

# 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, November 6, 2001, 9:30 A.M.*

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

**CYNTHIA P. COAD**  
CHAIR  
Fourth District

**JAMES W. SILVA**  
VICE CHAIR  
Second District

**CHARLES V. SMITH**  
SUPERVISOR  
First District

**TODD SPITZER**  
SUPERVISOR  
Third District

**THOMAS W. WILSON**  
SUPERVISOR  
Fifth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT: COUNTY EXECUTIVE OFFICER      Michael Schumacher  
          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 Wilson, Fifth District, led the assembly in the Pledge of Allegiance

### **I. PRESENTATIONS/INTRODUCTIONS**

Chair Coad presented a resolution for "Orange County Homeless Hunger Awareness Week"

Supervisor Wilson presented a resolution honoring Lincoln Mercury as title sponsor and Trails4All as host organization of "Inner-Coastal and Watershed Cleanup Day"

Chair Coad presented a resolution for "National Adoption Awareness Month"

Supervisor Spitzer presented a resolution honoring the Health Care Agency's Animal Care Services and County Information & Technology Department for their outstanding accomplishments in implementing the Animal Care Services Website and to congratulate them on receiving a 2001 CSAC Challenge Award

### **II. CONSENT CALENDAR (Items 1-34)**

31254 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 20 & 22 WHICH WERE DELETED; ITEM 25 WHICH WAS CONTINUED TO 11/20/01, 9:30 A.M.; AND**

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## ITEMS 32, 33 & 34 WHICH RECEIVED NO VOTES FROM SUPERVISOR SILVA

### BOARD APPOINTMENTS

1.        **Supervisor Silva** - Public Services Access Advisory Committee - Reappoint Douglas O'Kieffe, Costa Mesa, for term ending 7/1/04

### COMMENDATIONS/PROCLAMATIONS

#### **Chair Coad:**

2.        Adopt resolution recognizing and congratulating Orange County Sheriff's Department and Health Care Agency for attaining the standards of and receiving accreditation awarded by the Institute for Medical Quality of the California Medical Association  
*RESO: 01-367*
3.        Adopt resolution recognizing 100th Anniversary of the Old Orange County Courthouse  
*RESO: 01-368*
4.        Adopt resolution commending Veterans in Orange County for their dedicated service to the safety of United States and inviting all residents to pay tribute at the Veterans Day Parade on November 10, 2001 in the City of La Palma  
*RESO: 01-369*
5.        Adopt resolution congratulating Community College Districts in Orange County upon celebrating their 100th year Anniversary  
*RESO: 01-370*
6.        **Supervisor Wilson** - Adopt resolution commending Lucy Dunn for her service as President of the Building Industry Association of Southern California  
*RESO: 01-371*

### HEALTH CARE AGENCY

7.        Approve agreement with Anaheim City School District for Mental Health Outpatient services, 10/23/01 - 6/30/02 (\$51,250) - All Districts
8.        Approve Memorandums of Understanding with Orange County Children and Families Commission for fiscal leveraging and support services and Countywide Health Access Initiative (\$250,000), 11/1/01 - 6/30/02 - All Districts
9.        Approve agreement 01-16152 with State Department of Health Services for State Children's Health Insurance Program, 7/1/01 - 12/31/01 (\$385,979) - All Districts

### PUBLIC FACILITIES AND RESOURCES DEPARTMENT

10.      Approve plans and specifications and set bid opening for 12/12/01, 2:00 p.m., for retubing in Boiler #2, Central Utility Facility, Santa Ana - District 1

