

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, December 7, 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: All Present

EXCUSED: None

PRESENT: COUNTY EXECUTIVE OFFICER Thomas G. Mauk
 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 Smith, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Smith presented a resolution commending Santiago Creek High School for its participation in the Tree of Hopes Mural

II. CONSENT CALENDAR (Items 1-28)

12345 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 13 & 16 WHICH WERE CONTINUED TO 12/14/04, 9:30 A.M.; AND ITEM 27 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Chairman Wilson** - Orange County Cemetery District - Reappoint Leslie Ann Keane, Irvine, for term ending 12/14/08
2. **Supervisor Silva** - Senior Citizens Advisory Council - Reappoint Pat Davis, Huntington Beach, for term ending 12/31/06

DEPARTMENT APPOINTMENTS

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Health Care Agency:

3. Dental Health Advisory Board - Appoint Sandra Bolton, Santa Ana, to complete term ending 10/25/06; and reappoint Robin R. Bachmann, Costa Mesa and Dolores Barrett, Garden Grove, for terms ending 10/25/06 - All Districts
4. Alcohol and Drug Advisory Board and Local Suppression of Drug Abuse in Schools Advisory Committee - Reappoint Howard Friend, Santa Ana, for term ending 10/18/07 - All Districts
5. **Resources and Development Management Department** - Administrative Review Board - Appoint David Celestin and Gordon Tippell, for terms ending 9/28/08; approve the Administrative Review Board Hearing Guidelines and Administrative review Board Rules of Procedures; and authorize reimbursement of reasonable out-of-pocket expenses - All Districts

COMMENDATIONS/PROCLAMATIONS

6. **Chairman Wilson** - Adopt resolution commending Hospital Association of Southern California and various hospitals for their outstanding services to the community
RESO: 04-313

HEALTH CARE AGENCY

7. Ratify submission of grant application to State Department of Alcohol and Drug Programs for implementation of a dependency drug court program - All Districts
8. Approve amended price agreement N1000006112 with IntelliTime Systems Corporation for On-Line Virtual Timecard Licensing, Maintenance and Training, 7/12/05 - 3/4/06 (\$44,744; new total \$93,494) - All Districts

HOUSING AND COMMUNITY SERVICES DEPARTMENT

9. Approve amended agreement with Laguna Woods for administration and implementation of Senior Transportation Program, 2/1/05 - 3/31/05 (\$25,000; new total \$137,500) - Districts 3 & 5

INTEGRATED WASTE MANAGEMENT DEPARTMENT

10. Adopt resolution authorizing submission of applications to and acceptance of funds from South Coast Air Quality Management District for Carl Moyer Memorial Air Quality Standards Attainment Program; and authorize Director or designee to execute related documents and amendments under certain conditions - All Districts *(4/5 vote)*
RESO: 04-314

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

11. Authorize release of security for street improvements, street lights and monumentation, Tract 15810, Greystone Homes, Inc., Newport Coast area - District 5

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12. Approve price agreement N1000006407 with General Pump Company for pump repair/services at various Harbors, Beaches and Parks facilities, 12/8/04 - 12/7/05 (\$55,000); renewable for two additional years; and make California Environmental Quality Act findings - All Districts
13. Approve Tract 16554, Katnik Corporation, North Tustin area; accept dedication for street purposes of Bow Place; and approve construction agreement S1004-0120 and accept cash deposits guaranteeing construction of improvements - District 3
12345 **CONTINUED TO 12/14/04, 9:30 A.M.**
14. Approve assignment and assumption agreement with Plains Exploration & Production Company (successor-in-interest by merger to Nuevo Energy Company) to reflect Tonner Hills SSP, LLC, and Tonner Hills 680, LLC's acquisition of all property subject to Tonner Hills Development agreement, Tract 16178, Tonner Hills Planned Community area - District 3
15. Approve agreement D04-061 with Brown & Caldwell Engineers for on-call water quality improvement project services (\$200,000) - All Districts
16. 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 (Continued from 11/23/04, Item 15)
12345 **CONTINUED TO 12/14/04, 9:30 A.M.**
17. Approve quitclaim deed to Laguna Hills for conveyance of real property interests; and make California Environmental Quality Act and other findings - District 5
18. Approve agreement with Mullen & Associates for electrical upgrade services, Caspers Wilderness Park (\$34,000) - District 5
19. Find Paul D. Wilson, Inc. in default of contract for remodeling of HCA/Public Health Laboratory - Task 2 - Bacteriology; and assign all obligations and authorize payment of funds to ICW Group/Explorer Insurance Company - District 1
20. Receive bids and award contract to HL Miller Construction for ADA compliance improvements, Phase II, West Justice Center (\$484,706) - District 1
21. Approve award of contract to Williams and Maher, Inc. for replacement of gate camera and electronics, Probation/Joplin Youth Center, Trabuco Canyon area (\$69,386) - District 3
22. **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve in concept Poche Beach Pedestrian Accessway project; and find that Negative Declaration IP 04-118 is adequate to satisfy requirements of California Environmental Quality Act - District 5

