

August 5, 2015

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, AUGUST 05, 2015, 9:00 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

REGULAR SESSION – Regular Meeting was called to order at 9:00 a.m.

PRESENT: Supervisors Bill Horn, Chairman; Dave Roberts, Vice Chairman; Greg Cox; Dianne Jacob; Ron Roberts; also Nicole Temple, Assistant Clerk of the Board.

Approval of the Statement of Proceedings/Minutes for the meeting of July 22, 2015.

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of July 22, 2015.

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

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. APPROVE A NAMING RIGHTS CONTRIBUTION AND ADOPT A RESOLUTION NAMING THE CLUB HOUSE AT COLLIER PARK TO "CONRAD PREBYS RAMONA BRANCH - BOYS & GIRLS CLUBS OF GREATER SAN DIEGO"

2. ESTABLISH AN INTERGOVERNMENTAL IMPROVEMENT FUNDING AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE BARONA BAND OF MISSION INDIANS
[FUNDING SOURCES: TRANSNET AND THE BARONA BAND OF MISSION INDIANS FAIR SHARE CONTRIBUTION]

3. AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE AGUA CALIENTE PARK WATER TANK STABILIZATION AND ELECTRICAL SYSTEM POINT OF CONNECTION PROJECT
[FUNDING SOURCE: PRIOR YEAR AVAILABLE LAND USE AND ENVIRONMENT GROUP FUND BALANCE]

4. GILLESPIE FIELD – PRELIMINARY AGREEMENT CONCERNING DEVELOPMENT AND DISPOSITION OF LAND WITH CREO REAL ESTATE GROUP, LLC
[FUNDING SOURCE: NON-REFUNDABLE ANNUAL FEE FROM CREO REAL ESTATE GROUP, LLC UNDER TERMS OF THE PRELIMINARY AGREEMENT CONCERNING DEVELOPMENT AND DISPOSITION OF LAND]
(4 VOTES)
5. RATIFY AND APPROVE LIGHT BROWN APPLE MOTH REGULATORY REVENUE AGREEMENT WITH THE STATE OF CALIFORNIA, DEPARTMENT OF FOOD AND AGRICULTURE
[FUNDING SOURCES: CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE, STATE UNCLAIMED GAS TAX AND GENERAL PURPOSE REVENUE]
6. ASSISTING RESIDENTS AND BUSINESSES IMPACTED BY THE JULY 2015 RAINSTORM
7. PUBLIC COMMUNICATION

Note:

On June 24, 2015, the Board of Supervisors continued Item 8 entitled, "County of San Diego Tract No. 4750-1 (Final Map NO. 14502): First Amendment to Joint Agreement to Substitute Security, Change Ownership and Extend Time For Rancho Alegre For Public and Private Improvements Located in Fallbrook Community Planning Area (District: 5)" to August 5, 2015. The applicant has requested additional time to prepare required documentation. Because a date certain is not known at this time, this item will be properly noticed and placed on an agenda for a future hearing date.

1. **SUBJECT: APPROVE A NAMING RIGHTS CONTRIBUTION AND ADOPT A RESOLUTION NAMING THE CLUB HOUSE AT COLLIER PARK TO “CONRAD PREBYS RAMONA BRANCH - BOYS & GIRLS CLUBS OF GREATER SAN DIEGO” (DISTRICT: 2)**

OVERVIEW:

In order to support the Department of Parks and Recreation’s goal of diversifying funding sources, the Board of Supervisors approved a Naming Rights program for County Parks and Recreation Amenities. Board Policy F-52 authorizes the Director of the Department of Parks and Recreation (DPR) to approve park amenity naming rights that are for a term of five years or less or that will result in \$15,000 or less in total revenue for the duration of the naming term. Board Policy F-46 requires the adoption of a resolution for the naming of amenities in all other circumstances.