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- 11 . Adopt resolution certifying completion of street improvements, street lights, sewer and water systems and monumentation; authorizing release of securities; and accepting public street improvements, Tract 15582, Shea Las Flores, LLC, Las Flores Planned Community area - District 5  
*RESO: 01-372*
- 12 . Accept work and approve notice of completion, H. L. Miller Construction, Inc. for renovation of athletic fields and courtyard landscape areas, Juvenile Hall, Orange; project completed 8/28/01 (\$920,413) - District 3
- 13 . Approve and accept grant deed from Foothill Business Association for park purposes, Limestone-Whiting Wilderness Park, Lake Forest; and make California Environmental Quality Act findings - District 5
- 14 . Adopt resolution approving Supplement to Disadvantaged Business Enterprise Program Annual Overall Goal and Methodology, FFY 2001-02 - All Districts  
*RESO: 01-373*
- 15 . Approve agreements with Wayne C. Siu, Architects, Peyo & Associates, Inc. and Rengel + Co. Architects for on-call architectural-engineering services for ADA compliance of various facilities (\$75,000 each firm); renewable for one additional year - All Districts
- 16 . Approve agreement with J. L. Hengstler Associates, Inc. for feasibility study services for cogeneration conversion of Central Utility Facility, Santa Ana (\$95,000) - District 1
- 17 . Approve plans and specifications and set bid opening for 12/5/01, 2:00 p.m., for asphalt overlay resurfacing of Santiago Canyon Road; approve removal of project labor agreement; and make California Environmental Quality Act findings - District 3
- 18 . Approve plans and specifications and set bid opening for 11/28/01, 2:00 p.m., for asphalt overlay resurfacing of various streets; and make California Environmental Quality Act findings - District 3
- 19 . Authorize negotiation of agreement with Clear Creek Systems, Inc. for acquisition and installation of water treatment system for Clean Beach Initiative Phase 1 Project for Aliso Beach; and return to Board for approval - District 5
- 20 . **Acting as the Orange County Flood Control District** - Approve price agreement N1000003710 with Allstar Concrete Pumping for on-call concrete pumping services, 11/15/01 - 11/14/02 (\$35,500); renewable for two additional years - All Districts
- 31254 **DELETED**

## **SOCIAL SERVICES AGENCY**

- 21 . Approve amendment 2 to price agreement N3000000667 with Orange Courier Inc. for pickup & delivery of Case Data Systems documents, 5/3/00 - 5/2/02 (\$54,172; new total \$208,707.50); and approve amendment 3 to price agreement N3000000847 with Orange Courier Inc. for pickup & delivery of U.S. Mail, 5/3/00 - 5/2/02 (\$39,362; new total \$121,561.25) - All Districts

## **PUBLIC PROTECTION**

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## **Sheriff-Coroner:**

- 22 .            Adopt resolution approving Orange County Adult Alcohol and Drug Residential Recovery Facilities Certification Program guidelines - All Districts (Continued from 7/24/01, Item 56; 8/14/01, Item 15; 8/28/01, Item 27; 10/16/01, Item 49)

31254            **DELETED**

- 23 .            Approve agreement with Engineered Automation Systems, Inc. for consultant services for review and evaluation of fire alarm and fire protection system, Central Men's and Women's Jails and Sheriff's Headquarters, Santa Ana (\$194,875) - District 1

- 24 .            Approve agreement with Tropical Air Inc. for replacement of air conditioning system in Barracks F, Theo Lacy Jail Facility (\$125,000) - District 3

- 25 .            Authorize Sheriff-Coroner to implement Law Enforcement Tow System pilot program; approve license and price agreement N1000003474 with Dispatch and Tracking Solutions, LLC for tow management services, 11/6/01 - 7/4/03; authorize purchasing agent to amend agreements with participating tow companies to increase fee not to exceed \$7.10 per vehicle; and direct Sheriff-Coroner to return to Board with report near end of pilot project - All Districts

31254            **CONTINUED TO 11/20/01, 9:30 A.M.**

## **GENERAL ADMINISTRATION**

### **Auditor-Controller:**

- 26 .            Receive and file Report of Refunds for FY 2000-01 - All Districts

- 27 .            Approve deletion of damaged, destroyed, dismantled, missing and obsolete equipment items from department/agency fixed asset inventories - All Districts

### **County Executive Office:**

- 28 .            Approve amended price agreement Z0000000023 with MCI Worldcom Communications, Inc. for inmate telephone services, 5/1/01 - 1/31/02 - All Districts

- 29 .            Approve price agreement Y1000000396 with Compuware Corporation for QA Hiperstation software licensing, 11/6/01 - 11/5/04 (\$402,963) - All Districts

- 30 .            Adopt resolution continuing participation in Orange County Service Authority for Abandoned Vehicles - All Districts (4/5 vote)  
*RESO: 01-374*

- 31 .            **Local Redevelopment Auth.-MCAS El Toro Department - Acting as the Board of Supervisors and the MCAS El Toro Local Redevelopment Authority** - Reject all bids and return bid guarantees; approve revised plans and specifications and set bid opening for 12/5/01, 2:00 p.m., for renovation and remodel of Station Headquarters Building 65, MCAS El Toro - All Districts

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## Supervisor Smith:

32.            Approve Community Social Program Grant funds to Hope For Healing Hearts Ministries; approve budget adjustments; and make appropriate findings, 11/6/01 - 4/30/02 (\$5,000)

31254

**APPROVED AS RECOMMENDED**

N

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33 .            Approve Community Social Program Grant funds to Latino Advocates For Education, Inc.;  
approve budget adjustments; and make appropriate findings, 11/6/01 - 4/30/02 (\$1,000)

