

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, January 28, 2003, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

THOMAS W. WILSON
CHAIRMAN
Fifth District

JAMES W. SILVA
VICE CHAIRMAN
Second District

CHARLES V. SMITH
SUPERVISOR
First District

VACANT
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT: COUNTY EXECUTIVE OFFICER William D. Mahoney, Acting CEO
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 Silva, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Wilson - 2003 State of the County Addressed

Chairman Wilson presented resolutions commending retiring employees for outstanding service to the County

II. CONSENT CALENDAR (Items 1-37)

14235 **APPROVED AS RECOMMENDED WITH EXCEPTION OF ITEM 33 WHICH WAS**
X **CONTINUED TO 2/4/03, 9:30 A.M.; AND ITEM 13 WHICH WAS PULLED FOR**
DISCUSSION AND SEPARATE VOTE

BOARD APPOINTMENTS

Supervisor Silva:

1. Harbor, Beaches and Parks Commission - Appoint Cathy Green, Huntington Beach, to complete term ending 1/8/07
2. Airports Arts Commission - Reappoint Lloyd Barron, Huntington Beach, for term ending

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1/8/07

3. Orange County Vector Control District - Reappoint R. Paul Webb, Fullerton, for term ending 12/31/04

Chairman Wilson:

4. Approve Chairman's 2003 appointments of Board members to various Boards, Commissions and Committees
5. Airport Land Use Commission - Reappoint Denny Harris, Laguna Niguel, for term ending 5/1/06
6. **Supervisor Norby** - Waste Management Commission - Appoint Anthony J. Florentine, Fullerton, for term ending 2/3/05

COMMENDATIONS/PROCLAMATIONS

7. **Supervisor Silva** - Adopt resolution recognizing and congratulating Fountain Valley High School upon their successful completion of Orange County Mock Trial Program
RESO: 03-025

Chairman Wilson:

8. Adopt resolution recognizing and congratulating Woodbridge High School upon their successful completion of Orange County Mock Trial Program
RESO: 03-026
9. Adopt resolution commending Karen Davis on her retirement for almost 30 years of exceptional dedication and commitment
RESO: 03-027
10. Adopt resolution commending 'Children's Creative Festival' for their numerous contributions to local schools and thanking volunteers who support 'Fun With Chalk' festival
RESO: 03-028

HOUSING AND COMMUNITY DEVELOPMENT

11. Approve planning, preparation and submittal of 2003 SuperNOFA Continuum of Care Associated Application for Homeless Assistance; return to Board with final project recommendations; and make California Environmental Quality Act and National Environmental Protection Act findings - All Districts

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INTEGRATED WASTE MANAGEMENT DEPARTMENT

12. Approve continuance of emergency and make appropriate findings pursuant to Public Contract Code Section 22050(c)(1) for recent sudden and unexpected movement in landslide mass and necessary emergency repair to complete work, Frank R. Bowerman landfill; set review to determine continuing need for emergency action for 2/11/03, 9:30 a.m. and every 14 days thereafter - District 3 (4/5 vote) (Continued from 9/10/02, Item 61; 9/24/02, Item 64; 10/8/02, Item 6; 10/22/02, Item 13; 11/5/02, Item 17; 11/19/02, Item 12; 12/10/02, Item 17; 12/17/02, Item 23; 1/7/03, Item 1; 1/14/03, Item 21)

13. Approve license agreement with San Clemente for construction and demolition demonstration project, Prima Deshecha Landfill; and make California Environmental Quality Act and other findings - District 5

52134 APPROVED AS RECOMMENDED
XN

JOHN WAYNE AIRPORT

14. Approve price agreement N1000004923 with MegaData for Passive Secondary Surveillance Radar System upgrade and AirportMonitor license (\$94,300); and make California Environmental Quality Act findings - District 2

15. Approve continuance of emergency and make appropriate findings pursuant to Public Contract Code Section 22050(c)(1) for installation of explosion detection systems; set review to determine continuing need for emergency action for 2/11/03, 9:30 a.m. and every 14 days thereafter - District 2 (4/5 vote) (Continued from 8/20/02; Item S29C, 8/27/02, Item S57A; 9/10/02, Item 14; 9/24/02, Item 13; 10/8/02, Item 8; 10/22/02, Item 15; 11/5/02, Item 19; 11/19/02, Item 13; 12/10/02, Item 19; 12/17/02, Item 26; 1/7/03, Item 2; 1/14/03, Item 26)

16. Authorize Director to allocate regulated average daily departures, seat capacity, remain over night and passenger capacity to scheduled commercial passenger carriers, commercial cargo carriers and commuter carriers under Phase 2 Commercial Airline Access Plan and Regulation for 2003-04 Plan Year, 4/1/03 - 3/31/04 - District 2

