REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, May 4, 2010, 9:30 A.M.

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

JANET NGUYEN
CHAIR
First District

BILL CAMPBELL
VICE CHAIRMAN
Third District

JOHN M. W. MOORLACH
SUPERVISOR
Second District

VACANT
SUPERVISOR
Fourth District

PATRICIA BATES
SUPERVISOR
Fifth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Campbell, Third District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Chair Nguyen - Presentation regarding OC Animal Care pet license fees and adoption

II. CONSENT CALENDAR (Items 1-27)

3521 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 25 WHICH WAS CONTINUED TO 5/18/10, 9:30 A.M.; AND ITEMS 4, 15, 19 & 20 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Campbell -** Public Financing Advisory Committee - Appoint Carl Groner, Tustin, to complete term ending 5/1/11

Supervisor Moorlach:

2. Acting as In-Home Supportive Services Public Authority - In-Home Supportive Services Advisory Committee - Appoint Timothy C. Jin, Westminster, to complete term ending 5/3/14

3. Animal Care Community Outreach Committee - Reappoint Sandra L. Genis, Costa Mesa, to complete term ending 4/14/12

DEPARTMENT APPOINTMENTS

4. **OC Community Resources -** Orange County Workforce Investment Board - Appoint Janelle Cranch, Irvine, to complete term ending 12/31/11 - All Districts (Portion continued from 4/20/10, Item 1)

3521 N **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

5. Ratify execution of agreement with City of Orange for use of Hart Park for Sheriff's Correctional Programs Volunteer Appreciation Picnic on 6/19/10; and authorize expenditure of $6,000 from Inmate Welfare Fund for expenses related to picnic - District 3

6. Approve agreement MA-060-10012645 with Microsoft Corporation for software support services, 5/4/10 - 5/3/11 ($68,340) - All Districts

7. Approve license agreement with City of South Gate for City's rental of Katella Training Facility for training purposes ($1,000), Orange; and make California Environmental Quality Act findings - District 3

8. Approve agreement CT-060-10010618 with Floor Tech America, Inc. for carpet replacement, Emergency Operations Center, Loma Ridge ($20,710) - All Districts

HEALTH CARE AGENCY

9. Approve master agreement with various providers for wraparound mental health outpatient services, 7/1/10 - 6/30/11 ($629,903); and authorize Director or designee to execute agreements - All Districts

10. Approve master agreement with various providers for medical transportation services, 7/1/10 - 6/30/12 ($350,000 per fiscal year); and authorize Director or designee to execute agreements - All Districts

11. Approve master agreements with various providers for short term housing services, 7/1/10 - 6/30/12 ($150,000 per fiscal year), Conditional Release Program supplemental rate housing services, 7/1/10 - 6/30/12 ($40,515 per fiscal year) and certification review hearing officer services, 7/1/10 - 6/30/13 ($45,000 per fiscal year); and authorize Director or designee to execute agreements - All Districts

12. Approve agreement with Western Pacific Rehab for narcotic replacement therapy treatment services, 7/1/10 - 6/30/11 ($300,000) - All Districts

JOHN WAYNE AIRPORT

13. Approve plans and specifications and set bid opening for 6/9/10, 2:00 p.m., for removal and replacement of Thomas F. Riley Terminals A and B Heating Ventilation Air Conditioning Variable Air Volume Boxes for Air Handlers 4 & 6 project; authorize Director or designee to extend bid opening if required up to 60 days; and make California Environmental Quality Act findings - District 2

OC COMMUNITY RESOURCES

14. Approve agreement OCP09-019 with Orange Coast Watershed and Environmental Center for development of a watershed education center, Aliso and Wood Canyons Wilderness Park - District 5 (Continued from 4/20/10, Item 20)

15. Approve agreement OCP10-005 with Tim Martin for rock outcroppings, Santiago Oaks Regional Park; approve plans and specifications and set bid opening for 6/9/10, 2:00 p.m. for Santiago Oaks Regional Park Rockfall Mitigation; and make California Environmental Quality Act and other findings - District 3 (Continued from 4/20/10, Item 21)

