

**April 13, 2016**

**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 13, 2016, 9:00 A.M.**  
BOARD OF SUPERVISORS NORTH CHAMBER  
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

REGULAR SESSION – Called to order at 9:02 a.m.

PRESENT: Supervisors Ron Roberts, Chairman; Dianne Jacob, Vice Chairwoman; Dave Roberts; Bill Horn; also David Hall, Clerk of the Board.

ABSENT: Supervisor Greg Cox

Approval of the Statement of Proceedings/Minutes for the meeting of March 16, 2016.

**ACTION:**

ON MOTION of Supervisor D. Roberts, seconded by Supervisor Jacob, the Board of Supervisors approved the Statement of Proceedings for the meeting of March 16, 2016.

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

ABSENT: Cox

**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:  
ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE RELATED TO  
WATER CONSERVATION IN LANDSCAPING; POD 15-003
  
2.        APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY  
OF SAN DIEGO AND THE SAN DIEGO ASSOCIATION OF GOVERNMENTS  
AND APPROVE AN EASEMENT AGREEMENT BETWEEN THE COUNTY OF  
SAN DIEGO AND THE NORTH COUNTY TRANSIT DISTRICT
  
3.        ADOPTION OF A RESOLUTION OF THE BOARD OF SUPERVISORS TO  
SUMMARILY VACATE A PORTION OF RIDGE HILL ROAD AND SURPLUS  
PROPERTY DECLARATION IN THE VICINITY OF LAKESIDE (VACATION  
NO. 2015-0249)  
[FUNDING SOURCE: DEPOSIT FROM THE APPLICANT]

4. RATIFY AND APPROVE FISCAL YEAR 2015-16 REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH AND BAY WATER QUALITY MONITORING  
[FUNDING SOURCES: ARE THE REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD AND 1991 REALIGNMENT REVENUE]
5. ACCEPTANCE OF FUNDING FOR COMPLETION OF ENVIRONMENTAL REVIEW FOR THE RANCHO SANTA FE ROUNDABOUTS PROJECT IN ACCORDANCE WITH BOARD POLICY J-25  
[FUNDING SOURCE: UNANTICIPATED REVENUE FROM RSFA]
6. ANNUAL REPORT OF THE COUNTY-MAINTAINED ROAD SYSTEM
7. APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY AND THE JAMUL INDIAN VILLAGE PURSUANT TO TRIBAL-STATE COMPACT REGARDING CASINO CONSTRUCTION  
[FUNDING SOURCE: UNANTICIPATED REVENUE FROM THE JAMUL INDIAN VILLAGE]
8. APPROVAL OF MAJOR CONTRACT CHANGE ORDER FOR WOODSIDE AVENUE FLOOD CONTROL IMPROVEMENTS CONSTRUCTION CONTRACT  
(4 VOTES)
9. PUBLIC COMMUNICATION

**1. SUBJECT: NOTICED PUBLIC HEARING:  
ORDINANCE AMENDING THE SAN DIEGO COUNTY  
CODE RELATED TO WATER CONSERVATION IN  
LANDSCAPING; POD 15-003 (DISTRICTS: ALL)**

**OVERVIEW:**

On April 1, 2015, the Governor issued Executive Order B-29-15 in response to the severe drought conditions across the State. The Executive Order directed the California Department of Water Resources (DWR) to update the Model Water Efficient Landscape Ordinance (MWELO). The MWELO establishes a regulatory framework to increase water efficiency standards for new and modified landscapes. The updated MWELO was approved by the California Water Commission on July 15, 2015. The MWELO requires all California counties and cities to either adopt the State's updated MWELO or adopt a local ordinance that is as effective.

Today's action proposes amendments to the existing County Water Conservation in Landscaping Ordinance, San Diego County Code of Regulatory Ordinances § 86.701 et seq. (Ordinance) to address the recent update to the State's MWELO. The amendments would assure that the County's Ordinance is as effective as the MWELO while increasing water conservation efforts in conjunction with new and modified development landscapes.

**FISCAL IMPACT:**

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years. As part of the Board's 2009 adoption of the Water Conservation in Landscape Ordinance, a \$50 flat fee was established to recover Building division staff review time of the landscape application packet required by the Ordinance. No new fees are required for this action. The existing \$50 flat fee will continue to be sufficient for review of submittal documents under the amended Ordinance.

