REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 28, 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 Campbell, Third District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Chair Moorlach presented a resolution proclaiming November 2008 as "Grand Jury Awareness Month"

Chair Moorlach congratulated Ignacio Ochoa, Chief Engineer, OC Public Works, for being named Outstanding Civil Engineer in Government by the American Society of Civil Engineers

II. CONSENT CALENDAR (Items 1-16)

31452 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 4 & 16 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

DEPARTMENT APPOINTMENTS

1. **Health Care Agency -** Alcohol & Drug Advisory Board - Reappoint Rolf Parkes, Irvine, for term ending 10/28/11 - All Districts

2. **Treasurer-Tax Collector -** Treasury Oversight Committee - Appoint Raghu Mathur, Laguna HIlls, to complete term ending 3/13/09 - All Districts

ELECTED DEPARTMENT HEADS

3. **District Attorney -** Approve price agreement N2000009196 with Verizon Wireless Services LLC for cellular phone equipment and airtime services, 10/1/08 - 9/30/09 ($275,000 per year); renewable for three additional one-year periods, per Board policy - All Districts

HEALTH CARE AGENCY

4. Approve master agreement with qualified hospitals for designated emergency services; and authorize Director or designee to execute individual agreements - All Districts

13452 **APPROVED AS RECOMMENDED**

5. Approve agreement with Phoenix House Orange County, Inc. for Tobacco Cessation services, 11/1/08 - 6/30/09 ($162,750) - All Districts

OC COMMUNITY RESOURCES

6. Approve the Santiago Oaks Regional Park General Development Plan Update II - District 3

7. **Acting as the Board of Supervisors and Orange County Housing Authority -** Approve amendment 1 to agreement with Mercy House Transitional Living Centers, Inc. for Cold Weather Armory Emergency Shelter Program, FY 2008-09 ($600,000); and authorize Director or designee to execute agreement - All Districts

OC PUBLIC WORKS

8. Approve donation agreement and two gift deeds from The Irvine Company LLC for additions to Laguna Coast Wilderness Park; authorize Director or designee to execute related documents; and make California Environmental Quality Act findings - District 5

9. Receive and file Report of Real Property Interests under delegated authority, 7/1/06 - 6/30/08 - All Districts

10. Authorize release of cash security and completion of sewer and monumentation, Parcel Map 2001-101, Jensen Family Trust, North Tustin area - District 3

11. Approve agreement N039 with State Department of Transportation for reimbursement of sidewalk construction costs along Hewes Avenue from Vale Avenue to Fairhaven Avenue; and make California Environmental Quality Act findings - District 3

12. Accept bid and award contract to SimplexGrinnell for replacement of fire alarm system, North Justice Center ($681,892); and make California Environmental Quality Act

findings - District 4

SOCIAL SERVICES AGENCY

13. Approve Memorandum of Understandings CKT2408 with Trustees of the California State University, Fullerton, CKT3808 with Trustees of the California State University, Long Beach and CKT4108 with University of Southern California, School of Social Work for Undergraduate or Graduate Fieldwork Experience, 11/1/08 - 6/30/11; and authorize Director or designee to execute agreements - All Districts

GENERAL ADMINISTRATION

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

15. **Supervisor Norby -** Adopt resolution recognizing 9th Annual Family Owned Business Awards on November 19, 2008
RESO: 08-143

16. **Office of the Performance Audit Director -** Receive and file Overtime Audit of Sheriff-Coroner Department report; direct Office of the Performance Audit Director to follow-up with Sheriff-Coroner after one year to evaluate status of their progress in implementing audit recommendations - All Districts

34152 **APPROVED AS RECOMMENDED WITH THE UNDERSTANDING THAT THE FOLLOW UP RESULTS IN ONE YEAR BE PRESENTED TO THE BOARD**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 17-S36A)

ELECTED DEPARTMENT HEADS

17. **Clerk-Recorder -** Approve renewal of price agreement N1000010413 with DataTrace LLC for creation and mailing of Property Fraud Prevention Courtesy Notices, 11/1/08 - 10/31/09 ($220,000); renewable for two additional one year terms per Board policy - All Districts

