

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, April 8, 2003, 9:30 AM

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: All Present

EXCUSED: None

PRESENT: COUNTY EXECUTIVE OFFICER James D. Ruth, Interim CEO
 COUNTY COUNSEL Benjamin P. de Mayo
 CLERK OF THE BOARD Susan Novak, Assistant

INVOCATION: Supervisor Silva, Second District, gave the invocation

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

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Campbell presented a resolution recognizing April 2003 as Cure Children's Cancer Month

Chairman Wilson presented a resolution recognizing April 2003 as Blue Ribbon Child Abuse Prevention Month

Chairman Wilson presented a resolution recognizing April 6-12, 2003 as Crime Victims' Rights Week

Chairman Wilson presented a resolution recognizing April 7-13, 2003 as National Public Health Week

Chairman Wilson presented a resolution recognizing April 13-19, 2003 as National Telecommunicator's Week

II. CONSENT CALENDAR (Items 1-43)

41235 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 41 WHICH WAS CONTINUED TO 4/29/03, 9:30 A.M.; AND ITEMS 10 & 27 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

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

BOARD APPOINTMENTS

1. **Supervisor Campbell** - Waste Management Commission - Reappoint Victor Opincar, Laguna Beach, for term ending 1/18/05

DEPARTMENT APPOINTMENTS

2. **Community Services Agency** - Orange County Workforce Investment Board - Appoint Cormac O' Modhrain and Joel Stensby, Santa Ana, for terms ending 12/31/05 - All Districts

COMMENDATIONS/PROCLAMATIONS

Chairman Wilson:

3. Adopt resolution proclaiming April 21-27, 2003 as "Orange County Community Development Week"
RESO: 03-107
4. Adopt resolution recognizing Armenian-American Community and Forty Martyrs Armenian Church
RESO: 03-108

COMMUNITY SERVICES AGENCY

5. Approve agreement 9000005026 with University of California, San Francisco for Active Aging Project, FY 2002-03 (\$8,000); and approve related budget adjustments (RA #3 4/5 vote)- All Districts
6. Approve amended agreement with Capistrano Unified School District for Workforce Investment Act Youth allocation (\$54,165; new total \$270,823) - District 5

HEALTH CARE AGENCY

7. Approve license with Los Alamitos Race Course for use of parking lot in the event of a bioterrorism emergency; and make California Environmental Quality Act findings - District 2
8. Approve amended agreement with The Regents of the University of California, Irvine for Medi-Cal Mental Health Managed Care Psychiatric Inpatient services, term ending 6/30/03 - All Districts
9. Approve amended agreement DCP-02-30-04-A2 with State Department of Alcohol and Drug Programs for Drug Court Partnership Act 2002 Grant funds, 7/1/02 - 6/30/03 (\$7,148; new total \$416,023) - All Districts
10. Approve amended agreement with A.S. Foundation/Orange County for HIV prevention services, 7/1/02 - 6/30/03 (\$22,500; new total \$105,300) - All Districts

32145 **APPROVED AS RECOMMENDED**

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

INTEGRATED WASTE MANAGEMENT DEPARTMENT

11. 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 4/29/03, 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; 1/28/03, Item 12; 2/11/03, Item 6; 2/25/03, Item 9; 3/11/03, Item 9; 3/25/03, Item 8)
12. Approve entry permit from The Irvine Company for access to property adjacent to Frank R. Bowerman Landfill for visual biological and geological surveys; and make California Environmental Quality Act findings - District 3

JOHN WAYNE AIRPORT

13. Approve agreement with Toft Wolff Farrow, Inc. for electrical engineering services (\$50,000); renewable for two additional years - District 2
14. Approve agreement with Integrated Design Services, Inc. for structural engineering services (\$50,000); renewable for two additional years - District 2
15. Approve agreement with LaBelle Marvin, Inc. for pavement engineering services (\$50,000); renewable for two additional years - District 2
16. Approve agreement with AEPC Group, LLC for mechanical engineering services (\$50,000); renewable for two additional years - District 2
17. Approve agreement with Diaz Yourman & Associates for geotechnical engineering services (\$50,000); renewable for two additional years - District 2
18. Approve agreement with The Neiman Group for architectural engineering services (\$50,000); renewable for two additional years - District 2
19. Approve agreement with Integrated Design Services, Inc. for architectural engineering services for seismic retrofit of terminal (\$354,000) - District 2
20. 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 4/29/03, 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; 1/28/03, Item 15; 2/11/03, Item 7; 2/25/03, Item 14; 3/11/03, Item 11; 3/25/03, Item 9)

