

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 13, 2004, 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

BILL CAMPBELL
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: Supervisors: Silva, Campbell, Norby and Wilson

EXCUSED: Supervisor Smith

PRESENT: COUNTY EXECUTIVE OFFICER James D. Ruth
 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 Silva, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Silva presented a proclamation to Dick White retiring as Chairman from the Senior Citizen's Advisory Council

II. CONSENT CALENDAR (Items 1-36)

43125 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 10, 16, 17, 25 AND**
X **36 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

DEPARTMENT APPOINTMENTS

1. **Health Care Agency** - Orange County HIV Planning Council - Reappoint Jeffrey A. Byers, Sacramento; Clayton Chau, M.D., Santa Ana; Linda Foster, Fullerton; Betsy C. Ha, Orange; Josie Lopez, Anaheim; Christopher Ried, M.D., Santa Ana; Jose Ramon Rodriguez, Santa Ana; Martin Salas, Anaheim; Ricky Session, Garden Grove; Steve Thronson, Santa Ana; Jeremiah G. Tilles, M.D., Irvine; Kurt Westson, Huntington Beach and appoint Gerardo Rosas, Santa Ana and Adolfo Loustalot, Tustin, for terms ending 12/31/05 - All Districts

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

2. **Probation** - Orange County Juvenile Justice Coordinating Council - Appoint Captain Fred Lisanti, as Sheriff-Coroner's Department Representative - All Districts

HEALTH CARE AGENCY

3. Approve agreement 03-75374 with State Department of Health Services for Preventive Health Care for Aging Program, 7/1/03 - 6/30/06 (\$276,426) - All Districts
4. Accept award from Pacific Life Foundation to implement diabetes prevention project and expand dental health services for uninsured children (\$214,000); approve master Memorandum of Understanding for Dental Health Services; and authorize Director or designee to execute individual agreements - All Districts
5. Approve price agreement N1000005539 with Dayle McIntosh Center for Disabled for sign language interpretation services, 1/15/04 - 1/14/05 (\$50,000); renewable for two additional years - All Districts
6. Approve price agreement N1000005512 with IT Solutions, Inc. for network equipment maintenance services, 2/1/04 - 1/31/05 (\$19,900); renewable for two additional years - All Districts

HOUSING AND COMMUNITY SERVICES DEPARTMENT

7. Receive and file County of Orange Services for Seniors: Identification of Resources and Gaps in Services Report, FY 2003 - All Districts
8. Approve price agreement N1000005623 with Shelter and Hunger Partnership for Continuum of Care Homeless Assistance Program (\$30,139); renewable for two additional years - All Districts

INTEGRATED WASTE MANAGEMENT DEPARTMENT

9. Approve price agreement N1000005599 with Fairbanks Scale for truck scale maintenance/repair services, 1/13/04 - 1/12/05 (\$83,000); renewable for two additional years - Districts 3 & 5

JOHN WAYNE AIRPORT

10. 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 Airlines Access Plan and Regulation for 2004-2005 Plan Year, 4/1/04 - 3/31/05, and approve related actions - District 2

24135 **APPROVED AS RECOMMENDED**

X

PLANNING AND DEVELOPMENT SERVICES

11. Approve assignment and assumption agreements with DMB Ladera, LLC and Richmond American Homes of California, Inc., William Lyon Homes Inc., D.R. Horton Los Angeles Holding Company, Inc., Barratt-Baywood II, LLC, Standard Pacific Corp., Warmington Charleston Associates, L.P., MBK Homes Ltd., and SRG/KRC Senior Apartments related to acquisition of properties by merchant builders from DMB Ladera, LLC, Tracts 16203, 16025, 16157, and 16234, Ladera Planned Community area - District 5

