REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, February 28, 2017, 9:00 A.M.

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

MICHELLE STEEL
CHAIRWOMAN
Second District

ANDREW DO
VICE CHAIR
First District

TODD SPITZER
SUPERVISOR
Third District

SHAWN NELSON
SUPERVISOR
Fourth District

LISA A. BARTLETT
SUPERVISOR
Fifth 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: Supervisor Nelson, Fourth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairwoman Steel presented resolutions to Dr. Phuong Nguyen, Tracy Pham, Dr. Timothy Bui and Serena Nguyen for their leadership in both their chosen professions as well as their charitable dedication to the Vietnamese American community of Orange County in Commemorating the 42nd Anniversary of the Fall of Saigon

II. PUBLIC COMMENTS

Katie Thompson - Oral Re: Morrison & Foerster, no action by the Board to correct the errors in the Fixed Base Operation contracting process at John Wayne Airport and no effort to engage with Signature or any other applicants to explore a reasonable resolution of dispute or to respond to the serious legal issues in dispute issues, Part 16 complaint with the FAA and urging agency to withhold funding from the airport

Phillip Kaplan - Oral Re: From Mannatt Phelps & Phillips, flaws in process and the need to reengage and conduct a valid RFP prior to awarding interim fixed base operation leases

Adriane Marshack - Oral Re: From Mannatt Phelps & Phillips, urged the Board to develop a complete and unbiased record before issuing an award of interim leases

Curt Castagna - Oral Re: Supports Signature Flight Support for Fixed Base Operation lease

Pam Doddridge - Oral re: Concerns with safety and charter preferences, reconsider award of contract for interim fixed base operation leases

Erik Neiderman, Kurt Belcher, Ben Watson, Eric Hill, Jason Karlin, Darian Dahl, Gloria Vasqueze, Michael Dant, Megan Cunningham, Marc Cardwell, Curt Huffemier, Craig Foster, Amy Oshirio, Red McDonald, Bernie Bernardo, Scott Harrold, Yoel Sade, Norman Ramierz, Monica Murray, Brandon Young, Daniel N.Shrader - Oral Re: Supports Signature Flight Support for Fixed Base Operation lease

Homan Asiri - Oral Re: Supports Signature Flight Support for Fixed Base Operation lease, ACI Jet fuel prices are incorrect on bid

Julie Broderick - Oral Re: Supports Signature Flight Support for Fixed Base Operation lease, comments by Steve Baric at 2/14/17 Board meeting were incorrect regarding denial of leased space to Mr. Church

Joe Daichendt - Oral Re: Supports ACI Jet and competition in Orange County

Mike Robbins - Oral Re: Homeless advocate, homeless deaths and genocide rates

Jeanine Robins - Oral Re: Recent headlines in OC Register regarding homeless, homeless and resources available to homeless, riverbed convictions, and kids in poverty

Steve Baric - Oral Re: Supports ACI Jet, letter from general aviation pilots commending Board for competitive bidding process in Orange County, Signature Flight Support sued for anti-competitive bidding process

Kirk Vinings - Oral Re: Fixed Base Operations and unfair fuel pricing at John Wayne Airport

Wayne Gross, Kenneth Quinn, Nathan Ross, Dave Jensen, Ally Monje, Garrett Smith, Anna Valsing, Andrew Robillard, Kellee Valentine, Ryan Andrews, David Brinson, James MacGleim, Michael Church, Gary Sequeira, Andrew Smith - Oral Re: Supports ACI Jet for Fixed Base Operation lease

William Borgsmiller - Oral Re: Supports ACI Jet for Fixed Base Operation lease and history of fuel pricing

Joe Finnel - Oral Re: Hostile environment at John Wayne Airport for light aircraft owners regarding fuel prices and service

Michael Klubnikin - Oral Re: Rescind November 8, 2016 Board approval of moving the general public comments to the beginning of Board meetings

Diana Corral, Raymond Hartwell, Janice Buchko, Rene Morfin, Lorena Rizzo, Sandra Leon, Manual Corral, Janessa Romero, Alex Rodriguez, David Eiler, Patricia Cortez, Alice Goff - Oral Re: AFSME contract negotiation, Eligibility Technician compensation in comparison to other Counties, refusal to conduct classification and compensation study for Eligibility Technicians, need increase in wages, number of case workloads per Eligibility Technician

Michael Padilla - Oral Re: Impacts and noise of planes flying directly over home have increased, change in flight paths at John Wayne Airport

Linda Lehnkering - Oral Re: Anaheim Poverty Task Force, supports Eligibility Workers in its contract

negotiations and requests the County pay all of its employees a living wage, encourages the County to fund its own approved 10 Year Plan to end homelessness

Kimberly O'Neill - Oral Re: Homeless in Santa Ana Riverbed and Orange County, poverty and foster care system in Orange County