31254        **APPROVED AS RECOMMENDED**  
N

34 .        **Chair Coad** - Approve Community Social Program Grant funds to Help for Brain Injured Children,  
Inc.; approve budget adjustments; and make appropriate findings, 11/6/01 - 4/30/02 (\$1,000)

31254        **APPROVED AS RECOMMENDED**  
N

**END OF CONSENT CALENDAR**

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## III. DISCUSSION ITEMS (Items 35-55)

### HEALTH CARE AGENCY

35. Approve agreement with The Regents of the University of California for public health medical services for communicable disease and other public health patients, 7/1/01 - 6/30/02 (\$622,900) - All Districts

51234 **APPROVED AS RECOMMENDED**

36. Adopt resolution approving agreement 01-007-550-0 with State Water Resources Control Board for Local Oversight Program, 7/1/01 - 6/30/02 (\$1,324,200) - All Districts

21354 **APPROVED AS RECOMMENDED**

*RESO: 01-375*

### HOUSING AND COMMUNITY DEVELOPMENT

37. Approve renewal of price agreement N1000003215 with AmeriNational Community Services for management of Neighborhood Preservation Program, 12/11/01 - 12/10/03 (\$255,000 each year); and make California Environmental Quality Act and National Environmental Policy Act findings - All Districts

13254 **APPROVED AS RECOMMENDED**

### PUBLIC FACILITIES AND RESOURCES DEPARTMENT

38. Approve amendment 2 to agreements 99-0608 with State Department of Food and Agriculture, 1/31/02 - 6/30/04 (\$3,469,139; new total \$11,667,016) and D99-136 with Orange County Vector Control District, 1/31/02 - 6/30/04 (\$3,439,139; new total \$11,579,403) for Red Imported Fire Ant Program - All Districts

34125 **APPROVED AS RECOMMENDED**

39. Approve amendment 11 to agreement D96-146 with LSA Associates, Inc. for Federal environmental process activities, Laguna Canyon Road Improvement Project, extending terms to 10/31/02 - District 5

53124 **APPROVED AS RECOMMENDED**

40. Approve amended agreement with Carter & Burgess, Inc. for design of new HCA/Regional Animal Care Center, MCAS Tustin (\$764,000; new total \$831,000); receive and file Programming/Site Comparison Study; and accept letter of assignment from Coleman/Caskey Architects, Inc. and Carter & Burgess, Inc. - District 3

35124 **APPROVED AS RECOMMENDED**

41. **Acting as the Orange County Flood Control District** - Approve change order 2 to agreement D01-067 with Belczak and Sons, Inc. for construction of East Garden Grove-Wintersburg and Ocean View Channels, Huntington Beach (\$140,000; new total \$5,386,110) - District 2

23154 **APPROVED AS RECOMMENDED**

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## SOCIAL SERVICES AGENCY

42. Approve price agreement N1000003963 with Transnational Computer Technology for temporary Computer Assistance Technician services, 11/9/01 - 11/8/02 (\$394,710); renewable for two additional years - All Districts

B.O. **DELETED**

## PUBLIC PROTECTION

43. **District Attorney** - Approve agreement with Robinson, Calcagnie & Robinson and Lopez, Hodes, Restaino, Milman, Skikos & Polos, P.C. for assistance with pending environmental civil enforcement cases (Superior Court Cases #804030 and 804031) - All Districts

34125 **APPROVED RECOMMENDED ACTION #1**  
N

44. **Public Defender** - Approve amended lease agreement with HWY 39, Inc. for additional office space, 14120 Beach Blvd., Westminster; and make California Environmental Quality Act findings - District 1

13254 **APPROVED AS RECOMMENDED**

45. **Sheriff-Coroner** - Receive bids and award contract to 2H Construction, Inc. for construction of modular kitchen/dining building, James Musick Facility (\$1,062,000) - District 3

32154 **APPROVED AS RECOMMENDED**

## GENERAL ADMINISTRATION

### **County Executive Office:**

46. Adopt resolution approving financing terms, documents and issuance of Apartment Development Revenue Bonds, Issue D of 2001 (\$3,600,000) and Issue D-T of 2001 (\$1,700,000) for Heritage Place at Tustin; and other related matters - District 3

31254 **APPROVED AS RECOMMENDED**  
*RESO: 01-376*

47. Approve FY 2001-02 First Quarter Budget Report; amend master position control; approve related budget adjustments; approve agreement with Superior Court for security services; and approve purchase of equipment for Probation- All Districts (R.A. 1 & 3 4/5 vote)

