REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, May 22, 2007, 9:30 A.M.

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

CHRIS NORBY
CHAIRMAN
Fourth District

JOHN M. W. MOORLACH
VICE CHAIRMAN
Second District

JANET NGUYEN
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

PATRICIA BATES
SUPERVISOR
Fifth District

ATTENDANCE: All Presnet

EXCUSED: None

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

INVOCATION: Chairman Norby, Fouth District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Bates presented a resolution proclaiming May 2007 as "American Wetlands Month" and Commending the 10th Anniversary of the Southern California Wetlands Recovery Project for their dedication and commitment to preserving, protecting and enhancing the coastal and riparian wetlands of Orange County

II. CONSENT CALENDAR (Items 1-35)

32154 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 2 WHICH WAS CONTINUED TO 6/5/07, 9:30 A.M.; ITEMS 11-13 WHICH WERE DELETED; ITEM 19 WHICH WAS CONTINUED TO 6/26/07, 9:30 A.M.; AND ITEMS 6, 7, 10, 14, 16, 17, 21, 24, 26, 27, 29 & 32 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Bates:

1. Orange County Planning Commission - Reappoint Susan Ritschel, San Clemente, for term concurrent with 5th District Supervisor's term of office

2. Airport Land Use Commission For Orange County - Reappoint Melody Carruth, Laguna Hills, for term ending 5/2/11
32154 **CONTINUED TO 6/5/07, 9:30 A.M.**

3. Senior Citizens Advisory Council - Reappoint Dr. Brenda Ross, Laguna Woods, for term ending 12/31/08

4. Airport Arts Commission - Appoint Karin Schnell, Dana Point, for term concurrent with 5th District Supervisor's term of office

5. Animal Care Community Outreach Committee - Appoint April Josephson, Rancho Santa Margarita, for term ending 4/11/09

DEPARTMENT APPOINTMENTS

6. **Health Care Agency -** Orange County HIV Planning Council - Appoint Andy Encinas, Santa Ana and Shelly Lummus, Orange, for terms ending 12/31/08 - All Districts
14235 **APPROVED AS RECOMMENDED**

7. **Housing and Community Services Department -** Orange County Workforce Investment Board - Appoint Tom Porter, Santa Ana, to complete term ending 12/31/08 - All Districts
14235 **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

8. **Auditor-Controller -** Acting as the Board of Supervisors and the Orange County Flood Control District - Set 6/19/07 as date to establish appropriations limits for entities governed by the County Board of Supervisors for FY 2007-08 (document available for public review in the office of the Auditor-Controller, commencing 6/4/07) - All Districts

Sheriff-Coroner:

9. Approve standard agreement No. 70112308 with State of California for Peace Officer Standards and Training (P.O.S.T.) Driving and Force Option Simulator courses, 7/1/07 - 6/30/08 and accept reimbursement for training costs ($213,300); and authorize Director or designee to execute agreement and form CCC-307, contractor certification clauses - All Districts

10. Approve renewal of price agreement N1000007837 with SimplexGrinnell LP for preventive maintenance and repairs of fire alarm system, Theo Lacy Jail, 5/23/07 - 5/22/08 ($268,800) - District 3
53124 **APPROVED AS RECOMMENDED**

DANA POINT HARBOR DEPARTMENT

11. Approve lease agreement with Dana Point Yacht Club for vessel dry storage facility, Dana

Point Harbor, three year term (first year $73,080; adjusted using Consumer Price Index for second and third years); and make California Environmental Quality Act findings - District 5 (Continued from 5/15/07, Item 5)

32154 **DELETED**

12. Approve lease agreement with Pacific-Asian Enterprises, Inc. for office space, Dana Point Harbor, three year term (first year $6,505 per month; adjusted using Consumer Price Index for second and third years); and make California Environmental Quality Act findings - District 5 (Continued from 5/15/07, Item 6)

32154 **DELETED**

13. Approve lease agreement with Dana Point Harbor Yacht Sales d.b.a. Dream Catcher Yachts for office space, Dana Point Harbor, three year term (first year $6,089 per month; adjusted using Consumer Price Index for second and third years); and make California Environmental Quality Act findings - District 5 (Continued form 5/15/07, Item 7)

