REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 22, 2013, 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 Nguyen, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Bates, Fifth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Nguyen presented a resolution congratulating the Honorable John Nho Trong Nguyen, Orange County Superior Court Judge on his retirement

II. CONSENT CALENDAR (Items 1-21)

15234 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 21 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Nguyen:

1. Development Processing Review Committee - Appoint Crystal Burckle, Irvine, for term concurrent with 1st District Supervisor's term of office

2. Acting as the In-Home Supportive Services Advisory Committee - In-Home Supportive Services Advisory Committee - Reappoint Phan Vu, Westminster, for term ending 10/27/17

3. **Chairman Nelson** - Appoint Supervisor Todd Spitzer as regular member and Supervisor John M. W. Moorlach as alternate member to the Orange County Criminal Justice Coordinating Council for term ending 12/31/13

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

4. Approve amendment 1 to license agreement with State of California for California Highway Patrol to lease additional space to operate radio equipment at Bolero Peak Communications Facility; and make California Environmental Quality Act findings - District 3

5. Approve amendment 3 to agreement MA-060-13011375 with Roy E. Hall, dba South Coast Water Company assigning to Hannah Industries, Inc. dba South Coast Water Company for maintenance of Ultra Pure Laboratory Water System, Orange County Crime Lab, 5/1/13 - 4/30/14 ($6,500); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

6. Approve amendment 1 to agreement MA-060-14010438 with Premier Computing, Inc. for help desk support for commissary operations system, 11/9/13 - 11/8/14 ($24,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

7. Ratify and accept grant awards from State Office of Traffic Safety for Driving Under the Influence Avoid Campaign ($114,232) and Selective Traffic Enforcement Program ($163,000), 10/1/13 - 9/30/14; and authorize Sheriff-Coroner or designee to execute grant award agreement and related documents - All Districts

8. Accept grant award from The Regents of the University of California School of Public Health, Berkeley, for Sobriety Checkpoint Grant Program, 10/1/13 - 9/30/14 ($32,900); and ratify the approval by Sheriff-Coroner or designee of related documents - District 5

9. Ratify and approve agreement PO-060-14010094 with PMW Associates for Team Leadership workshop and Civilian Management seminar, 3/21/13, 4/22/13 and 5/17/13 ($22,265); and authorize Sheriff-Coroner or designee to execute agreement - All Districts

HEALTH CARE AGENCY

10. Approve amendment 1 to lease agreement with Placentia-Yorba Linda Unified School District for office space at George Key Elementary School for HCA California Children's Services programs; and make California Environmental Quality Act findings - District 4

JOHN WAYNE AIRPORT

11. Approve agreement with Bay City Equipment Industries, Inc. dba Bay City Electric Works for 15,000 hour maintenance service on four QSV91-G6 generators at Central Utility Plant ($695,000); authorize Purchasing Agent or authorized Deputy to execute agreement and exercise cost contingency increase not to exceed $35,000; and make California Environmental Quality Act findings - District 2

OC COMMUNITY RESOURCES

12. Approve amendment 1 to agreements OCP11-005 with Stantec Consulting Services, Inc. for on-call civil engineering services, extending term to 3/14/15; and OCP11-006 with BonTerra Consulting for on-call environmental, planning and regulatory permitting services, extending term to 5/2/15; and make California Environmental Quality Act findings - All Districts

13. Approve subgrant agreement with State California Employment Development Department for Regional Cluster of Opportunity (RICO) II program, 7/1/13 - 12/31/14; authorize Director or designee to execute agreement and other related documentation required to administer the program and accept total award of $248,000 and amend agreement under certain conditions; approve agreements with Orange County Business Council ($77,500) and Pacific Gateway Workforce Investment Network ($125,350), 8/1/13 - 12/31/14; and authorize Director or designee to execute agreements and to exercise a contingency cost increase or decrease not to exceed 10% under certain conditions and make line item budget transfers - All Districts

14. Approve ranked list of firms for on-call architectural-engineering services for capital improvement and maintenance projects at public facilities for a period of three years; authorize Director or designee to negotiate agreements as needed with firms on approved slate up to $100,000 each, and to use approved list to issue Request for Proposals when required per Contract Policy Manual; and make California Environmental Quality Act findings - All Districts

OC PUBLIC WORKS

15. Approve agreement D13-079 with Orange County Transportation Authority for the Bus Stop Maintenance Assistance Program, 12/1/13 - 11/30/14 ($7,390); renewable for four additional years; authorize Director or designee to make necessary modifications under certain conditions; and make California Environmental Quality Act findings - Districts 1 and 3

16. Approve plans and specifications and set bid opening for 12/4/13, 2:00 p.m., for the Island Way Roadway and Bridge Rehabilitation Project; and make California Environmental Quality Act findings - District 5

17. Approve Tract Map 17559, RMV Community Development, LLC; accept dedication for vehicular access rights; accept easements for sewer, water, landscaping and survey monumentation; approve

agreement S1308-173 and accept bonds guaranteeing construction improvements; and find Final EIR 589 previously certified 11/8/04, with Addendum 1.0 and 1.1, reflects the independent judgment of the County and satisfies requirements under California Environmental Quality Act - District 5