**BUSINESS IMPACT STATEMENT:**

The new Ordinance applicability requirements as required by the State's updated MWELO, will now require more development projects to submit landscape application packets to the County. The County has created a Prescriptive Compliance Checklist to assist in streamlining this process. The County's review fee of \$50 will remain and no increase is needed. However, due to the State mandated requirement, this action could increase costs to additional applicants as part of the development process as a result of applicants now having to submit a landscape application when compared to the existing Ordinance.

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

On April 13, 2016:

1. Find that the proposed amendment to the County's Ordinance to ensure it is as effective as the MWELO at conserving water is exempt from review under the California Environmental Quality Act (CEQA) by Sections 15269 and 15307 of the CEQA Guidelines. The project qualifies for a statutory exemption

pursuant to Section 15269 of the State CEQA Guidelines because the proposed action consists of the amendment of an ordinance to implement water conservation measures in response to a declared drought emergency. The project qualifies for a categorical exemption under 15307 of the State CEQA Guidelines because the project proposes updating current regulations pertaining to landscaping (Attachment D).

2. Approve the introduction of the Ordinance amendment (first reading). Read title and waive further reading of the Ordinance (Attachment A).

AN ORDINANCE AMENDING TITLE 8, DIVISION 6,  
CHAPTER 7, OF THE SAN DIEGO COUNTY CODE OF  
REGULATORY ORDINANCES RELATING TO WATER  
CONSERVATION IN LANDSCAPING

If on April 13, 2016 the Board of Supervisors (Board) takes actions recommended in Items 1 and 2, then, on April 27, 2016:

Consider and adopt the Ordinance amending the San Diego County Code of Regulatory Ordinances (second reading).

**ACTION:**

Noting for the record that an Errata sheet has been submitted revising the Ordinance; ON MOTION of Supervisor Horn, seconded by Supervisor D. Roberts, the Board closed the Hearing and took action as recommended, on Consent, introducing the Ordinance for further Board consideration and adoption on April 27, 2016.

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

ABSENT: Cox

2. **SUBJECT: APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF SAN DIEGO AND THE SAN DIEGO ASSOCIATION OF GOVERNMENTS AND APPROVE AN EASEMENT AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE NORTH COUNTY TRANSIT DISTRICT (DISTRICT: 5)**

**OVERVIEW:**

This is a request to approve a Memorandum of Understanding between the County of San Diego (County) and the San Diego Association of Governments (SANDAG) for the transfer of a County obtained \$1,461,135 Bicycle Transportation Account (BTA) grant to SANDAG. Pursuant to the Memorandum of Understanding, SANDAG will assume sole financial and administrative responsibility for the design and construction of the Inland Rail Trail project which lies on North County Transit District land in the unincorporated area of the county between the cities of San Marcos and Vista (2013 Thomas Guide, Page 1108, B-2 thru B-3, C-3 thru C-4, and D-4). This is also a request to approve an easement between the County and the North County Transit District for the portion of the Inland Rail Trail that lies in the unincorporated county. The project will be

funded from SANDAG administered Transnet revenue and County of San Diego BTA grant funds.

**FISCAL IMPACT:**

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years are required. Construction appropriations for the TransNet funds and the County-acquired BTA grant funds are the responsibility of SANDAG as detailed in the MOU. Appropriations necessary for the routine maintenance identified in the Easement Agreement will be included in future Operational Plans by the Department of Parks and Recreation.

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

1. Find in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15096 that the County, as a responsible agency under CEQA, has considered the environmental effects of the project as shown in the Mitigated Negative Declaration adopted by the lead agency (SANDAG) dated July 26, 2013, before reaching its own conclusions on whether and how to approve the project.
2. 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 Mitigated Negative Declaration (MND), dated July 26, 2013, 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.
3. Approve and authorize the Clerk of the Board of Supervisors to execute, upon receipt of the recorded Easement Agreement, two copies of the Memorandum of Understanding - Agreement No. 5004484 (Attachment B) between SANDAG and the County.
4. Approve and authorize the Director, Department of General Services to execute two copies of the Easement Agreement (Exhibit B in Attachment B) between the North County Transit District and the County.
5. Authorize the Director, Department of Parks and Recreation, to administer the Easement Agreement between the North County Transit District and the County.