3251 **CONTINUED TO 5/18/10, 9:30 A.M.**

16. Approve purchase orders 012-10014509 with Demco ($2,077.74); 012-10014507 with Industrial Hearing and Pulmonary ($1,400) and 012-10014508 with Computer Deductions, Inc ($3,421.04) for services provided - All Districts

17. Accept donation from Angels Baseball Foundation for caring of animals, OC Animal Care Shelter ($10,000) - All Districts

OC PUBLIC WORKS

18. Approve agreement D09-071 with State Department of Transportation for construction of Laguna Canyon Road south of El Toro to State Route 73; adopt Mitigated Negative Declaration IP 09-338; and make related findings - District 5

19. Approve contract with Reznick Group, P.C. for energy related efficiency programs, ($200,000); renewable for two additional years per Board policy; and make California Environmental Quality Act findings - All Districts

3521 **APPROVED AS RECOMMENDED**

20. **Acting as the Orange County Flood Control District** - Approve easement deeds with Huntington Beach Wetlands Conservancy for land located north of Pacific Coast Highway; waive requirements for additional assessment; and make California Environmental Quality Act findings - District 2

2531 **APPROVED AS RECOMMENDED**

21. **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve agreement D10-004 with UltraSystems for on-call regulatory permitting

services, three-year term ($400,000); and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

22. Approve Notice of Intent to contract with public or private nonprofit agencies for family support and child abuse and neglect prevention services; designate Social Services Agency as the public agency to administer plan; approve combined Child Abuse Prevention, Intervention and Treatment, Community-Based Child Abuse Prevention and Promoting Safe and Stable Families Interim Plan, 5/22/10 - 11/7/12; and authorize Director or designee to sign Plan and submit to State Office of Child Abuse Prevention and to execute future Plan amendments under certain conditions - All Districts

23. Approve master agreement CRR5109-00 with various providers for Transitional Housing Program Plus Host Family services, 7/1/10 - 6/30/13; and authorize Director or designee to execute individual agreements - All Districts

GENERAL ADMINISTRATION

24. **Clerk of the Board -** Approve re-adoption of the State's Model Code by reference to the County's Conflict of Interest Code Designated Filer Exhibits for Journey School, Nova Academy Charter School, Savanna School District, West Cities Communications Center JPA and Emerald Bay Service District - All Districts

County Executive Office:

25. Approve agreement MA-017-10012543 with Vignette Corporation for Vignette P595 Migration services for eGovernment Delivery System, 4/20/10 - 4/19/11 ($68,160) - All Districts (Continued from 4/20/10, Item 39)

3521 **CONTINUED TO 5/18/10, 9:30 A.M.**

26. Approve agreement with OC Fair & Event Center for exhibit space for 2010 Orange County Fair; and authorize County departments and agencies to execute related documents - All Districts

27. **Supervisor Bates -** Approve wavier of permit fee and standard parking fees to Newport Beach Concourse D'Elegance for use of portions of Salt Creek Beach and Strand Beach parking lots for annual car show at St. Regis Resort on 6/27/10

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 28-S52A)

ELECTED DEPARTMENT HEADS

28. **Assessor Department** - Approve amendment 2 to price agreement N1000007805 with Action Mailing Incorporated for services, materials, development, print and mail out of weekly, monthly and annual notices to taxpayers, 5/15/10 - 5/14/11 ($115,797.05) - All Districts
3521 **APPROVED AS RECOMMENDED**

Auditor-Controller:

29. Receive and file CAPS + PTMS Quarterly Project Status Report - All Districts
PRESENTED

30. Approve amendment 1 to agreement N1000010903 with CGI-AMS, Inc. (CGI) for CAPS Human Resources/Payroll System Upgrade, 5/4/10 - 3/31/11 ($185,743); and authorize Purchasing Agent or designee to execute agreement - All Districts
2351 **APPROVED AS RECOMMENDED**

