

April 16, 2014

STATEMENT OF PROCEEDINGS

The Minutes of the

***BOARD OF SUPERVISORS
REGULAR MEETING
PLANNING AND LAND USE MATTERS***

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, APRIL 16, 2014, 09:30 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

REGULAR SESSION – Regular Meeting was called to order at 9:35 a.m.

Present: Supervisors Dianne Jacob, Chairwoman; Bill Horn, Vice Chairman; Greg Cox; Dave Roberts; also Thomas J. Pastuszka, Clerk.

Absent: Ron Roberts

Approval of Statement of Proceedings/Minutes for the meeting of March 12, 2014.

ACTION:

ON MOTION of Supervisor D. Roberts, seconded by Supervisor Horn, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of March 12, 2014.

AYES: Jacob, D. Roberts, Horn

ABSENT: Cox, R. Roberts

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

Board of Supervisors' Agenda Items

Agenda # Subject

1. NOTICED PUBLIC HEARING:
 APPEAL OF PLANNING COMMISSION DECISION TO APPROVE CIELO DE LUSARDI SUBDIVISION AND MAJOR USE PERMIT: SAN DIEGUITO COMMUNITY PLAN AREA

2. NOTICED PUBLIC HEARING:
 VOLCAN MOUNTAIN – ACQUISITION OF 114.03 ACRES OF LAND FOR OPEN SPACE (FRANCES S. LICHTY ESTATE) (3/12/2014 – SET HEARING; 4/16/2014 – HOLD HEARING)
 [FUNDING SOURCE(S): GRANT FROM THE STATE OF CALIFORNIA HABITAT CONSERVATION FUND AND MATCH FUNDS FROM THE MULTIPLE SPECIES CONSERVATION ACQUISITIONS FUND]
 (4 VOTES)

3. EXPLORING UPDATES TO THE COUNTY BUILDING CODE TO SUPPORT ENERGY EFFICIENCIES AND GREEN BUILDING TECHNOLOGY
4. ANNUAL REPORT OF THE COUNTY MAINTAINED ROAD SYSTEM
5. TRAFFIC ADVISORY COMMITTEE RECOMMENDATIONS
6. EXTENSION OF PERFORMANCE COMPLETION DATES ON VARIOUS BONDED AGREEMENTS TO COMPLETE SUBDIVISION IMPROVEMENTS
7. RENEGOTIATION OF PROMISSORY NOTE FOR SALE OF REAL PROPERTY - BANCROFT DRIVE, SPRING VALLEY; COUNTY PARCEL NUMBER 2014-0002-A; ASSESSOR PARCEL NUMBER 503-273-84
(4 VOTES)
8. GILLESPIE FIELD – SECOND AMENDMENT TO AVIATION LEASE WITH VOLAR CORPORATION D.B.A. GOLDEN STATE AVIATION
[FUNDING SOURCE(S): ONE-TIME ACCRUAL OF EQUITY PAYMENTS FROM THE LESSEE UNDER THE TERMS OF THE LEASE AMENDMENT]
(4 VOTES)
9. GILLESPIE FIELD – SECOND AMENDMENT TO INDUSTRIAL LEASE WITH VERIDIAM, INC.
[FUNDING SOURCE(S): RENTAL PAYMENTS FROM THE LESSEE UNDER THE TERMS OF THE AMENDED AGREEMENT]
(4 VOTES)
10. ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD A CONTRACT FOR CONSTRUCTION OF COUNTYWIDE ASPHALT CONCRETE OVERLAY FISCAL YEAR 2013-2014
[FUNDING SOURCE(S): ROAD FUND FUND BALANCE AVAILABLE AND HIGHWAY USER TAX ACCOUNT]
(4 VOTES)
11. ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD CONTRACT FOR CONSTRUCTION OF DE LUZ ROAD IMPROVEMENT PROJECT
[FUNDING SOURCE(S): FEDERAL HIGHWAY ADMINISTRATION HIGHWAY PLANNING AND CONSTRUCTION PROGRAM AND HIGHWAY USER TAX ACCOUNT]
(4 VOTES)
12. ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD A CONTRACT FOR CONSTRUCTION OF WYNOLA ROAD SLOPE REPAIRS
[FUNDING SOURCE(S): ROAD FUND FUND BALANCE AVAILABLE]
4 VOTES)