**ACTION:**

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

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

ABSENT: Cox

3. **SUBJECT: ADOPTION OF A RESOLUTION OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE A PORTION OF RIDGE HILL ROAD AND SURPLUS PROPERTY DECLARATION IN THE VICINITY OF LAKESIDE (VACATION NO. 2015-0249) (DISTRICT: 2)**

**OVERVIEW:**

The Department of General Services, Real Estate Services Division is processing a request from South Coast Development, LLC, the owner of APNs 398-110-09, 398-110-10 and 398-110-75 to summarily vacate a portion of Ridge Hill Road adjacent to APN 398-110-75. The Department of Public Works has determined that the property, identified as County Parcel Number 2015-0249, is excess right-of-way.

Today's request is to: 1) adopt a Resolution to summarily vacate a portion of Ridge Hill Road that is excess right-of-way not required for street or highway purposes, and 2) declare County Parcel Number 2015-0249 surplus because it is no longer necessary for County or other public purposes. There are no in-place public utility facilities that are in use and would be affected by the vacation. Therefore the excess right-of-way may be vacated pursuant to Streets and Highways Code Section 8334 (a).

**FISCAL IMPACT:**

Funds for this request are included in the Fiscal Year 2015-16 Operational Plan in the Department of General Services. If approved, this request would result in costs and revenue of \$2,085 to process the proposed vacation. The funding source is a deposit from the applicant. There will be no change in net General Fund cost and no additional staff years are required.

If the Board declares County Parcel Number 2015-0249 surplus real property and the sale of the property is completed, this request will result in unanticipated revenue of \$23,500 for the Department of Public Works. There will be no change in net General Fund cost and no additional staff years are required.

**BUSINESS IMPACT STATEMENT:**

N/A

**RECOMMENDATION:  
CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed action to summarily vacate a portion of Ridge Hill Road is not subject to review under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) and (3) because the action is not a project as defined in Section 15378 of the CEQA Guidelines.
2. Find that the proposed action to declare County Parcel Number 2015-0249 surplus real property is exempt from CEQA review pursuant to CEQA Guidelines Section 15312 as it is the first step in the sale of surplus government property.
3. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE A PORTION OF RIDGE HILL ROAD IN THE VICINITY OF LAKESIDE (VACATION NO. 2015-0249).
4. Direct the Clerk of the Board to record the Resolution for Vacation No. 2015-0249 pursuant to Streets and Highways Code Section 8336.
5. Declare County Parcel 2015-0249 surplus to County needs and find that the parcel is no longer necessary for County or other public purposes.

**ACTION:**

ON MOTION of Supervisor Horn, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, adopting Resolution No. 16-033, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE A PORTION OF RIDGE HILL ROAD IN THE VICINITY OF LAKESIDE (VACATION NO. 2015-0249).

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

4. **SUBJECT: RATIFY AND APPROVE FISCAL YEAR 2015-16 REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH AND BAY WATER QUALITY MONITORING (DISTRICTS: 1, 3 AND 5)**

**OVERVIEW:**

Since 1999, the Department of Environmental Health (DEH) has contracted with the State of California to coordinate the sampling and testing of water and posting of signs warning of contaminated water at recreational beaches and bays affected by sewage spills. Signs are posted when monitoring indicates bacteria levels exceed State standards, or during other events that may pose a threat to public health. This program provides San Diego County's residents and visitors with up-to-date and easily accessible beach water quality information so they can make an informed decision as to where they can go into the water.

The County received a final contract from the State Water Resources Control Board on February 12, 2016. This revenue agreement of \$345,000 consists of Federal (\$185,000) and State funding (\$160,000) and is backdated to July 1, 2015. Since the revenue agreement is funded by both Federal and State funds, the performance period for each of the funded amounts is different. The performance period for the State-funded portion will reimburse expenses incurred from July 1, 2015 to June 30, 2016 while the Federal-funded portion will reimburse expenses incurred from October 1, 2015 to September 30, 2016.

Because this contract was not received by DEH until after the July 1, 2015 start date, this request is to ratify the acceptance of a State Water Resources Control Board Revenue Agreement and adopt a Resolution authorizing DEH to receive funds in the amount of \$345,000 to continue the Beach and Bay Water Quality Monitoring program. In addition, this request will authorize the Director or Assistant Director, DEH or their designee to execute a revenue agreement with the State Water Resources Control Board, in the amount of \$345,000 for the period of July 1, 2015 through September 30, 2016.