18. Approve plans and specifications and set bid opening for 11/20/13, 2:00 p.m., for Riverside Drive and Redlands Drive Improvements Project; and make California Environmental Quality Act findings - District 2

19. **Acting as the Board of Supervisors and Orange County Flood Control District -** Receive bids and award Job Order Contract to National Demolition Contractors for asbestos removal and decontamination services ($500,000); and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

20. **Human Resource Services -** Adopt resolution approving continuation of military supplemental pay and benefits provided by Resolution Nos. 01-350, 02-061,02-283, 03-068, 03-300, 04-053, 04-256, 05-044, 11-040 and 12-060 to be effective until National Emergency ends, unless terminated earlier by the Board of Supervisors; and direct staff to report to the Board on annual basis the status of military supplemental pay program - Al Districts
RESO: 13-106

21. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for September 2013 - All Districts

32154 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 22-37)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

22. Approve agreement MA-060-14010510 with Helinet Aviation Services, LLC for maintenance and repair of two Forward Looking Infra-Red Star Safire 380-HD camera systems, 10/22/13 - 10/21/14 ($100,000); renewable for four additional one-year periods; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

32154 **APPROVED AS RECOMMENDED**

23. Approve agreement MA-060-14010556 with Computer Deductions, Inc. to manage, supervise and operate the Unisys mainframe computer and all Sheriff Data Center operations, 11/1/13 - 10/31/18 ($3,250,000); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

34125 **APPROVED AS RECOMMENDED**

24. **Treasurer-Tax Collector -** Adopt resolution authorizing Saddleback Valley Unified School District to issue Saddleback Valley Unified School District General Obligation Bonds, Election 2004, Series 2013A; and authorizing acceptance of District Obligation for payment of County costs and necessary documents and other related actions - Districts 3 & 5

B.O. **CONTINUED TO 11/5/13, 9:30 A.M.**

JOHN WAYNE AIRPORT

25. Approve lease with Transportation Security Administration for use of space at Thomas F. Riley Terminal Building; and make California Environmental Quality Act findings - District 2 (4/5 vote of members present)

25134 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

26. Approve agreements CPO13-004 with Project Partners, Inc. for on-call project management and contract administration services ($400,000), CPO13-005 with Swift Lee Office, Inc. for on-call architectural services ($400,000) and CPO13-006 with Willdan Engineering for on-call civil engineering services ($400,000), three-year terms commencing date of execution; and make California Environmental Quality Act findings - All Districts

25134 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

27. Approve agreements D13-066 with Willdan Engineering, D13-067 with Onward Engineering, D13-068 with GHD Incorporated, D13-069 with Civil Works Engineers Incorporated, D13-070 with Moffatt & Nichol and D13-071 with Atkins North America Incorporated for on-call support services for road projects, three-year terms ($300,000 each); and make California Environmental Quality Act findings -

All Districts

24135 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

28. Approve amended and restated agreement with Republic Waste Services of Southern California, LLC for solid waste importation to generate revenue to offset cost of landfill operations and expansion; authorize Director or designee to execute agreement; and find that Final Environmental Impact Report 588, RELOOC Strategic Plan, previously certified by Board of Supervisors on April 17, 2007, Final Environmental Impact Report 604, previously certified by the Board of Supervisor's on 8/15/2006, and Final Environmental Impact Report 575, previously certified by the Board of Supervisor's on 11/6/2001, with addenda reflect the independent judgment of the County of Orange and satisfy the requirements of California Environmental Quality Act for the proposed project, which is a necessarily included element contemplated as part of the action - Districts 3, 4 & 5

53124 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

29. **Probation -** Approve master Memorandum of Understanding with various cities for enhanced law enforcement services and other authorized expenses for continued implementation plan for Public Safety Realignment and Postrelease Community Supervision, 7/1/13 - 6/30/14; and authorize Chief Probation Officer to execute and renew individual MOU's - All Districts

23154 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

30. Select Mexican American Opportunities Foundation for early childhood education services, Tustin Family Campus Early Childhood Development Center, 3/1/14 - 6/30/17; authorize negotiation of agreement for Board approval - District 3

31254 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

31. **County Counsel -** Approve amendment 2 to agreement with Norman Traub for personal investigations legal services, 8/16/12 - 10/31/13 ($10,000; new total $59,000); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

25134 **APPROVED AS RECOMMENDED**

County Executive Office:

32. Approve revised Supplement to Base Closure Homeless Assistance agreement with Community Action Partnership of Orange County and delegate authority to Chief Real Estate Officer or designee to execute agreement and all necessary documents related to conveyance and reconveyance of Warehouse 360; and find that Final Environmental Impact Report 47782-GA & 47785-ZC, prepared and certified by the City of Irvine, reflect the independent judgment of the decision-maker and satisfy the requirement of California Environmental Quality Act for

the reuse of MCAS El Toro, which is a necessarily included element contemplated as part of the larger action - Districts 3 & 4 (Continued from 8/20/13, Item 25)