32154 **DELETED**

HEALTH CARE AGENCY

14. Authorize acceptance of donation from Kathryn H. Taylor Trust for animal care services ($18,000) - All Districts

12354 **APPROVED AS RECOMMENDED**

HOUSING AND COMMUNITY SERVICES DEPARTMENT

15. **Acting as the Board of Supervisors and Orange County Housing Authority -** Approve recommended projects for 2007 SuperNOFA Continuum of Care Associated Application for Homeless Assistance; authorize Director or designee to execute related documents; and authorize acceptance of funds for shelter and care facilities - All Districts

16. **Acting as the Board of Supervisors and Orange County Development Agency -** Approve subordination of loan to Granite Court Apartments; and authorize Director or designee to execute agreement - District 3

23154 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

17. Approve agreement with Beth J. Brousard for continued operation of noise monitoring system; and make California Environmental Quality Act findings - District 2

23154 **APPROVED AS RECOMMENDED**

ORANGE COUNTY PUBLIC LIBRARY

18. Receive bids and award contract to Allison Mechanical, Inc. for replacement of air conditioning units, Fountain Valley Branch Library ($138,704) - District 2

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

19. Approve agreement with Orange County Fire Authority and Rancho Mission Viejo to establish fire safety standards and procedures; and authorize Director to make subsequent amendments under certain conditions - District 5 (Continued from 3/27/07, Item 41; 4/24/07, Item 10)

32154 **CONTINUED TO 6/26/07, 9:30 A.M.**

20. Approve amended lease with 1200 Main Partners, LLC. for expansion of Health Care Agency office space, 1200 N. Main Street, Santa Ana; and make California Environmental Quality Act findings - District 1

21. Approve agreement 07-0027C with State Department of Pesticide Regulation for data entry of pesticide use reports, 7/1/07 - 6/30/08 ($27,536 revenue); and authorize Agricultural Commissioner to execute agreement - All Districts

23154 **APPROVED AS RECOMMENDED**

22. Accept work of Envirocon, Inc. for remodel of office space in Hall of Finance & Records basement; project completed 3/7/07 ($540,331.94) - District 1

23. Authorize release of security for street improvements, street lights, storm drains, sewer and water systems, and monumentation, Tract 15986, DMB Ladera, LLC, Ladera Ranch area - District 5

Acting as the Orange County Flood Control District:

24. Approve Communications Site Lease with Nextel of California for continued operation of communication facilities, Prado Basin; and make California Environmental Quality Act and other findings - All Districts

32154 **APPROVED AS RECOMMENDED**

25. Approve acquisition contract and accept grant deed from Todd Essenmacher for purchase of real property for Prado Dam project, Shadow Canyon Circle, Norco ($102,000); authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - All Districts

26. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve agreement D07-038 with Dr. Howard C. Chang, dba Chang Consultants for preparation of specialized engineering study for Serrano Creek stabilization ($73,280); approve amended Memorandum of Understanding with Lake Forest and Irvine Ranch Water District for stabilization and restoration of Serrano Creek; and make California Environmental Quality Act findings - District 5

25134 **APPROVED AS RECOMMENDED**
X

SOCIAL SERVICES AGENCY

27. Approve Memorandum of Understanding AMR0406 with Regents of the University of California for participation in Study to Develop Detection Instrument for Elder Mistreatment, 5/22/07 - 5/22/09 - All Districts

43125 **APPROVED AS RECOMMENDED**
X

28. Approve agreement WAA0207 with MRA Managed Care Solutions, Inc. for medical exemption review services for CalWORKs clients, 7/1/07 - 6/30/08 ($201,089); and authorize Director or designee to extend agreement under certain conditions - All Districts

29. Authorize approval and submission of Local Planning Council County Priorities Report Form to State Department of Education for continued funding of child care centers - All Districts

42135 X **APPROVED AS RECOMMENDED**

30. Approve renewal of price agreement N1000007940 with GCS, Inc. for janitorial and day porter services, Orangewood Children's Home, 6/1/07 - 5/31/08 ($189,731) - District 3