Tim Houchen - Oral Re: Agenda Item #11 from 2/9/17 Special Board Meeting and explanation of emergency item, delaying OC Public Works project until after Kraemer Shelter is opened

Michele Monda - Oral Re: Representing organization 'Citizens for No Plane Noise', concerns with FAA redirecting planes and change in flight paths, organization is conducting informational meetings to affected individuals

Mohammed Aly - Oral Re: Homeless advocate, legal developments regarding homeless

Jamie Ludovise - Oral Re: Homeless and moving them from the riverbeds

Linda Fiorelli - Oral Re: Impacts of planes flying directly over her home, Environmental Impact Report by the FAA is misleading

Ilya Tseglin - Oral Re: Nate Tseglin, corruption of public employees, Judges, OC Regional Center

Robert Tseglin - Oral Re: Nate Tseglin, kidnapped from home, group home placement by OC Regional Center, cover-up and abuse by Adult Protective Services and Social Services Agency

Marlene Hellerman - Oral Re: Representing organization 'Citizens for No Plane Noise', thanked the Board for their support to adjust flights back over the ocean and coming back into Orange County at higher elevations

Lou Noble - Oral Re: Homeless advocate, disenfranchised segments of society, help for the homeless, social workers are underpaid

John Christiana - Oral Re: Abuse in Orange County, filed lawsuit against the Federal Government and County of Orange

III. CONSENT CALENDAR (Items 1-9)

41352 **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

1. **Clerk-Recorder -** Approve agreement CT-059-17010707 with DocuLynx for scanning, indexing and imaging services, 3/1/17 - 8/31/17 ($180,080.68); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

Sheriff-Coroner:

2. Approve amendment 1 to agreement MA-060-16012109 with InSite Telecom, Inc. for one time removal and installation of coax cables, antennas and weatherproofing on radio towers, term ending 6/30/17 ($145,928; new total $240,928); authorize Purchasing Agent or authorized Deputy to execute amendment; and make California Environmental Quality Act and other findings - All Districts

3. Approve agreement with City of Orange for enhanced fingerprint examiner and related

services, 2/28/17 - 6/30/19; approve FY 2016-17 charges to City of Orange for services ($42,179); and authorize Sheriff-Coroner or designee to execute future amendments under certain conditions - District 3

HEALTH CARE AGENCY

4. Approve agreement with Orange County Association for Mental Health dba Mental Health Association of Orange County for children and transitional age youth mentoring services, 7/1/17 - 6/30/18 ($500,000); and authorize Director or designee to execute agreement and exercise contingency cost increase not to exceed 10% under certain conditions - All Districts

OC COMMUNITY RESOURCES

5. Approve concession lease assignment, assumption and consent agreement PR09B-16 from Canyon Recreational Vehicle Park to Canyon RV Park, Inc.; and make California Environmental Quality Act and other findings - District 3

OC PUBLIC WORKS

6. Approve plans and specifications and set bid opening for 3/29/17, 2:00 p.m., for Asphalt Overlay Resurfacing of Foothill Boulevard and Hewes Street Arterial Pavement Management Grant Project; and make California Environmental Quality Act and other findings - District 3

7. Approve plans and specifications and set bid opening for 3/29/17, 2:00 p.m., for Slurry Seal of Crown Valley Parkway and Oso Parkway Arterial Pavement Management Grant Project - District 5

GENERAL ADMINISTRATION

Clerk of the Board:

8. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Board of Supervisors, 2nd District - All Districts

9. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Registrar of Voters - All Districts

END OF CONSENT CALENDAR

IV. DISCUSSION ITEMS (Items 10-S25B)

ELECTED DEPARTMENT HEADS

10. **District Attorney -** Approve issuance and ratification of amendment 2 to agreement MA-026-16011777 with Community Service Programs, Inc. to add County Victim Services Program, two year term ($507,700), Sexual Assault Kits Initiative Program, three year term ($203,693) and increase Victim Compensation Program budget, two year term ($21,000; cumulative total $27,702,263); authorize Purchasing Agent or authorized Deputy to execute amendment; adopt resolution approving amended grant agreement with State Victim Compensation Board for Victim Compensation Program, 7/1/15 - 6/30/18 ($21,000; cumulative total $1,595,049) and adopt resolution approving agreement with Bureau of Justice Assistance for Sexual Assault Kit Initiative Program, 10/1/16 - 9/30/19 ($1,864,651); authorize District Attorney or designee to execute agreement, amended agreement and future amendments under certain conditions; and make California Environmental Quality Act and other findings - All Districts