13. CONTINUED ITEM FROM 4/15/14 AGENDA NO. 31:
CLOSED SESSION

14. PUBLIC COMMUNICATIONS

1. **SUBJECT: NOTICED PUBLIC HEARING:
APPEAL OF PLANNING COMMISSION DECISION TO
APPROVE CIELO DE LUSARDI SUBDIVISION AND
MAJOR USE PERMIT: SAN DIEGUITO COMMUNITY
PLAN AREA (DISTRICT: 5)**

OVERVIEW:

Application Date: September 30, 2005

This is a request by two neighboring property owners for the Board of Supervisors to consider an appeal of the Planning Commission's decision to approve the Cielo de Lusardi Subdivision Tentative Map and Major Use Permit located within the Rancho Cielo Specific Plan (Specific Plan). The appeal states two points of contention: 1) the project was approved without properly following the California Environmental Quality Act (CEQA), and 2) the Resource Protection Ordinance (RPO) Exemption findings are flawed. The proposed project includes a Tentative Map to subdivide approximately 270 acres into 18 country estate residential lots, one condominium lot with nine buildings (19 units) pursuant to a Major Use Permit for a Planned Development, and approximately 193 acres of land conserved as biological open space. The case numbers for this project are PDS2005-3100-5456 (Tentative Map), PDS2011-3300-11-031 (Major Use Permit), and PDS2005-3910-94080019A (ER).

The Specific Plan encompasses approximately 2,668 acres and is located within the San Dieguito Community Planning Area, north and west of Del Dios Highway, within the County of San Diego. The subdivision takes access from three streets within the Specific Plan; Via Dora, Cerra del Sol, and Avenida Barranca.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

**RECOMMENDATION:
PLANNING COMMISSION**

It is recommended that the Board of Supervisors uphold the decision of the Planning Commission:

1. Deny the Appeal (Attachment B) for the reasons discussed within this report.
2. Adopt the Environmental Findings included in Attachment F.
3. Adopt the Resource Protection Ordinance Exemption Findings included in Attachment C.

4. Adopt the Resolution entitled: RESOLUTION OF SAN DIEGO COUNTY APPROVING TENTATIVE MAP NO. 5456 RPL² (TM), which includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with State Law and County of San Diego Regulations included as Attachment D.
5. Grant Major Use Permit 11-031 and impose the requirements and conditions set forth in the Major Use Permit Form of Decision included as Attachment E.

DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES

It is further requested that the Board of Supervisors:

6. Require Warner Lusardi, Cielo 182 LLC., to enter into an agreement to defend and indemnify the County in accordance with San Diego County Code, Section 86.201, et. seq., within five days of project approval. If litigation is filed challenging the Board's action on this project, Warner Lusardi, Cielo 182 LLC shall provide security, within 14 days of said filing date, in the amount of \$250,000, in the form of an irrevocable letter-of-credit or bond. Both the indemnification agreement and the financial security shall be in a form acceptable to County Counsel.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board closed the Hearing and took action as recommended, denying the appeal, approving the project and adopting Resolution No. 14-043, entitled: RESOLUTION OF SAN DIEGO COUNTY APPROVING TENTATIVE MAP NO. 5456 RPL² (TM).

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

2. **SUBJECT: NOTICED PUBLIC HEARING:
VOLCAN MOUNTAIN – ACQUISITION OF 114.03 ACRES
OF LAND FOR OPEN SPACE (FRANCES S. LICHTY
ESTATE) (3/12/2014 – SET HEARING; 4/16/2014 – HOLD
HEARING) (DISTRICT: 2)**

OVERVIEW:

On March 12, 2014 (5), the Board set a Hearing for April 16, 2014.

On February 4, 1992 (17), the Board of Supervisors adopted a resolution for the acquisition of land at Volcan Mountain. To date, County, State, Federal, Tribal and other entities have acquired over 34,000 acres in the Volcan Mountain Focused Planning Area, including more than 6,700 acres owned by the County.

The County has identified 114.03 acres available for acquisition north of Banner Road and east of Farmer Road adjacent to the County's Volcan Mountain Preserve and within the Volcan Mountain Focused Planning Area (2013 Thomas Guide page 1136, D-4) and the Multiple Species Conservation Program future East County Plan. The acquisition of this property will help preserve valuable forest,

coastal sage scrub, chaparral and riparian habitat. The appraised value of the property is \$194,000.

