REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, February 26, 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: Supervisors: Campbell, Moorlach, Nguyen and Norby

EXCUSED: Supervisor Bates

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

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

Chairman Moorlach handed out 12 proclamations to varying local agencies to commend them on their 2007 Volunteer Mutual Aid Drill

II. CONSENT CALENDAR (Items 1-37)

43152 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 4, 8, 14, 22, 32, 34 & 37 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE; AND ITEMS 13 & 26 WHICH WERE CONTINUED TO 3/4/08, 9:30 A.M.**

BOARD APPOINTMENTS

Chair Moorlach:

1. Emergency Medical Care Committee - Reappoint Cathy Green, Huntington Beach, to complete term ending 6/30/09

2. Public Financing Advisory Committee - Appoint Shari Freidenrich, Huntington Beach, to complete term ending 8/11/08

3. Operational Area Executive Board - Remove Supervisor Norby as first alternate and appoint Vice Chair Bates as alternate to complete term ending 12/31/08

4. Developmental Disabilities Area Board XI - Appoint Paula R. Ceja, Santa Ana; Nancy L. Kossley, Tustin; Kerrie Lloyd, San Juan Capistrano; Melissa Rodriquez, Cypress; Joseph G. Preston, Anaheim Ana Venegas, Rossmoor and reappoint Andrea Kumetz-Coleman, Westminster and Jennifer Lee-Anderson, Santa Ana for terms ending 2/25/11 (Continued from 2/26/08, Item 4)

43152
X **CONTINUED TO 3/11/08, 9:30 A.M.**

DEPARTMENT APPOINTMENTS

5. **Acting as the Board of Supervisors and Orange County Housing Authority -** Housing and Community Development Commission - Appoint Ron Garcia, Brea, to complete term ending 6/30/08 - All Districts

6. **Housing and Community Services Department -** Orange County Workforce Investment Board - Appoint Dr. Juan Carlos Araque and Marilen Coughenour, Santa Ana, to complete terms ending 12/31/08 - All Districts

COMMENDATIONS/PROCLAMATIONS/REPORTS

7. **Supervisor Moorlach -** Adopt resolution supporting the Big Read program in conjunction with Orange County Public Library
RESO: 08-010

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

8. Receive and file annual Inmate Welfare Fund Expenditure Report for FY 2006-07 ($3,927,993) - All Districts

31452
X **APPROVED AS RECOMMENDED**

9. Approve purchase contract PC 14E P0800004585 with Identix, Inc. for the purchase of Live Scan equipment ($91,231) - All Districts

10. Approve agreement 07-204-783 with and accept grant award from State Department of Boating and Waterways for Boating Safety and Enforcement grant ($32,000); authorize Sheriff-Coroner or designee to execute agreement; authorize Purchasing Agent to purchase related equipment; and make related budget adjustments - Districts 2 & 5 (4/5 vote)

HEALTH CARE AGENCY

11. Approve agreement with The Regents of the University of California for primary medical care services, 3/1/08 - 2/28/09 ($98,400) - All Districts

HOUSING AND COMMUNITY SERVICES DEPARTMENT

12. Approve issuance of 2008 Multi-Family Affordable Rental Housing Notice of Funding Availability and incorporation of policy and process changes - All Districts

13. Receive and file Senior Non-Emergency Medical Transportation Program 90-Day Report - All Districts

43152 X **CONTINUED TO 3/4/08, 9:30 A.M.**

INTEGRATED WASTE MANAGEMENT DEPARTMENT

14. Approve plans and specifications and set bid opening for 4/16/08, 2:00 p.m., for North 24-Inch Header Project, Frank R. Bowerman Landfill; and make California Environmental Quality Act findings - District 3

43152 X **APPROVED AS RECOMMENDED**

15. Approve plans and specifications and set bid opening for 4/16/08, 2:00 p.m., for scale area improvements and LISTS Phase IIB unattended lane improvements project, Olinda Alpha Landfill; and make California Environmental Quality Act findings - District 3

