



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

## DEPARTMENT APPOINTMENTS

1.           **Health Care Agency** - Mental Health Board - Appoint Erica M. Phoa, Orange, to complete term ending 4/3/07 and Harvey P. Grody, Orange, to complete term ending 8/14/07; and reappoint Hedy S. Hansen, Santa Ana, for term ending 8/14/07 - All Districts

## COMMENDATIONS/PROCLAMATIONS

2.           **Supervisor Smith** - Adopt resolution commending Santiago Creek High School for its participation in the Tree of Hopes Mural  
*RESO: 04-306*

## HEALTH CARE AGENCY

3.           Approve agreement with the 32nd District Agricultural Association for use of two buildings, arena and portion of parking lot for use in the event of a large scale emergency, Orange County Fair and Exposition Center, 10/1/04 - 10/1/05; and make California Environmental Quality Act findings - District 2
4.           Approve agreement with State Department of Health Services, Center for Health Statistics, Office of Vital Records for certifying vital records documents including birth and death certificates, 7/1/04 - 6/30/05 (\$17,256) - All Districts
5.           Approve letter of agreement with California Family Health Council for data system modification, 10/1/04 - 12/31/04 (\$13,400) - All Districts
6.           Authorize submission of grant application to California Endowment for Healthy Eating, Active Communities, 3/1/05 - 2/28/09 (\$125,000 per year) - All Districts
7.           Receive report and direction to staff regarding implementation of Canadian prescription drug program for County employees and retirees - All Districts

32145

**CONTINUED TO 12/7/04, 9:30 A.M.**

## INTEGRATED WASTE MANAGEMENT DEPARTMENT

8.           Approve plans and specifications and set bid opening for 1/19/05, 2:00 p.m., for construction of resurfacing of La Pata Road, Prima Deshecha Landfill - District 5

## ORANGE COUNTY PUBLIC LIBRARY

9.           Approve agreement with Anaheim for adult literacy services, 8/17/04 - 6/30/05 (\$10,000) - Districts 3 & 4

## RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

10.          Approve surrender of franchise agreement with Comcast of Orange County, Inc. for cable television services, Costa Mesa area - District 2
11.          Accept work with JRH Construction for Los Pinos Conservation Camp renovation, Phase I, project completed 6/28/04 (\$752,163.77) - District 5

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

- 12 .           Accept work with DLS Builders to secure parking for security of bench officer vehicles, North Justice Center, project completed 8/24/04 (\$211,362.86) - District 4
- 13 .           Approve price agreement N1000006377 with Transpower Testing, Inc. for maintenance and repair of high voltage electrical equipment, 12/1/04 - 11/30/05 (\$30,000); renewable for two additional years; and make California Environmental Quality Act findings - All Districts
- 14 .           Receive bids and award contract to HL Miller Construction for installation of new counters, Lamoreaux Justice Center (\$143,840) - District 3
- 15 .           Approve amendment 2 to operating agreement with Dana Point Marina Company, LLC for operation of guest docks in Dana Point Harbor; and adopt resolution amending Harbors, Beaches and Parks fee schedule - District 5
- 32145       **CONTINUED TO 12/7/04, 9:30 A.M.**
- 16 .           Approve price agreement N1000006272 with Mills Ford of Anaheim for County vehicle repair services, 11/24/04 - 11/23/05 (\$115,000); renewable for two additional years; and make California Environmental Quality Act findings - All Districts
- 17 .           Approve agreement D04-055 with MEC Analytical Systems/Weston Solutions for bacteria source tracking investigation for Poche Beach; and make California Environmental Quality Act findings - District 5
- 54123       **APPROVED AS RECOMMENDED**
- 18 .           Receive and file Traffic Committee Reports dated 9/16/04; and approve recommendations - District 5
- 19 .           Approve plans and specifications and set bid opening for 1/19/05, 2:00 p.m., for rehabilitation of Floors 7 and 8, Central Justice Center; and make California Environmental Quality Act findings - District 1
- 20 .           Approve agreement with Signs of Support, Inc. for placement of advertising signs on non-emergency vehicles; authorize revenues received to be utilized for County-conducted educational programs in Orange County Regional Parks; and direct staff to prepare assessment report at end of 2005 - All Districts
- 21 .           Approve price agreement N1000006357 with The Soto Company for landscape maintenance, Laguna Niguel Regional Park, 12/1/04 - 11/30/05 (\$164,729); renewable for two additional years; and make California Environmental Quality Act findings - District 5
- 22 .           Adopt resolution approving consent to Laguna Beach to form Assessment District No. 99-4 (Hillcrest/Louise) for undergrounding of existing aerial utilities; and make California Environmental Quality Act findings - District 5  
*RESO: 04-307*
- 23 .           Adopt resolution certifying completion of street improvements and street lights; authorizing release of security and accepting public street improvements, street lights, sewer and water systems, and monumentation, Tract 16121, Standard Pacific Corp., Ladera Ranch area - District 5  
*RESO: 04-308*
- 24 .           Receive bids and award contract to SoCal Pacific Construction Corporation for construction of