13452 **APPROVED AS RECOMMENDED**

Sheriff-Coroner:

18. Receive bids and award contract to Mel Smith Electrical, Inc. for replacement of uninterruptible power supply at the Emergency Operations Center, Loma Ridge ($990,140) - District 3

35142 **APPROVED AS RECOMMENDED**

19. Approve amendment 3 to price agreement N3000008290 with All City Management Services for crossing guard services, 11/1/08 - 10/31/09 ($510,000) - All Districts

35142 **APPROVED AS RECOMMENDED WITH THE UNDERSTANDING THAT THE APPROPRIATE FUNDING SOURCES ARE RECOMMENDED AND IF NECESSARY CHANGES WILL BE MADE DURING THE FIRST QUARTER BUDGET ADJUSTMENT**

20. Approve purchase order PC 060 P0900001234 for purchase of Qiagen BioRobot Universal Liquid Handling System ($159,983) - All Districts

53142 **APPROVED AS RECOMMENDED**

21. Approve price agreement N1000010365 with Computer Deductions, Inc. for professional services to manage, supervise and operate Unisys mainframe computer and all Sheriff's Data Center operations, 11/01/08 - 10/31/09 ($650,000); renewable for four additional one-year periods - All Districts

35142 **APPROVED AS RECOMMENDED**

22. Approve renewal of price agreement N3000008169 with Amtec Engineering Corporation for information technology professional services and printer repair services, 11/1/08 - 10/31/09 ($143,200) - All Districts

13452 **APPROVED AS RECOMMENDED**

23. Approve renewal of price agreement N2000008652 with Turbomeca USA, Inc. for helicopter engine maintenance, overhaul and repair services, 11/1/08 - 10/31/09 ($500,000) - All Districts

31452 **APPROVED AS RECOMMENDED**

24. Approve renewal of price agreement N3000008163 with NEC Corporation of America for maintenance of Automated Fingerprint Identification System, 11/1/08 - 10/31/09 ($257,261) - All Districts

13452 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

25. Approve amendment 1 to agreements with Community Service Programs, Inc. ($70,000; new total $847,350), National Council on Alcohol and Drug Dependence - Orange County ($35,000; new total $423,675), Anaheim Memorial Medical Center ($45,000; new total $202,000) and Nhan Hoa Comprehensive Healthcare Clinic ($45,000; new total $202,000) for Alcohol and Other Drug Prevention and Tobacco Cessation services, 7/1/08 - 6/30/09 - All Districts

35142 N **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

26. Approve agreement with John Wayne Airport Yellow Cab for taxicab service; and make California Environmental Quality Act findings - District 2

25134 **APPROVED AS RECOMMENDED**

27. 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)

B.O. **CONTINUED TO 11/18/08, 9:30 A.M.**

OC COMMUNITY RESOURCES

28. Approve amended and restated lease with Irvine Park Railroad, Inc., Irvine Park Rentals, Inc., and Irvine Park Concessions, Inc., for the Irvine Park Railroad and park concessions, Irvine Regional Park, 10/28/08 - 12/31/29 - District 3

35142 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

29. Select Geosyntec Consultants for Regulatory Compliance Support Services; and authorize negotiation of agreement for Board approval - All Districts

13452 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

30. **Public Defender -** Approve contract N1000010469 with Dell Marketing, Inc. for Microsoft Application Licenses, 12/1/08 - 11/30/10 ($141,194.25 per year); renewable for three additional one-year periods (aggregate total not to exceed $705,971.25); and make California Environmental Quality Act findings - All Districts

13452 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

31. Approve price agreement N1000010408 with Compco, Inc. for Unified Billing and Operations Management Solution, 10/28/08 - 10/27/11 ($347,850);

renewable for two additional one-year periods ($25,800 per year) - All Districts

13452 **APPROVED AS RECOMMENDED**

32. Approve price agreement N1000010407 with Hewlett Packard Company for maintenance of HP servers, 11/16/08 - 8/31/09 ($157,087.99); renewable for two additional one-year terms per Board policy - All Districts

