REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, July 17, 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 Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Bates, Fifth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nguyen, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

None

II. CONSENT CALENDAR (Items 1-35)

32154 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 5, 7 & 8 WHICH WERE DELETED; AND ITEMS 13, 16, 19 & 21 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Moorlach -** Airport Land Use Commission For Orange County - Appoint James Righeimer, Costa Mesa, for term ending 5/3/10

Supervisor Bates:

2. Harbors, Beaches and Parks Commission - Appoint Brian S. Probolsky, Laguna Niguel, for term concurrent with 5th District Supervisor's term of office

3. Airport Commission - Appoint Stephen Blythe, Lake Forest, for term concurrent with 5th District Supervisor's term of office

4. Coastal Greenbelt Authority - Appoint Joe Brown, Laguna Niguel, for term concurrent with 5th District Supervisor's term of office

5. **Supervisor Nguyen -** Harbors, Beaches and Parks Commission - Appoint Susan Caskey, Laguna Hills, for term concurrent with 1st District Supervisor's term of office (Continued from 6/26/07, Item 1)

32154 **DELETED**

DEPARTMENT APPOINTMENTS

6. **Health Care Agency -** Emergency Medical Services Quality Assurance Board - Reappoint Mary Francis Cohen, RN, Huntington Beach, William Park, MD, Newport Beach, John Senteno, RN, Orange and Pete W. Trapani, Irvine for terms ending 6/30/09 - All Districts

COMMENDATIONS/PROCLAMATIONS/REPORTS

7. **Board of Supervisors -** Receive and file AB 1234 Travel Reports by Board Members

32154 **DELETED**

8. **Supervisor Nguyen -** Adopt resolution proclaiming May 11th as National Day of World Freedom Alliance

32154 **DELETED**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

9. Approve sale of surplus used helicopter camera to Shier Aviation Corporation ($42,730) - All Districts

10. Receive bids and award contract to C. J. Tech Construction, Inc. for replacement of counter tops and cabinets, Intake Release Center guard station ($188,000) - District 1

11. Receive bids and award contract to CTAC, Inc. for replacement of air conditioning units, Theo Lacy Inmate Programs Building ($247,000) - District 3

12. Approve plans and specifications and set bid opening for 8/22/07, 2:00 p.m., for Loma Ridge Emergency Operations Center Audio/Visual Improvements Project; and make California Environmental Quality Act findings - District 3

DANA POINT HARBOR DEPARTMENT

13. Approve amended agreement D02-049 with Keyser Marston Associates, Inc. for professional services related to Harbor Revitalization project, extending term three years ($175,000; new total $475,000); and authorize Director or designee to execute agreement - District 5

53124 **APPROVED AS RECOMMENDED**

INTEGRATED WASTE MANAGEMENT DEPARTMENT

14. Reject bid; approve revised plans and specifications and set bid opening for 8/29/07, 2:00 p.m., for construction of LISTS Phase II new unattended scale, Prima Deshecha Landfill - District 5
(Continued form 6/26/07, Item 14)

JOHN WAYNE AIRPORT

15. Approve license with Harmic Air for sale or leasing of aircraft shade covers for general aviation tie-down tenants; and make California Environmental Quality Act findings - District 2

16. Approve agreement with Frasca & Associates, LLC as financial advisor for Capital Improvement Program; and authorize Director or designee to execute agreement - District 2
25134 **APPROVED AS RECOMMENDED**

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

17. Adopt resolution certifying completion of street improvements, street lights, sewer and water systems, landscaping and monumentation; authorizing release of security and accepting public street improvements, street lights, sewer and water systems, landscaping and monumentation, Tract 15985, DMB Ladera, LLC, Ladera Ranch area - District 5
RESO: 07-098

18. Approve agreement 07-0052 with State Department of Food and Agriculture for petroleum products enforcement, 7/1/07 - 6/30/08 ($35,700); and authorize Agricultural Commissioner to execute agreement - All Districts

19. Approve price agreement N1000008491 with Wallace, Roberts and Todd, Inc. for Santa Ana River Parkway Feasibility and Planning study, 7/18/07 - 7/17/08 ($400,000); and make California Environmental Quality Act findings - Districts 1, 2, 3 and 4
43125 **APPROVED AS RECOMMENDED, APPOINTED SUPERVISORS CAMPBELL AND NGUYEN TO SERVE ON AD HOC COMMITTEE**