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

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

12. Authorize payment to Fountain Valley for traffic signal maintenance, FYs 2000-02 (\$585.74) - Districts 1 and 2
13. Receive and file Traffic Committee reports dated 11/20/03; approve recommendations and adopt necessary resolutions - Districts 3 and 5
RESO: 04-005 - 04-008
14. Accept work with KEC Engineering for tieback retaining wall street improvements on El Toro Road at Interstate 5, project completed 2/4/03 (\$570,566.41) - District 5
15. Approve agreement with Peyo & Associates for architectural-engineering services, Probation Youth Guidance Center Improvement projects (\$82,600) - District 1
16. Approve plans and specifications and set bid opening for 2/25/04, 2:00 p.m., for ADA playground equipment replacement, Caspers Regional Park, San Juan Capistrano; and make California Environmental Quality Act findings - District 5
23145 **APPROVED AS RECOMMENDED**
X
17. Approve plans and specifications and set bid opening for 2/25/04, 2:00 p.m., for ADA playground equipment replacement, O'Neill Regional Park, Trabuco Canyon; and make California Environmental Quality Act findings - District 3
23145 **APPROVED AS RECOMMENDED**
X
18. Approve plans and specifications and set bid opening for 2/18/04, 2:00 p.m., for refurbishing of bathrooms of dormitory buildings 1, 2 and 3, Los Pinos Conservation Camp - District 5
19. Authorize release of security for street improvements, street lights, sewer and water systems, and monumentation, Tract 16126, Warmington LDR Associates III, L.P., Ladera Ranch area - District 5
20. Authorize release of security for private street improvements and monumentation, Parcel Map 87-229, Agoston and Melinda Vass, North Tustin area - District 3
21. Accept work with PALP, Inc. dba Excel Paving Company for Highway Median improvements of Pacific Coast Highway from Admiralty Drive to South of Warner Avenue, Sunset Beach area, project completed 4/18/03 (\$161,473.36) - District 2
22. Authorize release of security for street improvements, street lights, sewer and water systems, landscaping and monumentation, Tract 16023, Coto De Caza, Ltd., Coto De Caza area - District 5
23. Approve agreement D03-058 with Placentia for the widening and improvement of Tustin Avenue south of Orangethorpe; adopt resolution declaring a portion of Tustin Avenue a County highway during construction; and make California Environmental Quality Act findings - Districts 3 and 4
RESO: 04-009
24. Approve plans and specifications and set bid opening for 2/11/04, 2:00 p.m., for asphalt overlay resurfacing of Irvine Boulevard from Red Hill Avenue to Ranchwood Road; and make California Environmental Quality Act findings - District 3

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

25. **Acting as the Orange County Flood Control District** - Approve continuance of emergency and make appropriate findings pursuant to Public Contract Code Section 22050 regarding sediment removal from San Diego Creek; set review to determine continuing need for emergency action on 1/27/04, 9:30 a.m., and every 14 days thereafter- Districts 1, 2 and 3 (4/5 vote) (Continued from 12/16/03, Item 64; 1/6/04, Item 5)

32145 **APPROVED AS RECOMMENDED**

X

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

26. Approve amended agreement D02-058 with Kleinfelder, Inc. for on-call materials testing services, revising fee schedule and extending term one year and authorizing Director to renew additional year; and make California Environmental Quality Act findings - All Districts
27. Approve amended agreement D02-051 with Advanced Earth Sciences, Inc. for on-call geotechnical services, revising fee schedule and extending term one year and authorizing Director to renew an additional year; and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

28. Approve agreement ADT0803 with the Regents of the University of California for provision of Elderly and Dependent Adult Abuse Consultation services, 1/13/04 - 12/31/04 (\$50,000) - All Districts
29. Approve cash donation from John C. Griswold Foundation for Orangewood Children's Home (\$10,000) - District 3
30. Approve agreement with Costa Mesa for facility reservation, including hold harmless agreement for Social Services Agency All Managers meeting on 2/2/04 - All Districts

PUBLIC PROTECTION

Sheriff-Coroner:

31. Approve amended agreement with Community Service Programs, Inc. for domestic violence victim services, 10/1/03 - 9/30/04 (\$66,864) - All Districts
32. Approve price agreement N1000005441 with Western Avionics, Inc. for maintenance, repair and replacement of helicopter radio/avionics/police equipment systems, 1/13/04 - 1/12/05 (\$70,000), renewable for two additional years - All Districts
33. Approve price agreement N1000005374 with Unisys Corporation for maintenance of Unisys mainframe computer tape subsystems hardware and software, 2/1/04 - 1/31/05 (\$22,800); renewable for two additional years - All Districts
34. Approve price agreement N1000005606 with Onix Networking Corporation for technical support and maintenance of Remedy Software's Action Request System, 1/13/04 - 1/12/05 (\$24,068); renewable for two additional years - All Districts