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

Munger Storm Drain Media Filter, Lake Forest (\$169,400) - District 5

- 25 .        Approve easement deed and agreement with Dana Point for conveyance of storm drain easement, Capistrano Beach Park; and make California Environmental Quality Act and other findings - District 5
- 26 .        Approve price agreement N1000006355 with Earthco Commercial Landscape for landscape maintenance services, Ladera Ranch Sports Park, 12/1/04 - 11/30/05 (\$100,961); renewable for two additional years; and make California Environmental Quality Act findings - District 5

## **Acting as the Orange County Flood Control District:**

- 27 .        Declare 765 square foot parcel surplus; approve quitclaim deed and offer and agreement to purchase real property with Zane LLC, Santa Ana area (\$4,400); and make California Environmental Quality Act findings - District 1
- 28 .        Approve acquisition contract and accept grant deed from Georgia Willette Rycraft for purchase of real property, Prado Dam Basin (\$390,000); and make California Environmental Quality Act findings - All Districts
- 29 .        **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve price agreement N1000006380 with Guardian Eagle Security Inc. for unarmed security guard services, 12/1/04 - 11/30/05 (\$133,500); renewable for two additional years; and make California Environmental Quality Act findings - All Districts

## **PUBLIC PROTECTION**

- 30 .        **District Attorney** - Approve price agreements N1000006358 with Catherine Watts, 12/1/04 - 11/30/05 (\$120,000) and N1000006360 with Pula Legal Interpreting Network, 12/1/04 - 11/30/05 (\$60,000) for professional sign language interpreting services; renewable for two additional years - All Districts

## **Probation:**

- 31 .        Approve settlement agreement and mutual release with Anaheim Business Campus, LLC for termination of lease for North Orange County Youth & Family Resource Center, Anaheim (\$26,457.18) - District 4
- 32 .        Approve sublease with Orange County Superintendent of Schools to provide educational and oversight services to juveniles on active and informal probation, Santa Ana, 3 year term; and make California Environmental Quality Act and other findings - District 1
- 33 .        Approve subordinate price agreement N1000006376 to CEO Purchasing master agreement X1000000288 with State Department of Justice for live scan/fingerprint record check services, 12/01/04-10/31/09 (\$300,000); and make California Environmental Quality Act findings - All Districts

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

## **Sheriff-Coroner:**

- 34 .            Approve 2004-05 Financial and Operating Plan and 2005 Joint Operating and Financial Plan for Controlled Substances agreement with United States Forest Service to provide patrol services, Cleveland National Forest - Districts 3 & 5
- 35 .            Approve price agreement N1000006356 with Terminix International Company, L.P., for pest control services, 12/1/04 - 11/30/05 (\$71,055); renewable for four additional years - All Districts
- 36 .            Approve amended price agreement S1000000223 with Verizon Credit, Inc., for lease/purchase of telephone network equipment, James A. Musick facility, 11/30/04 - 6/15/05 - District 5