PUBLIC PROTECTION

31. **Probation -** Approve amended price agreement N1000007562 with ACS State and Local Solutions for data systems technical services, 6/20/06 - 6/19/07 ($25,000; new total $425,000); renewable for one year per Board policy ($385,000); and make California Environmental Quality Act findings - All Districts

GENERAL ADMINISTRATION

County Executive Office:

32. Approve Performance Incentive Award to ACS State and Local Solutions ($56,872) - All Districts

32154 N **APPROVED AS RECOMMENDED**

33. Approve standard form agreement for exhibit space for 2007 Orange County Fair; and authorize County departments and agencies to execute related documents - All Districts

34. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for April 2007 - All Districts

35. **Supervisor Bates -** Approve fee waiver of Public Property Encroachment permit for South Coast YMCA non-profit organization for use of Laguna Niguel Regional Park on 7/4/07

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 36-63)

ELECTED DEPARTMENT HEADS

District Attorney:

36. Approve lease agreement DA-06-007 with 900 N. Broadway, L.P. for first floor office space for public assistance fraud investigation team, 900 N. Broadway, Santa Ana; and make California Environmental Quality Act findings - District 1

B.O. **CONTINUED TO 6/5/07, 9:30 A.M.**

37. Adopt resolution ratifying submission of Workers' Compensation Insurance Fraud grant application to State Department of Insurance, 7/1/07 - 6/30/08 ($4,457,379); authorize District Attorney or designee to execute subsequent amendments under certain conditions; and make California Environmental Quality Act and other findings - All Districts

32154 X **APPROVED AS RECOMMENDED**

RESO: 07-059

38. **Sheriff-Coroner -** Approve amendment 3 to agreement with Stanton for law enforcement services, 7/1/06 - 6/30/07 ($7,364,762); and authorize Sheriff-Coroner to execute related documents - District 2

25134 X **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

39. Approve master agreement with various providers for Substance Abuse Crime Prevention Act services, 7/1/07 - 6/30/08 ($5,463,600); and authorize Director or designee to execute agreements - All Districts

32154 X **APPROVED AS RECOMMENDED**

40. Approve agreement 07-65120 with the State Department of Health Services for Children's Dental Health services, 7/1/07 - 6/30/10 ($800,730) - All Districts

23154 X **APPROVED AS RECOMMENDED**

41. Approve agreements with Canyon Acres Children's Services ($935,435), Community Service Programs, Inc. ($577,914) and Florence Crittenton Services of Orange County dba Crittenton Services for Children and Families ($178,788) for Mental Health Outpatient and Day services, 7/1/07 - 6/30/08 - All Districts

35124 X **APPROVED AS RECOMMENDED**

42. Approve agreements with Child Guidance Center, Inc. ($4,538,498), Providence Community Services ($5,376,318) and Western Youth Services ($9,999,919) for Mental Health Outpatient services, 7/1/07 - 6/30/08; approve master agreement with various providers for Mental Health Outpatient services, 7/1/07 - 6/30/08; and authorize Director or designee to execute individual agreements - All Districts

23154 **APPROVED AS RECOMMENDED**
X

43. Approve agreement with Kinship Center ($1,950,006), Olive Crest Treatment Centers, Inc. ($1,414,509) and South Coast Children's Society ($1,460,312) for Children and Youth Mental Health Outpatient services, 7/1/07 - 6/30/08 - All Districts
53124 **APPROVED AS RECOMMENDED**
X

44. Approve agreements with College Community Services ($4,782,321), Mental Health Association of Orange County ($2,268,140) and Pacific Clinics ($2,606,933) for Behavioral Health services, 7/1/07 - 6/30/08 - All Districts
23154 **APPROVED AS RECOMMENDED**
X

45. Approve agreement with State Department of Health Services for Medi-Cal Targeted Case Management Provider Participation, FYs 2007-2012; and authorize Director or designee to execute agreement - All Districts
23154 **APPROVED AS RECOMMENDED**
X

