REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 21, 2008, 9:30 A.M.

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

JOHN M. W. MOORLACH
CHAIR
Second District

PATRICIA BATES
VICE CHAIR
Fifth District

JANET NGUYEN
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Susan Novak, Chief Deputy

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

Chair Moorlach - OC Animal Care made a presentation on animal adoption

Chair Moorlach - Clerk Recorder Tom Daly introduced archivist, Susan Berumen; and Phil Brigandi made a presentation on Madame Helena Modjeska

II. CONSENT CALENDAR (Items 1-27)

35142 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 27 WHICH WAS MOVED TO DISCUSSION; AND ITEMS 2, 6, 7, 9, & 26 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE; AND ITEM 23 WITH SUPERVISOR BATES ABSTAINING**

BOARD APPOINTMENTS

1. **Supervisor Campbell -** Mental Health Board - Appoint Nomi Lonky, Yorba Linda, for term ending 11/19/11

2. **Chair Moorlach -** Board of Retirement, OCERS - Appoint Thomas E. Flanigan, Newport Beach, to complete term ending 12/31/10 (Continued from 10/7/08, Item 1)

23145 **APPROVED AS RECOMMENDED**

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DEPARTMENT APPOINTMENTS

3. **Health Care Agency -** Emergency Medical Services Quality Assurance Board - Appoint Christopher Wilson, Fountain Valley and reappoint Robert Abijay, Tustin; Steven Feather, Costa Mesa; Gregory Pate, Anaheim; Kathleen Schaefer, Brea and Linda Verraster, San Clemente, for terms ending 6/30/10 - All Districts

4. **OC Community Services -** Orange County Workforce Investment Board - Appoint Bob Tucker, Orange and Alan H. Woo, Santa Ana, to complete term ending 12/31/10; appoint Gerald Fitch, Irvine, to complete term ending 12/31/09; and appoint Robert Stiens, Santa Ana, to complete term ending 12/31/08 - All Districts

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

5. Accept grant award from U.S. Department of Justice for Edward Byrne Memorial Justice Assistance Grant Program, FY 2008 ($209,160); approve agreement to transfer funds to participating cities; and authorize Sheriff-Coroner to execute individual agreements - All Districts

6. Accept grant award and special conditions for "Solving Cold Cases with DNA" grant program ($295,742) - All Districts

35142 **APPROVED AS RECOMMENDED**

7. Accept grant award from Governor's Office of Emergency Services for 2008 Emergency Management Performance Grant funds ($446,880); approve agreement to transfer funds to participating cities; authorize Sheriff-Coroner to execute individual agreements; and authorize Auditor-Controller to transfer funds to other entities under certain conditions - All Districts

31452 **APPROVED AS RECOMMENDED**

8. Approve standard agreement 80112445 with State of California to present P.O.S.T. Supervisory Course, 7/1/08 - 6/30/09 and accept reimbursement for training costs ($32,580); and authorize Sheriff-Coroner or designee to execute agreement and Form CCC-307, contractor certification clauses - All Districts

9. Approve agreement with Orange County Employee Retirement System for supplemental law enforcement services for meetings, 10/8/08 - 6/30/09 ($2,200); and authorize Sheriff-Coroner or designee to execute future agreements under certain conditions - All Districts (Continued from 10/7/08, Item 11)

35142 **APPROVED AS RECOMMENDED**

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10. Approve Federal Equitable Sharing agreement and FY 2007-08 Certification Report for Orange County Regional Narcotics Suppression Program participation in Federal Equitable Sharing Program - All Districts

HEALTH CARE AGENCY

11. Approve amendment 4 to agreement H700714-4 with County of Los Angeles for Los Angeles Immunization Network, 7/1/08 - 6/30/09 ($8,695; new total $136,000), extending term to 6/30/10 - All Districts

JOHN WAYNE AIRPORT

12. Approve price agreement N1000010150 with Siemens Building Technologies for software upgrades and maintenance of Interior Environmental Control System, 11/1/08 - 10/31/13 ($60,528); and make California Environmental Quality Act findings - District 2

13. Approve renewal of price agreement N1000006878 with Chemtek, Inc. for Runway Rubber Removal services, 11/1/08 - 10/31/10 ($120,000); and make California Environmental Quality Act findings - District 2

14. Approve renewal of price agreement N1000007251 with Aviation Research Corporation for software maintenance of ARCPort passenger flow and queuing simulation software, 11/1/08 - 10/31/10 ($16,000); and make California Environmental Quality Act findings - District 2

OC COMMUNITY RESOURCES

15. Accept cash donation from Helen A. Love Trust for feeding, sheltering and caring of animals at OC Animal Care Shelter ($20,500) - All Districts

OC PUBLIC WORKS

16. Approve agreement D08-074 with All American Asphalt for contract retention funds to be placed in escrow; and authorize Auditor-Controller to make related payments - District 2 & 3