CHILD SUPPORT SERVICES

31. Approve amendment 4 to price agreement MA-027-10012416 with ABC Legal Services, dba Process Forwarding International for provision of legal process service, 5/6/10 - 5/5/11 ($600,000); renewable for two additional one year periods - All Districts
2351 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

32. Approve agreements with Korean Community Services for children's outreach and engagement services, 7/1/10 - 6/30/11 ($133,299), Orange County Asian and Pacific Islander Community Alliance for transitional age youth outreach and engagement services, 7/1/10 - 6/30/11 ($117,344) and Orange County Association for Mental Health, dba Mental Health Association of Orange County for children and transitional age youth mentoring services, 7/1/10 - 6/30/11 ($500,000) - All Districts
2351 **APPROVED AS RECOMMENDED**

33. Approve agreements with Providence Community Services for children full service-wraparound services ($3,290,000) and for transitional age youth full service-wraparound services ($4,213,000), 7/1/10 - 6/30/11, Community Services Programs, Inc. for youthful offenders full service-wraparound services, 7/1/10 - 6/30/10 ($2,234,099), and Orange County Asian and Pacific Islander Community Alliance for children and transitional age youth full service-wraparound services, 7/1/10 - 6/30/11 ($1,000,000) - All Districts
2351 **APPROVED AS RECOMMENDED**

34. Approve agreements with Child Abuse Prevention Center for children's in-home crisis stabilization services, 7/1/10 - 6/30/11 ($905,312), Community Service Programs, Inc. for children's crisis residential services, 7/1/10 - 6/30/11 ($1,232,466). and South Coast

Children's Society for crisis residential services for transitional age youth, 7/1/10 - 6/30/11 ($1,353,350) - All Districts

2351 **APPROVED AS RECOMMENDED**

35. Approve master agreement for indigent and trauma care, 7/1/09 - 6/30/10; approve agreements for intergovernmental transfer of funds with Children's Hospital of Orange County ($100,000), Coastal Communities Hospital Inc., dba Coastal Communities Hospital, a Wholly Owned Subsidiary of Integrated Healthcare Holdings Inc., ($40,000), Prime Healthcare Garden Grove, LLC, dba Garden Grove Hospital and Medical Center ($275,000), WMC-A Inc., dba Western Medical Center-Anaheim ($36,000), WMC-SA, Inc., dba Western Medical Center-Santa Ana ($127,000), Chapman Medical Center, Inc. ($14,000) and Fountain Valley Regional Hospital and Medical Center ($110,000), 5/4/10 - 12/31/10; authorize Director or designee to execute individual agreements; and authorize Auditor-Controller to transfer funds to State Department of Health Care Services ($702,000) - All Districts

2351 **CONTINUED TO 5/18/10, 9:30 A.M.**

OC COMMUNITY RESOURCES

36. Select John Efstathiou dba Salt Creek Beach Concessions as primary and Mike Ali dba Zack's Beach Concessions and Catering as alternate concessionaires for operation of food sales and beach equipment rental business, Salt Creek Beach Park; and authorize Director to execute option/lease agreement under certain conditions - District 5 (Continued from 4/20/10, Item 53)

5321 N **APPROVED AS RECOMMENDED**

37. Approve agreements OCP10-007 with RBF Consulting for on-call environmental /regulatory permitting services ($400,000) and OCP10-008 with RJM Design Group, Inc. for on-call landscape architecture services ($400,000) for three year terms - All Districts (Continued from 4/20/10, Item 52)

3251 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF RECOMMENDED ACTION NO. 1**

3251 A **APPROVED RECOMMENDED ACTION NO. 1**

38. Approve agreement OCP10-001 with The Regents of the University of California for assistance to OC Parks for pest, water usage and weed management support services, one year term ($250,000); renewable for four additional one year periods per Board policy - All Districts

3251 X **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

39. Consider second reading and adoption of "An Ordinance of the County of Orange, California, Authorizing OC Public Works Director Or Designee, To Approve and Accept Acquisitions of Real Property Interests Not Exceeding $50,000 In Value"; direct Auditor-Controller to make related payments; and direct OC Public Works to return to the Board by 5/4/15 to reconsider the ordinance and delegation of authority -

