REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, May 15, 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 Campbell, Third District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Chairman Norby recognized John Wayne Airport's Student Art Winners

II. CONSENT CALENDAR (Items 1-23)

23154 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 3 WHICH WAS CONTINUED TO 6/19/07, 9:30 A.M.; ITEMS 5-7 WHICH WERE CONTINUED TO 5/22/07, 9:30 A.M.; ITEMS 8 & 22 WHICH WERE DELETED; AND ITEMS 1, 9, 19, 20 & 23 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

ELECTED DEPARTMENT HEADS

1. **Auditor-Controller -** Approve deletion of dismantled, missing, obsolete, stolen and surplused equipment items from department/agency capital asset inventories - All Districts (Continued from 5/1/07, Item 4; 5/8/07, Item 2)

23154 **APPROVED AS RECOMMENDED**

2. **Clerk-Recorder -** Approve price agreement with Data Trace for creation and mailing of Property Fraud Prevention Courtesy Notices (notification to property owners when grant deeds are recorded on their property), 5/1/07 - 6/30/08 ($225,000 per year); renewable for one additional year per Board policy - All Districts

3. **Sheriff-Coroner -** Approve agreement with DMJM H&N, Inc. for design of James A. Musick Facility east kitchen rehabilitation project ($174,818) - District 3

23154 **CONTINUED TO 6/19/07, 9:30 A.M.**

4. **Treasurer-Tax Collector -** Approve amended price agreement N1000006387 with Opex Corporation for additional maintenance services of Opex equipment used to process property taxes, 3/12/07 - 11/30/07 ($5,220) - All Districts

DANA POINT HARBOR DEPARTMENT

5. 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

23154 **CONTINUED TO 5/22/07, 9:30 A.M.**

6. 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

23154 **CONTINUED TO 5/22/07, 9:30 A.M.**

7. 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

23154 **CONTINUED TO 5/22/07, 9:30 A.M.**

INTEGRATED WASTE MANAGEMENT DEPARTMENT

8. Receive bids and award contract to Allied E Corporation for LISTS Phase II new unattended scale, Prima Deshecha landfill ($367,622.50); and make California Environmental Quality Act findings - District 5

23154 **DELETED**

JOHN WAYNE AIRPORT

9. Approve plans and specifications and set bid opening for 6/20/07, 2:00 p.m., for pavement maintenance and repairs; and make California Environmental Quality Act findings - District 2

25134 **APPROVED AS RECOMMENDED**

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

10. Select Wayne C. Siu Architects and Associates as primary and TMAD Taylor & Gaines as alternate firms for design services of Los Pinos Conservation Camp repaint and repair of six buildings; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 5

11. Approve plans and specifications and set bid opening for 6/20/07, 2:00 p.m., for structural stabilization of Arden Modjeska Stone Building; and make California Environmental Quality Act findings - District 3

12. Approve lease with Coast Community College District for Intercollegiate Sailing and Rowing Base in Lower Newport Bay; and make California Environmental Quality Act findings - District 2

13. Receive and file Traffic Committee Report dated 3/15/07; approve recommendations; and adopt necessary resolution - District 3
RESO: 07-055

14. Receive bids and award contract to Fleming Environmental, Inc. for replacement of playground equipment, Mason Regional Park ($109,400) - District 3

15. Authorize release of security for street improvements, street lights, sewer and water systems, landscaping and monumentation, Tract 15988, DMB Ladera, LLC, Ladera Ranch area - District 5

16. 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 16354, Shea Homes Limited Partnership, Ladera Ranch area - District 5
RESO: 07-056

17. Authorize release of security for street improvements, street lights, storm drains, landscaping and monumentation, Tract 15819, The Irvine Company, Newport Coast area - District 5

18. Receive bids and award contract to Lavey Roofing Services, Inc. for rehabilitation of roof system, Harbor Justice Center ($291,000) - District 2