31452 **THE BOARD APPROVED THE ITEM AS RECOMMENDED WITH THE DIRECTION THAT THE AGREEMENT REFLECT THE CORRECT NAME AND TITLE OF THE DISTRICT ATTORNEY'S PROJECT MANGER. ONCE THIS DIRECTION HAS BEEN IMPLEMENTED, THE DISTRICT ATTORNEY IS TO PROVIDE A MEMORANDUM TO THE BOARD IDENTIFYING THE NAME AND TITLE OF THE CURRENT PROJECT MANAGER**

RESO: 17-026 - 17-027

11. **Sheriff-Coroner -** Receive and file status report and approve continuance of local emergency related to 2017 winter storm events; and set review to determine need for continuing local emergency for 3/28/17, 9:30 a.m. and every 30 days thereafter - All Districts (Continued from Special Meeting 2/9/17, Item 1)

15342 **APPROVED AS RECOMMENDED**

12. **Treasurer-Tax Collector -** Receive and file oral and written Treasury Oversight Committee 2016 Annual Report - All Districts

31452 **APPROVED AS RECOMMENDED**

13. **John Wayne Airport -** Adopt resolutions approving Interim Fixed Base Operation Leases with Newport FBO Two, dba Atlantic Aviation for Southeast Fixed Base Operation; and with ACI Jet, Inc. for Eastside Fixed Base Operation and Westside Hangars; and authorize Director to execute leases; and make California Environmental Quality Act and other findings - District 2 (4/5 vote of the Board) (Continued from 2/14/17, Item S44A)

21345 **APPROVED RECOMMENDED ACTION #2**

RESO: 17-028

41352 **APPROVED RECOMMENDED ACTION #3**
N

RESO: 17-029

2134 **APPROVED RECOMMENDED ACTION #4A AWARDING INTERIM LEASE FOR THE SOUTHEAST FIXED BASE OPERATIONS TO NEWPORT FBO, DBA ATLANTIC AVIATION**

21345 **APPROVED RECOMMENDED ACTION #4b AWARDING INTERIM LEASE FOR THE**
N **EASTSIDE FIXED BASE OPERATIONS AND THE WESTSIDE HANGARS TO ACI JET**

HEALTH CARE AGENCY

14. Approve amendment 1 to agreements with Orange County Association for Mental Health dba Mental Health Association of Orange County for mental health peer support and wellness center services, South Region ($50,128; new total $1,588,316) and West Region ($120,778; new total $1,483,916), 3/1/17 - 6/30/17; approve agreements with College Community Services for mental health peer support and wellness center services, Central Region ($4,198,713) and with Orange County Association for Mental Health dba Mental Health Association of Orange County for mental health peer support and wellness center services, South Region ($2,457,666) and West Region ($3,063,639), 7/1/17 - 6/30/20; and authorize Director or designee to exercise cost contingency increase not to exceed 10% under certain conditions and to execute amendments and agreements - Districts 1, 3 and 5

15342 **APPROVED AS RECOMMENDED**

15. Approve agreement with Behavioral Health Services, Inc. for inpatient substance use detoxification services, 7/1/17 - 6/30/19 ($732,000); and authorize Director or designee to exercise cost contingency increase not to exceed 10% under certain conditions and execute agreement - All Districts

51342 **APPROVED AS RECOMMENDED**

16. Approve master agreement MA-042-17011154 with Westbound Communications Inc. for multilingual drowning prevention campaign services, 4/1/17 - 3/31/18 ($275,000); renewable for four additional one-year terms; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

53142 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

17. Approve agreement with LAZ Parking California, LLC for parking facilities and valet parking operation and management, 5/1/17 - 4/30/20 ($16,493,028); with option to extend for two additional one-year periods - District 2 (Continued from 1/24/17, Item 31; 2/14/17, Item 24)

21345 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

18. Approve agreement MA-080-17010535 with California Department of Transportation for Laguna Canyon Road Segment 4, Phases 2 to 4 Project ($7,322,500); and authorize Director or designee to execute agreement and future amendments under certain conditions - District 5

51342 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

Probation:

19. Ratify amendment 2 to agreement MA-057-14011897 with Orange County Department of Education for drug, alcohol and mental health services, effective 7/1/16; authorize payment of invoices retroactive to 4/1/16 - 6/30/16 ($126,151.82); and authorize Chief Probation Officer or designee to execute amendment - Districts 3 and 5

53142 **APPROVED AS RECOMMENDED**

20. Approve addendum 1 to agreement with Orange County Fire Authority for participation in juvenile firesetting intervention program and new data collection system tool; and authorize Probation Officer or designee to execute addendum - All Districts

15342 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

15342 **APPROVED AS RECOMMENDED**

22. Approve grant applications/awards submitted by Sheriff-Coroner and ratify retroactive grant applications/awards submitted by Health Care Agency in 2/28/17 grant report and other actions as recommended - All Districts