13254 **APPROVED AS RECOMMENDED**

48. Ratify qualified panel of financial advisor, bond counsel and underwriter firms for capital projects and financings; and direct staff to complete Request for Qualifications process in four years - All Districts (Continued from 10/16/01, Item 76; 10/23/01, Item 63)

31254 **APPROVED AS RECOMMENDED**

49. **Local Redevelopment Auth.-MCAS El Toro Department - Acting as the Board of Supervisors and MCAS EL Toro Local Redevelopment Authority** - Approve option agreement and sublease with California State University, Fullerton Foundation for Building 829; and make California Environmental Quality Act findings - All Districts

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31254 APPROVED AS RECOMMENDED

50. **Registration/Elections** - Consider options for March 5, 2002 ballot initiative, "The Orange County Central Park and Nature Preserve Initiative" - All Districts

41235 **SELECTED RECOMMENDED ACTION 3 (A). DIRECTED THE CEO, IN ADDITION TO THE FISCAL ANALYSIS, TO COMPLETE STUDIES OF THE EFFECTS OF THIS INITIATIVE AS SET FORTH IN ELECTIONS CODE SECTION 9111: (A) ITS EFFECT ON THE INTERNAL CONSISTENCY OF THE COUNTY'S GENERAL AND SPECIFIC PLANS, INCLUDING THE HOUSING ELEMENT, THE CONSISTENCY BETWEEN PLANNING AND ZONING. (B) ITS EFFECT ON THE USE OF LAND, THE IMPACT ON THE AVAILABILITY AND LOCATION OF HOUSING, AND THE ABILITY OF THE COUNTY TO MEET ITS REGIONAL HOUSING NEEDS. (C) ITS IMPACT ON FUNDING FOR INFRASTRUCTURE OF ALL TYPES, INCLUDING, BUT NOT LIMITED TO, TRANSPORTATION, SCHOOLS, PARKS, AND OPEN SPACE. THE REPORT MAY ALSO DISCUSS WHETHER THE MEASURE WOULD BE LIKELY TO RESULT IN INCREASED INFRASTRUCTURE COSTS OR SAVINGS, INCLUDING THE COSTS OF INFRASTRUCTURE MAINTENANCE, TO CURRENT RESIDENTS AND BUSINESSES. (D) ITS IMPACT ON THE COMMUNITY'S ABILITY TO ATTRACT AND RETAIN BUSINESS AND EMPLOYMENT. (E) ITS IMPACT ON THE USES OF VACANT PARCELS OF LAND. (F) ITS IMPACT ON AGRICULTURAL LANDS, OPEN SPACE, TRAFFIC CONGESTION, EXISTING BUSINESS DISTRICTS, AND DEVELOPED AREAS DESIGNATED FOR REVITALIZATION.**

## **Treasurer-Tax Collector:**

51. Adopt resolution authorizing issuance and sale of La Habra City School District General Obligation Bonds, Election of 2000, Series 2001A; and approve related documents (\$11,046,713) - District 4

43125 **APPROVED AS RECOMMENDED**  
*RESO: 01-377*

52. Adopt resolution authorizing issuance and sale of Newport-Mesa Unified School District General Obligation Bonds, Election of 2000, Series 2001 (\$40,000,000); and approve related documents - District 2

24135 **APPROVED AS RECOMMENDED**  
*RESO: 01-378*

53. **Supervisor Smith** - Reconsideration of an Ordinance Authorizing Voluntary Certification of Residential Alcohol and Drug Recovery Facilities (Continued from 8/28/01, Item 49; 10/16/01, Item 81)

B.O. **CONTINUED TO 11/20/01, 9:30 A.M.**

## **Supervisor Spitzer:**

54. John Wayne Airport - Status Report regarding discretionary spending of John Wayne Airport revenues

53124 **MOTION TO MAKE FINDING OF AN EMERGENCY SITUATION IN ORDER TO TAKE ACTION NOT APPEARING ON THE POSTED AGENDA FAILED TO CARRY**  
NNN

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55. Discuss underground storage tank litigation and select law firm to work with District Attorney  
(Continued from 10/23/01, Item 69)

B.O. **DELETED**

## **COMMENDATIONS/PROCLAMATIONS**

S55A. **Chair Coad** - Adopt resolution commending New York Mayor, Rudolph Giuliani and citizens for their courage, unbounded volunteerism and enduring spirit in this time of crises