ORANGE COUNTY PUBLIC LIBRARY

16. Select Kishimoto Architects, Inc. as primary and PJHM Architects Southwest as alternate firms for design services to construct restroom upgrades, Fountain Valley, Irvine University Park, Silverado and Westminster branch libraries; and authorize negotiation of agreement for Board approval - Districts 1, 2 & 3

17. Receive bids and award contract to Bon Air, Inc. for replacement of heating, ventilation and air conditioning equipment, El Toro Branch Library ($146,000) - District 5

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

18. Approve amendment 1 to agreement D04-058 with Laguna Niguel for implementation of Narco Channel restoration for water quality improvement project in Aliso Creek Watershed; and make California Environmental Quality Act findings - District 5

19. Adopt resolution authorizing establishment and implementation of the Mills Act (Government Code Section 50280, et.seq.) and establishment of policy for preservation of historical properties; and approve Historical Property Contract sample and authorize Director or designee to coordinate, process and execute individual agreements - All Districts
RESO: 08-011

20. Adopt resolution authorizing Director or designee to submit applications with Orange County Transportation Authority for Measure M Combined Transportation Funding Program - All Districts
RESO: 08-012

21. Adopt resolution approving second amendment to amended and restated Irrevocable Offer of Dedication for Muddy Canyon from The Irvine Company LLC and Irvine Community Development Company LLC; accept grant deeds from Pacific Ridge Maintenance Association and Irvine Community Development Company for various parcels for expansion of Laguna Coast Wilderness Park; and make California Environmental Quality Act findings - District 5
RESO: 08-013

22. Receive bids and award contract to Fluoresco Lighting & Signs, Inc. for Phase 2 Civic Center Signage Improvements ($159,491); and make California Environmental Quality Act findings - District 1

41352 XN **APPROVED AS RECOMMENDED**

23. Approve agreement D07-177 with Tustin for Irvine Boulevard pavement maintenance from Elizabeth Way to Red Hill Avenue; and make California Environmental Quality Act findings - District 3

24. Approve price agreement N1000009287 with EOA, Inc. for consulting services for Newport Bay Fecal Coliform Total Maximum Daily Load source management plan price agreement ($275,000) - Districts 1, 2, 3 & 5

25. Approve plans and specifications and set bid opening for 4/23/08, 2:00 p.m., for replacement of heating, ventilation and air conditioning and lighting control system with LonWorks Direct Digital System, County Operations Center; and make California Environmental Quality Act findings - District 1

26. Board Directive Response (11/20/07) - Tustin Marine Air Corps. Station Project Status Report - All Districts

43152 X **CONTINUED TO 3/4/08, 9:30 A.M.**

Acting as the Board of Supervisors and Orange County Flood Control District:

27. Approve Right of Entry agreement with Bryant property owner for access and construction related activities for Los Alamitos Pump Station project; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act findings - District 2

28. Approve agreement D07-120 with URS Corporation Americas for environmental documentation and permitting services, three-year term ($200,000); and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

29. Accept cash donation from Frederick Hanshaw Properties for purchase of goods and/or services for Orangewood Children's Home ($25,000) - All Districts

30. Approve Memorandum of Understanding CAA4207 with Family Builders By Adoption, Inc. for implementation and administration of California Kids Connection Adoption Navigator Services program, effective 3/1/08; and authorize Director or designee to execute - All Districts

31. Approve amendment 1 to agreements CLC2706A with Family Support Network for Parent Leadership services and CJC2905A with Children and Families Commission for Healthy Tomorrows Parenting Classes, 3/1/08 - 6/30/08; and authorize Director or designee to extend agreement with Children and Families Commission under certain conditions - All Districts

32. Approve amendment 2 to lease with Santa Ana for office space for CalWORKs services, 3/1/08 - 2/28/11; authorize Director or designee to execute related documents and three year extension - District 1

13452 X **APPROVED AS MODIFIED TO REQUIRE BOARD APPROVAL OF SECOND OPTION TO EXTEND LEASE TERM**

GENERAL ADMINISTRATION

33. **Clerk of the Board -** Approve the Conflict of Interest Code Designated Filers Exhibits for the newly established Office of the Performance Audit Director, effective 1/08/08 - All Districts

County Counsel:

34. Acting as the Board of Supervisors and Orange County Flood Control District - Select Luce Forward Hamilton & Scripps, LLP and California Eminent Domain Law Group as law firms to provide eminent domain and real property acquisition advice and representation in litigation; authorize County Counsel to execute agreement - All Districts

13452 X **APPROVED AS RECOMMENDED**

35. Select Meyers, Nave, Riback, Silver & Wilson law firm for advice and legal services for Fair Labor Standards Act (FLSA); and authorize County Counsel to execute agreement - All Districts

36. **Internal Audit -** Receive and file Internal Audit Department Monthly Status Report for January 2008 - All Districts

37. **Registrar of Voters -** Receive and file certified Statement of Votes Cast for February 5, 2008 Presidential Primary Election - All Districts

23145 X **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 38-65)

ELECTED DEPARTMENT HEADS

38. **Assessor Department -** Consider second reading and adoption of "An Ordinance of The County of Orange, California Authorizing the Deferral of Unpaid Nondelinquent Current Fiscal Year Supplemental Roll Taxes Following a Disaster" - All Districts (Continued from 2/5/08, Item 22)

31452 **APPROVED AS RECOMMENDED**
XX

ORD: 08-003

39. **District Attorney -** Approve amendment 1 to lease agreement DA 06-007 with Equitable Property Management Group, Inc. for office space for DNA Unit, 900 N. Broadway, Santa Ana; and make California Environmental Quality Act findings - District 1

12345 **APPROVED AS RECOMMENDED**
XX

Sheriff-Coroner:

40. Approve renewal of price agreement N2000008521 with Heli-Mart, Inc. for helicopter airframe components maintenance and repair services, 3/1/08 - 2/28/09 ($300,000); renewable for three additional one-year periods per Board policy - All Districts

31452 **APPROVED AS RECOMMENDED**
XX

41. Declare bid of Klassic Engineering and Construction, Inc. to be non-responsive; receive bids and award contract to Klaer Brittain Inc., dba KBI for Theo Lacy Visiting Booth Conversion project ($1,298,300) - District 3

31452 **APPROVED AS RECOMMENDED**
XX

HEALTH CARE AGENCY

42. Approve agreement with Coast Community College District - Golden West College for mental health training for Law Enforcement Officers, 3/1/08 - 6/30/10 ($231,844) - All Districts

31452 **APPROVED AS RECOMMENDED**
X

43. Approve amendment 1 to agreements with Delhi Center ($51,570; new total $198,587), Gay and Lesbian Community Services Center of Orange County ($18,518; new total $74,071) and Public Law Center ($25,298; new total $101,193); and approve amendment 2 to agreements with AIDS Services Foundation Orange County ($425,559; new total $1,772,179), Laguna Beach Community Clinic, Inc. ($79,641; new total $321,263) and Shanti Orange County ($59,736; new total $254,040) for HIV services, 3/1/07 - 6/30/08 - All Districts

31452 **APPROVED AS RECOMMENDED**
X

44. Approve amendment 1 to agreement with Straight Talk Clinic, Inc. for HIV Residential Alcohol and Drug Abuse Treatment services, 3/1/06 - 6/30/08 ($92,754; new total $589,282) - All Districts

31452 **APPROVED AS RECOMMENDED**
X

45. Approve Notice of Grant Award CDCI-07/08-30 with State Department of Alcohol and Drug Programs for Comprehensive Drug Court Implementation Program, 1/1/08 - 12/31/08 ($1,404,856); authorize Director or designee to execute notice of grant award - All Districts
13452 **APPROVED AS RECOMMENDED**
X

HOUSING AND COMMUNITY SERVICES DEPARTMENT

46. Approve selection of Mercy House Transitional Living Centers, Inc. as operator of Cold Weather Armory Emergency Shelter Program, FY 2008-09; and authorize negotiation of agreement for Board approval - All Districts
1 **MOTION TO CONTINUE FOR TWO WEEKS FAILED FOR LACK OF SECOND**

34152 **APPROVED AS RECOMMENDED**
NX

JOHN WAYNE AIRPORT

47. Approve consent to assignment of lease from Hudson Media, Inc. dba Hudson Group to Advent International Corporation for news and gift and specialty concessions; and make California Environmental Quality Act findings - District 2 (4/5 vote)
24135 **APPROVED AS RECOMMENDED**
X