51342 **APPROVED AS RECOMMENDED**

23. Approve Fourth Amended and Restated County of Orange Board of Supervisors Policies and Procedures for Consideration and Approval of Proposed Public Financings and amended Debt Management Policy - All Districts

B.O. **DELETED**

24. Approve Order Form to renew agreement with CA, Inc. for software maintenance and support services, 3/24/17 - 3/23/19 ($202,452; cumulative total $1,201,379.54); and authorize Purchasing Agent or authorized Deputy to execute Order Form - All Districts
54132 **APPROVED AS RECOMMENDED**

25. **Human Resource Services -** Approve revisions to classification specification and set pay grades for Deputy Juvenile Correctional Officer series, effective 3/3/17 - All Districts
15342 **APPROVED AS RECOMMENDED**

S25A. **County Counsel -** Consider second reading and adoption of "An Ordinance of the County of Orange, California Amending Section 1-6-5 of the Codified Ordinances of the County of Orange Adjusting the Limitations on Campaign Contributions" - All Districts (Continued from 2/14/17, Item 36)
13452 **APPROVED AS RECOMMENDED**
ORD: 17-002

OC PUBLIC WORKS

S25B. Approve agreement and accept easement deed and slope easement deed with Aera Energy, LLC for Lambert Road Bikeway Improvement Project - District 4
41352 **APPROVED AS RECOMMENDED**

V. PUBLIC HEARINGS (Items 26-27)

OC PUBLIC WORKS

26. Public Hearing to consider adopting Americans with Disabilities Act Complementary Paratransit Plan for options to individuals with disabilities to use fixed-route transportation services in southeast area of the County - District 5
B.O. **CLOSED PUBLIC HEARING**

51342 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

27. **Supervisor Bartlett -** Public Hearing to consider adopting resolution establishing an Urban Agricultural Incentive Zone within city limits, San Juan Capistrano; and make California Environmental Quality Act and other findings
B.O. **CONTINUED TO 3/14/17, 9:30 A.M.**

VI. CLOSED SESSION (Items CS-1-SCS9)

GENERAL ADMINISTRATION

CS-1. **County Counsel -** 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, NO REPORTABLE ACTION**

Human Resource Services:

CS-2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957(b)(1):
Title: County Counsel
(Continued from 1/24/17, Item CS-4)

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

CS-3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957(b)(1):
Title: Clerk of the Board of Supervisors
(Continued from 1/24/17, Item CS-5)

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

CS-4. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Brenda Diederichs
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, 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**

SCS5. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(d)(4):
Number of Cases: One Case

B.O. **HELD, COUNTY COUNSEL READ: THE BOARD ON A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL IN COORDINATION WITH COUNSEL OF OTHER CALIFORNIA COUNTIES TO INITIATE LITIGATION AGAINST THE DIRECTOR OF THE CALIFORNIA DEPARTMENT OF FINANCE AND THE STATE OF CALIFORNIA TO CHALLENGE THE TERMINATION OF THE COORDINATED CARE INITIATIVE, THE RECISSION OF THE MAINTENANCE OF EFFORT AGREEMENT AND THE UNLAWFUL SHIFTING OF IN-HOME SUPPORTIVE SERVICES PROGRAM COSTS TO CALIFORNIA COUNTIES.**

SCS6. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: 2525 North Main Street, Santa Ana, CA 92705
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: Wells Fargo
Under Negotiation: Terms and Value of Future Purchase

B.O. **DELETED**

SCS7. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Tammy Shuler, et al. v. Orange County, United States District Court Case No. cv-17-00259

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

Human Resource Services:

SCS8. PUBLIC EMPLOYEE APPOINTMENT -Pursuant to Government Code Section 54957(b):

Title: Executive Director of the Office of Independent Review

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

SCS9. PUBLIC EMPLOYEE APPOINTMENT -Pursuant to Government Code Section 54957(b):
Title: Performance Audit Director

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

VII. CEO, BOARD COMMENTS & ADJOURNMENT

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS:

Supervisor Spitzer - Oral Re: Requested County Executive Office research and return to the Board with review of prior provision within the Contract Policy Manual where an explanation was required when a Board Member is not in agreement with staff recommendation; documents from prior FAA Metroplex Plan forums are posted on his website; memorial for Whittier Police Officer Keith Boyer to be held on Friday, March 3

Supervisor Bartlett - Oral Re: Will be scheduling a forum in South Orange County regarding the FAA Metroplex Plan and flights out of John Wayne Airport

Supervisor Do - Oral Re: Requested legal opinion from County Counsel as to whether or not a Board Member is required to articulate the reason for not following staff recommendations

ADJOURNED: 3:32 P.M.

*** 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)

_____

Chair, Orange County Board of Supervisors

_____

Orange County Clerk of the Board