PUBLIC PROTECTION

Sheriff-Coroner:

23. Accept donation of barn kit and grant from Orange County Reserve Deputy Sheriff Association (\$61,960); accept services from Williams & Maher, Inc. and H.L. Miller Construction for replacement of barn used by Sheriff's Mounted Enforcement Unit, James A. Musick Facility (\$1,400); and make California Environmental Quality Act findings - District 3

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24. Approve price agreement N1000006389 with Accu-Med Transcription Services for medical/legal transcription of Coroner documents, 12/7/04 - 12/6/05 (\$83,549); renewable for two additional years - All Districts
25. Approve price agreement N1000006192 with Rancho Santiago Community College District for tuition/registration fees for Criminal Justice Academy classes, 9/1/04 - 8/31/05 (\$35,000); renewable for two years - All Districts
26. Approve price agreement N1000006180 with Seisint, Inc., for internet suspect information and locator service, 12/7/04 - 12/6/05 (\$2,550); renewable for two additional years - All Districts

GENERAL ADMINISTRATION

27. **County Counsel - Acting as the Orange County Flood Control District** - Adopt resolution to set 1/11/05, 9:30 a.m., as public hearing to consider determining the necessity of acquisition by eminent domain of real property, Prado Dam Project - All Districts
- 23145 **APPROVED AS RECOMMENDED**
RESO: 04-315
28. **Treasurer-Tax Collector** - Adopt resolution approving public auction sale # 1375 on 3/09/05, to sell tax defaulted real property - All Districts
RESO: 04-316

END OF CONSENT CALENDAR

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III. DISCUSSION ITEMS (Items 29-S48A)

HEALTH CARE AGENCY

29. Receive report and provide direction to staff regarding implementation of Canadian prescription drug program for County employees and retirees - All Districts (Continued from 11/23/04, Item 7)
B.O. **CONTINUED TO 12/21/04, 9:30 A.M.**
30. Approve agreements with Anaheim, La Habra and Santa Ana for Animal Care Services, FY 2004-05; and authorize Director to extend agreements through 12/31/05 - Districts 1, 3 & 4
41235 **APPROVED AS RECOMMENDED**
31. Approve price agreement N1000006291 with Net Chemistry for Electronic Eligibility System Development, 12/7/04 - 6/30/05 (\$326,000); renewable for four additional years (\$120,000 per year) - All Districts
21345 **APPROVED AS RECOMMENDED**
32. Approve amended cooperative agreement with Santa Ana for HIV housing and supportive social services, 7/1/04 - 6/30/05 (\$190,000; new total \$865,000) - All Districts
13245 **APPROVED AS RECOMMENDED**
33. Approve amended agreement with Orange County Association for Mental Health dba Mental Health Association of Orange County for Intensive Recovery services for the Mentally Disabled Homeless, 7/1/04 - 6/30/05 (\$38,528; new total \$931,069) - All Districts
13245 **APPROVED AS RECOMMENDED**
34. Receive oral update on the status of implementation of Integrated Records Information System - All Districts
B.O. **CONTINUED TO 12/14/04, 9:30 A.M.**
35. Approve Memorandum of Understanding with Children and Families Commission of Orange County for Public Health Nursing Support to Bridges II Program services, 1/1/05 - 12/31/06 (\$1,200,000) - All Districts
13245 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

36. Receive bids and award contract to Sully Miller Contracting Company for pavement repairs, utilities and improved grounds maintenance (not to exceed \$1,000,000 and not less than \$50,000); and make California Environmental Quality Act findings - District 2
21345 **APPROVED AS RECOMMENDED**
37. Select Kimley-Horn and Associates, Inc. as primary and HNTB as alternate firms for design services for implementation of new Parking Access and Revenue Control System and Parking Space Management services; authorize negotiation of agreement for Board approval; and find that EIR 582 and Addendum 582-1 are adequate to satisfy requirements of California Environmental Quality Act - District 2
25134 **APPROVED AS RECOMMENDED**

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RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

- 38 . Approve lease with The Irvine Company for County-owned tidelands in Lower Newport Bay - District 2
23145 **APPROVED AS RECOMMENDED**
- 39 . Approve amendment to Declaration of Covenants, Conditions and Restrictions for La Colina Homeowners Association, North Tustin area - District 3
35124 **APPROVED AS RECOMMENDED**
- 40 . Adopt Negative Declaration IP 03-379; and approve cooperative agreement with Irvine Ranch Water District for sediment removal from San Diego Creek Sediment Basin # 2 - Districts 3 & 5
35124 **APPROVED AS RECOMMENDED**
- 41 . Select Dougherty + Dougherty Architects LLP as primary and Peyo & Associates, Inc. as alternate firms for Sheriff/Communication radio site design services, Dana Point; and authorize negotiation of agreement for Board approval - District 5
52134 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