In 2012, the County was awarded a State of California Habitat Conservation Fund grant to acquire nearby property. Negotiations with the property owner were not successful, however, the State has tentatively approved the purchase of the 114.03 acres as replacement property. The grant will cover 50 percent of the costs, \$97,000 for the land and \$18,000 for transaction costs.

Today's request regarding Assessor's Parcel Numbers 250-030-08 and -09 requires two steps. On March 12, 2014, it is requested that the Board set a hearing for April 16, 2014, and provide public notice of the hearing. If the Board takes the actions recommended on March 12, 2014, then on April 16, 2014, after making the necessary findings, the Board is requested to 1) approve the purchase of 114.03 acres from the Trustee of the Frances S. Lichty estate at the appraised value of \$194,000; 2) adopt a Resolution authorizing the Department of Parks and Recreation to apply for, accept, and if awarded, establish \$115,000 in Habitat Conservation Funds (HCF) for the acquisition of 114.03 acres of land for open space; 3) authorize the Director, Department of Parks and Recreation, to conduct all negotiations, execute and submit all documents necessary to accept grant funds; and 4) authorize the Director, Department of General Services to take necessary steps to complete the purchase the property.

FISCAL IMPACT:

Funds for this request are partially budgeted in the Fiscal Year 2014-15 Operational Plan for Multiple Species Conservation Program (MSCP) Acquisitions Fund. If approved, this request will result in a current year cost of \$320,000 itemized as follows: \$194,000 for property acquisition; \$34,500 for staff and due diligence expenses to complete the transaction; \$1,500 for closing and title costs; and \$90,000 in one-time land protection costs for vegetation management, boundary survey, and access and erosion control measures. The funding sources are a grant from the State of California Habitat Conservation Fund (\$115,000) and match funds from the Multiple Species Conservation Acquisitions Fund (\$205,000).

Total annual costs for required land monitoring and management of the 114.03 acres are estimated at \$3,000. In addition, there will be an annual cost of \$76 for fixed charge assessments including Julian fire station, vector control and water standby charges. These costs will be absorbed within the Department of Parks and Recreation existing budget. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15325.
2. Adopt the Resolution entitled:

RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING THE APPLICATION FOR AND ACCEPTANCE OF GRANT FUNDS FROM THE HABITAT CONSERVATION FUND PROGRAM FOR THE VOLCAN MOUNTAIN PRESERVE LAND ACQUISITION PROJECT.

3. Establish appropriations of \$115,000 in the Multiple Species Conservation Program Acquisitions Fund, for the acquisition of 114.03 acres of land for Open Space, contingent upon a grant award from the Habitat Conservation Fund. **(4 VOTES)**
4. Authorize the Director, Department of Parks and Recreation, or designee, as agent of the County, to conduct all negotiations and submit documents including but not limited to, applications, contracts, payment requests, and to execute the grant agreements, including any extensions or amendments thereof that do not materially impact or alter the grant program or funding levels.
5. Approve and authorize the Director, Department of General Services, to execute two originals of the Purchase and Sale Agreement and Joint Escrow Instructions for the purchase of APNs 250-030-08 and -09 from the Trustee of the Frances S. Lichty estate for the appraised value of \$194,000.
6. Authorize the Director, Department of General Services, or designee, to execute all escrow and related documents necessary to complete the purchase of the property.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor D. Roberts, the Board closed the Hearing and took action as recommended, on Consent, adopting Resolution No. 14-044, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING THE APPLICATION FOR AND ACCEPTANCE OF GRANT FUNDS FROM THE HABITAT CONSERVATION FUND PROGRAM FOR THE VOLCAN MOUNTAIN PRESERVE LAND ACQUISITION PROJECT.

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

3. SUBJECT: EXPLORING UPDATES TO THE COUNTY BUILDING CODE TO SUPPORT ENERGY EFFICIENCIES AND GREEN BUILDING TECHNOLOGY (DISTRICTS: ALL)

OVERVIEW:

With the emergence of green building technology and continued advancements toward greater energy efficiencies, consumers are discovering a growing range of options to help reduce energy consumption and costs. The County of San Diego has already undertaken efforts to support energy-efficiency and green-building development such as permit fee waivers for residential photovoltaic systems and permit fee reductions for new construction projects that meet the state's green-building standards.

