Airport; authorize Director to make necessary amendments to permit; and make California Environmental Quality Act findings - District 2 (Continued from 2/3/15, Item 10)
B.O. **CONTINUED TO 3/3/15, 9:30 A.M.**

**OC COMMUNITY RESOURCES**

22. Approve increase in the maximum compensation under agreements with various providers of veterinary services effective upon Board approval term ending 6/30/15 ($130,000; new total $730,000); authorize Director or designee to exercise cost contingency increase of agreements not to exceed 10% - All Districts
51243 **APPROVED AS RECOMMENDED**
X

23. Approve amendment 4 to agreement MA-012-11011489 with Igi's Landscape Services and Phillips and Jordan, Inc. for weed abatement, fuel modification, mowing and discing services, 3/15/15 - 4/14/16 ($310,000); authorize Purchasing Agent or authorized Deputy to execute amendment; and make California Environmental Quality Act findings - All Districts
51243 **APPROVED AS RECOMMENDED**
X

**OC PUBLIC WORKS**

24. Approve amendment 4 with ABM Services, Inc. and amendment 5 with Omni Enterprises, Inc. to agreement MA-080-11011082 for janitorial services at eight County facilities, 3/1/15 - 2/29/16 ($36,074; new total $402,266); authorize Purchasing Agent or authorized Deputy to execute amendments; and make California Environmental Quality Act findings - Districts 1 and 3
15243 **APPROVED AS RECOMMENDED**
X

25. Approve amendment 2 to agreement D04-060 with Regents of the University of California for water quality program support, 7/1/15 - 6/30/16 ($250,000) renewable for four additional years; and make California Environmental Quality Act findings - All Districts
B.O. **CONTINUED TO 3/24/15, 9:30 A.M.**

26. Consider second reading and adoption of "An Ordinance of the County of Orange, California

Amending Title 7 Land Use and Building Regulations, Division 1 Building Regulations, Article & Orange County Grading and Excavation Code with Amendments Thereto" - All Districts (Continued from 1/27/15, Item 56; Closed Public Hearing 2/3/15, Item 19)

52143 **APPROVED AS RECOMMENDED**
X

*ORD: 15-003*

**Acting as the Orange County Flood Control District:**

27. Approve agreement MA-080-15010732 with Corrpro Companies, Inc. for sheet piling inspections, 2/15/15 - 2/14/18 ($800,000); authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act findings - All Districts

51243 **APPROVED AS RECOMMENDED**
X

28. Approve acquisition contract with and accept grant deed from William W. Jongsma, Trustee of The Harold and Mary Nadine Jongsma Children's Trust for purchase of real property, 8582 Hellman Avenue, as Prado Dam Project property; authorize Director or designee to execute related documents and minor modifications under certain conditions; approve lease with PTI Sand & Gravel, Inc., three-year term; authorize Director or designee to execute lease and make necessary changes to lease; authorize Auditor-Controller to make related payments; adopt resolution making related findings; and consider application of prior Environmental Impact Report No. 583 and other findings - All Districts

35124 **APPROVED AS RECOMMENDED**
X

*RESO: 15-009*

## SOCIAL SERVICES AGENCY

29. Select various providers of Family Resource Center services, 7/1/15 - 6/30/20; and authorize negotiation of agreements and return to the Board for approval - All Districts

51243 **APPROVED AS RECOMMENDED**
X

30. Approve and authorize submission to California Department of Social Services of opt-in to Approved Relative Caregiver Funding Option Program to provide funding equal to higher basic foster care rate to relative caregivers with whom a non-federally eligible foster child is placed; effective 4/1/15 - All Districts (Continued from 2/3/15, Item 11)

53124 **APPROVED AS RECOMMENDED**
NX

## GENERAL ADMINISTRATION

**County Executive Office:**

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

51243 **APPROVED AS RECOMMENDED**
X

32. Approve grant applications/awards submitted by OCCR/OC Community Services and Health Care Agency in 2/10/15 grant report and other actions as recommended - All

