REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, March 15, 2016, 9:30 A.M.

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

LISA A. BARTLETT
CHAIRWOMAN
Fifth District

MICHELLE STEEL
VICE CHAIR
Second District

ANDREW DO
SUPERVISOR
First District

TODD SPITZER
SUPERVISOR
Third District

SHAWN NELSON
SUPERVISOR
Fourth 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: Vice Chair Steel, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-12)

12345 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 2, 5, 8, 10 AND 12**
X **WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Chairwoman Bartlett -** Orange County Veterans Advisory Council - Appoint Bill Kogerman, Laguna Hills, to complete term ending 1/4/18; and reappoint Renee Taylor, San Juan Capistrano, for term ending 3/27/18

2. **Supervisor Nelson -** Acting as the Orange County Housing Authority - Housing and Community Development Commission - Reappoint Denis Bilodeau, Orange, for term ending 6/30/17

42135 **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

3. Approve amendment 4 to renew agreement MA-060-13011277 as MA-060-16011406 with Lexipol, LLC for online annual policy manual development subscription, 3/17/16 - 3/16/17 ($9,950; cumulative total $39,800); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

4. Approve Memorandum of Understanding with Orange County Fire Authority for search and rescue coordination services; and authorize Sheriff-Coroner or designee to execute MOU - All Districts

JOHN WAYNE AIRPORT

5. Reject all bids received 9/9/15 and re-advertise bid opening for 4/13/16, 2:00 p.m., for Paularino Gate Improvements project; authorize Director or designee to extend bid opening date up to 60 days if necessary; and make related findings - District 2

23145 X **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

6. Adopt resolution to ratify State Standard Agreement MI-1517-22 and Contractor/Vendor Confidentiality Statement with California Department of Aging for Medicare Improvements for Patients and Providers ACT (MIPPA) services 9/30/15 - 9/29/17 ($107,483); authorize Director or designee to execute agreement and future amendments and exercise contingency cost increase or decrease not to exceed 10% under certain conditions; approve agreement with Council on Aging - Orange County for MIPPA services through 6/30/16 ($67,741); and authorize Director or designee to exercise contingency cost increase or decrease not to exceed 10% and make line item budget transfers under certain conditions - All Districts
RESO: 16-020

7. Approve Easement Deed and Agreement with Verizon Wireless for access to its telecommunication facility and establish an annual fee for maintenance and repair of access road across Whiting Ranch Wilderness Park, effective upon Board approval; and make California Environmental Quality Act and other findings - District 5

8. **Acting as the Housing Successor Agency to the Orange County Development Agency -** Receive and file the Recognized Obligation Payment Schedule (ROPS), 7/1/16 - 6/30/17; direct staff to notify Board of any changes made to ROPS by County Auditor-Controller, County's Oversight Board, State Department of Finance and/or State Controller's Office; and make California Environmental Quality Act and other findings - All Districts

31245 X **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

9. Approve newly created OC Parks Records Retention and Disposition Schedules 373, 374, 375 and 376; approve revised Health Care Agency Records Control Schedules 31B and 167A; and rescind Health Care Agency Records Control Schedules 33B, 38B, 42B and 156B - All Districts

10. Receive and file Traffic Committee Report dated 1/21/16; approve recommendations and adopt necessary resolution - Districts 1 and 3

35124 **CONTINUED RECOMMENDED ACTION #3 TO 3/22/16, 9:30 A.M.**

31245 **APPROVED RECOMMENDED ACTIONS #1 AND #2 AS RECOMMENDED**
RESO: 16-021

11. Approve plans and specifications and set bid opening for 4/6/16, 2:00 p.m., for Newport Harbor Patrol Headquarters Marine Ways Repair Project; and make California Environmental Quality Act and other findings - District 2

12. Approve aggregate contracts, MA-080-16011526 with AndersonPenna Partners, Inc. and Singh Group, Inc. for on-call neighborhood preservation code enforcement services ($300,000); effective upon Board approval and renewable for four additional one-year periods; and authorize Purchasing Agent or authorized Deputy to execute contracts - All Districts

34125 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 13-29)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

13. Approve amendment 3 to agreement MA-060-13011549 renewing as MA-060-16011404 with Traditional Funeral Services, Inc. for body transportation services, 4/15/16 - 4/14/17 ($300,000; cumulative total $1,200,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

12345 **APPROVED AS RECOMMENDED**

14. Approve reallocation of position R87665 from Correctional Services Technician to Executive Manager position - All Districts

35124 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

15. Approve Certificated Passenger Airline Operating License with Horizon Air Industries, Inc.; and consider application of prior Environmental Impact Report No. 617 and other findings - District 2

21345 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

16. Approve agreements MA-017-16011260 with Chambers Group, Inc., MA-017-16011261 with ECORP Consulting, Inc., MA-017-16011262 with PlaceWorks, Inc., MA-017-16011263 with LSA Associates, Inc., MA-017-16011264 with Psomas and MA-017-16011265 with EPD Solutions, Inc. for on-call environmental investigations services, 3/1/16 - 2/28/21 ($500,000 each); and authorize Director or designee to execute agreements - All Districts (Continued from 3/1/16, Item S20B)