Local philanthropist Conrad Prebys has generously offered a contribution of \$1,000,000 to the Boys & Girls Clubs of Greater San Diego for the expansion of the club house and funding to subsidize the afterschool program at Collier Park. Today’s action will approve a Naming Rights contribution and adopt a resolution to name the club house at Collier Park to “Conrad Prebys Ramona Branch - Boys & Girls Clubs of Greater San Diego” for as long as the Boys & Girls Clubs of Greater San Diego operates the Ramona Branch through a lease agreement with the County of San Diego.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

SUPERVISOR DIANNE JACOB

1. Find that the Naming Rights Contribution and Adopt a Resolution Naming the Club House at Collier Park the “Conrad Prebys Ramona Branch - Boys & Girls Clubs of Greater San Diego” project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 and 15303.
2. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN DIEGO COUNTY NAMING THE BOYS & GIRLS CLUBS OF GREATER SAN DIEGO, RAMONA BRANCH TO “CONRAD PREBYS RAMONA BRANCH - BOYS & GIRLS CLUBS OF GREATER SAN DIEGO.”

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor D. Roberts, the Board took action as recommended, adopting Resolution No. 15-113, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN DIEGO COUNTY NAMING THE BOYS & GIRLS CLUBS OF GREATER SAN DIEGO, RAMONA BRANCH TO “CONRAD PREBYS RAMONA BRANCH - BOYS & GIRLS CLUBS OF GREATER SAN DIEGO.”

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

2. SUBJECT: ESTABLISH AN INTERGOVERNMENTAL IMPROVEMENT FUNDING AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE BARONA BAND OF MISSION INDIANS (DISTRICT: 2)

OVERVIEW:

This is a request to authorize the Clerk of the Board to enter into an Intergovernmental Improvement Funding Agreement (Agreement) between the County of San Diego (County) and the Barona Band of Mission Indians (Barona) and to find that the proposed action is exempt from the California Environmental Quality Act (CEQA). The Agreement would memorialize recent negotiations between Barona and the County regarding Barona’s fair share contribution for the improvement of identified County roadways as a result of Barona Casino operations. Barona agrees to contribute \$5,750,000 to the County to improve County roadways at the following locations:

1. Intersection of Willow Road/Wildcat Canyon Road/Ashwood Street – Improvements include signalization, intersection widening, and intersection approach improvements.
2. Ashwood Street from Cactus Park to Maplevue Street – Improvements include additional turn lanes and bypass lanes.

The present day estimated total cost for the above roadway improvements is \$25.0 million. Barona has agreed to contribute a fair share cost (23%) of designing and constructing the roadway improvements and the County will fund the remaining balance (77%) as funding becomes available. On January 28, 2015 (4), the County adopted a resolution to amend the County of San Diego 2014 TransNet Local Street Improvement Program/Regional Transportation Improvement Program (RTIP) of Projects for Fiscal Years 2014-15 through 2018-19 and allocated \$7,929,000 for the design and right-of-way acquisition for this project. Another \$12.0 million of construction funding is planned in Fiscal Years 2019-20 and 2020-21 (\$6.0 million per year), which are currently outside of the adopted RTIP.

FISCAL IMPACT:

Funds for this request are partially budgeted in the Fiscal Year 2015-16 Operational Plan in the Department of Public Works Detailed Work Program. The funding sources are TransNet (\$375,290) and the Barona Band of Mission Indians fair share contribution (\$111,710). The remaining funding of \$1,751,290 from the Barona Band of Mission Indians will be appropriated in future Operational Plans to complete design, environmental and right-of-way. 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 California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15378(b)(4).
2. Approve and authorize the Clerk of the Board of Supervisors to execute two copies, upon receipt, of the Intergovernmental Improvement Funding Agreement between the County of San Diego and the Barona Band of Mission Indians.
3. Approve acceptance of \$1,863,000 from the Barona Band of Mission Indians, as first phase payment for the design phase for the planned construction project, within 60 days of execution of the Intergovernmental Improvement Funding Agreement.

ACTION:

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

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

3. **SUBJECT: AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR THE AGUA CALIENTE PARK WATER TANK STABILIZATION AND ELECTRICAL SYSTEM POINT OF CONNECTION PROJECT (DISTRICT: 2)**

OVERVIEW:

Agua Caliente Park is a 910-acre County park located in the Anza Borrego Desert that offers camping, trails, cabins, and geothermal heated springs (2008 Thomas Guide page 430, D3). In August 2013, a flash flood impacted the park causing significant damage to the grounds and requiring closure of the park. Initial repairs were made to allow the park to reopen in October 2013. Additional work is needed to protect potable water tanks and upgrade the electrical system to reduce the risk of infrastructure damage during future flood events.