B.O. **DELETED**

33. Acting as the Successor Agency to the Orange County Development Agency - Adopt resolution authorizing Issuance and Sale of Tax Allocation Refunding Bonds; approving the Form of Indenture of Trust, Preliminary Official Statement, Bond Purchase Contract, Continuing Disclosure agreement, 2003 Bonds Escrow agreement, Santa Ana Heights Project area; and authorizing certain other actions in connection therewith; and making related findings - District 2

21354 **APPROVED AS RECOMMENDED**
RESO: 13-107

34. Approve in concept issuance of short-term Taxable Pension Obligation Bonds for early payment of County's FY 2014-15 employer pension obligation; and select KNN Public Finance as financial advisor and Orrick Herrington & Sutcliffe, LLP as bond counsel - All Districts

21354 **APPROVED AS RECOMMENDED**

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

24135 **APPROVED AS RECOMMENDED**

36. Approve grant applications/awards submitted by District Attorney and ratify retroactive grant applications/award submitted by OC Community Resources/OC Parks in 10/22/13 grant report and other actions as recommended; adopt resolution authorizing OC Community Resources Director or designee to submit and execute application with Orange County Transportation Authority and related documents for Environmental Cleanup Tier 2 Grant Program for Stormwater Runoff Quality and Quantity Control Best Management Practices (BMP) Project; and make California Environmental Quality Act findings - All Districts

34125 **APPROVED AS RECOMMENDED**
RESO: 13-108

37. **Supervisor Nguyen -** Receive and file 19th Annual Report on the Conditions of Children in Orange County

B.O. **RECEIVED AND FILED**

IV. PUBLIC HEARINGS (Item 38)

OC PUBLIC WORKS

38. Relying upon Mitigated Negative Declaration IP 08-048 and Addendum IP 12-010 as compliance under the California Environmental Quality Act, conduct public hearing to consider reading and adoption of "An Ordinance of the County of Orange, California Adding Section 7-1-2 of the Codified Ordinances of the County of Orange Related to Reasonable Accommodation", "An Ordinance of the County of Orange, California Amending Sections 7-9-24, 7-9-26, 7-9-40 and 7-9-41 of the Codified

Ordinances of the County of Orange Related to Definitions of Community Care Facility, Emergency Shelter, Supportive Housing and Transitional Housing", "An Ordinance of the County of Orange, California Amending Section 7-9-34 and Section 7-9-148, ET. SEQ., of the Codified Ordinances of the County of Orange Related to the Definition of Multi-Service Center for the Homeless, Housing Opportunities Overlay Regulations and Emergency Shelter/Multi-Service Center for the Homeless Site Development Standards and Operational Requirements", "An Ordinance of the County of Orange, California Amending Section 7-9-40 and Section 7-9-140 of the Codified Ordinances of the County of Orange Related to the Definition of Senior Citizen and Senior Citizen Housing, and Density Bonus Regulations" and "An Ordinance of the County of Orange, California Adding Section 7-9-148.7 (c) of the Codified Ordinances of the County of Orange Related to Graduated Density Zoning" - All Districts (Continued from 10/8/13, Item 17)

B.O. **CONTINUED TO 11/5/13, 9:30 A.M.**

V. CLOSED SESSION (Items CS-1-CS-6)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: California Department of Finance, et al. v. Jan Grimes, etc., OCSC Case No. 30-2012-00559592-CU-WM-CJC

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF CALIFORNIA DEPARTMENT OF FINANCE, ET. AL. V. JAN GRIMES, ETC. 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: Sandra Charette v. County of Orange, Worker's Compensation Appeal Board Case No. ADJ2309825

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF SANDRA CHARETTE 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-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Hayward Miller v. County of Orange, Worker's Compensation Appeal Board

Case No. ADJ412998

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF HAYWARD MILLER 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-4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Dawn Arthur v. County of Orange, Worker's Compensation Appeal Board Case Nos. ADJ6729106, ADJ743087, ADJ3669768, ADJ2719927, ADJ3058471

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF DAWN ARTHUR 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-5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Jane Andrews v. County of Orange, Worker's Compensation Appeal Board Case No. ADJ 2358006

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF JANE ANDREWS 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-6. **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) 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:

Michael Klubnikin - Oral Re: CalOptima, loss of his Mother's estate

Ilya Tseglin & Robert Tseglin - Oral Re: Nate Tseglin, OC Regional Center, SSA, and District Attorney

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Spitzer - Oral Re: Decorum at public meetings and United Way Golf Tournament

Supervisor Nguyen - Oral Re: Free flu shot clinic held

Vice Chair Bates - Oral Re: 6th Annual South County Disaster Preparedness and tour of new U.S. Naval Hospital at Camp Pendleton

Supervisor Moorlach - Oral Re: Quasquicentennial, Library Advisory Board, CALAFCO's Government Leadership Award for Unincorporated Communities Task Force, Baker Canyon fire

ADJOURNED: 12:30 P.M.
54123 **Adjourned in memory of Tom Goodall**

*** 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