46. Approve master agreement with various cities for animal care services, 7/1/07 - 6/30/08; and authorize Director or designee to execute individual agreements and extend agreements under certain conditions - All Districts
23154 **APPROVED AS RECOMMENDED**
X

47. Approve agreement with Children and Families Commission of Orange County for Human and Social Service Programs, effective 7/1/07 - All Districts
32154 **APPROVED AS RECOMMENDED**
X

48. Approve agreement with Leisure Court Nursing Center, Inc. for Communicable Disease Skilled Nursing Facility services, 7/1/07 - 6/30/10 - All Districts
23154 **APPROVED AS RECOMMENDED**
X

HOUSING AND COMMUNITY SERVICES DEPARTMENT

49. Consider first reading of "An Ordinance of the County of Orange, California, Adopting Section 1-4-221 Related to Acquisition of Real Property by Eminent Domain for the Santa Ana Heights Project Area"; and set second reading and adoption for 6/5/07, 9:30 a.m. - All Districts
25134 **APPROVED AS RECOMMENDED WITH ADDITIONAL SECTION ADDED TO ORDINANCE PER SUPERVISOR MOORLACH 5/18/07 MEMO.**

50. Consider first reading of "An Ordinance of the County of Orange, California, Adopting Section 1-4-222 Related to Acquisition of Real Property by Eminent Domain for the Neighborhood Development and Preservation Project Area"; and set second reading and adoption for 6/5/07, 9:30 a.m. - All Districts
34125 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

51. Select Frasca & Associates, LLC as Financial Advisor and Sidley Austin LLP as Bond Counsel/Disclosure Counsel for Capital Improvement Program; authorize negotiation of agreements for Board approval; and find Final EIR 582 and addendum 582-1 are adequate to satisfy requirements of California Environment Quality Act findings - District 2
23154 **APPROVED AS RECOMMENDED**

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

52. Approve agreement 07-0014 with State Department of Food and Agriculture for inspection services for Glassy-Winged Sharpshooter/Pierce's Disease Program, 7/1/07 - 6/30/10 ($1,482,200.46); and authorize Agricultural Commissioner to execute agreement - All Districts
25134 **APPROVED AS RECOMMENDED**

53. Approve lease agreement with Buena Park Corporate Plaza, LP for rental space of 6,904 square feet at 6301 Beach Boulevard, Buena Park; and make California Environmental Quality Act findings - District 4
43125 **APPROVED AS RECOMMENDED**

54. Approve lease agreement with Buena Park Corporate Plaza, LP for rental space of 2,539 square feet at 6301 Beach Boulevard, Buena Park; approve termination of existing lease with Hope International University; and make California Environmental Quality Act findings - District 4
43125 **APPROVED AS RECOMMENDED**

55. Relieve low bidder, Sunrise Construction from obligation; receive bids and award contract to Horizons CCI Services, Inc. for demolition of existing and construction of new restroom and concession building, Aliso Beach Park ($855,100); and make California Environmental Quality Act findings - District 5
52134 **APPROVED AS RECOMMENDED**

56. Second reading and adoption of "An Ordinance of the County of Orange, California Amending Sections 5-5-1, 5-5-2, 5-5-12 and 5-5-13 of the Codified Ordinances of the County of Orange to Provide for Registration and Inspection of Retail Motor Fuel Devices and Price Scanners and to Increase the Maximum Annual Fees for Registration of All Commercial Weighing and Measuring Instruments" - All Districts (Continued from Closed Public Hearing 5/15/07, Item 42)
32154 **APPROVED AS RECOMMENDED**
N

ORD: 07-007

57. Approve lease agreement with Civic Center, LLC for rental space of 12,223 square feet at 600 West Santa Ana Boulevard, Santa Ana; and make California Environmental Quality Act findings - District 1 (Continued from 5/8/07, Item 29; 5/15/07, Item 35)
14235 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

58. Approve selection of Olive Crest Treatment Centers, Inc. to provide Wraparound Orange County services, 7/1/07 - 6/30/08; and authorize negotiation of agreement for Board approval - All Districts