## **GENERAL ADMINISTRATION**

- 37 .            **Auditor-Controller** - Select International Business Machines Corporation as primary and Borland Software Corporation as alternate to provide Application Lifecycle Management Software and related services; and authorize negotiation of agreement for Board approval - All Districts
- 38 .            **County Counsel** - Approve agreement with Poorman-Douglas Corporation for class action claims administration services - All Districts

## **County Executive Office:**

- 39 .            Receive and file External Restructuring Report for the County of Orange - All Districts
- 40 .            Approve price agreement N1000006320 with Gartner, Inc. for consultant services to conduct assessment of Countywide Accounting and Personnel System, 11/29/04 - 6/30/05 (\$105,000) - All Districts
- 41 .            **Treasurer-Tax Collector** - Approve price agreement N1000006387 with Opex Corporation for maintenance of five opex extraction desks and one envelopener, 12/1/04 - 11/30/07 (\$36,445); renewable for two additional years (\$13,993 for second year; \$14,992 for third year) - All Districts

**END OF CONSENT CALENDAR**

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

## III. DISCUSSION ITEMS (Items 42-S66A)

### HEALTH CARE AGENCY

42.            Approve agreement 03-75920 with State Department of Health Services for Ryan White CARE Act, Title II Funding, 4/1/04 - 3/31/07 (\$596,492 per year); and approve Certification Clauses form CCC-304 - All Districts

21345        **APPROVED AS RECOMMENDED**

43.            Approve amendment 2 to agreement 02-25694 with State Department of Health Services for Women, Infants and Children Supplemental Nutrition Program, 10/1/02 - 9/30/05 (decrease \$275,225; new total \$20,333,418) - All Districts

32145        **APPROVED AS RECOMMENDED**

44.            Approve agreement with Phoenix House Orange County, Inc. for In-Custody Alcohol and Drug Treatment services, 12/13/04 - 6/30/06 (\$1,624,699) - All Districts

14235        **APPROVED AS RECOMMENDED**

45.            Approve price agreement N1000006352 with The Regents of the University of California, Irvine for methadone & urinalysis laboratory services, 11/26/04 - 11/25/05 (\$295,000); renewable for two additional years - All Districts

31245        **APPROVED AS RECOMMENDED**

46.            Approve Memorandum of Understanding with Orange County Department of Education for mental health services for seriously emotionally disturbed students - All Districts

12345        **APPROVED AS RECOMMENDED**

### HOUSING AND COMMUNITY SERVICES DEPARTMENT

47.            Receive and file 2003-04 Annual Report of Orange County Human Relations Commission - All Districts

15234        **RECEIVED AND FILED**

### JOHN WAYNE AIRPORT

48.            Approve consent to assignment of lease of Newport Beach Sales and Leasing, Inc. dba Thrifty Car Rental to DTG Operations, Inc. dba Thrifty Car Rental for rental car concession; and make California Environmental Quality Act and other findings - District 2 (4/5 vote) (Continued from 11/9/04, Item 41)

21345        **APPROVED AS RECOMMENDED**

### RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

49.            Receive bids and award contract to MCM Construction, Inc. for widening project, Glassell Street Bridge (\$5,666,668) - District 3

32145        **APPROVED AS RECOMMENDED**

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

## Acting as the Orange County Flood Control District:

- 50 .                    Select various firms for on-call hazardous materials assessment services; authorize negotiation of agreements for Board approval; and make California Environmental Quality Act findings - All Districts  
23145                    **APPROVED AS RECOMMENDED**
- 51 .                    Ratify emergency purchasing actions taken by RDMD and HCA to clean up major water damage and debris caused by plumbing failure, Health Care Clinic, Santa Ana; and approve agreements with Blake Enterprises, DBA: Disaster Kleenup/Better Floors & Restorations; with All About Floors; and with Interior Office Solutions - District 1  
14235                    **APPROVED AS RECOMMENDED**

## **PUBLIC PROTECTION**

- 52 .                    **Probation** - Approve amended Administrative Memorandum of Understanding with Orange County Superintendent of Schools for provision of support services for Accountability Commitment Program, 11/1/97 - 10/31/07; and make California Environmental Quality Act findings - All Districts  
14235                    **APPROVED AS RECOMMENDED**