19. Approve price agreement N1000008741 with Arroyo Seco Associates, Inc. for RDMD's Facilities Operations management review, 5/15/07 - 5/14/08 ($125,650) - All Districts
23154 **APPROVED AS RECOMMENDED**

20. Decline to exercise the County's First Refusal Right to purchase the Strawberry Farms Golf Club leasehold; and authorize Director to notify Sand Canyon, LLC – District 3
25134 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

21. Approve California Child and Family Services Review System Improvement Plan, 5/22/07 - 5/21/10; authorize Director and Chief Probation Officer or designees to execute Plan and updates and submit to State Department of Social Services - All Districts

GENERAL ADMINISTRATION

22. **County Executive Office -** Approve master agreement X1000000356 with Iron Mountain Information Management, Inc. for off-site data storage and retrieval services, 7/1/07 - 6/30/08; and authorize Purchasing Agent to execute agreement and related document and to renew agreement four additional one year terms per Board policy - All Districts

23154 **DELETED**

23. **Registrar of Voters -** Direct Registrar of Voters to provide confidentiality upon application of voter registration information to specified public safety officials, in accordance with Elections Code section 2166.7 - All Districts

23154 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 24-S41B)

HEALTH CARE AGENCY

24. Receive and file Tobacco Settlement Spending Plan, FY 2007-08; and authorize Agency to implement programs included in accordance with requirement of Measure H - All Districts
35124 **APPROVED AS RECOMMENDED**

25. Adopt resolution approving agreement 07-007-250-0 with State Water Resources Control Board for Leaking Underground Storage Tank Cleanup, 7/1/07 - 6/30/08 ($1,072,470); and authorize Director or designee to execute subsequent non-monetary amendments - All Districts
35124 **APPROVED AS RECOMMENDED**
RESO: 07-057

26. Approve amended A01 to agreement 04-35071 with State Department of Health Services for claiming reimbursement of allowable Medi-Cal Administrative Activities, 7/1/04 - 6/30/09 ($27,000,000); and authorize Director or designee to execute agreement - All Districts
32154 **APPROVED AS RECOMMENDED**

27. Approve cooperative agreement with Santa Ana for HIV housing and supportive social services, 7/1/07 - 6/30/08 ($774,650) - All Districts
12354 **APPROVED AS RECOMMENDED**

28. Approve master agreement with various providers for Indigent and Trauma Care FY 2006-07; and authorize Director or designee to execute individual agreements; approve agreements with WMC-SA, Inc., dba Western Medical center-Santa Ana, ($190,000) and Children's Hospital of Orange County ($110,000) for intergovernmental transfer funds, 5/15/07 - 12/31/07; and authorize Auditor-Controller to send, via electronic funds transfer, $300,000 to State Department of Health Services on or before 5/21/07 - All Districts
13254 **APPROVED AS RECOMMENDED**

29. Approve agreements with Orange County Association for Mental Health dba Mental Health Association of Orange County for Multi-Service Center services ($825,000), Intensive Recovery Services ($1,031,541), 7/1/07 - 6/30/08 and Mental Health Patient Advocate services ($86,400) 7/1/07 - 6/30/09 - All Districts
32154 **APPROVED AS RECOMMENDED**

30. Approve agreement with PacifiCare Behavioral Health, Inc., dba PacifiCare Behavioral Health Administrators for Administrative Services Organization for Specialty Mental Health Outpatient services, 7/1/07 - 6/30/08 ($5,517,671) - All Districts
32154 **APPROVED AS RECOMMENDED**

31. Approve amendment 2 to agreement with Mariposa Women and Family Center for Alcohol and Drug Abuse Prevention and Behavioral Health Outpatient services, 7/1/06 - 12/31/07 ($453,061; new total $1,396,413) - All Districts
34125 **APPROVED AS RECOMMENDED**
N

32. Approve amended agreement 30 (06-07) with State Department of Alcohol and Drug Programs for alcohol and drug abuse treatment and prevention services, 7/1/06 - 6/30/07 ($260,037 decrease; new total $21,280,423); and authorize Director or designee to execute agreement -