17. Approve plans and specifications and set bid opening for 11/26/08, 2:00 p.m., for Phase II Vapor Recovery Upgrade at various locations, Santa Ana and Laguna Niguel; and make California Environmental Quality Act findings - Districts 1 & 5

18. Approve rent-free lease with Placentia-Yorba Linda Unified School District for use of therapy space located at 710 Golden Avenue, Placentia; and make California Environmental Quality Act findings - Districts 3 & 4

19. Approve 18 easement deeds with various homeowners in Cowan Heights for expansion of Skyline Regional Riding and Hiking Trail for public recreational purposes; and make California Environmental Quality Act findings - District 3

20. Adopt resolution certifying completion of and accepting public street improvements,

street lights, landscaping and monumentation; authorizing release of security, Tract 16743, 2622 Santa Ana Avenue, LLC, Santa Ana Heights area - District 2
RESO: 08-141

21. Approve amendment 1 to Joint Powers Agreement dissolving the Talega Joint Planning Authority - District 5

22. Authorize County Executive Office/Risk Management to add cities of Costa Mesa, La Palma, Buena Park, Tustin, Westminster, Irvine, Los Alamitos, Anaheim, Cypress, Stanton, Placentia, Huntington Beach, Fullerton, Santa Ana, Fountain Valley, Orange and Garden Grove as additional insured entities to the County's Insurance Certificates for County overlimit vehicle permits - Districts 1, 2, 3 & 4

23. **Acting as the Orange County Flood Control District -** Approve amendment no. 1 to agreement D07-123 with RBF Consulting for on-call construction support services for Los Alamitos Pump Station ($200,000; new total $400,000); and make California Environmental Quality Act findings - District 2

35142 A **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

24. Approve price agreement N1000010346 with Ron Dietz, Inc., DBA Dietz Hydroseeding Company for hydroseeding services at County landfills, 11/1/08 - 10/31/09 ($280,000); renewable for two additional one-year periods, per Board policy - All Districts

25. Approve price agreement N1000010345 with various providers for light duty vehicle maintenance and repair services, 11/1/08- 10/31/09 ($238,750); renewable for two additional one-year periods per Board approval - All Districts

GENERAL ADMINISTRATION

26. **County Executive Office -** Approve amendment 2 to agreement with Orange County Tourism Council for regional tourism marketing program - All Districts

31452 N N **APPROVED AS RECOMMENDED**

27. **Supervisor Nguyen -** Receive and file 14th Annual Report on Conditions of Children in Orange County

13452 **RECEIVE AND FILE**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 28-S44B)

ELECTED DEPARTMENT HEADS

28. **Sheriff-Coroner -** Accept grant award from U.S. Department of Justice for Forensic DNA Backlog Reduction Program, FY 2008 ($508,212); authorize Sheriff-Coroner to execute agreement - All Districts

25134 **APPROVED AS RECOMMENDED**

29. **Treasurer-Tax Collector and Orange County Employees Retirement System -** Oral Report and presentation on Investment Portfolios - All Districts

RECEIVED

JOHN WAYNE AIRPORT

30. Receive bids and award contract to FMC Technologies, Jetway for Terminals A, B and C passenger boarding bridges ($8,301,305); approve consent to assignment of agreement from FMC Technologies, Jetway to John Bean Technologies Corporation; and find Final EIR 582 and addendum 582-1, as revised by Final Supplemental EIR 582, are adequate to satisfy requirements of California Environmental Quality Act - District 2

B.O. **CONTINUED TO 10/28/08, 9:30 A.M.**

31. Approve amendment 1 to limited use general aviation facility lease, consent to pledge leasehold interest and memorandum of consent with Martin Aviation, L.P. for construction of air museum; and find Mitigated Negative Declaration IP06-263 is adequate to satisfy requirements of California Environmental Quality Act findings - District 2 (4/5 vote)

23145 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

32. Approve master agreement with various cities for animal care services, 1/1/09 - 6/30/09; and authorize Director or designee to execute individual agreements and renewals on same terms and conditions in accordance with budget and fee schedule adjustments without further Board action - All Districts

51342 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

33. Approve agreement D08-075 with LAN Engineering for final design of Edinger Avenue Bridge ($1,416,447), five-year term; and make California Environmental Quality Act findings - District 2

23145 **APPROVED AS RECOMMENDED**

34. Approve lease renewal with CTF5-Lake Hills, LLC for Superior Court, Probation and Sheriff Departments, Harbor Justice Center, Laguna Hills 10/1/08 - 9/30/09 ($1,045,644); 10/1/09 - 9/30/10 ($1,081,428); 10/1/10 - 9/30/11 ($1,121,184); 10/1/11 - 9/30/12 ($1,156,968); and 10/1/12 - 9/30/13 ($1,196,724); and make California Environmental Quality Act findings - District 5