**FISCAL IMPACT:**

Funds for this request are included in the Fiscal Year 2015-16 Operational Plan for the Department of Environmental Health. If approved, this request will result in program costs of \$458,174. The funding sources are the revenue agreement with the State Water Resources Control Board (\$345,000) and 1991 Realignment revenue (\$113,174). The Department receives a fixed amount of ongoing 1991 Realignment Revenue which is restricted to fund public health programs with insufficient funding such as the Beach and Bay Water Quality Monitoring program. A waiver of Board Policy, B-29: Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery, is requested in the amount of \$113,174 for program costs not covered by the revenue agreement, including external (County) support costs, which are disallowed under the State 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. In accordance with Section 15061(b)(3) of the State of California Environmental Quality Act (CEQA) Guidelines, find that it can be seen with certainty that there is no possibility this project may have a significant effect on the environment and that it is therefore exempt from CEQA.
2. Waive Board Policy B-29 Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery, which requires full cost recovery for revenue contracts.

3. Ratify acceptance and authorize the Director or Assistant Director, Department of Environmental Health or their designee, to accept and to execute a revenue agreement with the State Water Resources Control Board in the amount of \$345,000 for the period July 1, 2015 through September 30, 2016, for beach and bay water quality monitoring.
4. Adopt a Resolution entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE STATE OF CALIFORNIA FOR BEACH WATER QUALITY MONITORING FISCAL YEAR 2015-2016.
5. Authorize the Director or Assistant Director, Department of Environmental Health or their designee, to execute any amendments, extensions and/or revisions thereof that do not materially impact or alter either the program or funding level.

**ACTION:**

ON MOTION of Supervisor Horn, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, adopting Resolution No. 16-034, entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE STATE OF CALIFORNIA FOR BEACH WATER QUALITY MONITORING FISCAL YEAR 2015-2016.

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

ABSENT: Cox

5. **SUBJECT: ACCEPTANCE OF FUNDING FOR COMPLETION OF ENVIRONMENTAL REVIEW FOR THE RANCHO SANTA FE ROUNDABOUTS PROJECT IN ACCORDANCE WITH BOARD POLICY J-25 (DISTRICT: 5)**

**OVERVIEW:**

Today's requested action will authorize the Department of Public Works (DPW) to accept \$60,000 from the Rancho Santa Fe Homeowners Association (RSFA) to assist with funding the completion of studies required as part of the environmental document for a project that is located in their community. Acceptance would be in accordance with Board Policy J-25: Participation by Individuals, Organizations, Private Developers, or other Jurisdictions in the Implementation of Intersection Betterments. An Environmental Impact Report (EIR) is required for the installation of proposed roundabouts at three intersections (Via de la Valle/La Fremontia, El Montevideo/La Valle Plateada, and El Camino del Norte/Del Dios Highway) along Paseo Delicias/Del Dios Highway in the community of Rancho Santa Fe (2013 Thomas Guide Page 1168-1F, 2E, 3E, 3D).

**FISCAL IMPACT:**

Funds for this request are partially included in the Fiscal Year 2015-16 Operational Plan for the Department of Public Works Detailed Work Program (\$15,000). If approved, this request will result in \$60,000 of Fiscal Year 2016-17 costs and revenue. The \$60,000 will be included in the CAO Proposed Fiscal Year 2016-18 Operational Plan as part of the DPW Detailed Work Program. The funding source is unanticipated revenue from RSFA. 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 activity is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15061(b)(3) of the State CEQA Guidelines, because the because it can be seen with certainty that the acceptance of funds to complete CEQA review will not have a significant effect on the environment.
2. In accordance with Board Policy J-25: Participation by Individuals, Organizations, Private Developers, or other Jurisdictions in the Implementation of Intersection Betterments, accept \$60,000 from the RSFA to assist with the completion of environmental review for three roundabouts in the community of Rancho Santa Fe.

**ACTION:**

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

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

ABSENT: Cox

**6. 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 annually submit to the California Department of Transportation (Caltrans) any additions to, or exclusions from, its mileage of maintained County roads. The most recent update was approved by your Board on March 18, 2015 (11), and certified by Caltrans thereafter.

Total mileage of County-maintained roads has increased by 13.23 miles since the last certification and is now 1,953.71 miles. This is a request to adopt a resolution to transmit the County's annual report of mileage to Caltrans. This action will enable Caltrans to certify the new reported road mileage to the State Controller.