Districts

51243 **APPROVED AS RECOMMENDED**
X

S32A. **Human Resource Services -** Designate County's Section 3121 Deferred Compensation Plan for new employees who have attained age 60 at time of hire and have chosen to waive OCERS membership; approve amended and restated Section 3121 Deferred Compensation Plan adoption agreement and Plan Document; and authorize Chief Human Resource Officer or his designee to administer Section 3121 Deferred Compensation Plan and to negotiate and execute underlying agreements as necessary for the proper function of the Plan and make changes as required by regulatory agencies, law, or as necessary to be consistent with County's Personnel and Salary Resolution and any other Board directives - All Districts

53124 **APPROVED AS RECOMMENDED**
X

S32B. **Chairman Spitzer -** Approve nominations Chairman Todd Spitzer, Vice Chairman Lisa Bartlett, Edward Selich, Newport Beach and Rob Zur Schmiede, Laguna Beach, to the California Coastal Commission; and authorize the Chairman to submit the list of nominations to the California Senate Rules Committee - All Districts

35124 **APPROVED AS RECOMMENDED**
X

## IV. PUBLIC HEARINGS (None)

## V. CLOSED SESSION (Items CS-1-SCS8)

## GENERAL ADMINISTRATION

**County Counsel:**

CS-1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(d)(2):
Number of Cases: One Case

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT WITH HORIZON CROSS CULTURAL CENTER. 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 COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**

CS-2. 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. **DELETED**

CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: W.A. Rasic Construction Co., Inc. v. Orange County Flood Control District and the County of Orange, Orange County Superior Court Case No. 30-2015-00767173

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL ON BEHALF OF THE ORANGE COUNTY**

**FLOOD CONTROL DISTRICT, TO RETAIN THE LAW FIRM OF WOODRUFF SPRADLIN & SMART, TO REPRESENT THE COUNTY AND THE ORANGE COUNTY FLOOD CONTROL DISTRICT, AS CO-COUNSEL WITH COUNTY COUNSEL, IN THE MATTER OF W.A. RASIC CONSTRUCTION CO., INC. V. ORANGE COUNTY FLOOD CONTROL DISTRICT AND THE COUNTY OF ORANGE.**

CS-4. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Future County of Orange Property at Former MCAS Tustin, South of Valencia Avenue and West of Armstrong Avenue
County Negotiator: Scott Mayer, Chief Real Estate Officer
Negotiating Party: South Orange County Community College District
Under Negotiation: Terms of Property Exchange at Former MCAS Tustin

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

**Human Resource Services:**

CS-5. PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957(b):
Title: County Counsel

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

CS-6. 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**

**County Counsel:**

SCS7. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Linda Guy v. Orange County In-Home Supportive Services Public Authority, Orange County Superior Court Case No. 30-2014-00755585-CU-OE-CXC

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO RETAIN THE LAW FIRM OF MEYERS NAVE, TO REPRESENT THE COUNTY IN THE MATTER OF LINDA GUY V. ORANGE COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY.**

SCS8. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(d)(2)
Number of Cases: One Case

B.O. **DELETED**

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

**PUBLIC COMMENTS:**

Michael Klubnikin - Oral Re: County Counsel and various County depts. and the courts illegally handling his mother's property

Ilya Tseglin & Robert Tseglin - Oral Re: Nate Tseglin, OC Regional Center, Public defender

**COUNTY EXECUTIVE OFFICER COMMENTS:**

None

**BOARD COMMENTS:**

Chairman Spitzer - Oral Re: Safety measures implemented for employees and the public

**ADJOURNED: 2:15 P.M.**

53124 **Adjourned in memory of George Hartman**
X

13245 **Adjourned in memory of Bill Probolsky**
X

*** KEY ***

***Left Margin Notes***

1. = Supervisor Do
2. = Supervisor Steel
3. = Supervisor Spitzer
4. = Supervisor Nelson
5. = Supervisor Bartlett

ORD. = Ordinance
RESO. = Resolution

A. = Abstained
X. = Excused
N. = No
BO = Board Order

*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*