20. Accept work of Siemens Building Technologies, Inc. for fire alarm system upgrade at Building 12, project completed 5/15/07 ($107,782) - District 1

21. Adopt resolutions for asset transfer of a parcel of land from John Wayne Airport to the County's road system in connection with the Bristol Street Sidewalk Improvement project and for abandonment of a portion of road right-of-way from the County's road system; and make California Environmental Quality Act findings - District 2
25134 **APPROVED AS RECOMMENDED**
RESO: 07-099 - 07-100

22. Adopt resolution certifying mileage of County maintained roads as of 4/30/07 - All Districts
RESO: 07-101

23. Accept work of Fleming Environmental, Inc. for Los Pinos Conservation Camp Wastewater Mitigation Phase 2, project completed 5/5/07 ($144,374.24) - District 5

24. Approve agreement with Wayne C. Siu, Architects for high density file system and restroom improvements, Manchester Office Building and Probation Department's Juvenile Hall

($101,044); and make California Environmental Quality Act findings - District 3

25. Adopt resolution for asset purchase and transfer of parcels from John Wayne Airport to the County's road system for Irvine Avenue Road Widening Project; and make California Environmental Quality Act findings - District 2
RESO: 07-102

26. Approve amendment 6 to agreement D99-051 with AKM Consulting Engineers for sewer conversion, Irvine and O'Neill Regional Parks; and find that Negative Declaration IP04-356 is adequate to satisfy requirements of California Environmental Quality Act findings - Districts 3 & 5

27. Approve agreement with Alexander+Hibbs, AIA, Inc. for redesign of Juvenile Hall reception area ($37,420); and make California Environmental Quality Act findings - District 3

28. Approve price agreement K2000000075 with Norris-Repke for building plan check services, effective 7/18/07 ($300,000); renewable for two additional one year periods per Board policy - All Districts

29. Approve Tract 17076, Signal Landmark, a California Corporation, Huntington Beach area; accept easements for pedestrian, emergency and public vehicular ingress and egress sewer and water, and fire access purposes; approve construction agreement S0507-0146 and accept bonds guaranteeing construction improvements - District 2

30. Approve plans and specifications and set bid opening for 8/22/07, 2:00 p.m., for construction of habitat restoration, Upper Newport Bay Nature Preserve - District 2

31. **Acting as the Orange County Flood Control District -** Approve acquisition contract and accept grant deed from Guillermo Romero and Mark D. Drenner for purchase of real property for Prado Dam project ($200,000); authorize Director or designee to execute related documents; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - All Districts

32. **Acting as the Board of Supervisors and Orange County Flood Control District -** Accept quitclaim deed from Orange County Flood Control District for transfer of real property for the Irvine Avenue Road Widening project; and make California Environmental Quality Act and other findings - District 2

33. **Acting as the Orange County Development Agency -** Approve amended agreement D92-148 with Irvine Ranch Water District for water infrastructure improvements completed on Kline Drive, Riverside Drive and Anniversary Lane; allowing reimbursement of funds to Irvine Ranch Water District ($250,000); and make California Environmental Quality Act findings - District 2

GENERAL ADMINISTRATION

34. **County Executive Office -** Approve General Release to the State from further obligations or claims by the County under Real Estate Lease PM 1209-25 except for final rent at Data Center - District 1

35. **Supervisor Campbell -** Approve waiver of park fees for Armenian General Athletic Union and

Scouts fundraising on 7/29/07 at Mason Regional Park

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 36-S58A)

ELECTED DEPARTMENT HEADS

36. **Sheriff-Coroner -** Select DMJM H&N as primary and STK Architecture as alternate firms for design of Intake Release Center Booking Loop remodel; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 1

12354 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

37. Consider Board Policy on establishing rates for basic life support ambulance and advanced life support paramedic assessment and transportation services - All Districts (Continued this portion from 6/26/07, Item 113)