Today's board letter directs the Chief Administrative Officer to research and develop potential updates to the County Building Code that would further promote green-building technologies and encourage energy-efficiencies through cost-effective measures aimed at reducing energy bills and working towards energy independence.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHAIRWOMAN DIANNE JACOB AND SUPERVISOR DAVE ROBERTS

1. Direct the Chief Administrative Officer to research and develop potential updates to the County Building Code that would further promote green-building technologies and encourage energy-efficiency through cost-effective measures aimed at reducing energy bills and working towards energy independence.
2. Direct the Chief Administrative Officer to prepare a work-plan, including time and cost estimates, for implementing any potential Building Code updates.
3. Direct the Chief Administrative Officer to return back to the Board within 120 days.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

4. **SUBJECT: ANNUAL REPORT OF THE COUNTY MAINTAINED ROAD SYSTEM (DISTRICTS: ALL)**

OVERVIEW:

Section 2121 of the California Streets and Highways Code requires the County to submit annually to the California Department of Transportation (Caltrans) any additions to, or exclusions from, its mileage of County maintained roads. The most recent update was approved by the Board on March 20, 2013 (5), and certified by Caltrans thereafter.

Total mileage of County maintained roads has increased by 0.08 miles since the last certification and is now 1,938.71 miles. This is a request to adopt a resolution to transmit the County's annual report of mileage to Caltrans. This action will allow Caltrans to certify the road mileage to the State Controller.

FISCAL IMPACT:

The Recommended action has no cost in current or subsequent years, and will require no additional staff years. Maintenance costs for County roads are funded using Gas Tax revenues and Transnet funds.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is not a project subject to review under the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) of the state CEQA Guidelines.
2. Adopt a Resolution entitled: RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS TRANSMITTING THE ANNUAL REPORT TO THE STATE DEPARTMENT OF TRANSPORTATION OF THE COUNTY'S MAINTAINED ROADS - 2014.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, adopting Resolution No. 14-045, entitled: RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS TRANSMITTING THE ANNUAL REPORT TO THE STATE DEPARTMENT OF TRANSPORTATION OF THE COUNTY'S MAINTAINED ROADS - 2014.

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

5. **SUBJECT: TRAFFIC ADVISORY COMMITTEE
RECOMMENDATIONS (DISTRICTS: 2 & 5)**

OVERVIEW:

The Traffic Advisory Committee meets every six weeks to review proposed additions, deletions or changes to regulatory traffic controls. Three items were on the Committee's January 24, 2014 meeting agenda. The Committee recommends your action on all three items.

The Board of Supervisors actions on Items 2-A, 2-B and 5-A would revise the County Code of Regulatory Ordinances and requires two steps. On April 16, 2014, the Board will consider the Traffic Advisory Committee items. If the Board takes action on April 16, 2014, then on April 30, 2014, a second reading of an Ordinance adding Section 72.181.1. and Section 72.161.88. along with amending Section 72.169.88. of the San Diego County Code of Regulatory Ordinances will be necessary to implement the Board's direction for Items 2-A, 2-B and 5-A.

FISCAL IMPACT:

Funds for this proposal are included in the Department of Public Works Road Fund Fiscal Year 2013-14 Operational Plan. If approved, there will be no change in net General Fund cost and no additional staff years

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

TRAFFIC ADVISORY COMMITTEE

District 2

- 2-A. Tavern Road from the north line of South Grade Road northerly to the south line of Arnold Way (57th Edition Thomas Guide Page 1254, A-2), Alpine -- Reduce the existing 50 MPH speed limit to 45 MPH and certify for radar speed enforcement.
- 2-B. Alpine Boulevard at a point 660 feet west of the west line of Boulders Road (57th Edition Thomas Guide Page 1234, A-6), Alpine -- Establish a mid-block crosswalk in conjunction with a road improvement project.

District 5

- 5-A. Poinsettia Avenue from the south line of Oleander Avenue southerly to the Vista/San Marcos City Limits (57th Edition Thomas Guide Page 1108, C4), Vista/San Marcos -- Establish a formal 40 MPH speed limit and certify for radar speed enforcement.

CHIEF ADMINISTRATIVE OFFICER

- 1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the state CEQA Guidelines.
- 2. Adopt the Traffic Advisory Committee's recommendations.

3. Approve the introduction, read title and waive further reading of the following Ordinances:

AN ORDINANCE ADDING SECTION 72.181.1. AND SECTION 72.161.88., AND AMENDING SECTION 72.169.88. OF THE SAN DIEGO COUNTY CODE RELATING TO TRAFFIC REGULATIONS IN THE COUNTY OF SAN DIEGO (Items 2-A, 2-B and 5-A).