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

35. Authorize use of County vehicles and staff for transportation of Explorers to attend Orange County Law Enforcement Explorer Advisor Association Winter Academy, Riverside, 2/12/04 - 2/16/04; and make related findings - All Districts

GENERAL ADMINISTRATION

36. **County Counsel - Acting as the Board of Supervisors and Orange County Flood Control District**
- Approve Settlement Agreement and Mutual Release with Westminster Redevelopment Agency for correcting payments made in prior fiscal years (\$463,353.04) - District 1

54123 **APPROVED AS RECOMMENDED**

X

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 37-S51B)

HEALTH CARE AGENCY

37. Approve amendment 2 to master agreement with various providers for Alcohol and Drug Abuse Services Residential and Transitional Housing services, 3/1/03 - 6/30/04 (\$25,148; new total \$744,148); and authorize Director or designee to execute individual amendments - All Districts
- 23145 **APPROVED AS RECOMMENDED**
X

HOUSING AND COMMUNITY SERVICES DEPARTMENT

38. Approve agreement with Anaheim for implementation and administration of Senior Wheels Transportation Program, 2/1/04 - 1/31/05 (\$275,760); renewable for one additional year (\$248,200); and direct staff to conduct a review of program and report back to the Board in six months from start date - District 4

43125 **APPROVED AS RECOMMENDED**
X

39. **Acting as the Board of Supervisors and Orange County Development Agency** - Adopt resolutions approving loan commitment to Jamboree Housing Corporation for Culver I-5 Apartments, Irvine (\$3,827,033); authorize Director or designee to execute related documents; rescind approval of use of 36 Project Based Section 8 Housing Vouchers; and make California Environmental Quality Act and other findings - District 3 (Continued from 12/16/03, Item 56)

35124 **APPROVED AS RECOMMENDED**
X N

RESO: 04-010 - 04-011

INTEGRATED WASTE MANAGEMENT DEPARTMENT

40. Select Bryan A. Stirrat & Associates as primary and GeoSyntec Consultants as alternate firms for engineering services for preparation of construction documents per master plan, quality assurance/quality control, and archaeological/paleontological monitoring at Prima Deshecha Landfill - District 5

54123 **APPROVED AS RECOMMENDED**
X

41. Select TRC as primary and CGR Management Consultants as alternate firms to provide Landfill Heavy Equipment maintenance, Service and Repair Operations Study; and authorize negotiation of agreement for Board approval - All Districts

32145 **APPROVED AS RECOMMENDED**
X

JOHN WAYNE AIRPORT

42. Approve purchase order PC 280 P0400003677 with Cummins Cal Pacific, LLC for purchase of four engine generator sets (\$2,625,479.60); approve agreement with Southern California Gas Company for Equipment Incentive program; and make California Environmental Quality Act findings - District 2

B.O. **DELETED**

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

- 43 . Approve price agreement N1000005611 with FMC Technologies Incorporated for passenger loading bridges, preconditioned air units and rubbish container maintenance, 1/14/04 - 1/13/07 (\$1,345,659); renewable for two additional years (\$448,553 per year); and make California Environmental Quality Act findings - District 2

25134 **APPROVED AS RECOMMENDED**

X

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

- 44 . Receive bids and award contract to Hardy and Harper, Inc. for asphalt overlay resurfacing of various streets in Orange County (\$623,029) - Districts 1, 2, 3 & 4

24135 **APPROVED AS RECOMMENDED**

X

SOCIAL SERVICES AGENCY

- 45 . Authorize exercise of option to negotiate renewal of agreements for subsequent Board approval with Maximus, Inc. for provision of Case Management services and with ACS State and Local Solutions for provision of Job Services; Employment Support and Job Retention services, 4/1/05 - 3/31/06 - All Districts

35124 **APPROVED AS RECOMMENDED**

X

GENERAL ADMINISTRATION

County Counsel:

- 46 . Select Sheppard, Mullin, Richter & Hampton LLP as primary and Kutak Rock LLP as alternate firms for specialized construction legal services - All Districts

34125 **APPROVED AS RECOMMENDED**

X

- 47 . Adopt resolution amending Rule 12B of Rules of Procedure for Assessment Appeals Board to establish a schedule of fees and fee deposits for time and materials cost; preparing findings of fact and make California Environmental Quality Act findings - All Districts