## Sheriff-Coroner:

- 53 .                    Approve agreement with Parking Concepts, Inc., to operate West Katella parking lot at Katella Training Facility for overflow/alternative parking during sports and special events, Pond of Anaheim, 3 year term; and make California Environmental Quality Act findings - District 3 (4/5 vote)  
32145                    **APPROVED AS RECOMMENDED**
- 54 .                    Approve price agreement N1000006398 with California Forensic Phlebotomy, Inc., for blood alcohol and breath testing, 12/1/04 - 11/30/05 (\$240,000); renewable for two additional years - All Districts  
43125                    **APPROVED AS RECOMMENDED**
- 55 .                    Approve joint agreement with 34 cities and Orange County Fire Authority for operation, maintenance and financial management of 800 MHz Countywide Coordinated Communications System - All Districts  
52134                    **APPROVED AS RECOMMENDED**
- 56 .                    Accept grant award from U.S. Department of Justice Office of Community Oriented Policing Services for COPS Interoperable Communications Technology Program (\$2,257,125); approve amendment 5 to agreement S0000015.95 with Motorola, Inc., for 800 MHz Countywide Coordinated Communications System (\$2,975,932); and make related budgets adjustments - All Districts (4/5 vote)  
31245                    **APPROVED AS RECOMMENDED**
- 57 .                    Approve amended price agreement N3000004960 with Computer Deductions, Inc., for software maintenance, updates and development, 12/1/04 - 11/30/05 (\$135,031; new total \$1,935,443) - All Districts  
34125                    **APPROVED AS RECOMMENDED**

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

## GENERAL ADMINISTRATION

- 58 .            **County Counsel - Acting as the Board of Supervisors and MCAS El Toro Local Redevelopment Authority** - Adopt resolution rescinding resolutions Certifying Environmental Impact Reports No. 563 and 573 and approving Aviation Plans for MCAS El Toro - All Districts  
53124            **APPROVED AS RECOMMENDED**  
    NN  
*RESO: 04-309*
- County Executive Office:**
- 59 .            Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts  
B.O.            **DISCUSSED**
- 60 .            Approve report and recommendations regarding terms and conditions of employment for certain represented and unrepresented management employees; and adopt salary schedules and class specifications - All Districts  
43125            **APPROVED RECOMMENDED ACTIONS 2 AND 3 AND CONTINUED RECOMMENDED ACTION 1 TO 12/7/04, 9:30 A.M.**
- 61 .            Ratify selection of and approve agreement 04-006BC with Orrick, Herrington & Sutcliffe LLP as bond/tax counsel for bankruptcy recovery debt reduction analysis and any resulting financing - All Districts (Continued from 11/09/04, Item 47)  
B.O.            **CONTINUED TO 12/7/04, 9:30 A.M.**
- 62 .            **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve agreement with Orange County Transportation Authority for expansion of SR22 Garden Grove Freeway; approve grant deed and other documents required to implement terms of County Purchase and Sale agreement; approve quitclaim deed to reserve rights in County property; and make California Environmental Quality Act findings - All Districts  
31245            **APPROVED AS RECOMMENDED**
- 63 .            Approve FY 2004-05 First Quarter Budget Report; approve related budget adjustments and amend master position control - All Districts (4/5 vote)  
24135            **APPROVED WITH MODIFICATION TO RECOMMENDED ACTION #2 TO DIRECT ALLOCATION OF APPROXIMATE \$23 MILLION (FUND 100) AS FOLLOWS: \$5 MILLION TO HARBORS, BEACHES AND PARKS FUND BALANCE AND REMAINING \$18 MILLION TO BOND DEFEASANCE RESERVE. (Supervisor Smith voted no on Amended Recommendation #2)**  
    N
- 64 .            **Acting as the In-Home Supportive Services Public Authority** - Approve extension of current terms and conditions to Memorandum of Understanding for a term of one-year and wages and benefits consistent with the Public Authority's last, best and final offer for employees of the In-Home Supportive Services (IHSS) Public Authority: United Domestic Worker's of America (UDWA), NUHHCE, AFSCME, AFL-CIO; and adopt funding for Provider wages at \$8.00 hour and benefits at \$0.60 hour through 9/30/05 - All Districts  
31245            **APPROVED AS RECOMMENDED**