PLANNING AND DEVELOPMENT SERVICES

21. Approve Tract 16422, The Irvine Company and Irvine Community Development Company, Newport Coast area; accept easements for ingress, egress and public utility purposes; and approve construction agreement S0203-0110 and accept bonds guaranteeing construction of improvements - District 5

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

22. Approve Tract 16424, The Irvine Company and Crystal Cove Community Association; Newport Coast area; accept easements for ingress, egress and public utility purposes; and approve construction agreement S0203-0111 and accept bonds guaranteeing construction of improvements - District 5
23. Approve Tract 16425, The Irvine Company; Newport Coast area; accept easement for ingress, egress and public utility purposes; and approve construction agreement S0203-0112 and accept bonds guaranteeing construction of improvements - District 5
24. Approve Tract 16427, The Irvine Company; Newport Coast area; accept easement for ingress, egress and public utility purposes; and approve construction agreement S0203-0113 and accept bonds guaranteeing construction of improvements - District 5
25. Approve Tract 16428, The Irvine Company; Newport Coast area; accept easement for ingress, egress and public utility purposes; and approve construction agreement S0203-0114 and accept bonds guaranteeing construction of improvements - District 5

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

26. Adopt resolution relinquishing a portion of Backbay Drive as County highway, Newport Beach; accept completed improvements for slope stabilization between Backbay Drive and Avenida Chico; project completed 5/17/02 (\$818,675.85) - District 2
RESO: 03-109
27. Approve amendment 2 to price agreement N1000004326 with Project Partners, Inc. for technical support services for Watershed & Coastal Resources Division (\$160,000; new total \$360,000) - All Districts
41235 **APPROVED AS RECOMMENDED**
28. Approve amended agreement with Dennis J. Amoroso Construction, Inc. to authorize payment for Federal Modular Courthouse remodel (Phase 1) (\$75,464.05) - District 1
29. Adopt resolution authorizing submission of applications to Orange County Transportation Authority for Transportation Enhancement Activities (TEA) grant funds, FYs 2003-05; and approve priorities of projects within each grant area - All Districts
RESO: 03-110
30. Approve agreement D03-016 with RBF Consulting for on-call engineering services for reconstruction of San Diego Creek Sedimentation Basins (\$200,000) - Districts 2 and 3
31. Accept work with Pelikan Construction for office building addition to Orange County Zoo, Irvine Regional Park; project completed 6/7/02 (\$263,070.91) - District 3
32. **Acting as the Orange County Flood Control District** - Accept work with J. F. Shea Construction for Huntington Beach Channel improvements, Huntington Beach; project completed 5/24/02 (\$4,444,298.63) - District 2

SOCIAL SERVICES AGENCY

33. Approve price agreement N1000005088 with Bell Building Maintenance for janitorial and day porter services, 2020 W. Walnut, Santa Ana, 5/1/03 - 4/30/04 (\$43,800); renewable for two additional years - District 1

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

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

- 34. Approve price agreement N1000005085 with Bell Building Maintenance for janitorial and day porter services, 6100 Chip Avenue, Cypress, 4/15/03 - 4/14/04 (\$69,960); renewable for two additional years - District 2
- 35. Approve agreement with California State Association of Counties for Welfare Client Data Systems management, 7/1/03 - 6/30/04 (\$20,574) - All Districts

PUBLIC PROTECTION

Sheriff-Coroner:

- 36. 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 4/29/03, 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; 1/28/03, Item 31; 2/11/03, Item 20; 2/25/03; Item 37; 3/11/03, Item 21; 3/18/03, Item 18; 3/25/03, Item 18)
- 37. Approve agreement with Community Service Programs, Inc. for domestic violence victim services, 4/8/03 - 4/7/04 (\$59,278) - All Districts
- 38. Authorize use of County staff, property and equipment for production and sale of 2003 Commemorative Book for Sheriff's Advisory Council's Project 999 fundraiser; authorize sale of book (\$42, including \$1.03 contribution); approve purchase order with Turner Publishing Company for development and publication of book; and approve related agreements with Sheriff's Advisory Council and Association of Orange County Deputy Sheriffs - All Districts
- 39. Approve agreement with GE Capital I-Sim LLC for upgrade of four PatrolSim driving simulators (\$72,000) - All Districts

GENERAL ADMINISTRATION

County Executive Office:

- 40. Approve price agreement N1000005124 with Heidrick and Struggles for executive search services for County Executive Officer, beginning 3/24/03 - All Districts
- 41. Receive and file report on charitable organizations actual income/expenses for 2002 and planned activities for 2003; and approve related insurance waivers - All Districts
- 41235 **CONTINUED TO 4/29/03, 9:30 A.M.**
- 42. Approve price agreement N1000004898 with Nextgen Management Group, Inc., for support of Aprisma software, 4/8/03 - 4/7/06 (\$58,373) - All Districts
- 43. **Supervisor Smith** - Adopt resolution supporting Korean Chamber of Commerce application to Caltrans for installation of directional signs on SR22 freeway to promote Korean Business District
RESO: 03-111

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 44-S52C)

COMMUNITY SERVICES AGENCY

44. Approve amendment 13 to agreement with Feedback Foundation, Inc. for Older Americans Act services, FY 2002-03 (\$117,167; new total \$2,664,986) - All Districts
21345 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

45. Approve amendment 4 to agreement with Royale Health Care Center, Inc. for Mental Health Inpatient services, FY 2002-03 (\$1,997,098; new total \$14,201,606) - All Districts

B.O. **DELETED**

46. Approve amended agreement with Management Applied Programming, Inc. aka American Insurance Administrators for Fiscal Intermediary services for Medical Services for Indigents Program; approve amended master agreements for receiving hospital and hospital services for Medical Services for Indigents Program; approve amended agreement with Orange County Foundation for Medical Care for medical care management services (\$61,700; new total \$186,700); and authorize Director or designee to execute individual agreements - All Districts
23145 **APPROVED AS RECOMMENDED**

PLANNING AND DEVELOPMENT SERVICES

47. Receive and file Financial Status Report - All Districts (Continued from 3/11/03; Item 14; 3/18/03, Item 13; 3/25/03, Item 10; 4/1/03, Item 29)
34125 **APPROVED AS RECOMMENDED**

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

Acting as the Orange County Flood Control District:

48. Receive bids and award contract to J. F. Shea Construction, Inc. for flood control improvements of Huntington Beach Channel system (\$2,971,437) - District 2
23145 **APPROVED AS RECOMMENDED**
49. Receive bids and award contract to Belczak & Sons, Inc. for reconstruction of Segunda Deshecha Canada Channel (\$5,742,493.54) - District 5
52134 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

50. **Probation** - Adopt resolution approving submission of amended Comprehensive Multi-Agency Juvenile Justice Plan and application for approval to State Board of Corrections for Juvenile Justice Crime Prevention Act funds, FY 2003-04 - All Districts
21345 **APPROVED AS RECOMMENDED**
RESO: 03-112

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GENERAL ADMINISTRATION

51. **County Counsel/Planning and Development Services** - Approve agreement with DMB San Juan Investment North for outside legal counsel and independent consultants to assist in processing the Rancho Mission Viejo General Plan amendments, zone change, EIR and other related actions - District 5
52134 **APPROVED AS RECOMMENDED**
52. **County Executive Office** - Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
32145 **APPROVED SUPPORT IN CONCEPT OF SB55 AND SUPPORT OF AB26**

COMMENDATIONS/PROCLAMATIONS

- S52A. **Chairman Wilson** - Adopt resolution commending Douglas C. Barton on his retirement
51234 **APPROVED AS RECOMMENDED**
 RESO: 03-113

GENERAL ADMINISTRATION

- S52B. **County Executive Office and Health Care Agency** - Approve implementation of administrative requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule; and authorize Privacy Officer to amend as appropriate - All Districts
31245 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

