REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, November 18, 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	Darlene J. Bloom

INVOCATION: Supervisor Norby, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Campbell, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-38)

43152 **APPROVED AS RECOMMENDED THE EXCEPTION OF ITEM 3 WHICH WAS DELETED; ITEM 15 WHICH WAS CONTINUED TO 12/15/08, 9:30 A.M.; ITEMS 12, 22 & 36 WHICH WERE CONTINUED TO 11/25/08, 9:30 A.M.; AND ITEMS 8, 13, 14, 37 & 38 WHICH WERE PULLED FOR DISCUSSION**

BOARD APPOINTMENTS

Supervisor Norby:

1. Assessment Appeals Board No. 4 - Appoint Steven Douglas White, Anaheim, to complete term ending 9/5/11

2. Waste Management Commission - Reappoint Ashu Jain, Irvine, to complete term ending 11/14/10

3. **Vice Chair Bates -** Waste Management Commission - Reappoint Joe Soto, San Juan Capistrano, for term ending 11/18/10

43152 **DELETED**

ELECTED DEPARTMENT HEADS

District Attorney:

4. Approve price agreement N1000010412 with Southern California Private Investigators, Inc. for document analysis services, 11/24/08 - 11/23/09 ($150,000 per year); renewable for three additional one-year periods per Board policy - All Districts

5. Authorize District Attorney to accept transfer of 7 security cameras from Anaheim Police Department to coincide with the terms of agreement with Anaheim pursuant to the Urban Areas Security Initiative (UASI) - All Districts

Sheriff-Coroner:

6. Approve price agreement N1000010235 with Taser International, Inc. for repair and replacement of tasers and taser accessories, 11/19/08 - 11/18/09 ($80,000); renewable for four additional one-year periods per Board policy - All Districts

7. Approve amendment 5 to price agreement N5000008133 with Orange County Pumping, Inc. for septic tank cleaning services, 11/25/08 - 11/24/09 ($22,000; new total $120,000) - All Districts

8. Approve purchase order PC 060 P0800004313 with Unisys Corporation for purchase of storage system upgrade ($279,158) - All Districts

23145 **APPROVED AS RECOMMENDED**

9. Approve Memorandum of Understanding with Huntington Beach for sharing law enforcement responsibilities along Santa Ana River and Bolsa Chica Wetlands; and authorize Chair and Sheriff-Coroner to execute Memorandum of Understanding - District 2

10. Approve price agreement N1000010441 with Matrix Imaging Products, Inc. for conversion of microfilm to digital images, 11/18/08 - 5/17/09 ($214,000) - All Districts

11. Approve price agreement N1000010369 with NetMotion Wireless, Inc. for maintenance of Mobility Management server software, 11/19/08 - 11/18/09 ($26,200); renewable for four additional one-year periods - All Districts

HEALTH CARE AGENCY

12. Approve master agreement with various universities for Off-Campus Student Training

services, 12/1/08 - 11/30/11; and authorize Director or designee to execute agreements - All Districts

43152 **CONTINUED TO 11/25/08, 9:30 A.M.**

JOHN WAYNE AIRPORT

13. Authorize Director to allocate three regulated average daily departures to new entrant Air Carrier, modify information requirements for qualifying aircraft for operation, amend Access Plan and revise dates of Voluntary Reduction of Passenger Capacity Allocation Request Form; and make California Environmental Quality Act findings - District 2

32145 **APPROVED AS RECOMMENDED**

14. Adopt list of prequalified general contractors and subcontractors to bid on the Terminal C project; and make California Environmental Quality Act findings - District 2

32145 **APPROVED AS RECOMMENDED**

15. Approve use of design-build procurement for Central Plant project; approve list of pre-qualified design-build contractors; authorize Director to establish and enforce a Department of Industrial Relations approved Third-Party Labor Compliance program; authorize Director to issue a Request for Proposals to approved pre-qualified contractors, establish proposal due date of 1/29/09, receive, open and evaluate proposals and to extend due date if necessary up to 60 days; and make California Environmental Quality Act findings - District 2

43152 **CONTINUED TO 12/9/08, 9:30 A.M.**

16. Adopt list of prequalified general contractors and subcontractors to bid on Parking Structure C project; and make California Environmental Quality Act findings - District 2