B.O. **CONTINUED TO 9/11/07, 9:30 A.M.**

38. Consider directing staff to submit request for Board approval of fee for Medical Marijuana Identification Card Program within 30 days and to implement Medical Marijuana Identification Card Program within 120 days of fee approval; or directing County Counsel to monitor San Diego case and direct Health Care Agency to return to Board within 30 days of final appellate ruling with recommendation - All Districts

34125 N **APPROVED RECOMMENDED ACTION #1 WITH THE UNDERSTANDING THAT THE IMPLEMENTATION PLAN INCLUDE A REVOCATION AND LEGAL RESIDENCY POLICY IF PERMITTED BY STATE REGULATIONS.**

HOUSING AND COMMUNITY SERVICES DEPARTMENT

39. Approve extension of 2006 Multi-Family Affordable Rental Housing Notice of Funding Availability to include one-time Mental Health Services Act funding ($7,000,000) - All Districts

23154 **APPROVED AS RECOMMENDED**

INTEGRATED WASTE MANAGEMENT DEPARTMENT

40. Authorize Request for Proposal for design, permitting, construction and operation of self-haul Material Recovery Facility, Prima Deshecha landfill - District 5

B.O. **CONTINUED TO 8/21/07, 9:30 A.M.**

JOHN WAYNE AIRPORT

41. Approve amendment 3 to agreement with P&D Consultants for design and construction administration services for relocation of utilities for south remain-over-night commercial aircraft parking project ($228,892; new total $2,265,060); and make California Environmental Quality Act and other findings - District 2

24135 **APPROVED AS RECOMMENDED**

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

42. Select Bureau Veritas as primary and Norris-Repke and Willdan as alternate firms for review services related to implementation of the Ranch Plan development project; authorize negotiation of agreement for Board approval; and approve reimbursement agreement with

RMV Community Development, LLC for costs related to the Ranch Plan - District 5 (Continued from 6/26/07, Item 91)

53124 **APPROVED AS RECOMMENDED**

43. Reject bid of Harris Steel Fence Company; direct staff to revise plans and specifications and return to the Board within 45 days for approval and re-advertise for bids for replacement of existing perimeter fence, Probation/Juvenile Hall - District 3 (Continued from 6/26/07, Item 87)

35124 **APPROVED AS RECOMMENDED**
N

44. Approve price agreement N2000007875 with Aquatic Bioassay and Consulting, Inc. as primary and Nautilus Environmental Aquatic Toxicological services as secondary vendors for toxicity testing services, one year term effective 8/1/07 ($700,000); renewable for one additional year per Board policy; and make California Environmental Quality Act findings - All Districts

32154 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

Probation:

45. Approve Juvenile Probation and Camps Funding Program agreement with State Corrections Standards Authority, 7/1/07 - 6/30/08 ($18,070,138); authorize Chief Probation Officer to execute agreement and subsequent amendments under certain conditions - All Districts

32154 **APPROVED AS RECOMMENDED**

46. Ratify submission of application to National Institute of Corrections and Crime and Justice Institute for technical assistance toward advancement of evidence-based practices in community corrections, 10/1/07- 9/30/09 - All Districts

23154 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

47. **Clerk-Recorder** - Adopt proposed County Archives Policy for inclusion into County Records Management Program; and authorize County Archivist or designee to review County agency and department retention schedules and collaborate with Departments and Agencies to preserve records of historical significance - All Districts

23154 **APPROVED AS RECOMMENDED**

County Executive Office:

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

32154 **APPROVED AS MODIFIED TO EXCLUDE ANY POSITION ON ACA 9 AND TO CHANGE POSITIONS ON AB 1053 AND SB 46 TO "OPPOSE UNLESS AMENDED"**

49. Approve Strategic Investment Solutions, Inc. as firm to review and report on the Orange County Employees Retirement System investment portfolio; and authorize negotiation of agreement for Board approval - All Districts (Continued from 6/19/07, Item 99)

23154 **APPROVED AS RECOMMENDED**

50. Adopt "Policy for Use of County Vehicles by Staff for Non-County Events or Transportation of Volunteers, Etc." - All Districts (Continued from 6/19/07, Item 101)
53124 **APPROVED AS RECOMMENDED**

51. Receive and file response to Board Directive; direct County Executive Office to implement proposed County Community Customer Service Center, and direct Resources and Development Management Department Real Estate to return to the Board with necessary lease arrangements - District 1 (Continued from 6/26/07, Item 110)
23154 **CONTINUED TO 7/24/07, 9:30 A.M.**