- S52C. **Sheriff-Coroner** - Approve use of buses for transporting out-of-state team members participating in Orange County Cop Bowl held on April 24, 2003; and make appropriate findings - All Districts
51234 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Items 53-55)

HOUSING AND COMMUNITY DEVELOPMENT

53. Public Hearing to consider approving Draft Annual Action Plan, FY 2003-04 (\$7,560,349) - All Districts
B.O. **CLOSED PUBLIC HEARING**
32145 **APPROVED AS RECOMMENDED**

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

54. Public Hearing to consider adopting resolution approving 2003 Weed Abatement Program and direct PFRD to report back to the Board on 8/5/03 and 8/3/04 with itemized cost reports - All Districts
B.O. **CLOSED PUBLIC HEARING**
12345 **APPROVED AS RECOMMENDED**
 RESO: 03-114

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

GENERAL ADMINISTRATION

55. **County Executive Office** - Public Hearing to consider adopting resolution approving Apartment Development Revenue Bonds, Issue A of 2003; submission of an application to California Debt Limit Allocation Committee for private activity mortgage revenue bond allocation (\$7,000,000) (Rancho Niguel Apartments); approve selection of a financing team; approve cooperative agreement with Laguna Hills and other related documents - District 5
- B.O. **CLOSED PUBLIC HEARING**
- 51234 **APPROVED AS RECOMMENDED**
RESO: 03-115

V. CLOSED SESSION (Items CS-1-SCS-5)

County Counsel:

- CS-1. CONFERENCE WITH SHERIFF-CORONER - THREAT TO PUBLIC SERVICES OR FACILITIES
Pursuant to Government Code Section 54957(a):
Title of Officer: Michael Carona, Orange County Sheriff-Coroner
- B.O. **DELETED**
- CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a):
Name of Case: County of Orange v. Davood Guity-Mehr, et al., OCSC Case No. 765326
- B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF COUNTY OF ORANGE V. DAVOOD GUYTY-MEHR, ET AL. 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**
- CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a):
Name of Case: Eric Hoshstrasser v. Huntington Beach UHSD, et al., California Special Ed. Hearing Office Case No. SN0201431
- B.O. **HELD, THE CLERK READ: THE BOARD BY UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF ERIC HOSHSTRASSER V. HUNTINGTON BEACH UHSD, ET AL. 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**
- CS-4. **County Executive Office** - CONFERENCE WITH LABOR NEGOTIATOR
Pursuant to Government Code Section 54957.6:
Agency Negotiator: Susan Paul
Employee Organizations: United Domestic Workers of America, AFSCME, AFL-CIO, In-Home Supportive Services
- B.O. **HELD, NO REPORTABLE ACTION**

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

Name of Case: David Nisson v. County of Orange, OCSC Case No. 02CC06983.

B.O. **HELD, THE CLERK READ: BY A VOTE OF 4 TO 1, SUPERVISORS SMITH, WILSON, NORBY & CAMPBELL VOTING IN FAVOR AND SUPERVISOR SILVA VOTING AGAINST, THE BOARD APPROVED A PROPOSED SETTLEMENT IN THE CASE OF DAVID NISSON 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**

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Michelle Mackey, Cynthia Hanna, Caroline Hanna, Patrick Brady, Shirley Adams, Theresa Telles & Chiane Do -
Oral Re: Support for IHSS workers pay increase

Charles Griffin - Oral Re: Private First Class, Lori Piestewa, U.S. Army, killed in Iraq

BOARD COMMENTS:

Supervisor Campbell - Oral Re: Trip last week to Washington, DC speaking on HR818, funding for hospitals and doctors for emergency care

Supervisor Norby - Oral Re: Informative tour last Friday of Santa Ana River flood channel

ADJOURNED: 11:17 A.M.

*** KEY ***

Left Margin Notes

1. √ Supervisor Smith
2. √ Supervisor Silva
3. √ Supervisor Campbell
4. √ Supervisor Norby
5. √ Chairman 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*

SUSAN NOVAK, ASSISTANT

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

Orange County Clerk of the Board