ORANGE COUNTY PUBLIC LIBRARY

17. Approve agreement with DMC Design Group, Inc. for ADA parking upgrades, University Park/Irvine and Laguna Beach libraries (\$24,903) - Districts 3 & 5

18. Approve amendment 2 to agreement with Foothill Ranch Company, LLC for occupation prior to transfer of title to County; authorize acceptance of Irrevocable Offer of Dedication upon completion; and make California Environmental Quality Act and other findings - District 5

PLANNING AND DEVELOPMENT SERVICES

19. Approve Tract 16389, DMB Ladera, LLC, Ladera Ranch area; accept easement for emergency and public service vehicular ingress and egress; approve construction agreement S1102-0104 and accept bonds guaranteeing construction of improvements - District 5

20. Approve Tract 16414, DMB Ladera, LLC, Ladera Ranch area; accept easement for emergency and public service vehicular ingress and egress; approve construction agreement S1102-0105 and accept bonds guaranteeing construction of improvements - District 5

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PUBLIC FACILITIES AND RESOURCES DEPARTMENT

21. Authorize release of security for street improvements, street lights and monumentation, Tract 15717, Irvine Community Development Company, Newport Coast area - District 5
22. Approve continuance of emergency and make appropriate findings pursuant to Public Contract Code Section 22050(c)(1) for installation of negative pressure, HEPA filtered mechanical system, Health Care Agency Public Health Laboratory; set review to determine continuing need for emergency action for 2/11/03, 9:30 a.m. and every 14 days thereafter - District 1 (4/5 vote) (Continued from 11/5/02, Item 92; 11/19/02, Item 82; 12/10/02, Item 34; 12/17/02, Item 47; 1/7/03, Item 3: 1/14/03, Item 53)
23. Approve quitclaim deed and assignment to Lake Forest for transfer of local facilities; and make California Environmental Quality Act and other findings - District 5
24. Approve agreement D03-001 with RBF Consulting for on-call engineering support for projects (\$200,000); and authorize Director or designee to extend agreement under certain conditions - All Districts
25. Approve agreement D02-108 with South Orange County Wastewater Authority for joint use and relocation of coastal treatment plant access road/pipeline easements; approve grant easement; and make California Environmental Quality Act findings - District 5

Acting as the Orange County Flood Control District:

26. Approve plans and specifications and set bid opening for 3/5/03, 2:00 p.m., for construction of Huntington Beach Channel; and make California Environmental Quality Act findings - District 2
27. Approve agreement D01-022 with San Clemente for construction of Segunda Deshecha Canada Channel; approve plans and specifications and set bid opening for 3/5/03, 2:00 p.m.; and make California Environmental Quality Act findings - District 5

SOCIAL SERVICES AGENCY

28. Approve price agreement N1000004880 with Orange Courier, Incorporated for pick up and delivery of U.S. Mail, 2/3/03 - 5/2/03 (\$16,260); renewable for two additional years (\$65,040 per year) - All Districts
29. Approve price agreement N1000004879 with Orange Courier, Incorporated for pick-up and delivery of Case Data System Documents, 12/19/02 - 5/2/03 (\$28,465); renewable for two additional years (\$75,740 per year) - All Districts

PUBLIC PROTECTION

30. **Probation Department and District Attorney** - Approve Memorandum of Understanding with Westminster Police Department and Women's Transitional Living Center for grant administration of U.S. Office of Justice Programs funds for reducing domestic violence, 9/1/02 - 8/31/04; and authorize Chief Probation Officer and District Attorney to extend agreement under certain conditions - District 1

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Sheriff-Coroner:

- 31 . Approve continuance of emergency and making appropriate findings pursuant to Public Contract Code Section 22050(c)(1) for replacement of water-damaged walls and floors to stop water leakage from dishwashing operations and to correct unhealthful and unsafe conditions, Theo Lacy Jail kitchen; set review on 2/11/03, 9:30 a.m., and every 14 days thereafter - District 3 (4/5 vote) (Continued from 11/19/02, Item 90; 12/10/02, Item 48; 12/17/02, Item 61; 1/7/03, Item 5; 1/14/03, Item 63)
- 32 . Approve continuance of emergency and make appropriate findings pursuant to Public Contract Code Section 22050(c)(1) for repairs to roofs of various buildings, Theo Lacy Jail; set review on 2/11/03, 9:30 a.m., and every 14 days thereafter - District 3 (4/5 vote) (Continued from 1/14/03, Item 88)

GENERAL ADMINISTRATION

County Executive Office:

- 33 . Approve cooperative agreement with U.S. Army Corps of Engineers for Feasibility Study of Coyote and Carbon Creeks Watersheds; and direct CEO and County departments to provide assistance as necessary - All Districts (Continued from 12/17/02, Item 66, 1/14/03, Item 67))
14235
X **CONTINUED TO 2/4/03, 9:20 A.M.**
- 34 . Approve amended price agreement N3000002458 with ACS for Programmer Analyst, 3/1/03 - 2/28/04 (\$84,240) - All Districts (Continued from 1/14/03, Item 68)
- 35 . Approve amended price agreement N2000002513 with National Accident Insurance Underwriters for Accidental Death & Dismemberment Insurance, 2/1/03 - 12/31/03 - All Districts
- 36 . Receive and file Feasibility Report for Orange County Newport Coast Assessment District 01-1 - District 5
- 37 . **Supervisor Smith** - Adopt resolution encouraging all citizens of Orange County and County employees to participate in school mentoring programs; and rescinding Resolutions 98-380, 99-093 and 00-192
RESO: 03-029

END OF CONSENT CALENDAR

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III. DISCUSSION ITEMS (Items 38-S48E)

INTEGRATED WASTE MANAGEMENT DEPARTMENT

38. Second reading and adoption of "An Ordinance of the County of Orange, California, Amending Article 2 of Title 4, Division 3, Relating to Solid Waste Management" - All Districts (Continued from 1/14/03, Item 76)

12345 **APPROVED AS RECOMMENDED**

X

ORD: 03-008

39. Select TRC as primary and Environmental Science Associates as alternate firms for California Environmental Quality Act support services; and authorize negotiation of agreement for Board approval - All Districts

21345 **APPROVED AS RECOMMENDED**

X

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

40. **Acting as the Orange County Flood Control District** - Approve cooperation agreement with Department of the Army for construction of Prado Dam; approve amendment 2 to agreement with Department of the Army, San Bernardino County Flood Control District and Riverside County Flood Control and Water Conservation District for construction of Santa Ana River Mainstem Project; and make California Environmental Quality Act findings - All Districts

12345 **APPROVED AS RECOMMENDED**

X

SOCIAL SERVICES AGENCY

41. Approve agreement FBP2602 with Orangewood Children's Foundation for administrative and professional support services for Families and Communities Together Program, 2/1/03 - 6/30/03 (\$436,327) - All Districts

15234 **APPROVED AS RECOMMENDED**

X

42. Approve amended lease with Eastcom Corporation for office space for Social Services Agency Headquarters, Santa Ana; and make California Environmental Quality Act findings - District 1

14235 **APPROVED AS RECOMMENDED**

X

PUBLIC PROTECTION

Sheriff-Coroner:

43. Approve amendment 5 to agreement with Laguna Woods for law enforcement services, 7/1/02 - 2/28/03 (\$465,702) - District 5

51234 **APPROVED AS RECOMMENDED**

X

44. Approve amendment 3 to agreement with Carter & Burgess, Inc. for design of Statewide Coroner Training Facility (\$215,334.81; new total \$1,963,706.81) - District 1

14235 **APPROVED AS RECOMMENDED**

X

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GENERAL ADMINISTRATION

County Executive Office:

45. Approve in concept refunding of Airport Revenue Refunding Bonds, Series 2003; ratify selection of financing team; and authorize negotiation of agreements for Board approval - District 2

21345
X **APPROVED AS RECOMMENDED**

46. **Acting as the Legislative Body of Community Facilities District No. 2002-1 (Ladera Ranch)** - Approve in concept Community Facilities District No. 2002-1 (Ladera Ranch) bond financing of public improvements and due diligence plan - District 5

51234
X **APPROVED AS RECOMMENDED**

47. Approve 2003 County of Orange Legislative Platform - All Districts

B.O. **CONTINUED TO 2/4/03, 9:30 A.M.**

48. **Registrar of Voters** - Approve negotiations with Maximus/Hart Intercivic for purchase of Direct Record Electronic voting system; and return to the Board for contract approval - All Districts

15234
X **APPROVED AS RECOMMENDED**

County Executive Office:

- S48A. Approve two year license with Diamond Parking Inc. for parking spaces for employees of the Auditor-Controller's Office, Santa Ana; and make California Environmental Quality Act findings - District 1

12345
X **APPROVED AS RECOMMENDED**

- S48B. Approve two year license with Diamond Parking Inc. for parking spaces for employees of the Assessor's Office, Santa Ana; and make California Environmental Quality Act findings - District 1

12345
X **APPROVED AS RECOMMENDED**

- S48C. Approve two year license with Diamond Parking Inc. for parking spaces for employees of the CEO/Risk Management Office, Santa Ana; and make California Environmental Quality Act findings - District 1

12345
X **APPROVED AS RECOMMENDED**

- S48D. Approve two year license with Diamond Parking Inc. for parking spaces for employees of the Treasurer-Tax Collector's Office, Santa Ana; and make California Environmental Quality Act findings - District 1