53142 **APPROVED AS RECOMMENDED**

33. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters; approve draft letter regarding Habitat Mitigation Financial Assurance Requirements - All Districts

51342 **APPROVED AS RECOMMENDED**

34. Approve recommended grant applications submitted by Health Care Agency and OC Public Works/OC Watersheds in 10/28/08 grant report and other actions as recommended - All Districts

13452 **APPROVED AS RECOMMENDED**

35. Receive and file Stakeholders Panel Report on DNA Testing Lab; and adopt recommendations contained within this report - All Districts

23145 **APPROVED AS RECOMMENDED WITH DIRECTION TO STAFF TO RETURN TO THE BOARD WITH QUARTERLY UPDATES AND IN ONE YEAR WITH AN ANALYSIS OF THE APPROVED STRUCTURE**

36. **Supervisor Norby -** Approve elimination of language "Be It Further Resolved this Board is authorized to waive fees to any group and/or organization of persons" from May 18, 2004, OC Parks Fee Schedule Resolution 04-130

4 **MOTION TO APPROVE RECOMMENDATION DIED FOR LACK OF SECOND**

S36A. **Chair Moorlach -** Adopt resolution declaring week of November 9-15, 2008 as Veterans Appreciation Week

23145 **APPROVED AS RECOMMENDED**
RESO: 08-144

IV. PUBLIC HEARINGS (Item 37)

OC PUBLIC WORKS

37. Public Hearing to consider adopting "An Ordinance of the County of Orange, California Amending Section 7-9-40, 7-9-141 and 7-9-142 of 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)

B.O. **CLOSED PUBLIC HEARING**

35142 **APPROVED AMENDMENT TO SECTION 7-9-142 AS PRESENTED BY SUPERVISOR CAMPBELL AND CONTINUED THE PUBLIC HEARING FOR FINAL APPROVAL TO 11/18/08, 9:30 A.M.**

V. CLOSED SESSION (Items CS-1-CS-4)

GENERAL ADMINISTRATION

County Counsel:

CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Cases: Netjets Aviation, Inc. et al. v. Webster Guillory, et al., Orange County Superior Court Case No. 30-200800107805 and Flight Options LLC v. Webster Guillory, Orange County Superior Court Case No. 30-200800110932

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

CS-2. 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-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):Name of Case:
County of Orange, etc. v. Lumbermens Mutual Casualty Company, etc. et al., Los Angeles County Superior Court Case No. BC364971 (Continued from 10/7/08, Item CS-1)DELETED

B.O. **DELETED**

CS-4. **County Executive Office** - CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Pursuant to Government Code Section 54956.8:
Property Location: Newport Dunes Resort, 1131 Back Bay Drive, Newport Beach, CA
County Negotiators: Rich Adler, OC Parks; Mike Hentzen, OC Parks and Robert Wetmore, Keyser Marston Associates
Negotiation Party: Waterfront Resort Properties, LP, and Newport Dunes Marina, LLC
Under Negotiation: Lease Terms and Conditions - Parcel C - Hotel

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

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

PUBLIC COMMENTS:
Anthony Mitcheu - Oral Re: Introduced energy saving LED products (Eco Green) and suggested them for county use

Darrell Nolta - Oral Re: DNA Lab Structure and upcoming election process

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS AND TRAVEL REPORTS:
Supervisor Norby - Oral Re: Board's role in Sheriff's Concealed Weapon Permit Policy which will be discussed on November 18, 2008

Supervisor Bates - Oral Re: Directed staff to review the frequent use of sole source agreements for IT projects. Use of proprietary products limits opportunity for growth and competition

ADJOURNED: 1:00 P.M.

52134 **Adjourned in memory of Ruth Slater**

25134 **Adjourned in memory of Antoinette Macciola Puglia**

12345 **Adjourned in memory of Evelyn Mae Atwood**

25134 **Adjourned in memory of Kirstie Hughes**

51342 **Adjourned in memory of Ann Hansen**

*** 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