The requested action will authorize the Director, Purchasing and Contracting to advertise and award a construction contract to the lowest responsive and responsible bidder for the Agua Caliente Water Tank Stabilization and Electrical Point of Connection project for an estimated construction cost of \$258,000 including contingency. Remaining project funds of \$112,000 will be used for related project costs including design, inspection, construction management and project administration for an estimated total project cost of \$370,000. If approved, construction is scheduled to begin in summer 2015 with completion expected in fall 2015.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2015-16 Operational Plan in the Department of Parks and Recreation. If approved, this request will result in cost and revenue of \$370,000 for the Agua Caliente Water Tank Stabilization and Electrical System Point of Connection project. Construction costs are estimated at \$258,000 including contingency. Remaining project funds of \$112,000 will be used for design, inspection, construction management, and project administration. The funding source is prior year available Land Use and Environment Group fund balance (\$370,000).

Upon project completion, annual operations and maintenance of improvements will be provided by existing Department of Parks and Recreation staff. 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 Agua Caliente Water Tank Stabilization and Electrical System Point of Connection project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 and 15303.
2. In accordance with Section 401, Article XXIII of the County Administrative Code authorize the Director, Department of Purchasing and Contracting to issue a Competitive Solicitation for the Agua Caliente Water Tank Stabilization and Electrical Point of Connection project, and upon successful negotiations and determination of a fair and reasonable price, award a contract.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board took action as recommended.

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

4. **SUBJECT: GILLESPIE FIELD – PRELIMINARY AGREEMENT CONCERNING DEVELOPMENT AND DISPOSITION OF LAND WITH CREO REAL ESTATE GROUP, LLC (DISTRICT: 2)**

OVERVIEW:

Gillespie Field is a 757-acre 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, D1). In addition to aviation-related facilities and infrastructure, Gillespie Field includes three industrial parks occupied by diverse industrial tenants. The County leases land at these industrial parks to multiple businesses providing goods and services to the general public.

Gillespie Field includes an approximately 31.47-acre vacant lot located adjacent to the existing non-aviation industrial parks, at the northwest corner of Cuyamaca Street and Weld Boulevard, in the City of El Cajon. The area has been designated by the County and released by the Federal Aviation Administration for commercial and industrial development compatible with the Airport. In February 2014, the County issued a Request for Proposals to develop this area, and the selected developer is CREO Real Estate Group, LLC. Before the County can consider entering into a ground lease with the developer, the developer must complete environmental review of their proposed project alternatives in compliance with the California Environmental Quality Act. Prior to beginning the environmental review effort, it is in the best interest of both parties to enter into a preliminary agreement to provide some assurance the land will not be leased to others while entitlements to develop are being obtained.

This is a request to approve the Preliminary Agreement Concerning Development and Disposition of Land with CREO Real Estate Group, LLC. The Preliminary Agreement will help to facilitate the potential future lease and construction of an industrial and/or commercial development on land currently vacant at Gillespie Field, subject to environmental review and future approval of the project by both the City of El Cajon and the County Board of Supervisors.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2015-16 Operational Plan for the Airport Enterprise Fund. If approved, this request will result in costs and revenue of \$10,000 in Fiscal Year 2015-16 and costs and revenue of \$10,000 in Fiscal Year 2016-17. The funding source is a non-refundable annual fee from CREO Real Estate Group, LLC under terms of the Preliminary Agreement Concerning Development and Disposition of Land. 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 action on the Preliminary Agreement Concerning Development and Disposition of Land does not constitute approval of a project within the meaning of Section 15352 of the California Environmental Quality Act (CEQA) Guidelines, because it does not commit the County to a definite course of action.
2. Approve and authorize the Clerk of the Board, upon receipt, to execute three copies of the Preliminary Agreement Concerning Development and Disposition of Land with CREO Real Estate Group, LLC. **(4 VOTES)**
3. Authorize the Director, Department of Public Works, or his designee, to execute any approvals, truthful applications, or related documents required by the City of El Cajon and other governmental agencies to be executed by the owner of the site in connection with the Preliminary Agreement Concerning Development and Disposition of Land with CREO Real Estate Group, LLC.
4. Authorize the Director, Department of Public Works, or his designee, to execute, on behalf of the County, each of the two 12-month term extensions of the Preliminary Agreement Concerning Development and Disposition of Land with CREO Real Estate Group, LLC.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor R. Roberts, the Board took action as recommended.

