REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, April 7, 2009, 9:30 A.M.

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

PATRICIA BATES
CHAIR
Fifth District

JANET NGUYEN
VICE CHAIR
First District

JOHN M. W. MOORLACH
SUPERVISOR
Second District

BILL CAMPBELL
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: Supervisors Nguyen, Moorlach, Campbell & Bates

EXCUSED: Supervisor Norby

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Nicholas S. Chrisos
	CLERK OF THE BOARD	Susan Novak, Chief Deputy

INVOCATION: Supervisor Nguyen, First District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Chair Bates - OC Animal Care made a presentation on animal adoption

Chair Bates presented a resolution commending Ron Cooper on his retirement

Vice Chair Nguyen presented a resolution proclaiming April 6 - 11, 2009 as "Public Health Week"

Chair Bates presented a resolution commending Jan Goss on her retirement

Chair Bates recognized graduates of the Orange County Leadership Academy X

Chair Bates will present a resolution proclaiming April 2009 as "Child Abuse Prevention Month" **DELETED**

Supervisor Campbell presented a resolution for "Child Abuse Services Team - Celebrating 20 Years of Service"

II. CONSENT CALENDAR (Items 1-25)

32145 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 9 & 10 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE; AND ITEM 25 WITH SUPERVISOR MOORLACH ABSTAINING**

DEPARTMENT APPOINTMENTS

1. **OC Community Resources -** Orange County Workforce Investment Board - Appoint Carmen Cave, Anaheim and Derek Ellis, Aliso Viejo, for terms ending 12/31/09 - All Districts

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

2. Approve Memorandum of Agreement with Anaheim, Santa Ana, Irvine, Huntington Beach, Orange County Fire Authority and Health Care Agency for participation in Intelligence Assessment Center - All Districts (Continued from 1/27/09, Item 17; 3/3/09, Item 3)

3. Approve plans and specifications and set bid opening for 5/13/09, 2:00 p.m., for Theo Lacy Facility Consolidated Maintenance project; and make California Environmental Quality Act findings - District 3

4. Approve license agreement with Long Beach for installation and operation of radio equipment at County's Santiago Peak Communications Facility; and make California Environmental Quality Act findings - District 3

5. Approve plans and specifications and set bid opening for 5/13/09 at 2:00 p.m., for Central Jail Complex Consolidated Maintenance Project; and make California Environmental Quality Act findings - District 1

JOHN WAYNE AIRPORT

6. Approve plans and specifications and set bid opening for 5/6/09, 2:00 p.m., for construction of Tie-Down Shade Structures project; authorize Director or designee to extend bid opening if required up to 60 days; and make California Environmental Quality Act findings - District 2

7. Approve plans and specifications and set bid opening for 5/6/09, 2:00 p.m., for Pavement Maintenance and Repairs project; authorize Director or designee to extend bid opening if required up to 60 days; and make California Environmental Quality Act findings - District 2

OC COMMUNITY RESOURCES

8. Approve Workforce Investment Act Cost Reimbursement agreement 16-2V-09 with

Coast Community College District for employment and training related services for Veterans, 1/1/09 - 12/31/10 ($261,000); authorize Director or designee to execute agreement; and authorize Agency to exercise contingency increase not to exceed 10% if additional funding is allocated - All Districts

9. Approve modified request to incorporate new OC Animal Care Center into property for Law Enforcement Training Center at former Marine Corps Air Station Tustin - District 3 (Continued from 3/24/09, Item 10)

32145 X **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

10. Approve price agreement N1000010787 with WS Street Sweeping for annual street sweeping services, 5/1/09 - 4/30/10 ($143,496); renewable for two additional years per Board policy; and make California Environmental Quality Act findings - Districts 1, 2, 3 & 4

13245 X **APPROVED AS AMENDED TO REQUIRE BOARD APPROVAL OF RENEWALS**

11. Approve agreement with Southern California Gas Company for Central Utility Facility Congeneration Conversion project ($433,022.25); authorize Director or designee to execute agreement; and authorize Auditor-Controller to make related payments - District 1

12. Authorize release of security for private streets, street lights, sewer and water systems, landscaping and monumentation, Tract 14103, RGC-M Newport Coast L.P., Newport Coast area - District 5