15234 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

59. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters; adopt resolution approving used oil recycling block grant; and approve Disease Control and Epidemiology-Ryan White Minority AIDS Initiative (MIA) - Grant - All Districts

32154 **APPROVED AS RECOMMENDED**

RESO: 07-060

60. Adopt resolution approving financing terms, documents and issuance of Apartment Development Revenue Bonds, Issue A of 2007 ($19,000,000) to finance acquisition and construction of Granite Court Apartments, Irvine; and approve selection of Bond Trustee and Administrator - District 3

31254 **APPROVED AS RECOMMENDED**

RESO: 07-061

61. **Supervisor Campbell -** Approve donation of surplus computer and equipment to Orange County Department of Education (OCDE); direct CEO to work with OCDE to establish procedures for implementing and facilitating the transfer; direct CEO/IT to develop policies and procedure to address security issues; and report back to the Board within 6 months with status and impact report

35124 **APPROVED AS RECOMMENDED**

X

Supervisor Moorlach:

62. Consider authorizing and directing staff to meet and confer with affected employee organizations prior to setting Ordinance for first reading establishing Citizens Law Enforcement Review Board

23154 **MOTION TO AUTHORIZE & DIRECT STAFF TO MEET & CONFER WITH THE AFFECTED EMPLOYEE ORGANIZATIONS ON THE CONCEPT & STRUCTURE OF THE PROPOSED ORDINANCE AND RETURN WITH REPORT TO BOARD WITHIN 60 DAYS; DIRECT CEO TO WORK WITH THE 2ND DISTRICT STAFF, LAW ENFORCEMENT AND OTHER INTERESTED PARTIES TO SCHEDULE A BOARD WORKSHOP.**

63. Second reading and adoption of "An Ordinance of the County of Orange, California, Designating the Public Administrator as the Ex Officio Public Guardian" (Continued from 5/15/07, Item 41)

23154 **APPROVED AS RECOMMENDED**

X

ORD: 07-008

IV. PUBLIC HEARINGS (Items 64-65)

HEALTH CARE AGENCY

64. Public Hearing to consider adopting resolution approving Environmental Health Division fee schedule update; rescinding Resolution 06-090, effective 7/1/07; and making California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

24135 **APPROVED AS RECOMMENDED**
N

RESO: 07-062

65. Public Hearing to consider adopting resolution approving Animal Care Services fee schedule update; rescinding Resolution 06-112, effective 7/1/07; and making California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

24135 **APPROVED AS RECOMMENDED**
N

RESO: 07-063

V. CLOSED SESSION (Items CS-1-CS-3)

GENERAL ADMINISTRATION

County Counsel:

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

B.O. **DELETED**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Barratt American, Inc. v. County of Orange, Case No. G035627

B.O. **THE CLERK READ: THE BOARD BY UNANIMOUS VOTE, SUPERVISOR NGUYEN BEING ABSENT, AUTHORIZED COUNTY COUNSEL TO RETAIN RICHARDS WATSON GERSHON TO REPRESENT THE COUNTY IN THE BARRATT AMERICAN, INC. V. COUNTY OF ORANGE MATTER.**

CS-3. **Human Resources Department** - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organizations: Orange County Employees Association (OCEA), Orange County Attorneys Association (OCAA), Service Employees International Union (SEIU), and the American Federation of State, County and Municipal Employees (AFSCME)
RE: Terms and Conditions of Employment

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

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

PUBLIC COMMENTS:

Charles Griffin - Oral Re: Environmental & JWA capacity issues; adjourned in memory of Roger Cohen

Lisann Martinez - Oral Re: Thanked Arbor Corp.; enhancements to Santa Anita neighborhood

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Supervisor Bates Oral Re: Dana Point Harbor and Waterways Commission Reception, 5/22/07, at 4:00 p.m.

Supervisor Moorlach - Oral Re: Sound issues in Board Room

Supervisor Campbell - Oral Re: Irvine identified as safest city in State

ADJOURNED: 2:35 P.M.

*** KEY ***

Left Margin Notes

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Campbell
4. = Supervisor Norby
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)

CHRIS NORBY, CHAIRMAN
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board