48. Approve amendment 3 to agreement with Popov Engineers for changes in design services for Electric Generation Plant at no additional cost; and make California Environmental Quality Act findings - District 2
21345 **APPROVED AS RECOMMENDED**
X

49. Select RBF as primary and A-E Consulting as alternate firms for design and construction administration services for Phase II Perimeter Road Reconstruction; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 2
23145 **APPROVED AS RECOMMENDED**
X

50. Approve agreement with Douglas E. Barnhart, Inc., for construction management services for B1 Parking Structure ($3,457,771); and find Final EIR 582 and addendum 582-1 are adequate to satisfy requirements of California Environmental Quality Act - District 2
23145 **APPROVED AS RECOMMENDED**
X

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

51. Approve contract change order no. 3 to agreement D06-080 with Environmental Construction, Inc. for water quality improvement within Laguna Niguel Regional Park, Aliso Creek and Aliso Beach ($135,000) - District 5

31452 **APPROVED AS RECOMMENDED**
X

52. Select Wheel Fun Rentals and International Bike Rentals as primary concessionaires for the Bicycle and Paddleboat Rental Concessions at Mile Square and Yorba Regional Parks and Express Bike Rentals as alternate concessionaire for both locations; and authorize negotiation of agreement for Board approval - Districts 2 and 3
23145 **APPROVED AS RECOMMENDED**
X

53. Approve sublease agreement with Newport Beach and operating agreement with State Department of Fish and Game, Newport Beach and University of California, Irvine for Water Quality Testing Laboratory operation, maintenance and improvement at Back Bay Science Center - District 2
24135 **APPROVED AS RECOMMENDED**
X

54. Receive bids and award contract to All American Asphalt for asphalt overlay resurfacing of various streets in Orange County ($2,754,245); and make California Environmental Quality Act findings - Districts 2 & 3
32145 **APPROVED AS RECOMMENDED**
X

55. **Acting as the Orange County Flood Control District -** Approve termination of emergency originally approved on 10/16/07, for emergency repairs of damaged levee of northerly East Garden Grove - Wintersburg Channel; (estimated final construction cost of $8,1444,906.50) - District 2 (Continued from 10/16/07, Item 32; 10/30/07 Item 13; 11/6/07, Item 24; 11/20/07, Item 51; 12/4/07, Item 23; 12/18/07, Item 41; 1/8/08, Item 12; 1/15/08, Item 51; 1/29/08, Item 33; 2/5/08, Item 34)
23145 **APPROVED AS RECOMMENDED**
X

SOCIAL SERVICES AGENCY

56. Select MEDTOX Laboratories, Inc. to provide drug testing services, 7/1/08 - 6/30/09; and authorize negotiation of agreement for Board approval - All Districts
14352 **APPROVED AS RECOMMENDED**
X

57. Approve price agreement N4000007320 with BIT California, LLC dba Document Fulfillment Services for CalWIN Correspondence Printing and Mailing services, 3/1/08 - 2/28/09 ($810,285); renewable for one additional year per Board policy - All Districts
13452 **APPROVED AS RECOMMENDED**
X

PUBLIC PROTECTION

58. **Public Defender -** Approve price agreement N1000009452 with LegalEdge Software for a new Case Management System, 3/1/08 - 2/28/11 ($1,081,200) - All Districts
31452 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

County Executive Office:

59. Consider second reading and adoption of "An Ordinance of the County of Orange, California, adding article 18 to Division 2 of Title 1 of the Codified Ordinances to establish an Office of Independent Review"; and upon adoption direct staff to implement OIR and mediation process for complaints that do not rise to the level of full review by the OIR and convene Executive Director ad hoc selection committee (Board Directive 12/18/07, Item 56) - All Districts

23145 X **APPROVED AS RECOMMENDED**

ORD: 08-004

60. Approve process for donation of County surplus equipment to not-for-profit organizations selected annually and limit the number of not-for-profit organizations to 5 per District office to ensure a manageable program that adheres to all Federal, State and Local Statutes - All Districts