All Districts (Continued from 4/20/10, Item 54)
3251 **APPROVED AS RECOMMENDED**
X

ORD: 10-010

40. Approve amendment 1 to agreement MA-080-10010639 with RBF Consulting, Hunsaker & Associates Irvine, Inc. and Winzler & Kelly for on-call plan check support services, ($500,000; new total $950,000) - All Districts
2351 **APPROVED AS RECOMMENDED**
X

41. Approve amendment 1 to agreement D08-076 with RMV Community Development, LLC for widening of Ortega Highway, ($500,000; new total $4,000,000); and make California Environmental Quality Act findings - District 5
5231 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

42. Receive bids and award contract to Technicon Engineering Services for installation of perimeter gas monitoring probes, Frank R. Bowerman Landfill ($94,080) - District 3
3251 **APPROVED AS RECOMMENDED**

43. Select LSA Associates as primary and BonTerra Consulting as alternate firms for environmental resource support services for Central Region Landfills; and authorize Director or designee to negotiate agreement for Board approval - District 3
3251 **APPROVED AS RECOMMENDED**

44. Approve agreement MA-299-10012673 with RIESTER Pacific, Inc. for consultant services to develop a countywide outreach and education campaign to improve recycling, 6/17/10 - 6/16/11 ($750,000) - All Districts
B.O. **CONTINUED TO 6/22/10, 9:30 A.M.**

GENERAL ADMINISTRATION

45. **Clerk of the Board -** Consider first reading of "An Ordinance of the County of Orange, California, Adding Section 1-2-200 to the Codified Ordinances of the County of Orange Establishing Assessment Appeals Board Application Processing Fee"; and set second reading and adoption for 5/18/10, 9:30 a.m. - All Districts
B.O. **CONTINUED TO 5/25/10, 9:30 A.M.**

County Executive Office:

46. Adopt County Social Media Use Policy; and receive and file new and revised eGovernment policies in support of social media technology use - All Districts (Continued from 3/30/10, Item 29)
B.O. **CONTINUED TO 5/18/10, 9:30 A.M.**

47. Response to 3/2/10 Board Directive - Receive and file report on business case for proposed broadband network project seeking Stimulus Act funding from NTIA; and direct CEO to withdraw submission of the County's Broadband Technology Opportunities grant application - All Districts

B.O. **DELETED**

48. Adopt resolution authorizing reimbursement of expenditures from proceeds of potential financing for Sheriff-Coroner capital improvement projects - All Districts (Continued from 4/20/10, Item 61)
3251 **APPROVED AS RECOMMENDED**
RESO: 10-074

49. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
3125 **APPROVED AS AMENDED TO REMOVE RECOMMENDED ACTIONS 2 & 4**

50. Receive and file Quarterly Information Technology (IT) Project Reports for Status Detail and Executive Summary and Risk Assessment for January - March 2010 - All Districts
2351 **APPROVED AS RECOMMENDED**

51. Approve recommended grant applications submitted by Social Services Agency-Walmart Local Community Contribution ($1,000); and adopt resolution approving Sheriff's Department - FY10 Emergency Management Performance Grant in 5/4/10 grant report - All Districts
3251 **APPROVED AS RECOMMENDED**
RESO: 10-075

52. Approve FY 2009-10 Third Quarter Budget Report; approve related budget adjustments and amend master position control - All Districts (RA #1 requires 4/5 vote of members present)
3251 **APPROVED AS RECOMMENDED**

S52A. **Supervisor Bates -** Regional Recreational Trail Advisory Committee - Appoint Timothy Shaw, San Clemente, for term concurrent with 5th District Supervisor's term of office
5321 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Items 53-56)