If, on April 16, 2014, the Board takes action as recommended in Chief Administrative Officer's Recommendation 3 above, related to Items 2-A, 2-B and 5-A, then on April 30, 2014:

Consider and adopt AN ORDINANCE ADDING SECTION 72.181.1., SECTION 72.161.88. AND AMENDING SECTION 72.169.88. OF THE SAN DIEGO COUNTY CODE RELATING TO TRAFFIC REGULATIONS IN THE COUNTY OF SAN DIEGO. (Items 2-A, 2-B and 5-A) (second reading).

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, introducing the Ordinance for further Board consideration and adoption on April 30, 2014.

AYES: Cox, Jacob, D. Roberts, Horn
ABSENT: R. Roberts

6. **SUBJECT: EXTENSION OF PERFORMANCE COMPLETION DATES ON VARIOUS BONDED AGREEMENTS TO COMPLETE SUBDIVISION IMPROVEMENTS (DISTRICT: 5)**

OVERVIEW:

San Diego County Code of Regulatory Ordinances (County Code) Section 81.405, Extension of Time to Construct Required Improvements, enables the Board of Supervisors to consider time extensions for the completion of required improvements for major subdivisions. The Department of Public Works reviews for subdivisions that have construction permits issued, existing improvement agreements and their bonding requirements to determine if a recommendation for a time extension is warranted. Bringing forward a single Board letter with a recommendation to extend the performance completion dates for multiple subdivisions is more efficient than reviewing and preparing individual Board letters for each subdivision.

This is a request to approve the extension of performance completion dates for two bonded subdivision agreements to April 16, 2016. Staff has determined extensions are warranted for these agreements both of which have final maps previously approved by the Board. The following are the agreements proposed to be extended two years:

- TM 5069-4 The Lakes, located in San Dieguito (District 5)
 - This project has 124 approved lots and the overall acreage is 358.51 acres.
- TM 5093-1 Rancho Cielo Estates, located in San Dieguito (District 5)
 - This project has 96 approved lots and the overall acreage is 245 acres.

FISCAL IMPACT:

There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15060(c)(3) of the California Environmental Quality Act (CEQA) Guidelines that extension of agreements to complete subdivision improvements is not a project as defined in Section 15378 of the state CEQA Guidelines.
2. Extend, to April 16, 2016, the performance completion dates in subdivision agreements for developments referenced by Tentative Map Nos. 5069-4 and 5093-1.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

7. **SUBJECT: RENEGOTIATION OF PROMISSORY NOTE FOR SALE OF REAL PROPERTY - BANCROFT DRIVE, SPRING VALLEY; COUNTY PARCEL NUMBER 2014-0002-A; ASSESSOR PARCEL NUMBER 503-273-84 (DISTRICT: 2)**

OVERVIEW:

On October 14, 2008 (7), the Board adopted a resolution of intention to sell and notice of inviting bids for a 10,099 square foot unimproved County-owned property on Bancroft Drive in Spring Valley. On November 18, 2008 (10), the Board approved the sale of the property and authorized the Director, Department of General Services to perform all necessary actions to complete the sale. The parcel was sold for \$101,100 to Krasimir Todorov, who was the high bidder. The

buyer made a down payment of \$20,220 and financed the remaining \$80,880 balance of the sale price through the County. All the bidders were offered the opportunity to finance the sale through the County, or pay cash, as part of the sales process. The terms were a five-year interest only promissory note with an annual interest rate of 9.0%. The promissory note commenced on January 13, 2009 and matured on January 12, 2014. Monthly payments under the promissory note were \$606.60 per month. Since making the initial \$20,200 down payment, Mr. Todorov has paid \$37,033.55 in interest and late fees and an additional \$6,026.25 toward the principal on the promissory note for a total payment of \$63,279.80. The remaining balance of the principal is \$74,853.75.

Due to a difficulty in obtaining financing to pay the remaining balance of the principal, a new promissory note with Krasimir Todorov has been negotiated that will fully amortize the balance owed to the County. Under the terms of the proposed promissory note, Mr. Todorov will pay \$1,412.58 per month for five years at an annual interest rate of 5.0%. Today's request is to authorize the Director, Department of General Services to execute the promissory note and take any actions necessary to administer the promissory note. Staff recommend approval of the proposed promissory note due to the cost of foreclosing the property under the existing note, the cost of reselling the property, and the uncertainty of generating additional revenue from reselling the property given its current appraised value.