51342 **APPROVED AS RECOMMENDED**

X

35. Receive bids and award contract to Brent Engineering, Inc. for maintenance dredging of Newport Dunes Marina ($3,187,550); - District 2
23145 **APPROVED AS RECOMMENDED**

36. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve price agreement N1000009999 with Baja Trucking, Inc. and Pirkle Trucking & Equipment Rental, Inc. for on-call rental of haul trucks, 10/22/08 - 10/21/09 ($850,000); renewable for two additional years per Board policy; and make California Environmental Quality Act findings - All Districts
35142 **APPROVED AS RECOMMENDED**
XN

SOCIAL SERVICES AGENCY

37. Select Accredited Nursing Care to provide Multipurpose Senior Services Program In-Home services, 12/1/08 - 6/30/09; and authorize negotiation of agreement for Board approval - All Districts
23145 **APPROVED AS RECOMMENDED**

38. Select Community Action Partnership of Orange County to provide Resource Development services, 1/1/09 - 6/30/10; and authorize negotiation of agreement for Board approval - All Districts
13452 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

39. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
NO REPORT OR DISCUSSION

40. Approve Design Development agreement and authorize Director of OC Public Works or designee to issue South Justice Center Request for Proposal (RFP) to each of the four prequalified Design-Build entities for design and construction of new South Justice Center in Laguna Niguel; and make California Environmental Quality Act findings - District 5
B.O. **DELETED**

41. Adopt Resolution authorizing reimbursement of expenditures in connection with design, construction, renovation and expansion of the South Justice Center Project; authorize CEO staff to proceed with a Request for Proposal for the selection of project financing team and to take any and all actions necessary to implement project; and make related findings - District 5
B.O. **DELETED**

42. Review request from United Employee Organizations of Orange County to initiate County participation in California Public Employees' Retirement System (CalPERS) and to contract with CalPERS for actuarial valuations; and provide

direction to CEO regarding followup - All Districts
DISCUSSED

43. Approve recommended grant applications submitted by Orange County Public Libraries and Clerk-Recorder in 10/21/08 grant report and other actions as recommended - All Districts
13452 **APPROVED AS RECOMMENDED**

44. **Registrar of Voters -** Consider second reading and adoption of "An Ordinance of the County of Orange, California, Establishing Electronic Campaign Disclosure and Adding Article II of Division 6 of Title 1, Section 1-6-32 to the Codified Ordinances of Orange County" - All Districts (Continued from 10/7/08, Item 43)
23145 **APPROVED AS RECOMMENDED**
ORD: 08-014

S44A. **County Executive Office -** Approve allocation and expenditure of Third District Fund 130 funds for construction of a pool at Foothill High School ($750,000); authorize Clerk of the Board or designee to execute agreement; and make related findings - District 3
31452 **APPROVED AS RECOMMENDED**

S44B. **Supervisor Nguyen -** Adopt resolution recognizing "Westminster Founder's Day Parade"
13452 **APPROVED AS RECOMMENDED**
RESO: 08-142

IV. PUBLIC HEARINGS (Item 45)

OC COMMUNITY RESOURCES

45. Public Hearing to consider adopting Funding Allocation Policy and Process for distributing Federal Housing and Community Development funds, FY 2009-10 - All Districts
CLOSED PUBLIC HEARING

13452 **APPROVED AS RECOMMENDED**

V. CLOSED SESSION (Item CS-1)

GENERAL ADMINISTRATION

CS-1. **Human Resources Department -** PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: County Executive Officer
HELD, NO REPORTABLE ACTION

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

PUBLIC COMMENTS:
Dan Martin and Joyce Goldmann - Oral re: concealed weapon permits

Darrell Nolta - Oral re: Women's Transitional Living Center; Westminster pedestrian bridge and use of Community District Funds, concealed weapon permits

Gary Boatwright - Oral re: Orange County law enforcement

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS AND TRAVEL REPORTS:
Supervisor Norby - Oral re: concealed weapon permits; Directed CEO to confirm which meeting in November Sheriff Hutchens will be reporting to BOS on concealed weapon permit policies and statistics and to inform the BOS what, if any, role they have in determining those policies

Supervisor Bates - Oral re: concealed weapon permits and thank you to County employees who participated in Disaster Preparedness Expo

Supervisor Campbell - oral re: San Diego lawsuit on unfunded mandates and directed CEO to provide update at 11/18/08 BOS meeting on alternatives after Supreme Court declined to hear case and status of identifying Orange County's unfunded mandates

ADJOURNED: 3:36 P.M.

13452 **Adjourned in memory of Henry Sanchez & Penny Avila**

31452 **Adjourned in memory of Father John Hiltz**

31452 **Adjourned in memory of Frank Riggio**

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Campbell
4. = Supervisor Norby
5. = Supervisor Bates

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