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

5. **SUBJECT: RATIFY AND APPROVE LIGHT BROWN APPLE MOTH REGULATORY REVENUE AGREEMENT WITH THE STATE OF CALIFORNIA, DEPARTMENT OF FOOD AND AGRICULTURE (DISTRICTS: ALL)**

OVERVIEW:

The County of San Diego Department of Agriculture, Weights and Measures (AWM) provides essential services that protect agriculture and promote the health and safety of the residents of San Diego County. Many of these services are funded by revenue agreements with the State of California Department of Food and Agriculture (CDFA). AWM requests authorization to enter into a revenue agreement with CDFA for \$365,766.50 to continue Light Brown Apple Moth (LBAM) quarantine response and regulatory compliance activities for the period of October 1, 2014 through September 30, 2015. AWM received the contract documents on November 24, 2014 and negotiations with CDFA were recently concluded. Therefore, ratification of the revenue agreement is also requested.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2014-15 Operational Plan and the Fiscal Year 2015-16 Operational Plan for the Department of Agriculture, Weights and Measures. If approved, this request will result in costs and revenue of \$333,542.70 in Fiscal Year 2014-15 and costs and revenue of \$114,245.80 in Fiscal Year 2015-16 for Light Brown Apple Moth quarantine response and regulatory compliance activities. The funding sources are the California Department of Food and Agriculture (\$365,766.50), State Unclaimed Gas Tax (\$31,989.00) and General Purpose Revenue (\$50,033.00). There will be no change in net General Fund cost and no additional staff years.

A waiver of Board Policy B-29 Fees, Grants Revenue Contracts – Department Responsibility for Cost Recovery, is requested as the agreement does not reimburse all costs associated with the Department of Agriculture, Weights and Measures’ administrative overhead. Remaining costs of \$50,033.00 will be supported by General Purpose Revenue.

BUSINESS IMPACT STATEMENT:

Light Brown Apple Moth (LBAM) attacks approximately 250 fruits, vegetables, ornamentals and nursery stock. In the infested counties in Northern California, it causes approximately \$160.0 million to \$640.0 million in crop losses and treatment costs annually. The LBAM quarantines represent potential economic hardships for San Diego county’s \$1.85 billion dollar agricultural industry, especially those agricultural operations that export plants to other states and countries. This contract was established to protect agriculture and facilitate trade by supporting quarantine regulatory activities.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is not a project as defined in the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15378(b)(4).
2. Waive Board Policy B-29 Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery, which requires full-cost recovery for revenue agreements because the full cost of the Light Brown Apple Moth activities, including County and departmental overheads, exceeds the State allowable overhead rate.
3. Ratify the acceptance of the Light Brown Apple Moth Regulatory revenue agreement in the amount of \$365,766.50 with California Department of Food and Agriculture for the period of October 1, 2014 through September 30, 2015, and authorize the Agricultural Commissioner/Sealer of Weights and Measures to execute the revenue agreement.

4. Authorize the Agricultural Commissioner/Sealer of Weights and Measures to execute future revenue agreements with California Department of Food and Agriculture for Light Brown Apple Moth Regulatory activities and all required revenue agreement documents, including any extensions, amendments or revisions thereof that do not materially impact either the program or funding level, for a period of five years through and including a revenue agreement for Fiscal Year 2019-20.

ACTION:

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

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

6. SUBJECT: ASSISTING RESIDENTS AND BUSINESSES IMPACTED BY THE JULY 2015 RAINSTORM (DISTRICTS: ALL)

OVERVIEW:

On March 6, 2002 (18), the Board of Supervisors amended the San Diego County Administrative Code to allow the waiver of plan check review and building permit fees for the rebuilding of structures in the unincorporated area that were damaged or destroyed by a wildfire or other natural disaster. When this occurs, the Board of Supervisors may adopt a resolution identifying the geographic areas affected by the disaster that are eligible for plan check review and building permit fee waivers.