FISCAL IMPACT:

Funds from this request are not included in the Fiscal Year 2013-14 Operational Plan in the Department of Public Works, Road Fund. If approved, this request will result in \$3,484.36 in revenue for Fiscal Year 2013-14, and \$16,950.96 in annual revenue (principal and interest at 5%) for four additional fiscal years to the Department of Public Works Road Fund, which will be used for future road maintenance and improvements projects. The promissory note will result in approximately \$84,754.80 in total revenue at the end of the five-year term. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15312 as it relates to the sale of surplus government property.
2. Approve and authorize the Director, Department of General Services, to execute the promissory note with Krasimir Todorov and take any other actions necessary to administer the promissory note. **(4 VOTES)**

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

8. SUBJECT: GILLESPIE FIELD – SECOND AMENDMENT TO AVIATION LEASE WITH VOLAR CORPORATION D.B.A. GOLDEN STATE AVIATION (DISTRICT: 2)

OVERVIEW:

Gillespie Field is a general aviation airport owned and operated by the County of San Diego and located within the municipal limits of the City of El Cajon and City of Santee (57th Edition Thomas Guide page 1251, D-1).

On March 21, 2007 (8), the Board approved a new 15-year Aviation Lease with Volar Corporation d.b.a. Golden State Aviation at Gillespie Field. This lease was amended on February 24, 2010 (12) to revise rent and to add lease provisions. This lease includes one five-year mutual term option. Golden State Aviation has asked the County to extend the term by five years at this time rather than waiting until 2022, when the option could be exercised, so they can make longer-range business plans and amortize desired capital investment, extending the term to February 28, 2027.

This is a request to approve the proposed Second Amendment to Aviation Lease with Volar Corporation d.b.a. Golden State Aviation. This amendment would extend the term by five years, provide equity payment to the County for the additional term, include capital investment requirements, and update lease language. If the proposed action is approved, the rent for this lease would not change. Current year revenue would increase by \$23,039 due to a one-time accrual of equity payment.

FISCAL IMPACT:

Funds for this request are partially included in the Fiscal Year 2013-14 Operational Plan for the Airport Enterprise Fund. If approved, this request would result in total annual revenue of \$35,189 (\$12,150 in base rent and \$23,039 in equity payments) in Fiscal Year 2013-14, an increase of \$23,039 over the amount budgeted. The funding source for additional revenue is a one-time accrual of equity payments from the lessee under the terms of the lease amendment. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines that the proposed lease amendment is categorically exempt from CEQA review.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the Second Amendment to Aviation Lease with Volar Corporation, d.b.a. Golden State Aviation, County Contract No. 120781. **(4 VOTES)**

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

9. **SUBJECT: GILLESPIE FIELD – SECOND AMENDMENT TO INDUSTRIAL LEASE WITH VERIDIAM, INC. (DISTRICT: 2)**

OVERVIEW:

Gillespie Field is a general aviation airport owned and operated by the County of San Diego and located within the municipal limits of the City of El Cajon and City of Santee (57th Edition Thomas Guide Page 1251, D-1). In addition to aviation-related facilities and infrastructure, Gillespie Field includes three industrial parks. The County leases land at these industrial parks to multiple businesses providing goods and services to the general public.

Veridiam, Inc., a major custom tubing manufacturer, formerly known as Carpenter Special Products Corporation, occupies a seven-acre parcel at Gillespie Field. The Board approved the existing ground lease on June 22, 2005 (11). The lease provides for periodic rental rate renegotiations every five years to bring the rent to market rate. The renegotiated adjustment is due on May 1, 2014. The County and Veridiam, Inc. agreed to increase the base rent to reflect the current market rate. The proposed amendment also includes a series of fixed annual increases of 1.5 percent to the base monthly rent.

This is a request to approve the second amendment to the industrial lease with Veridiam, Inc. The proposed amendment would implement a negotiated rent adjustment to reflect the market rate. If the proposed action is adopted, on May 1, 2014, the lessee's current monthly rent would increase by \$1,930 to \$32,713 per month. The amendment would also update administrative addresses and appraisal procedures set forth in the lease.