52. Approve in concept financing of conversion and remarketing the Limited Obligation Improvement Bonds, Adjustable Rate Series 2006 A to fixed rate bonds in maximum principal ($21,500,000); and approve finance team for Newport Coast Phase IV Assessment District No. 01-1 - District 5
52134 **APPROVED AS RECOMMENDED**
X

53. Approve proposed response to FY 2006-07 Grand Jury Report "The Absentee Ballot Process: Does Your Vote Count" - All Districts
53124 **APPROVED AS RECOMMENDED**

54. Approve proposed response to FY 2006-07 Grand Jury Report "An In-Custody Death Review" - All Districts
B.O. **CONTINUED TO 7/31/07, 9:30 A.M.**

55. Approve proposed response to FY 2006-07 Grand Jury Report "Newport Harbor Moorings: Are They Held in the Public Trust or for Private Profit?" - All Districts
23154 **APPROVED AS RECOMMENDED**

56. Approve grant applications report as proposed and other actions as recommended - All Districts
23154 **APPROVED AS RECOMMENDED**

57. Approve agreement 07-003FA with Kelling, Northcross & Nobriga for financial advisory services for potential financing of Dana Point Harbor improvements, 7/17/07 - 6/30/10 with option for one-year extension ($130,000); and authorize CEO Public Finance Manager to execute - District 5
52134 **APPROVED AS RECOMMENDED**

58. Approve County's continued participation in Southern California Home Financing Authority Joint Powers Authority Homebuyer Program; adopt resolution authorizing Southern California Home Financing Authority to issue single family mortgage revenue bonds to fund Home Financing Program; and make appropriate findings - All Districts
35124 **APPROVED AS RECOMMENDED**
NN

RESO: 07-103

S58A. **Supervisor Campbell -** Update on the progress of the Harbors, Beaches and Parks Strategic Plan

PRESENTED

IV. PUBLIC HEARINGS (Items 59-60)

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

59. Public Hearing to consider adopting resolution vacating unused pedestrian access easement, Parcel A, between Pedro Street and Monterey Street, South Laguna Beach; authorize Director to execute quitclaim deed to Laguna Beach for transfer of easement; and make California Environmental Quality Act findings - District 5 (Continued from 3/6/07, Item 6; 5/8/07, Item 34; 6/5/07, Item 69; 6/26/07, Item 114)

B.O. **CLOSED PUBLIC HEARING**

53124 **APPROVED AS RECOMMENDED**
RESO: 07-104

GENERAL ADMINISTRATION

60. **Treasurer-Tax Collector -** Public Hearing to consider first reading of "An Ordinance of the County of Orange, California Adding Section 8-1-22 to the Codified Ordinances of the County of Orange to Establish a Fee for Preparing Delinquent Tax Records and Giving Notice of Delinquency When Second Installment of Taxes on the Secured Roll is Delinquent"; set second reading and adoption for 7/24/07, 9:30 a.m.; and make related findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

23154 **APPROVED AS RECOMMENDED**
N

V. CLOSED SESSION (Items CS-1-SCS3)

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. **CONTINUED TO 7/24/07, 9:30 A.M.**

County Executive Office:

CS-2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:
Title: Director of Internal Audit

B.O. **CONTINUED TO 7/24/07, 9:30 A.M.**

SCS3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property: 1146 E. Washington Avenue in Santa Ana
Parcel Number DD-073034-01-01
County Negotiator: Toni Ferrulli
Negotiating Parties: California Department of Transportation
Under Negotiation: Price and terms of payment

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

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

PUBLIC COMMENTS:
Charles Griffen - Oral Re: Fusion and alternate fuel sources

Larry Laven - Oral Re: Legislation

David Cortez, Mai Ho - Oral Re: Concerns over new trash service in El Modena area

Darrell Nolta - Oral Re: Concerns over cost of JWA expansion project

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Chairman Norby - Oral Re: AB 1234 Report: reported recent attendance at the NACO Conference in Virginia as the County's Representative

ADJOURNED: 4:04 P.M.
24135 **Adjourned in memory of Joseph L. Williams**

*** 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