OC COMMUNITY RESOURCES

17. Approve amendment 1 to agreement with PJHM Architects, Inc. for repairs of Clock Tower, San Clemente Branch Library ($14,000; new total $82,250); and make California Environmental Quality Act findings - District 5

18. Approve price agreement N1000010342 with Hogle-Ireland, Inc. for consultant services for completion of Community Planning and Development Programs Five-Year Consolidated Plan, 11/19/08 - 12/31/09 ($119,965) - All Districts

19. Approve plans and specifications and set bid opening for 1/7/09, 2:00 p.m., for replacement of heating, ventilation, and air conditioning system, Laguna Beach Branch Library; and make California Environmental Quality Act findings - District 5

20. Approve plans and specifications and set bid opening for 1/7/09, 2:00 p.m., for Phase III ADA Restroom Upgrades, Fountain Valley, Westminster and Silverado Branch Libraries; and make California Environmental Quality Act findings - Districts 1, 2 & 3

21. Approve plans and specifications and set bid opening for 1/7/09, 2:00 p.m., for Phase III ADA Restroom Upgrades and expansion and interior remodeling, Irvine/University Park Branch Library; and make California Environmental Quality Act findings -

District 3

OC PUBLIC WORKS

22. Approve agreement with Diamond Parking Services, LLC for 53 non-exclusive parking spaces at 917 N. Bush Street, Santa Ana, 12/1/08 - 11/30/10 ($72,000); and make California Environmental Quality Act findings - District 1

43152 **CONTINUED TO 11/25/08, 9:30 A.M.**

23. Approve plans and specifications and set bid opening for 12/17/08, 2:00 p.m., for annual asphalt concrete pavement maintenance; and make California Environmental Quality Act findings - All Districts

24. Approve amended District Attorney's Records Control Schedule 47E for records retention and disposal - All Districts (4/5 vote)

25. Approve and accept grant deed from Maison de Fleur Community Association for 0.294 acres of land for regional park purposes, Ralph B. Clark Regional Park; and make California Environmental Quality Act findings - District 4

26. Deny bid protest of Spectra Company; receive bids and award contract to Caltec Corporation for structural stabilization of Arden Modjeska Stone Building restoration at Modjeska Historic Park ($194,900); and make California Environmental Quality Act findings - District 3

27. Deny bid protest of Thomco Construction, Inc.; receive bids and award contract to CopperTop Enterprises, Inc. for Hall of Administration security egress ($326,840); and make California Environmental Quality Act findings - District 1

28. Declare bids of Hillcrest Contracting, Inc., 4-Con Engineering and California Engineering and Contracting, Inc. to be non-responsive; receive bids and award contract to Kormx, Inc. for Olive Island Sidewalk Improvements and Pavement Slurry Seal ($255,147.50) - District 3

29. Declare bids of All American Asphalt and ACT Construction & Engineering, Inc. to be non-responsive; receive bids and award contract to Elite Bobcat Service, Inc. for Hewes Avenue Sidewalk Improvements and Pavement Reconstruction ($433,000) - District 3

Acting as the Orange County Flood Control District:

30. Approve amendment 1 to lease agreement with Orange County Transportation Authority to extend rent-free lease of Katella Yard facilities, 11/22/08 - 3/31/09; and make California Environmental Quality Act findings - District 4

31. Select Pacific Advanced Civil Engineering, Inc. as primary and Northwest Hydraulic Consultants as alternate firms for hydraulic physical modeling services, East Garden Grove-Wintersburg Channel; authorize Director or designee to negotiate agreement for Board approval; and make California Environmental Quality Act findings - Districts 1 & 2

32. **Acting as the Board of Supervisors and Orange County Flood Control District -**

Approve amendment 1 to agreement D07-119 with LSA Associates Inc. and amendment 1 to agreement D07-120 with URS Corporation Americas for environmental documentation and permitting services ($200,000 each; new total $400,000 each); and make California Environmental Quality Act findings - All Districts

PUBLIC PROTECTION

Probation:

33. Approve Memorandum of Understanding with Children's Hospital of Orange County for provision of mobile health care services for Youth and Family Resource Centers, 11/18/08 - 11/17/11; and make California Environmental Quality Act findings - Districts 1 & 4

34. Approve amendment 1 to grant award agreement RT07070300 with State Office of Emergency Services for residential substance abuse treatment, 10/1/07 - 6/30/09 ($182,327; new total $235,974); ratify Chief Probation Officer's execution of agreement; authorize Auditor Controller to make related budget adjustments; and make California Environmental Quality Act findings - All Districts (4/5 vote)

SOCIAL SERVICES AGENCY

35. Approve agreement ANH0608 with Accredited Nursing Care to provide Multipurpose Senior Services Program In-Home services, 12/1/08 - 6/30/09 ($100,000) - All Districts

GENERAL ADMINISTRATION

36. **County Counsel** - Authorize County Counsel to execute a conflict of interest waiver with Bingham McCutchen LLP to represent BKK Joint Defense Group - All Districts
43152 **CONTINUED TO 11/25/08, 9:30 A.M.**

County Executive Office:

37. Approve allocation and expenditure of Fourth District Fund 130 funds for four City of Fullerton projects totaling $378,000; authorize Clerk of the Board to execute agreements; and make related findings - District 4
41352 **APPROVED AS RECOMMENDED**
N

38. Approve amendment 1 to agreements with Lien Doan Huong Dao Truong Son for funding of Outdoor Equipment and Activities Fees, with Hope Community Services, Inc. for funding of Family and Youth Literacy Program and with Rose Center Foundation for funding of Westminster Rose Center Theater Project; approve agreement with Santa Ana for basketball court renovations, purchase and installation of monkey bars, installation of alarm system and parking gate of exterior of Santa Ana Police Athletic Activity League building, Santa Ana ($33,675); and approve amendment to agreements with YMCA of Orange County, Garden Grove Downtown Business Association, and Santa Ana to extend the terms of their agreement to 12/31/09 to complete previously approved projects; and authorize Clerk of the Board to execute agreements; and make

related findings - District 1

14352 **APPROVED AS RECOMMENDED**

N

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 39-S59A)

ELECTED DEPARTMENT HEADS

District Attorney:

39. Approve purchase order PC 026 P0900002102 with Parking Concepts, Inc. for 30 parking spaces at 801 Civic Center Drive, Santa Ana, 7/1/08 - 8/31/08 ($3,900) - All Districts
13452 **APPROVED AS RECOMMENDED**

40. Approve purchase order PC 026 P0900002098 with Sycamore Parking Concepts LLC for parking spaces at 812 Civic Center Drive, Santa Ana, 6/1/08 - 7/31/08 ($7,984)- All Districts
13452 **APPROVED AS RECOMMENDED**

41. Adopt resolution accepting grant funds from State Department of Insurance for Automobile Insurance Fraud Program, 7/1/08 - 6/30/09 ($908,653) - All Districts
13452 **APPROVED AS RECOMMENDED**
RESO: 08-145

42. Adopt resolution accepting grant funds from State Department of Insurance for State Workers' Compensation Insurance Fraud Program, 7/1/08 - 6/30/09 ($2,250,000) - All Districts
13452 **APPROVED AS RECOMMENDED**
RESO: 08-146

Sheriff-Coroner:

43. Oral Report on Crout & Sida findings of Orange County jail system - All Districts
B.O. **CONTINUED TO 11/25/08, 9:30 A.M.**

44. Response to Board Directive (10/7/08) - Oral Report on update of Concealed Carry Weapons (CCW) Permits - All Districts
PRESENTED

45. Select IDS Group, Inc. for design services for security wall at Theo Lacy Facility; authorize Sheriff-Coroner to negotiate agreement for Board approval; and make California Environmental Quality Act findings - District 3
31452 **APPROVED AS RECOMMENDED**

46. Approve price agreement F1000003268 with Applied Biosystems, Inc. for purchase of DNA analysis kits, 11/18/08 - 11/17/09 ($295,000); renewable for four additional one-year periods - All Districts
13452 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

47. 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 (Continued from 10/21/08, Item 30; 10/28/08, Item 27)