FISCAL IMPACT:

Funds for this request are partially included in the Fiscal Year 2013-14 Operational Plan for the Airport Enterprise Fund. If approved, this request would result in total annual revenue of \$373,256 in Fiscal Year 2013-14, an increase of \$3,860 over the amount budgeted, since the proposed rent adjustment takes effect in May 2014. The funding source for additional revenue is rental payments from the lessee under the terms of the amended agreement. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under section 15301 of the CEQA Guidelines.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the second amendment to the industrial ground lease with Veridiam, Inc., County Contract No. 117011. **(4 VOTES)**

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

- 10. SUBJECT: ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD A CONTRACT FOR CONSTRUCTION OF COUNTYWIDE ASPHALT CONCRETE OVERLAY FISCAL YEAR 2013-2014 (DISTRICTS: 1, 2, 3 AND 5)**

OVERVIEW:

The Department of Public Works maintains nearly 2,000 center line miles of roads in unincorporated San Diego County. County road crews inspect all County-maintained roads and prioritize them for preventive maintenance. Through visual inspection and scientific methods, staff determines which roads require repair and resurfacing. Resurfacing provides road users with structurally sound travel ways and protects roads from deterioration and costly future repairs.

This is a request to establish appropriations, approve the advertisement and contract award to the lowest responsive, responsible bidder for the Countywide Asphalt Concrete Overlay project. If approved, construction costs are expected to be \$2,600,000, including contingencies. If approved, construction is scheduled to begin in spring 2014 and be completed by the end of the calendar year.

FISCAL IMPACT:

Funds for this request are partially included in the Fiscal Year 2013-14 Operational Plan for the Department of Public Works Detailed Work Program in the amount of \$1,100,000. If approved, construction costs for Countywide Asphalt Concrete Overlay will be \$2,600,000. The funding sources are Road Fund fund balance available (\$1,500,000) and Highway User Tax Account (\$1,100,000). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

County public works contracts are competitively bid and help stimulate the local economy.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the state CEQA Guidelines.
2. Establish appropriations of \$1,500,000 in the Department of Public Works Detailed Work Program for Asphalt Concrete Overlay based on available Road Fund fund balance. **(4 VOTES)**
3. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a construction contract and to take other action authorized by Section 401 et seq., of the Administrative Code with respect to contracting for subject public works project.
4. Designate the Director, Department of Public Works, as the County Officer responsible for administering the construction contract in accordance with Board Policy F-41, Public Works Construction Projects.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

11. **SUBJECT: ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD CONTRACT FOR CONSTRUCTION OF DE LUZ ROAD IMPROVEMENT PROJECT (DISTRICT: 5)**

OVERVIEW:

The De Luz Road Improvement Project is located in the unincorporated community of Pendleton - De Luz in North County (57th Edition Thomas Guide page 997, E7), approximately 1.5 miles west of Sandia Creek Drive near Santa Margarita Creek. The proposed project will re-construct approximately 650 feet of De Luz Road that was damaged during the 2010 winter storms. Improvements

include new roadway, dike, asphalt spillway, traffic striping, fencing, embankment and rock slope protection. The improvements will benefit the community by enhancing traffic safety.

This is a request to establish appropriations and approve advertisement and subsequent construction contract award to the lowest responsible bidder for the De Luz Road Improvement Project. Upon Board approval, the Department of Purchasing and Contracting will advertise and subsequently award a contract for construction. Construction is scheduled to begin in fall 2014 and be completed by spring 2015. If approved, current year construction costs will be \$1,200,000, including contingency.

FISCAL IMPACT:

Funds for this request are partially included in the Fiscal Year 2013-14 Operational Plan in the Department of Public Works Detailed Work Program in the amount of \$240,000. If approved, current year construction costs will be \$1,200,000, including contingency. The funding sources are Federal Highway Administration Highway Planning and Construction Program (\$960,000) and Highway User Tax Account (\$240,000). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

County public works contracts are competitively bid and help stimulate the local economy.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Mitigated Negative Declaration (MND) on file in the Department of Public Works for the De Luz Road Improvement Project, dated April 18, 2012, State Clearinghouse #2012031008, was adopted in compliance with CEQA and state and County CEQA guidelines, that the decision-making body has reviewed and considered the information contained therein prior to approving the project; and,

Find that there are no substantial changes in the project or in the circumstances under which it is undertaken which involve significant new environmental impacts which were not considered in the previously adopted MND, dated April 18, 2012, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the MND was adopted.