41235 **APPROVED AS RECOMMENDED**  
*RESO: 01-379*

## **IV. PUBLIC HEARINGS (Items 56-58)**

### **INTEGRATED WASTE MANAGEMENT DEPARTMENT**

56. Public hearing to consider adopting resolution certifying Final Program EIR 575 for 2001 Prima Deshecha General Development Plan; approve 2001 Prima Deshecha General Development Plan; and make California Environmental Quality Act and other findings - District 5

B.O. **CLOSED PUBLIC HEARING**

53124 **APPROVED AS RECOMMENDED**  
*RESO: 01-380*

### **PLANNING AND DEVELOPMENT SERVICES**

57. Public Hearing to consider adopting resolution certifying Final Recirculated EIR 576; adopting resolution amending Foothill/Trabuco Specific Plan; adopting ordinance" An Ordinance of the County of Orange, California, Adopted Pursuant to the State Planning and Zoning Laws, Amending the Foothill/Trabuco Specific Plan" creating Joplin Boys Ranch District; adopting resolution approving Public Facility Master Plan 01-0094; and authorizing Probation to pursue necessary property acquisition for access road - District 3 (Continued from 10/23/01, Item 75)

B.O. **CONTINUED TO 11/20/01, 9:30 A.M.**

### **GENERAL ADMINISTRATION**

58. **County Executive Office - Acting as the Orange County Development Agency** - Public Hearing to consider adopting resolution approving sale of residential property to Terry L. Moore and Keri J. Stafford-Moore, Santa Ana Heights Redevelopment Project Area (\$345,000); and make California Environmental Quality Act and other findings - District 2

B.O. **CLOSED PUBLIC HEARING**

25134 **APPROVED AS RECOMMENDED**  
*RESO: 01-381*

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## V. CLOSED SESSION (Items CS-1-CS-3)

### County Counsel:

- CS-1. CONFERENCE WITH LEGAL COUNSEL-INITIATION OF LITIGATION: County Counsel requests a closed session for the Board of Supervisors to consider initiation of litigation pursuant to Government Code Section 54956.9(c); one case - All Districts (Continued from 10/23/01, Item CS-2)
- B.O. **HELD, CLERK READ: BY UNANIMOUS VOTE, THE BOARD AUTHORIZED COUNTY COUNSEL TO FILE A LAWSUIT FOR UNLAWFUL DETAINER INVOLVING PROPERTY AT MCAS, EL TORO, AGAINST KEVIN J. LINDEN DOING BUSINESS AS ELITE DISTRIBUTING COMPANY AND ANY RELATED ENTITIES**
- CS-2. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION: County Counsel requests a closed session for the Board of Supervisors to consider initiation of litigation pursuant to Government Code Section 54956.9(c); one case - All Districts
- B.O. **HELD, CLERK READ: BY UNANIMOUS VOTE, THE BOARD DIRECTED COUNTY COUNSEL TO INITIATE LITIGATION AND FILE A COMPLAINT AGAINST SFM CONSTRUCTORS, INC. AND AMERICAN CONTRACTORS INDEMNITY COMPANY**
- CS-3. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION: County Counsel requests a closed session to discuss with the Board of Supervisors the status of pending litigation pursuant to Government Code Section 54956.9(a). The case is: County, etc.v. Matthews, et al., OCSC Case No. 645937 - All Districts
- B.O. **HELD, CLERK READ: BY UNANIMOUS VOTE, THE BOARD AUTHORIZED COUNTY COUNSEL TO SIGN ANY DOCUMENTS NECESSARY TO ALLOW AN ESCROW ON PROPERTY LOCATED AT 655 SOUTH B STREET, TUSTIN, CA, TO CLOSE WHILE PROTECTING THE COUNTY'S JUDGMENT, RECORDED ON FEBRUARY 6, 1996. THE DOCUMENTS, WHEN EXECUTED, 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:

Larry Laven - Oral RE: Court case

### BOARD COMMENTS:

Board Members - Oral RE: Identification of Districts on agenda items including those related to Federal properties. Directed Clerk of the Board to review current practices and make recommendation to the Chair

**ADJOURNED: 12:30 P.M**

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\*\*\* KEY \*\*\*

*Left Margin Notes*

- 1. v Supervisor Smith
- 2. v Supervisor Silva
- 3. v Supervisor Spitzer
- 4. v Chair Coad
- 5. v Supervisor Wilson

- A. v Abstained
- X. v Excused
- N. v No
- BO v Board Order

*Right Margin Notes*

- O. v Ordinance
- R. v Resolution

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

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*CYNTHIA P. COAD, CHAIR*  
*Orange County Board of Supervisors*

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*SUSAN NOVAK, ASSISTANT*  
*Orange County Clerk of the Board*