The recent July 2015 Rainstorm resulted in unprecedented rain levels for San Diego County. The City of San Diego received 1.70 inches of rain over a two-day period (July 18-19) which broke records as the wettest July ever. The community of Ramona received the most rain in the region with a total of over 4 inches.

In an effort to assist property owners who sustained damage or suffered a total loss to legal structures in this rainstorm, this board letter will formally declare the unincorporated areas damaged by the July 2015 Rainstorm, as identified in a map to be finalized by the Director of Planning & Development Services and the County Office of Emergency Services, to be eligible for plan check review and building permit fee waivers.

FISCAL IMPACT:

If approved, the waiver of County fees will reduce revenues and increase the net general fund allocation by an unknown amount at this time. There will be no increase in staff years.

BUSINESS IMPACT STATEMENT:

If approved, the waiver of County fees will reduce revenues and increase the net general fund allocation by an unknown amount at this time. There will be no increase in staff years.

**RECOMMENDATION:
SUPERVISOR DIANNE JACOB**

1. Waive Board Policy B-29, Fees, Grants and Revenue Contracts, Department Responsibility for Full Cost Recovery to eliminate the plan check review and building permit fees related to the rebuilding of legal structures of like size and location in the unincorporated area that were damaged or destroyed by the July 2015 Rainstorm.
2. Adopt a resolution entitled: "A RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS DECLARING THE REBUILDING OF LEGAL STRUCTURES IN THE UNINCORPORATED AREA THAT WERE DAMAGED OR DESTROYED IN THE JULY 2015 RAINSTORM TO BE ELIGIBLE FOR PLAN CHECK REVIEW AND BUILDING PERMIT FEE WAIVERS".
3. Authorize the Director of Planning & Development Services and the County Office of Emergency Services to finalize a map showing the boundaries of the geographical areas eligible for plan check review and building permit fee waivers as a result of the July 2015 Rainstorm.
5. Waive full cost recovery and authorize the Assessor/Recorder/County Clerk's Office to issue replacement marriage licenses, death and birth certificates free of charge for victims of the July 2015 Rainstorm whose documents were damaged or destroyed as a result of the disaster.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board took action as recommended, on Consent, adopting Resolution No. 15-114, entitled: "A RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS DECLARING THE REBUILDING OF LEGAL STRUCTURES IN THE UNINCORPORATED AREA THAT WERE DAMAGED OR DESTROYED IN THE JULY 2015 RAINSTORM TO BE ELIGIBLE FOR PLAN CHECK REVIEW AND BUILDING PERMIT FEE WAIVERS".

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

7. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW:

Robert Germann spoke to the Board regarding Gillespie Park/Marshall St.

Martha Welch spoke to the Board regarding Stadium.

ACTION:

Heard, referred to the Chief Administrative Officer.

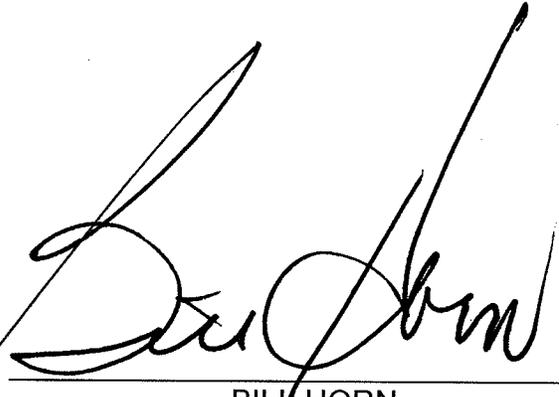
There being no further business, the Board adjourned at 9:42 a.m.

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

Consent: Lopez
Discussion: Vizcarra

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, September 16, 2015.

A large, stylized handwritten signature in black ink, appearing to read "Bill Horn". The signature is written over a horizontal line.

BILL HORN
Chairman

Attest:

A handwritten signature in black ink, appearing to read "D Hall". The signature is written over a horizontal line.

DAVID HALL
Clerk of the Board

8/05/15