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

- 65 .                    Approve price agreement N1000006378 with Mayer, Brown, Rowe & Maw, LLP for Legislative Advocacy services, 01/01/05 - 12/31/06 (\$240,000 per year); renewable for two additional years - All Districts
- 23145                    **APPROVED AS RECOMMENDED WITH THE UNDERSTANDING THAT SCOTT BAUGH IS DESIGNATED AS THE PROJECT MANAGER**
- 66 .                    **Human Resources** - Approve amended price agreement N1000005587 with Susan Saxe-Clifford, Ph.D for psychological evaluation services for entry level peace officer candidates, 12/31/04 - 12/30/05 (\$250,000); renewable for one additional year - All Districts
- 12345                    **APPROVED AS RECOMMENDED**
- S66A .                    **Supervisor Norby** - Approve letter of support requesting to retain the name Anaheim Angels
- 41235                    **APPROVED LETTER WITH COPIES TO ANAHEIM MAYOR CURT PRINGLE, ANAHEIM CITY COUNCIL AND BASEBALL COMMISSION**

## **IV. PUBLIC HEARINGS (Items 67-69)**

### **HOUSING AND COMMUNITY SERVICES DEPARTMENT**

- 67 .                    **Acting as the Board of Supervisors and Orange County Development Agency** - Public Hearing to consider adopting resolution approving procedure for sale and offer and agreement form for sale of property, Santa Ana Heights area; authorize payment for related fees; and make California Environmental Quality Act findings - District 2
- B.O.                    **CLOSED PUBLIC HEARING**
- 21345                    **APPROVED AS RECOMMENDED**  
*RESO: 04-310*

### **PUBLIC PROTECTION**

- 68 .                    **Probation** - Public Hearing to consider adopting resolution approving revised fees to be charged to various recipients of Probation services, effective 12/1/04; and make California Environmental Quality Act and other findings - All Districts
- B.O.                    **CLOSED PUBLIC HEARING**
- 12345                    **APPROVED AS RECOMMENDED**  
*RESO: 04-311*
- 69 .                    **Sheriff-Coroner** - Public Hearing to consider adopting resolution approving proposed fee for conducting local arrest record checks for Federal Office of Personnel Management and Department of Defense (\$17.68); effective 11/23/04; and make California Environmental Quality Act findings - All Districts
- B.O.                    **CLOSED PUBLIC HEARING**
- 21345                    **APPROVED AS RECOMMENDED**  
*RESO: 04-312*

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

## V. CLOSED SESSION (Item CS-1)

### GENERAL ADMINISTRATION

CS-1 .        **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):

Name of Case: Mark Hartstein v. County of Orange, LBO 0298335

B.O.        **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF MARK HARTSTEIN 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 CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

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

### PUBLIC COMMENTS:

Cesar Madrid - Oral Re: Requested Board support for maintaining El Modena area

Charles Griffin - Oral Re: Expanded use of GPS at John Wayne Airport

Dr. Michael Fitzgibbons, Felix Schwarz, Dr. Robert Steedman and Darrell Nolta - Oral Re: Access to public health services and sale of Orange County public hospitals

### BOARD COMMENTS:

Supervisor Smith Oral - RE: Directed County Counsel and CEO to see what action the Board might take to insure Orange County Hospitals remain open.

Supervisor Norby Oral - RE: Audits of County Health Trust Funds and monthly status reports from Internal Auditor, beginning December 14, 2004.

### ADJOURNED: 1:01 P.M.

25134        **Adjourned in memory of Bob Barker**

52134        **Adjourned in memory of Quoc Binh Tran**

# 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. = Supervisor Campbell
- 4. = Supervisor Norby
- 5. = Chairman Wilson

*Right Margin Notes*

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

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

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

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