12345 **APPROVED AS RECOMMENDED**

17. Approve agreement MA-012-16011366 with TerraCosta Consulting Group, Inc. for professional services related to Niguel Shores revetment rehabilitation, five-year term ($148,150) - District 5

52134 **APPROVED AS RECOMMENDED**

18. Approve Change Order No. 11 to agreement MA-299-14010026 with Wood Bros., Inc. for East Flank Landslide Remediation Project, Frank R. Bowerman Landfill ($238,368.82 reduction; new total $32,992,196.18); and authorize Director or designee to execute change order - District 3

31245 **APPROVED AS RECOMMENDED**

19. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreements MA-080-16011387 with Hunsaker & Associates Irvine, Inc., MA-080-16011388 with Towill, Inc. and MA-080-16011389 with David Evans and Associates, Inc. for on-call land surveying services, 3/15/16 - 4/8/18 ($1,500,000 each); approve extension of slate for on-call land surveying services to 4/8/18; and authorize Director or designee to execute agreements - All Districts

12345 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

20. **Probation -** Approve renewal of agreement MA-057-14011517 with Redwood Toxicology Laboratory, Inc. for provision of urinalysis, oral fluids, and ethyl glucuronide drug testing devices and on-site testing services, 5/1/16 - 4/30/17 ($400,000; cumulative total $1,600,000); renewable for one additional one year period; and authorize Chief Probation Officer or designee to execute agreement - All Districts

31245 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

21. Approve selection of and agreement MA-017-16010292 with Journal Technologies, Inc. for Legal Case Management Software System for Offices of the Public Defender; and authorize Purchasing Agent or authorized Deputy to execute agreement for four months of system transition and five years of licensing and maintenance, effective 3/1/16 ($2,050,000 plus annual CPI increases maximum of 5% per year) - All Districts (Continued from 2/23/16, Item 24)

15234 N **APPROVED AS RECOMMENDED**

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

21345 **APPROVED AS RECOMMENDED**

23. Select Mercy Housing as primary and GKH Partners as alternate for lease and development of Orange County Flood Control District owned property located adjacent to Atwood Channel, Placentia; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act and other findings - District 4

41235 **APPROVED AS RECOMMENDED**

24. Approve grant applications/awards submitted by Sheiff-Coroner and Health Care Agency in 3/15/16 grant report and other actions as recommended - All Districts

31245 **APPROVED AS RECOMMENDED**

25. Approve Order Form to renew agreement MA-017-14010973 with Computer Associates, Inc. for software licensing and maintenance services, 3/24/16 - 3/23/17 ($257,036.50; cumulative total $796,474.72); and authorize Purchasing Agent or authorized Deputy to execute Order Form - All Districts

14235 **APPROVED AS RECOMMENDED**

26. Acting as Board of Supervisors and Orange County Flood Control District (OCFCD) - Approve agreement MA-080-16011550 with State Department of Transportation to allow OCFCD to lease Bristol Street property to Ganahl Lumber Company and provide State Department of Transportation necessary rights to maintain CA-73 highway; authorize Chief Real Estate Officer on behalf of OCFCD in accordance with terms and conditions of agreement, to accept Easement Deed and execute State Highway Easement Deed and State Access Easement Deed granting easements in OCFCD property to State Department of Transportation; and make California Environmental Quality Act and other findings - District 2

21345 **APPROVED AS RECOMMENDED**

27. Ratify County's continued use of Authorization to Order Under State Contract with SBC Global Services, Inc., dba AT&T Global Services on behalf of Pacific Bell Telephone Company, dba AT&T California for California Integrated Information Network (CalNet) 2 voice, data and long distance services, extending term to 1/29/18; authorize Purchasing Agent or authorized Deputy to execute Authorizations to Order; and authorize increases to CalNet 2 and CalNet 3, FY 2015-16 ($1,847,024), FY 2016-17 ($2,279,024) and FY 2017-18 ($1,381,619) for (cumulative increase $5,507,667 and revised cumulative total $12,563,667) - All Districts

14235 **APPROVED AS RECOMMENDED**

28. **Human Resource Services -** Approve and adopt Side Letter agreement with Association of Orange County Deputy Sheriffs for Peace Officer and Supervising Peace Officer Unit - All Districts

15234 **APPROVED AS RECOMMENDED**

29. **Supervisor Spitzer and Supervisor Do -** Authorize payment of reward to Matthew Charles Hay-Chapman, Hazel Javier, Jeffrey Arana and Armando Damien for information leading to the apprehension of escaped inmates; direct Auditor-Controller to make payment in amount determined by the Board; and make related findings (Continued from 2/23/16, Item 30)