13. Approve plans and specifications and set bid opening for 4/29/09, 2:00 p.m., for crack sealing of various streets in Orange County; and make California Environmental Quality Act findings - Districts 3 & 5

Acting as the Orange County Flood Control District:

14. Approve amendment no. 4 to agreement D04-008 with M. J. Schiff and Associates, Inc. dba Schiff Associates for design and construction support services, Talbert and Huntington Beach Channels, extending term two additional years - District 2

15. Approve plans and specifications and set bid opening for 5/13/09, 2:00 p.m., for installation of steel piles for Phase II and III segments of San Juan Creek and Trabuco Creek Channels; and authorize submission of plans and special provisions to San Juan Capistrano for approval - District 5

16. Approve plans and specifications and set bid opening for 5/6/09, 2:00 p.m., for habitat restoration at Mason Regional Park; authorize submission of plans and special provisions to Irvine for approval; and make California Environmental Quality Act findings - District 3

17. Approve plans and specifications and set bid opening for 5/6/09, 2:00 p.m., for

habitat restoration at Talbert Nature Preserve; authorize submission of plans and special provisions to Costa Mesa for approval; and make California Environmental Quality Act findings - District 2

OC WASTE & RECYCLING

18. Deny bid protest of Innovative Construction Solutions, Inc.; receive bids and award contract to Environmental Construction, Inc. for constructing gas collection and control system at Cannery Street Former Refuse Disposal Station ($439,018.7); and make California Environmental Quality Act findings - District 2

PUBLIC PROTECTION

19. **Probation -** Approve license with Garden Grove for use of softball field for Youth Guidance Center C.I.F. League Baseball, Garden Grove Park, 4/2/09 - 6/8/09; and make California Environmental Quality Act findings - District 1

SOCIAL SERVICES AGENCY

20. Accept cash donation from Phyllis Frances Couture Revocable Trust for supporting social, educational, recreational and other enriching activities for children and youth at Orangewood Children's Home ($13,173.14) - All Districts

GENERAL ADMINISTRATION

County Executive Office:

21. Receive and file charitable organization actual income/expenses for 2008 and planned activities for 2009 - All Districts

22. Adopt resolution in support of the upcoming 2010 Census and Census Day, April 1, 2010 - All Districts
RESO: 09-037

23. **Registrar of Voters -** Approve price agreement N1000010811 with Pitney Bowes, Inc. for hardware maintenance and support services for Automated Vote by Mail Ballot Processing System, 4/8/09 - 4/7/10 ($172,400); and renewable for one additional one-year period; and authorize Purchasing Agent or designee to make non-monetary changes to agreements - All Districts

24. **Supervisor Nguyen -** Authorize waiver of fees for use of the Old Orange County Courthouse for Orange County Victims' Rights March and Rally in honor of the 28th Annual National Crime Victims' Week on 4/27/09, Santa Ana

25. **Chair Bates -** Authorize letter of support for CalOptima's proposal to operate the Multipurpose Senior Services Program (MSSP) site currently administered by Social Services Agency

32145 **APPROVED AS RECOMMENDED**
A X

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 26-S47B)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

26. Approve price agreement N1000010832 with Ranstad North America LP dba Sapphire Technologies LP for information technology services for one year, 4/8/09 - 4/7/10 ($1,583,000); renewable for two additional one-year periods - All Districts

31245
X

APPROVED AS RECOMMENDED

27. Approve amendment 2 to price agreement N1000009480 with Southwest Mortuary Services Inc., for body transport services, 4/15/09 - 4/14/10 ($300,000); renewable for three additional one-year periods - All Districts

23145
X

APPROVED AS RECOMMENDED

28. Response to Board Directives (11/25/08) - Oral Report on OC Jail System - All Districts

HEARD, NO BOARD ACTION

Treasurer-Tax Collector:

29. Receive and file PowerPoint presentation on status of Property Tax Management System project - All Districts

B.O.

CONTINUED TO 4/28/09, 9:30 A.M.