**FISCAL IMPACT:**

Today's requested actions have no fiscal impact. Appropriations for maintenance cost associated with County roads are funded using gas tax revenue and TransNet. 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 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 since the proposed action has no direct or reasonably foreseeable indirect effect on the environment.
2. Adopt a Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS TRANSMITTING THE ANNUAL REPORT TO THE STATE DEPARTMENT OF TRANSPORTATION OF THE COUNTY'S MAINTAINED ROADS – 2016.

**ACTION:**

ON MOTION of Supervisor Horn, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, adopting Resolution No. 16-035, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS TRANSMITTING THE ANNUAL REPORT TO THE STATE DEPARTMENT OF TRANSPORTATION OF THE COUNTY'S MAINTAINED ROADS – 2016.

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

ABSENT: Cox

7. **SUBJECT: APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY AND THE JAMUL INDIAN VILLAGE PURSUANT TO TRIBAL-STATE COMPACT REGARDING CASINO CONSTRUCTION (DISTRICT: 2)**

**OVERVIEW:**

This is a request to authorize the Clerk of the Board to enter into an Intergovernmental Agreement (Agreement) between the County of San Diego (County) and the Jamul Indian Village (JIV) regarding off-reservation impacts due to casino construction and operation, and to find that the proposed action is exempt from the California Environmental Quality Act (CEQA). The provisions of the Agreement would memorialize negotiations between the JIV and the County regarding mitigation for construction and operation of a casino located in the unincorporated community of Jamul. Negotiations were conducted under the process outlined in the 1999 Gaming Compact between the JIV and the State of California, which requires the JIV make good faith efforts to mitigate any and all significant adverse off-reservation environmental impacts. The JIV is not required

by the Gaming Compact to enter into an agreement with the County for off-reservation mitigation due to the casino project. The County does not have regulatory authority over lands held in Federal trust on behalf of the JIV.

The JIV completed a Tribal Environmental Evaluation in January 2013, to review impacts for an approximately 200,000 square foot casino and accessory uses. Provisions in the proposed Agreement include mitigation measures referencing County ordinance or other regulations related to hazardous materials, biological impacts, storm water runoff, visual resources, noise, air quality, water resources, cultural resources, public safety, and ongoing reporting provisions related to operation of the facility. Additionally, the proposed Agreement does not include funds for transportation impact mitigation. If approved, the Agreement would require future good faith negotiations regarding traffic and transportation impacts, which would be subject to arbitration if the JIV and County do not agree on mitigation measures. Provisions related to unanticipated future uses are also included, which would require the JIV to notify the County in advance of any future project changes and agree to meet in good faith to negotiate terms for a potential new Intergovernmental Agreement.

During negotiations, the County and the JIV agreed to negotiate mitigation of fire impacts separately from the Agreement. As a result, a stand-alone Service Agreement to provide fire and life safety services was executed between the County and the JIV on January 26, 2016 under existing authority to execute such revenue agreements granted to the Clerk of the Board of Supervisors on June 18, 2013 (4).

**FISCAL IMPACT:**

There is no direct fiscal impact associated with the signing of this agreement. A one-time payment of \$85,760.62 will be made to the County of San Diego for the mitigation of other impacts to off-reservation lands. Additional funding of \$275,197 will be received by the Sheriff's Department to provide funds for ongoing staff support beginning in Fiscal Year 2016-17 during the term of the Agreement. The funding source is unanticipated revenue from the Jamul Indian Village. Staff will return to the Board of Supervisors to appropriate funds in a future board letter or the Operational Plan. 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 Sections 15061(b)(3) and 15378 (b)(4) because this activity is the execution of an agreement between two governmental agencies.

2. Approve and authorize the Clerk of the Board of Supervisors to execute two copies, upon receipt, of the Intergovernmental Agreement between the County of San Diego and the Jamul Indian Village regarding impacts due to casino construction and operation.

**7.1 ACTION:**

MOTION by Supervisor Jacob, seconded by Supervisor D. Roberts, to approve staff recommendation number 1, and revise recommendation number 2 to include the following:

- \$3.77 million for specified road improvements recommended by staff;
- A left turn lane on SR-94 and Vista Sage;
- Agreement with the Sheriff regarding public safety monitoring program;
- JIV shall work with the County to monitor traffic impacts to County facilities from the gaming facility, and upon identification of safety or traffic concerns, manage provisions necessary such that JIV shall pay a fair share to the County for installation of those facilities, including, but not limited to speed control signs, signage for road conditions, speed humps, or other traffic improvements.
- Monitoring of waste water facilities and hazardous materials and include payments for staff and consultants.