42135 **APPROVED AS RECOMMENDED**

X

RESO: 04-012

County Executive Office:

- 48 . Approve price agreements N1000005455 with BMC, Inc., 10/1/03 - 9/30/04 (\$36,334); renewable for one additional year (\$18,167) and N1000005493 with BMC, Inc., 3/31/03 - 3/30/04 (\$133,608 per year); renewable for four additional years for CMF Monitor software and maintenance - All Districts

32145 **APPROVED AS RECOMMENDED**

X

- 49 . Receive and file update on Vehicle License Fee and other State budget issues - All Districts

24135 **RECEIVED AND FILED**

X

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

50. Approve amendment 3 to price agreement N2000003024 with Delta Health Systems for administration of County's seven self-insured Health Plans, and Management and Attorney Dental Plan, extending term to 12/31/04 (new total \$7,823,145) - All Districts

42135 **APPROVED AS RECOMMENDED**
X

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

35124 **APPROVED AS RECOMMENDED**
X

- 551A. **Chairman Wilson** - Law Library Board of Trustees - Reappoint Barbara H. Evans, Esq. and Dennis O'Neil for terms ending 12/31/04

52134 **APPROVED AS RECOMMENDED**
X

- 551B. **County Executive Office** - Approve Proposed Organizational Chart for County of Orange; adopt resolution rescinding sections I and II of resolution 96-825, establishing Resources and Development Management Department, its duties and functions and designating related officials; and direct CEO to present all necessary budgetary adjustments and changes to master position control in Second Quarterly FY 2003-04 Budget Adjustments - All District

42135 **APPROVED AS RECOMMENDED**
X

IV. PUBLIC HEARINGS (Item 52)

52. **County Executive Office** - Public Hearing to consider adopting resolution approving Apartment Development Revenue Bonds, Issue A of 2004; submission of an application to California Debt Limit Allocation Committee for private activity mortgage revenue bond allocation (\$16,000,000), Woodbridge Manor I & II; approve selection of financing team; and other related matters - District 3 (Closed Public Hearing continued RA #3 from 12/16/03, Item 77)

32145 **APPROVED AS RECOMMENDED**
XN

RESO: 04-013

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

County Counsel:

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

Name of Case: Ciria Boland v. County of Orange, ANA 0294149

- B.O. **HELD, THE CLERK READ: THE BOARD BY UNANIMOUS VOTE, SUPERVISOR SMITH BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF CIRIA BOLAND 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 IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

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

- CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Helen Mujagic v. County of Orange, MON 0244550
- B.O. **HELD, THE CLERK READ: THE BOARD BY UNANIMOUS VOTE, SUPERVISOR SMITH BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF HELEN MUJAGIC 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 IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**
- CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: The Irvine Company v. County of Orange, L.A. S.C. No. BC 308544
- B.O. **HELD, THE CLERK READ: THE BOARD BY UNANIMOUS VOTE, SUPERVISOR SMITH BEING ABSENT, AUTHORIZED COUNTY COUNSEL TO RETAIN THE LAW FIRM OF BINGHAM, MCCUTCHEN AS CO-COUNSEL IN THE CASE OF THE IRVINE COMPANY V. COUNTY OF ORANGE.**
- CS-4. **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:

Larry Laven - Oral Re: Orange County gang related software and general security issues

Darrell Nolta - Oral Re: Health Care Agency recent efforts notifying the public on potential diseased meat in Orange County

BOARD COMMENTS:

Supervisor Campbell - Oral RE: Directed the Clerk of the Board to see if it is possible to have agenda item numbers being discussed shown on supervisors' touch screens

Supervisors Norby, Wilson - Oral RE: Directed County Counsel to provide Board with an update on the recent lawsuit and eminent domain action taken by the City of Santa Ana against the County and directed CEO to work with the City of Santa Ana to resolve this matter while ensuring the County's needs are met without use of eminent domain or lawsuit.

ADJOURNED: 12:56 P.M.

24135 **Adjourned in memory of Robert M. Wilson**
X

52134 **Adjourned in memory of Dr. Jim Ortner**
X

52134 **Adjourned in memory of Mark Reynolds**
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. = 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)

THOMAS W. WILSON, CHAIRMAN
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board