34152 X **APPROVED AS RECOMMENDED WITH CLARIFICATION THAT NOT-FOR-PROFIT ORGANIZATIONS WILL BE DEFINED AS THOSE EXEMPT FROM TAXATION UNDER 26 U.S.C. SEC. 501(C)(3)**

61. Approve recommended grant applications submitted by Orange County Public Library, Dana Point Harbor Department and Health Care Agency in 2/26/08 Grants report - All Districts

13452 X **APPROVED AS RECOMMENDED**

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

31452 X **APPROVED AS RECOMMENDED**

63. Presentation on Santiago Fire after event report - All Districts
PRESENTED

64. Response to 2/5/08 Board Directive regarding the viewing of agenda materials on the Internet - All Districts
NO BOARD ACTION

65. Receive and file Quarterly Information Technology Project Report for October - December 2007 - All Districts

41352 X **RECEIVED AND FILED**

IV. PUBLIC HEARINGS (Item 66)

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

66. Public Hearing to consider adopting resolution for abandonment of parcel PR22D-701.1;

approve and accept grant deed for parcel PR22D-705 from David Duane Blunk and Steffany Blunk and execute grant deed for Parcel PR22D-701.1 to David Duane Blank and Steffany Blunk; and make California Environmental Quality Act findings - District 3 (Continued from 12/18/07, Item 40)

B.O. **CLOSED PUBLIC HEARING**

34152 **APPROVED AS RECOMMENDED**
X

RESO: 08-014

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. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR BATES BEING ABSENT, APPROVED A PROPOSED SETTLEMENT OF POTENTIAL LITIGATION. 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. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Los Angeles Times Communications LLC v. California Commission on Peace Officer Standards and Training, Sacramento Superior Court Case No. 03CS01077

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR BATES BEING ABSENT, AUTHORIZED COUNTY COUNSEL TO FILE A COMPLAINT IN INTERVENTION IN THE CASE OF LOS ANGELES TIMES COMMUNICATIONS LLC V. CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING.**

CS-3. **Human Resources Department -** Acting as the In-Home Supportive Services Public Authority - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Thomas G. Mauk
Employee Organizations: In-Home Supportive Services Provider Unit (IHSS) represented by United Domestic Workers of America (UDWA)
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: In memory of Gail Kirwin; Maglev development

Larry Gilbert - Oral Re: Redevelopment abuse conference.

Raymond Herrera, Robin Hvidston, Lupe Moreno, Larry Culbertson - Oral Re: Illegal immigration issues; Acting Sheriff Jack Anderson; incident regarding office of Mexican Consulate.

Wickham Smith - Oral Re: Replacing Mike Carona with election runner-up Bill Hunt.

Gary Boatwright - Oral Re: Law enforcement violation of civil liberties

Darrell Nolta - Oral Re: Ignacio Ochoa named "Engineer of the Year" by American Society of Civil Engineers; replacing Deputies with Correctional Officers in jails; new Board meeting speaker guidelines.

Chris Long - Oral Re: United Domestic Worker's of America & IHHS program

Harry Tootle - Oral Re: Former Orange County Sheriff Mike Carona; request for the Board to consider him for the position of the next Orange County Sheriff.

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Supervisor Norby - Oral Re: AB 1234 Report - Sacramento trip regarding sunset dates for redevelopment agencies; Sheriff application process.

Chair Moorlach - Oral Re: Recruitment process for Sheriff on next Board agenda; American Society of Civil Engineers dinner - recognized Ignacio Ochoa and Frank R. Bowerman Landfill project.

ADJOURNED: 2:14 P.M.

32145 **Adjourned in memory of Leah Laule**
X

12345 **Adjourned in memory of Honorable J. Tillman Williams**
X

21345 **Adjourned in memory of Gilbert Dayle Hendricks**
X

32145 **Adjourned in memory of Marilyn Stone**
X

12345 **Adjourned in memory of Dr. Mary-Kay Crouch**
X

21345 **Adjourned in memory of Clarence James Sketch, D.D.S.**
X

32145 **Adjourned in memory of Dr. Margret Ann Inman**
X

*** 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)

_____

Chair, Orange County Board of Supervisors

_____

Orange County Clerk of the Board