B.O. **DELETED**

OC COMMUNITY RESOURCES

48. Receive and file Annual Report for Orange County Human Relations Commission for FY 2007-08 - All Districts

B.O. **CONTINUED TO 11/25/08, 9:30 A.M.**

OC PUBLIC WORKS

49. Approve Civic Center Parking/Maintenance Fund 828, FY 2008-09 ($11,790,389); authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - District 1 (4/5 vote)

B.O. **CONTINUED TO 11/25/08, 9:30 A.M.**

50. Consider second reading and adoption of "An Ordinance of the County of Orange, California Amending Section 7-9-40, and 7-9-142, and adding section 7-9-141.3 to the Codified Ordinances of the County of Orange Regarding Senior Living Facilities"; and adopt Negative Declaration IP08-173 - All Districts (Continued from 9/9/08, Item 53; 9/23/08, Item 36; 10/7/08, Item 45; 10/28/08, Item 37)

53142 **APPROVED AS RECOMMENDED**
ORD: 08-015

51. Approve amendment 1 to agreement Z1000000050 with Parking Concepts, Inc. for management and operation of multiple parking facilities, Manchester and Santa Ana Civic Center complexes, 12/1/08 - 11/30/09 ($2,150,000); and make California Environmental Quality Act findings - Districts 1 & 3

13452 **APPROVED AS RECOMMENDED**

52. Approve agreement D08-091 with Orange County Transportation Authority to secure State Transportation Improvement Program funds for improvement to Ortega Highway; and make California Environmental Quality Act findings - District 5

53142 **APPROVED AS RECOMMENDED**

53. Approve grant agreement WC-8038BT with California Wildlife Conservation Board for Upper Newport Bay Ecosystem Restoration Project ($2,000,000); authorize Director to execute agreement; make related budget adjustments; and make California Environmental Quality Act findings - District 2 (4/5 vote)

25134 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

54. Approve price agreement N1000010444 with Environ Strategy Consultants, Inc. for operation and maintenance services for North Region's groundwater control, monitoring and water supply systems, 11/23/08 - 11/22/09 ($350,000); renewable for three additional one-year periods per Board policy - District 3

31452 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

55. Approve 2009 County of Orange Legislative Platform and consider other legislative subject matters - All Districts

B.O. **CONTINUED TO 11/25/08, 9:30 A.M.**

56. Receive and file Quarterly Information Technology Project Status Detail and Executive Summary Report for July - September 2008 and Risk Assessment Report for July - September 2008 - All Districts

B.O. **CONTINUED TO 11/25/08, 9:30 A.M.**

57. Approve recommended grant applications submitted by OC Public Libraries and OC Public Works/OC Watersheds in 11/18/08 grant report and other actions as recommended - All Districts

51342 **APPROVED AS RECOMMENDED**

58. Approve Design Development Agreement for South Justice Center, Laguna Niguel; authorize Director of OC Public Works or designee to issue RFP to each of the four prequalified design-build entities; and make California Environmental Quality Act findings - District 5

B.O. **DELETED**

59. **Supervisor Norby -** Consider adopting resolution regarding Concealed Carry Weapon (CCW) Permit Policies

4 **MOTION TO APPROVE RESOLUTION AS RECOMMENDED WITH MINOR CHANGES PRESENTED ON THE FLOOR DIED FOR LACK OF SECOND**

4 **MOTION TO COMBINE SUPERVISOR NORBY'S PROPOSED RESOLUTION WITH MINOR CHANGES AND SUPERVISOR NGUYEN'S PROPOSED RESOLUTION WITH MINOR CHANGES DIED FOR LACK OF SECOND**

14352 **ADOPTED NEW RESOLUTION, DATED NOVEMBER 18, 2008 AS PRESENTED BY SUPERVISOR NGUYEN WITH THE FOLLOWING CHANGES TO THE "BE IT RESOLVED" SECTION; PARAGRAPH 3, LINE1 CHANGED "SHOULD" TO "COULD"; DELETED THE FIRST "OR" IN LINE 2; IN PARAGRAPH 4, LINE 2 ADDED AFTER THE WORD PROFESSION, "BUSINESS," AND CHANGED THE WORD "STATURE" TO "STATUS" IN THE SAME LINE; AND DELETED PARAGRAPH 5**
RESO: 08-148