12345
X **APPROVED AS RECOMMENDED**

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- S48E. Approve resolution urging the California Legislature to reject the Governor's proposed shift of local Vehicle License Fee revenues and to honor the 1998 commitment to restore the Vehicle License Fee - All Districts
B.O. **CONTINUED TO 2/4/03, 9:30 A.M.**

IV. PUBLIC HEARINGS (Items 49-52)

HEALTH CARE AGENCY

49. Public Hearing to consider adopting resolution rescinding Resolutions 89-1715 and 99-288, effective 12/31/02; approve update of Water Quality Program Fee Schedule, effective 1/1/03; and make California Environmental Quality Act findings - All Districts (Continued from 12/17/02, Item 103; 1/14/03, Item 92)
B.O. **CONTINUED TO 2/25/03, 9:30 A.M.**

PLANNING AND DEVELOPMENT SERVICES

50. Public Hearing to consider denying appeals filed by Rutter Development Corp., and Rural Canyons Conservation Fund and upholding Planning Commission's approval of Area Plans 99-03, Saddle Creek and 99-07, Saddle Crest; adopting resolution certifying Final EIR 578; adopting resolution approving Zone Change 99-02 amending Foothill/Trabuco Specific Plan; and consider first reading and adopting of "An Ordinance of the County of Orange, California, amending the Foothill/Trabuco Specific Plan Pursuant to the Saddle Creek and Saddle Crest Project Sites (ZC 99-02) - District 3
B.O. **CLOSED PUBLIC HEARING**
- 52134 **APPROVED AS RECOMMENDED**
X
 RESO: 03-030 - 03-031
 ORD: 03-009

51. Public Hearing to consider first reading of "An Ordinance of the County of Orange, California, to adopt the 2003 Building and Planning Schedules including the 2003 Building and Safety Deposit and Fee Schedule, 2003 Building and Safety Rate Table, and 2003 Planning, Subdivision and Grading Permit Deposit and Fee Schedule"; and set second reading and adoption for 2/4/03, 9:30 a.m.; and make California Environmental Quality Act findings - All Districts
B.O. **DELETED**

PUBLIC PROTECTION

52. **Sheriff-Coroner** - Public Hearing to consider first reading of "An Ordinance of the County of Orange, California, Deleting Article 1 of Title VIII, Section 15 on Fees for Embalming Dead Bodies and Amending Article 1 of Title VIII, Section 16 Fee for Removing and Keeping Dead Bodies"; and set second reading and adoption for 2/4/03, 9:30 a.m.; and make California Environmental Quality Act and other findings - All Districts
B.O. **CONTINUED TO 2/11/03, 9:30 A.M.**

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V. CLOSED SESSION (Items CS-1-SCS4)

GENERAL ADMINISTRATION

County Counsel:

- CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a):
Name of Case: Service Employees International Union Local 660 v. County of Orange, Unfair
Practice Charge No. LA-CE-101-M
- B.O. **DELETED**
- CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a):
Name of Case: Barratt American Inc., et al., v. County of Orange, OCSC Case No.
01CC04025
- B.O. **HELD, NO REPORTABLE ACTION**
- CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a):
Name of Case: Barbara Bassett v. County of Orange, ANA339977
- B.O. **HELD, THE CLERK READ: THE BOARD BY UNANIMOUS VOTE APPROVED
PROPOSED SETTLEMENT IN THE CASE OF BARBARA BASSETT V. COUNTY OF
ORANGE. 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
THE CLERK OF THE BOARD TO ANY PERSON WHO INQUIRES.**
- SCS4. **County Executive Office** - CONFERENCE WITH LABOR NEGOTIATOR
Pursuant to Government Code Section 54957.6:
Agency Negotiator: Susan Paul Employee Organization: Orange County Manager's Association
- B.O. **HELD, NO REPORTABLE ACTION**

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Shirley Adams, Theresa Telles, Yvonne Le and Tiffany Adams - Oral Re: IHSS Program workers rates and benefits

Darrell Nolta - Oral Re: Concerns regarding Orange County Flood Control conditions and other environmental issues

BOARD COMMENTS:

Supervisor Silva - Oral Re: Orange County flood channel clean up efforts

ADJOURNED: 4:48 P.M.

52134 Adjourned in memory of Eddy Day
X

52134 Adjourned in memory of Susan McGaughey
X

S U M M A R Y A C T I O N M I N U T E S

*** KEY ***

Left Margin Notes

1. √ Supervisor Smith
2. √ Supervisor Silva
3. √ Vacant
4. √ Supervisor Norby
5. √ Supervisor Wilson

Right Margin Notes

- | | |
|------------------|-----------------|
| A. √ Abstained | O. √ Ordinance |
| X. √ Excused | R. √ Resolution |
| N. √ No | |
| BO √ Board Order | |

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

*THOMAS W. WILSON, CHAIRMAN
Orange County Board of Supervisors*

*DARLENE J. BLOOM
Orange County Clerk of the Board*