AYES: Jacob, D. Roberts

NOES: R. Roberts, Horn

ABSENT: Cox

(This motion failed due to tied vote)

**7.2 ACTION:**

ON MOTION of Supervisor R. Roberts, seconded by Supervisor Horn, the Board took action as recommended; and directed the Chief Administrative Officer to amend the proposed Intergovernmental Agreement to include:

- \$3.77 million for specified road improvements recommended by staff;
- A traffic monitoring program that would be subject to good faith negotiations and, if necessary, future binding arbitration;
- Agreement with the Sheriff on a public safety monitoring program that would be subject to good faith negotiations and, if necessary, future binding arbitration.

AYES: D. Roberts, R. Roberts, Horn

NOES: Jacob

ABSENT: Cox

**8. SUBJECT: APPROVAL OF MAJOR CONTRACT CHANGE ORDER FOR WOODSIDE AVENUE FLOOD CONTROL IMPROVEMENTS CONSTRUCTION CONTRACT (DISTRICT: 2)**

**OVERVIEW:**

The Woodside Avenue Flood Control Improvements Project, in unincorporated San Diego County, is located on Woodside Avenue between Winter Gardens Boulevard and west of Riverview Avenue and crosses underneath State Route 67 (57th Edition Thomas Guide Page 1231-14). The existing flood control channel is under-sized which puts local businesses and homes located on Woodside Avenue at risk during moderate storm events. This project replaces the existing drainage system on Woodside Avenue with a drainage system that will accommodate a 100-year flood. In addition, all existing overhead utilities will be converted to underground facilities.

On July 30, 2014 (14), the Board authorized the award of a construction contract for the Woodside Avenue Flood Control Improvements Project. Since that time, the County advertised and awarded a contract in the amount of \$13,596,474 with TC Construction Company Inc. to build the improvements.

During construction, the contractor unexpectedly encountered large boulders and loose soil that prevented the contractor from proceeding as planned. The presence of loose sand combined with the presence of the boulders has created an unstable condition at the face of the box culvert and has prevented the removal of the boulders. The loose sand poses a settlement risk to the travel lanes above the box culvert.

Today's request is to approve a contract change order and authorize the Director, Department of Purchasing and Contracting, to execute a change order in the amount not to exceed \$900,000 to cover costs necessary to excavate and remove unanticipated boulders obstructing the installation of the concrete box culvert and to cover associated costs with a State Route 67 southbound lane closure and detour.

**FISCAL IMPACT:**

There is no direct fiscal impact for today's action. Funds for this request are budgeted in the Fiscal Year 2015-16 Operational Plan for the Department of Public Works Detailed Work Program. If approved, this request will result in no additional current year cost, no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT:**

Construction of the Woodside Avenue Flood Control Improvements project will have a positive impact to the San Diego regional economy by providing construction-related local employment opportunities.

**RECOMMENDATION:**

**CHIEF ADMINISTRATIVE OFFICER**

1. Find that the Mitigated Negative Declaration (MND) on file with the Department of Public Works for the Woodside Avenue Flood Control Project, dated March 25, 2009, State Clearing house # 200812078, and the Addendum thereto dated February 14, 2013 (collectively "MND") 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 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 and 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. In accordance with California Public Contract Code Section 20137, authorize the Director, Department of Purchasing and Contracting to execute a change order to Contract #550541, in the amount not to exceed \$900,000. (4 VOTES)

**ACTION:**

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

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

ABSENT: Cox

**9. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)**

**OVERVIEW:**

Scott Chipman spoke to the Board regarding pot shops and havoc.

Martha Welch spoke to the Board regarding cost of elections.

Reginald Tisdale spoke to the Board regarding HIV Planning Council.

**ACTION:**

Heard, referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 12:19 p.m.

DAVID HALL  
Clerk of the Board of Supervisors  
County of San Diego, State of California

Consent: Miller  
Discussion: Zurita

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 27, 2016.

  
\_\_\_\_\_  
RON ROBERTS  
Chairman

Attest:

  
\_\_\_\_\_  
DAVID HALL  
Clerk of the Board

04/13/16