S59A. **Chair Moorlach -** Local Emergency

1. Pursuant to Government Code section 54954.2(b)(2), the Board declares the need to add a local emergency item to the agenda that was not on the posted agenda as such information arose after the required 72-hour posting (4/5 vote)

2. Adopt resolution ratifying Chair Moorlach's proclamation of a local emergency on November 15, 2008 due to local fires within Orange County and set review to determine continuing need for emergency action to11/25/08, 9:30 a.m. and every 14

days thereafter - All Districts (4/5 vote)

32145 **PURSUANT TO GOVERNMENT CODE SECTION 54954.2(B)(2), DECLARED THE NEED TO ADD A LOCAL EMERGENCY ITEM TO THE AGENDA THAT WAS NOT ON THE POSTED AGENDA AS SUCH INFORMATION AROSE AFTER THE REQUIRED 72-HOUR POSTING**

32145 **APPROVED AS RECOMMENDED**
RESO: 08-147

IV. PUBLIC HEARINGS (Item 60)

OC COMMUNITY RESOURCES

60. Public Hearing to consider approving amendment to Annual Action Plan, FY 2008-09 for funding of Neighborhood Stabilization Program ($3,285,925); authorize submission to U.S. Department of Housing and Urban Development; and authorize Director or designee to execute related documents under certain conditions - All Districts

B.O. **CLOSED PUBLIC HEARING**

13452 **APPROVED AS RECOMMENDED**

V. CLOSED SESSION (Items CS-1-CS-2)

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to Government Code Section 54956.9(a):
Name of Case: County of Orange v. Newport Golf Club, LLC., et al., Orange County Superior Court Case No. 06CC12837

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE,1. APPROVED THE PROPOSED SETTLEMENT AND DELEGATED AUTHORITY TO COUNTY COUNSEL TO EXECUTE A STIPULATION FOR SETTLEMENT AND ENTRY OF JUDGEMENT ON BEHALF OF THE COUNTY, AND TO FILE THE STIPULATION IN THE ACTION, COUNTY OF ORANGE V. NEWPORT GOLF CLUB, LLC, ET AL., ORANGE COUNTY SUPERIOR COURT CASE NO. 06CC12837.2. AUTHORIZED AND DIRECTED THE COUNTY AUDITOR-CONTROLLER TO ISSUE THE FOLLOWING PAYMENTS FROM ROAD FUND 115-115-L380-4100-00-ER11159: (A) UPON REQUEST FROM COUNTY COUNSEL, A CHECK IN THE AMOUNT OF $380,000 PAYABLE TO NEWPORT GOLF CLUB, LLC, AND A CHECK IN THE AMOUNT OF $80,000 MADE PAYABLE TO THE NEWPORT BEACH GOLF COURSE, LLC (THE GOLF COURSE OPERATORS' ENTITY); AND (B) UPON REQUEST FROM OC PUBLIC WORKS, SUCH OTHER CHECKS FOR TITLE INSURANCE, RECORDING, AND/OR OTHER MISCELLANEOUS COSTS RELATING TO THE COUNTY'S ACQUISITION OF THE EASEMENTS FROM NGC IN AN AMOUNT NOT TO EXCEED $25,000. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**

CS-2. **Human Resources Department -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organizations: 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:
Darrell Nolta - Oral Re: Registrar of Voters operations and Westminster City Council election

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS AND TRAVEL REPORTS:
Chair Moorlach - Oral Re: Due to next week's large agenda, asked Supervisors to notify him if they need to leave early and of any agenda items they would like moved up on the agenda and directed Clerk of the Board to also advise him of all items requiring a 4/5 vote

ADJOURNED: 5:45 P.M.

52134 **Adjourned in memory of Beverly Nighswonger**

25134 **Adjourned in memory of Robert Scott Campbell**

12345 **Adjourned in memory of Lance Corp Sam Sim**

32145 **Adjourned in memory of Michael Crichton**

25134 **Adjourned in memory of Paul "Ed" Dundon**

52134 **Adjourned in memory of Patricia Ann Carmichael**

*** 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