OC COMMUNITY RESOURCES

53. Public Hearing to consider approval of Five-Year Consolidated Plan and Citizen Participation Plan will satisfy U.S. Department of Housing and Urban Development requirements, 7/1/10 - 6/30/15; authorize submission to U.S. Department of Housing and Urban Development; and authorize Director or designee to execute related documents - All Districts
B.O. **CLOSED PUBLIC HEARING**

5321 **APPROVED AS RECOMMENDED**

54. Public Hearing to consider approval of FY 2010-11 Annual Action Plan ($7,842,894); approve renewal of Housing, Rehabilitation and Public Service agreements; approve selection and funding recommendations for Public Facilities and Improvements

agreements; and authorize Director or designee to execute related documents and amendments under certain conditions and to submit Plan to US Department of Housing and Urban Development - All Districts

B.O. **CLOSED PUBLIC HEARING**

2351 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

55. Public Hearing to consider adopting resolution abandoning portions of Laguna Coast Wilderness Park and Aliso & Wood Canyons Wilderness Park to accommodate construction of Class III Bikeway along Laguna Canyon Road; and make California Environmental Quality Act and other findings - District 5 (Continued from 2/9/10, Item 11; 4/13/10 Public Hearing rescheduled to 4/20/10 on 3/30/10, Item 26; 4/20/10, Item 67) (Requires a unanimous vote of members to adopt resolution)

B.O. **CLOSED PUBLIC HEARING**

5321 **APPROVED AS RECOMMENDED**
RESO: 10-076

56. Public Hearing to consider appeal of Planning Commission's denial of Planning Application PA090011 filed by Giracci Vineyards located at 16162 Jackson Ranch Road, Silverado-Modjeska area, proposing additional uses to an existing commercial horse stable; uphold the Planning Commission's denial or alternatively approve or modify application/conditions of approval; or refer back to the Orange County Planning Commission for action; receive staff report and public testimony; adopt Mitigated Negative Declaration PA090011; and make related findings - District 3

B.O. **CLOSED PUBLIC HEARING**

3521 X **CONTINUED TO 5/25/10, 9:30 A.M.**

V. CLOSED SESSION (Items CS-1-CS-4)

GENERAL ADMINISTRATION

CS-1. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(c):
Number of Cases: One Case

B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 3 TO 0, SUPERVISORS NGUYEN, CAMPBELL AND MOORLACH VOTING IN FAVOR, SUPERVISOR BATES ABSTAINING, AUTHORIZED COUNTY COUNSEL TO FILE LITIGATION; AND AUTHORIZED COUNTY COUNSEL TO RETAIN BINGHAM MCCUTCHEN LLP, TO REPRESENT THE COUNTY IN THE MATTER. THE IDENTITY OF THE PARTIES AND OTHER PARTICULARS WILL BE DISCLOSED TO ANY PERSON UPON INQUIRY ONCE THE ACTION IS FILED.**

Human Resources Department:

CS-2. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government

Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organization: In-Home Supportive Services (IHSS)
RE: Terms and Conditions of Employment

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

CS-3. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organizations: Alliance of Orange County Workers (AOCW), American Federation of State, County and Municipal Employees (AFSCME), International Union of Operating Engineers (IUOE), Orange County Attorneys Association (OCAA), and Orange County Employees Association (OCEA)
RE: Terms and Conditions of Employment

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

CS-4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: County Executive Officer

B.O. **CONTINUED TO 5/25/10, 9:30 A.M.**

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

PUBLIC COMMENTS:
Janine Tolly - Oral Re: Victim Witness assistance concerns

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:
Supervisor Moorlach - Oral Re: Item 44 (Continued to 6/22/10) - Direct staff to consider including "Pretend City" in this effort

ADJOURNED: 3:02 P.M.

5321 **Adjourned in memory of James G. Gilleran**
X

3521 **Adjourned in memory of Eve Mitchell**
X

3521 **Adjourned in memory of Bishop Norman McFarland**
X

3521 **Adjourned in memory of Josef D'Heygers**
X

3521 **Adjourned in memory of John Thomas Kelly**
X

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Campbell
4. = Vacant
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

Orange County Clerk of the Board