31245 **APPROVED RECOMMENDED ACTIONS #1, #2, #3 AND #5; APPROVED RECOMMENDED ACTION #4 AS AMENDED FOR THE AMOUNT OF THE REWARD TO BE PAID TO MR. HAY-CHAPMAN TO BE $100,000; APPROVED RECOMMENDED ACTION #6 TO FIND THAT HAZEL JAVIER AND JEFFREY ARANA PROVIDED SPECIFIC INFORMATION TO LAW ENFORCEMENT THAT LED TO THE APPREHENSION OF ESCAPED INMATES HOSSEIN NAYERI AND JONATHAN TIEU AND THAT THEY ARE THEREFORE LAWFULLY ENTITLED TO COLLECT THE REWARD FOR THEIR CAPTURE; APPROVED RECOMMENDED ACTION #7 TO DETERMINE THE AMOUNT OF THE REWARD TO BE PAID TO HAZEL JAVIER OF $15,000 AND JEFFREY ARANA OF $15,000; AND APPROVED RECOMMENDED ACTION #8**

31245 N **APPROVED RECOMMENDED ACTION #6 TO FIND THAT ARMANDO DAMIEN PROVIDED SPECIFIC INFORMATION TO LAW ENFORCEMENT THAT LED TO THE APPREHENSION OF ESCAPED INMATES HOSSEIN NAYERI AND JONATHAN TIEU AND THAT THEY ARE THEREFORE LAWFULLY ENTITLED TO COLLECT THE REWARD FOR THEIR CAPTURE; AND APPROVED RECOMMENDED ACTION #7 TO DETERMINE THE AMOUNT OF THE REWARD TO BE PAID TO ARMANDO DAMIEN OF $20,000**

IV. PUBLIC HEARINGS (Item 30)

OC PUBLIC WORKS

30. Public Hearing to consider first reading and adoption of "An Ordinance of the County of Orange, California Amending Sections 7-9-133.1 through 7-9-133.5 of the Codified Ordinances of the County of Orange Related to the County of Orange Landscape Irrigation Code"; and consider application of Final Negative Declaration IP 90-40 and Addendum IP 15-386 and other findings - All Districts (Continued from 2/23/16, Item 32; 3/1/16, Item 21)

B.O. **CLOSED PUBLIC HEARING**

45123 **APPROVED AS RECOMMENDED**
ORD: 16-002

V. CLOSED SESSION (Items CS-1-CS-7)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Orange County Employees' Association v. County of Orange, et al., Orange County Superior Court Case No. 30-2012-00581412

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

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Association of Orange County Deputy Sheriffs, et al. v. Sheriff-Coroner Sandra Hutchens, etc., et al., Orange County Superior Court Case No. 30-2016-00835821-CU-WM-CJC

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

CS-3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(d)(2):
Number of Cases: One Case

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

County Executive Office:

CS-4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: County Owned Properties at the Santa Ana Civic Center
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: Related/Griffin
Under Negotiation: Terms and Value of Future Development and Leases

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

CS-5. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Dana Point Harbor, Dana Point, CA
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: Future Master Lessees
Under Negotiation: Terms and Value of Future Lease

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

CS-6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: County Owned Property at Former MCAS El Toro
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: City of Irvine
Lowe Enterprises Real Estate Group
Future Lessees
Under Negotiation: Terms of Development and Value of Future Leases

B.O. **HELD, NO REPORTABLE ACTION. THE CLERK READ: WITH REGARDS TO THE POSTED AGENDA FOR CS-6 CONFERENCE WITH REAL PROPERTY NEGOTIATOR - COUNTY OWNED PROPERTY AT FORMER MCAS EL TORO, THE AGENDA WAS CORRECTED TO REFLECT THAT THE INTERESTED PARTIES WERE RESTRICTED TO CITY OF IRVINE, LOWE ENTERPRISE REAL ESTATE GROUP AND FUTURE LESSEES. THE IRVINE COMPANY WAS INCORRECTLY LISTED ON THE AGENDA ITEM.**

CS-7. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Robert O'Brien
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, 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. **DELETED**

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Steve Rocco - Oral Re: February 23, 2016 Board Minutes do not reflect his comments regarding argument against the ethics committee, appointment of Tony Rackauckas as the Public Administrator when already in office as the District Attorney, recall of Tony Rackauckas, theft of Klubnikin property, kidnapping of Tseglin's son and murder of his family

Ilya Tseglin - Oral Re: Nate Tseglin, Government organized crime, corrupted judges, Public Defender, conservatorship, OC Regional Center

Robert Tseglin - Oral Re: Nate Tseglin kidnapped by Irvine Police Department and confined in group home, Public Defender, abuse and cover-up of Nate Tseglin, organized crime

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS:

None

ADJOURNED: 3:23 P.M.

52134 **Adjourned in memory of Everett Stone**

*** 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)

Chairwoman, Orange County Board of Supervisors

Orange County Clerk of the Board