30. Adopt resolution authorizing sale and issuance of Cypress Elementary School District general Obligation Bonds Election of 2008, Series A ($17,000,000) - District 2

23145
X

APPROVED AS RECOMMENDED

RESO: 09-038

CHILD SUPPORT SERVICES

31. Approve amendment 2 to price agreement S1000000298 with ABC Legal Services dba Process Forwarding International for legal process service, term ending 5/5/09 ($100,000; new total $600,000); renewable for four additional years - All Districts

31245
X

APPROVED AS RECOMMENDED

HEALTH CARE AGENCY

32. Approve amendment 1 to agreement with Community Service Programs, Inc. for Full Service/Wraparound Program for Youthful Offenders, 7/1/08 - 6/30/09 ($175,024; new total $1,675,000) - All Districts

13245
X

APPROVED AS RECOMMENDED

JOHN WAYNE AIRPORT

33. Approve Certificated Passenger Airline Lease with Virgin America, Inc.; 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 (4/5 vote)

23145 **APPROVED AS RECOMMENDED**
X

34. Select two primary and one alternate firms from ranked list for project management services; and authorize negotiation of agreement for Board approval - District 2

23145 **APPROVED AS RECOMMENDED**
X

35. Waive specification requirement of information concerning waterproofing systems installation experience; receive bids and award contract to 2H Construction, Inc. for construction of airside dock access and north trash compactor ($1,938,000); 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

23145 **APPROVED AS RECOMMENDED**
X

OC COMMUNITY RESOURCES

36. Approve amended Workforce Investment Act Subgrant agreement R970554 with State Department of Employment Development for American Recovery and Reinvestment Act funds ($9,000,000); and authorize Director or designee to accept funding increases and decreases made by State not to exceed $3,000,000 - All Districts

13245 **APPROVED AS RECOMMENDED**
X

37. Approve Memorandum of Understanding and agreement with Lake Forest for exchange of property, Limestone-Whiting Wilderness Park; authorize Director or designee to execute agreement and related documents; and make California Environmental Quality Act findings - District 5

52134 **APPROVED AS RECOMMENDED**
X

38. Approve amendment 3 to price agreement N3000006406 with U.S. Ocean Safety, Inc. for lifeguard services to add services for Dana Strand Beach, 4/7/09 - 3/27/10 ($94,478; new total $1,544,478); and make California Environmental Quality Act findings - District 5

51234 **APPROVED AS RECOMMENDED**
X

OC PUBLIC WORKS

39. Approve agreements with Southern California Edison for cogeneration conversion, Central Utility Facility; and authorize Auditor-Controller to make related payments - District 1

13245 **APPROVED AS RECOMMENDED**
X

40. Approve plans and specifications and set bid opening for 5/13/09, 2:00 p.m., for Alton Parkway Roadway Extension project; authorize submission of portion of plans and specifications for flood control improvements to the City of Irvine and use portions of Parcels 591-07-313 and 59-10-7314 for Alton Parkway Roadway Extension project; approve amendment 1 to agreement D08-001 with RBF Consulting ($295,000; new total $2,464,000); adopt resolution declaring portions of Alton Parkway within City of Lake Forest as County highway for design and construction purposes; and find Final EIR 585 and addendum IP 08-457, are adequate to satisfy requirements of California Environmental Quality Act - Districts 3 & 5 (4/5 vote)

31245 **RECOMMENDED ACTION #7 APPROVED AS RECOMMENDED**
X

RESO: 09-039

32145 **RECOMMENDED ACTIONS #1 - 6 APPROVED AS RECOMMENDED**
XA **(BATES ABSTAINED ON RECOMMENDED ACTION #6)**

OC WASTE & RECYCLING

41. Receive and file AB 939 Surcharge Implementation Quarterly Report - All Districts

23145 **APPROVED AS RECOMMENDED**
X

42. Approve agreement with Rancho Mission Viejo Land Trust (RMVLT) for removal of invasive species within 24.3-acre portion of San Juan Creek, Casper Wilderness Park ($850,000) FY 2008-09; authorize Director or designee to execute agreement; make California Environmental Quality Act findings; and authorize payment of $850,000 to RMVLT - District 5