All Districts
42135 **APPROVED AS RECOMMENDED**

INTEGRATED WASTE MANAGEMENT DEPARTMENT

33. Select LSA Associates, Inc. as primary and SWCA Environmental Consultants as alternate firms for archaeological and paleontological monitoring services, central region landfills; and authorize negotiation of agreement for Board approval - District 3
32154 **APPROVED AS RECOMMENDED**

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

34. Approve settlement agreement and release with Hilbrick Construction for Probation/Youth Guidance Center asbestos abatement and restroom improvements; and authorize Auditor-Controller to issue check in the amount of $339,697.04 as final payment - District 1
13254 N **APPROVED AS RECOMMENDED**

35. 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)
B.O. **CONTINUED TO 5/22/07, 9:30 A.M.**

Acting as the Orange County Flood Control District:

36. Approve contract change order no. 1 to agreement D06-001 with CJW Construction, Inc. ($286,489.72); and accept improvements for vegetation and sediment removal for San Diego Creek Channel from Campus Drive to San Diego Freeway; project completed 3/12/07 ($767,429.72) - District 3
32154 **APPROVED AS RECOMMENDED**

37. Receive bids and award contract to Macro-Z-Technology for Fullerton Creek Channel Improvements from upstream Knott Avenue to downstream Western Avenue ($6,703,110) - District 4
42135 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

38. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
54123 **THE BOARD REAFFIRMED ITS SUPPORT OF THE SELECTED GREEN ALIGNMENT FOR THE TOLL ROAD EXTENSION PROJECT**

32154 **APPROVED AS RECOMMENDED**

39. Receive and file Quarterly Information Technology Project Report for January - March, 2007 - All Districts
23154 **RECEIVED AND FILED**

40. Approve grant applications report as proposed and other actions as recommended - All Districts

23154 **APPROVED AS RECOMMENDED**

41. **Supervisor Moorlach -** Consider first reading of "An Ordinance of the County of Orange, California, Designating the Public Administrator as the Ex Officio Public Guardian"; and set second reading and adoption for 5/22/07, 9:30 a.m.

23154 **APPROVED AS RECOMMENDED**

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

S41A. Authorize fee waiver and transfer of funds for Sunset Beach Community Association to cover cost of Building and Safety fees associated with plan check review and inspection for related permits - District 2

23154 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

S41B. **Supervisor Bates -** Adopt resolution proclaiming May 2007 as "American Wetlands Month" and commend 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

52134 **APPROVED AS RECOMMENDED**
RESO: 07-058

IV. PUBLIC HEARINGS (Item 42)

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

42. Public hearing to consider first reading 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"; make California Environmental Quality Act findings; and set second reading and adoption for 5/22/07, 9:30 a.m. – All Districts

B.O. **CLOSED PUBLIC HEARING**

32154 **APPROVED AS RECOMMENDED**

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

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. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE AUTHORIZED COUNTY COUNSEL TO FILE LITIGATION. THE IDENTITY OF THE PARTIES AND OTHER PARTICULARS WILL BE**

DISCLOSED TO ANY PERSON UPON INQUIRY ONCE THE ACTION IS FILED.

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
HELD, THE CLERK READ: THE BOARD BY UNANIMOUS VOTE AUTHORIZED THE FILING OF A PETITION FOR REVIEW IN THE CALIFORNIA SUPREME COURT.

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

PUBLIC COMMENTS:
None

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Supervisor Campbell - Oral Re: AB 1234 Report: Reported on upcoming trip to Washington DC this afternoon to discuss continued funding of the Prado Dam Project (Item 38)

Supervisor Moorlach - Oral RE: AB 1234 Report: Reported his trip to Sacramento last week to complete his New Supervisors Institute Certificate Program.

ADJOURNED: 11:46 A.M.
24135 **Adjourned in memory of Eric Seehuus**

42135 **Adjourned in honor and memory of all mothers**

*** 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