- 42 . **Probation** - Approve agreement with Aspen Community Services for provision of substance abuse services for the North and West Region Youth and Family Resource Centers, 12/10/04 - 12/9/05 (\$329,871); renewable for one additional year (\$341,205); and make California Environmental Quality Act findings - Districts 1 & 4
41235 **APPROVED AS RECOMMENDED**
- 43 . **Sheriff-Coroner** - Approve purchase order PC060P0500003614 with Unisys Corporation for purchase of Unisys El Dorado 140 Mainframe computer system (\$1,095,576); and price agreement N1000006448 with Unisys Corporation for hardware and software maintenance, 1/1/05 - 12/31/10 (\$329,857) - All Districts
12345 **APPROVED AS RECOMMENDED**

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GENERAL ADMINISTRATION

County Executive Office:

- 44 . 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; 11/23/04, Item 61)
- 34125 **APPROVED AS MODIFIED, APPROVED AGREEMENT WITH ORRICK, HERRINGTON & SUTCLIFFE FOR THE BANKRUPTCY RECOVERY DEBT REDUCTION ANALYSIS ONLY AT THE FIXED FEE AMOUNT OF \$15,000, PLUS EXPENSES. DIRECTED STAFF, SUBJECT TO THE ULTIMATE RECOMMENDATIONS OF THE FINANCIAL ADVISOR, TO LET A FOLLOW-ON RFP FOR BOND COUNSEL TO IMPLEMENT A BOND TRANSACTION, SHOULD ONE BE APPROVED BY THE BOARD, AND THAT ORRICK, HERRINGTON & SUTCLIFFE WOULD BE ELIGIBLE TO PARTICIPATE IN THAT RFP PROCESS. DIRECTED STAFF THAT THE BOND COUNSEL RFP SHOULD REQUIRE FIXED FEE QUOTES FOR SERVICES TO BE PERFORMED, INCLUDING, IF NECESSARY THE PREPARATION OF A PRIVATE LETTER RULING.**
- 45 . Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
- B.O. **DISCUSSED**
- 46 . Approve salary schedules relating to certain represented and unrepresented management employees - All Districts (Continued RA 1 from 11/23/04, Item 60) CONTINUED TO 12/21/04, 9:30 A.M.
- B.O. **CONTINUED TO 12/21/04, 9:30 A.M.**

Supervisor Smith:

- 47 . Consider Graffiti Removal Program, Midway City; direct staff to investigate additional County island areas for similar projects as required; and allocate \$25,000 from county reserve funds to Resources and Development Management Department for implementation of program
- 14235 **APPROVED GRAFFITI REMOVAL PILOT PROGRAM IN COUNTY ISLAND MIDWAY CITY AREA IN AN AMOUNT NOT TO EXCEED \$25,000 FOR THE BALANCE OF THIS FISCAL YEAR. DIRECTED STAFF TO EXPLORE ALTERNATIVE FUNDING OPTIONS BEFORE UTILIZING COUNTY RESERVE FUNDS AND TO INVESTIGATE COUNTYWIDE PROGRAM IN COUNTY ISLAND AREAS.**
- 48 . Discussion on the future of the Office of Protocol
- 1 **MOTION TO DIRECT CEO TO FUND OFFICE OF PROTOCOL (\$60,000) FOR BALANCE OF FISCAL YEAR AND DIRECT OFFICE OF PROTOCOL TO PREPARE BUSINESS PLAN FOR BOARD REVIEW AND CONSIDERATION DIED FOR LACK OF 2ND**
- B.O. **DISCUSSED, NO ACTION TAKEN**

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- S48A. **Supervisor Campbell** - Adopt resolution commending Richard Hunsaker for 28 years of service in the civil engineering field
34125 **APPROVED AS RECOMMENDED**
 RESO: 04-317

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-CS-2)

GENERAL ADMINISTRATION

- CS-1. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
 - Pursuant to Government Code Section 54956.9(b):
 Number of Cases: One Case
- B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO UTILIZE THE LAW FIRM OF BINGHAM, MCCUTCHEN TO ASSIST IN THE DEFENSE OF LITIGATION ARISING OUT OF COUNTY APPROVAL OF THE RANCHO MISSION VIEJO PROJECT.**
- CS-2. **County Executive Office** - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
 Agency Negotiator: Susan Paul
 Employee Organizations: Association of Orange County Deputy Sheriffs and Orange County Managers Association.
- B.O. **CONTINUED TO 12/14/04, 9:30 A.M.**

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Jerome Catlin - Oral Re: Continued efforts to support legislation regarding Orange County's revenue inequity

Jan Vandersloot - Oral Re: Preservation of habitat in Flood Control Channels

Darrell Nolta - Oral Re: Orange County Bankruptcy issues

BOARD COMMENTS:

Supervisors Wilson, Norby and Silva - Oral Re: Orange County Bankruptcy recap and Board of Supervisors management of County programs, finances and debt reduction strategies

Supervisor Norby - Oral Re: Tribute to Supervisor Chuck Smith in his upcoming retirement and to outgoing 4th District Council members

ADJOURNED: 11:59 A.M.

- 35124 **Adjourned in memory of the soldiers, sailors, and airmen who fought and died during the invasion of Pearl Harbor on December 7, 1941**

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*** 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*