53124 **APPROVED AS RECOMMENDED**
X

43. Approve continuance of local emergency in connection with the Freeway Complex Fire; located at Olinda Alpha Landfill pursuant to Public Contact Code Section 22050 (c)(1) due to damages and lack of an operational landfill gas extraction, control, and groundwater monitoring systems; set review to determine continuing need for emergency action for 4/28/09, 9:30 a.m., every 14 days thereafter; and make California Environmental Quality Act findings - All Districts (4/5 vote) (Continued from 12/16/08, Item S54B; 1/13/09, Item 42; 1/27/09, Item 63; 2/10/09, Item 28; 3/3/09, Item 32; 3/17/09, Item 23; 3/24/09, Item 30)

32145 **APPROVED AS RECOMMENDED**
X

PUBLIC PROTECTION

44. **Probation -** Approve price agreement N1000010796 with Prado Olympic Shooting Park for use of outdoor range for firearms training, 4/8/09 - 4/7/10 ($25,000); renewable for four additional years per Board policy; and make California Environmental Quality Act findings - All Districts

35124 **APPROVED AS RECOMMENDED**

X

GENERAL ADMINISTRATION

County Executive Office:

45. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
13245 **APPROVED AS RECOMMENDED**
X

46. Approve recommended grant applications submitted by Health Care Agency, OC Public Works and Sheriff-Coroner in 4/7/09 grant report and other actions as recommended - All Districts
13245 **APPROVED AS RECOMMENDED**
X

47. Approve proposed response to FY 2008-09 Grand Jury Report "They Are All Children" - All Districts
32145 **APPROVED AS RECOMMENDED**
X

S47A. **Human Resources Department -** Approve memorandum of agreement for appointment of Nicholas S. Chrisos as County Counsel, effective 4/1/09 - All Districts
12345 **APPROVED AS RECOMMENDED**
X

S47B. **Supervisor Campbell -** Animal Care Community Outreach Committee - Appoint Janette R. Thomas, North Tustin, to complete term ending 3/30/11
31245 **APPROVED AS RECOMMENDED**
X

IV. PUBLIC HEARINGS (Item 48)

OC PUBLIC WORKS

48. Public Hearing to consider adopting resolution approving 2009 Weed Abatement Program and direct OC Public Works to report back to the Board on 8/4/09 and 8/3/10 with itemized cost reports; and make California Environmental Quality Act findings - All Districts
B.O. **CLOSED PUBLIC HEARING**

12345 **APPROVED AS RECOMMENDED**
X

RESO: 09-040

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

GENERAL ADMINISTRATION

County Counsel:

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

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

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Fernando Ramirez v. County of Orange, et al., United States District Court Case No. SACV07-601 JVS(SSx)

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR NORBY BEING ABSENT, PROVIDED STAFF WITH SETTLEMENT AUTHORITY IN THE CASE OF FERNANDO RAMIREZ V. COUNTY OF ORANGE. ANY SETTLEMENTS REMAIN SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS SETTLEMENTS BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

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), Alliance of Orange County Workers (AOCW), and International Union of Operating Engineers (IUOE)
RE: Terms and Conditions of Employment

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

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

PUBLIC COMMENTS:
Karen Clark, Pamela Gilmour, Dr. Suzanne Savory, Kim Salter, Dr. Kevin O'Grady, Allyson Sonenshine, Judge Lynne Riddle, Karla Westphal, Carl Weibel, Linda Long, Harriett Waltner, Sherill Leif, Felicity Figueroa, Robert Cielnicky, Beverly Cielnicky, Karen Finn & Arlene Sontag - Oral Re: Termination of Planned Parenthood contracts

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS AND TRAVEL REPORTS:
Supervisor Nguyen - Oral Re; Requested Chair to form committee to begin planning for redistricting after 2010 census, Supervisor Nguyen volunteered to participate on committee

Chair Bates - Oral Re: Chair's Office will research process used for last redistricting and report back to Board

Supervisor Moorlach - Oral Re: Reminder that second installment of property taxes are due on 4/10/09; welcomed California Association of Assessors conference in Newport Beach; directed CEO/Legislative Affairs to provide his office with information on radio tax legislation HR 848 and S379

ADJOURNED: 1:41 P.M.

15234 **Adjourned in memory of Duc Trong Do**
X

15234 **Adjourned in memory of Rev Charlie Wilkins**
X

51234 **Adjourned in memory of Richard O'Neill**
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