2. Establish appropriations of \$960,000 in the Department of Public Works Fiscal Year 2013-14 Detailed Work Program for construction of De Luz Road Improvement Project based on unanticipated revenue from the Federal Highway Administration Highway Planning and Construction Program.
(4 VOTES)

3. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award contract and to take other action authorized by Section 401 et seq., of the Administrative Code with respect to contracting for subject public works project.
4. Designate the Director, Department of Public Works, as the County Officer responsible for administering the construction contract in accordance with Board Policy F-41, Public Works Construction Projects.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

12. SUBJECT: ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD A CONTRACT FOR CONSTRUCTION OF WYNOLA ROAD SLOPE REPAIRS (DISTRICT: 2)

OVERVIEW:

The Wynola Road Slope Repairs project (Project) will stabilize existing slopes, improve drainage and repair damaged pavement. The Project is located in the unincorporated community of Julian. The improvements are located along the north side of Wynola Road, east of the intersection with CA 78/ CA 79 (57th Edition Thomas Guide Page, 1135-G7). The improvements will benefit the community by enhancing roadway safety and ensuring the long-term stability of roadway and adjacent slopes.

This is a request to appropriate funds and approve advertisement and subsequent contract award to the lowest responsible bidder to construct the Project. Upon Board approval, the Department of Purchasing and Contracting will advertise and subsequently award a contract for construction, which is scheduled to begin in summer of 2014 and be completed by fall of 2014. Construction cost is estimated at \$500,000, including contingency.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year 2013-14 Operational Plan in the Department of Public Works Detailed Work Program. If approved, construction project costs will be \$500,000, including contingency. The funding source is Road Fund fund balance available (\$500,000). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

County construction contracts are competitively bid and help stimulate the local economy.

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed project is exempt from California Environmental Quality Act (CEQA) as specified under Section 15301 of the state CEQA Guidelines.
2. Establish appropriations of \$500,000 in the Department of Public Works Detailed Work Program for the Wynola Road Slope Repairs project based on Road Fund fund balance available. **(4 VOTES)**
3. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other actions authorized by Section 401 et seq., of the Administrative Code with respect to contracting for subject public works project.
4. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, D. Roberts, Horn

ABSENT: R. Roberts

**13. SUBJECT: CONTINUED ITEM FROM 4/15/14 AGENDA NO. 31:
CLOSED SESSION (DISTRICTS: ALL)**

OVERVIEW:

On April 15, 2014 (31), the Board continued this item to April 16, 2014.

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
La Twon Weaver v. The District Attorney’s Office of San Diego County, et al.;
Fourth District Court of Appeal No. D063768
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Johnneisha Kemper v. County of San Diego, et al.; San Diego County Superior
Court No. 37-2010-00094975-CU-PN-CTL
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Sierra Club v. County of San Diego, et al.; San Diego County Superior Court
No. 37-2012-00101054-CU-TT-CTL

D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
San Diego Gas and Electric v. County of San Diego; San Diego County
Superior Court No. 37-2013-00039514-CU-EI-CTL

E. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Kim Kennedy v. County of San Diego, et al.; San Diego County Superior Court
No. 37-2013-00046459-CU-OE-CTL

ACTION:

County Counsel reported that for Closed Session on Wednesday, April 16, 2014, the Board of Supervisors took the following action:

Item 13D: By a vote of all members present voting “Aye”, with Supervisor R. Roberts absent, the County agrees to a settlement in an eminent domain lawsuit with plaintiff San Diego Gas & Electric (SDG&E v. County) by stipulating to the following terms: (1) the County accepts \$1,000 deposit by SDG&E as just compensation along with an additional open space easement for the preservation of cultural resources, and (2) issues an encroachment permit that finds that the easement being condemned by SDG&E is compatible with the County’s existing easement.

14. SUBJECT: PUBLIC COMMUNICATIONS (DISTRICTS: ALL)

OVERVIEW:

Robert Germann spoke to the Board regarding Gillespie Field.

ACTION:

Heard, referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 11:23 a.m. in memory of Jose Montano and Elaine Murphy.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Miller
Discussion: Panfil

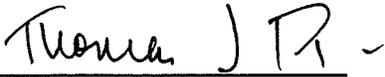
NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors, on Wednesday, April 30, 2014.



DIANNE JACOB
Chairwoman

Attest:



THOMAS J. PASTUSZKA
Clerk of the Board

04/16/14