

October 19, 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, OCTOBER 19, 2016, 9:00 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

REGULAR SESSION: Meeting was called to order at 9:06 a.m.

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

Approval of Statement of Proceedings/Minutes for meeting of October 5, 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 October 5, 2016.

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. NOTICED PUBLIC HEARING:
MEMORANDUM OF UNDERSTANDING AND AUTHORIZATION FOR FUNDING TO PREPARE A GROUNDWATER SUSTAINABILITY PLAN FOR THE BORREGO VALLEY GROUNDWATER BASIN
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE]
(4 VOTES)

2. NOTICED PUBLIC HEARING:
JACUMBA SOLAR MAJOR USE PERMIT, FIRE AND EMERGENCY SERVICES AGREEMENT AND ENVIRONMENTAL IMPACT REPORT;
MOUNTAIN EMPIRE SUBREGIONAL PLAN AREA

3. NOTICED PUBLIC HEARING:
HOSKINGS RANCH TENTATIVE MAP AND WILLIAMSON ACT CONTRACT AMENDMENT; JULIAN COMMUNITY PLAN AREA

4. AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE VIEJAS BAND OF KUMEYAA Y INDIANS PURSUANT TO TRIBAL-STATE COMPACT REGARDING CASINO EXPANSION
5. RANCHO SANTA FE ROUNDABOUTS PROJECT: AUTHORIZE NEGOTIATIONS TO FUND MAINTENANCE OF INTERSECTION LANDSCAPING AND LIGHTING, CERTIFY ENVIRONMENTAL IMPACT REPORT
6. AUTHORIZE IMPLEMENTATION AGREEMENT WITH RIVERSIDE COUNTY AGENCIES TO COMPLY WITH THE MUNICIPAL STORMWATER PERMIT IN THE SANTA MARGARITA RIVER WATERSHED
7. AUTHORIZATION TO EXECUTE AGREEMENTS BETWEEN THE COUNTY OF SAN DIEGO, THE COUNTY OF ORANGE, AND THE CITY OF SAN DIEGO TO SUPPORT THE EVALUATION OF THE BACTERIA TOTAL MAXIMUM DAILY LOADS BY THE REGIONAL WATER QUALITY CONTROL BOARD [FUNDING SOURCES: GENERAL FUND AND STORMWATER TRUST FUND REVENUE]
8. SET HEARING FOR 12/14/2016:
SAN LUIS REY RIVER PARK – ACQUISITION OF 118 ACRES FOR INCLUSION IN THE RIVER PARK AS OPEN SPACE (SAN LUIS REY DOWNS ENTERPRISES, LLC) (10/19/2016 – SET HEARING; 12/14/2016 – HOLD HEARING)
[FUNDING SOURCES: GENERAL FUND AND GENERAL PURPOSE REVENUE]
9. SET HEARING FOR 11/16/2016:
PURCHASE OF AGRICULTURAL CONSERVATION EASEMENT (PACE) PROGRAM – PURCHASE OF TWO AGRICULTURAL CONSERVATION EASEMENTS IN RAMONA AND PALA-PAUMA VALLEY (10/19/2016-SET HEARING; 11/16/2016-HOLD HEARING)
[FUNDING SOURCES: FISCAL YEAR 2015-16 AND 2016-17 PACE PROGRAM AVAILABLE FUND BALANCE]
10. GILLESPIE FIELD – AMENDMENTS TO INDUSTRIAL LEASES WITH GKN AEROSPACE CHEM-TRONICS, INC. AND VERIDIAM, INC.
[FUNDING SOURCE: RENTAL PAYMENTS FROM THE LESSEES UNDER THE TERMS OF THE AMENDED AGREEMENTS]
(4 VOTES)
11. ADOPT A RESOLUTION OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE PORTIONS OF IRREVOCABLE OFFERS OF DEDICATION FOR ROADWAY PURPOSES ALONG SUNCREST BOULEVARD, CREST AREA (VACATION NO. 2015-0199)

12. ESTABLISH APPROPRIATIONS AND APPROVE THE FIRST AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE JAMUL-DULZURA UNION SCHOOL DISTRICT FOR TRACK IMPROVEMENTS AT OAK GROVE MIDDLE SCHOOL
[FUNDING SOURCE: PRIOR YEAR PLDO AREA 19 JAMUL AVAILABLE FUND BALANCE]
(4 VOTES)
13. AUTHORIZATION TO ADVERTISE AND AWARD A DESIGN-BUILD CONTRACT FOR THE SAN DIEGO BOTANIC GARDEN IMPROVEMENTS PROJECT AND EXECUTE FIRST AMENDMENT TO LEASE AGREEMENT
[FUNDING SOURCE: PRIOR YEAR AVAILABLE GENERAL FUND FUND BALANCE]
14. AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE CITY OF SAN DIEGO RELATED TO THE ANNEXATION OF AN ISLAND AND TRANSFER OF STORMWATER MANAGEMENT RESPONSIBILITIES IN SOUTHEASTERN SAN DIEGO
[FUNDING SOURCE: AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE]
(4 VOTES)
15. AUTHORIZATION TO EXECUTE CONTRACT AND APPROVE ASSOCIATE COMMISSION MEMBER AGREEMENT WITH SOUTHERN CALIFORNIA COASTAL WATER RESEARCH PROJECT AUTHORITY
[FUNDING SOURCE: GENERAL FUND]
16. SEMI-ANNUAL REPORT OF GIFTS AND DONATIONS TOTALING OVER \$5,000 TO THE DEPARTMENT OF PARKS AND RECREATION
17. PUBLIC COMMUNICATION

1. **SUBJECT: NOTICED PUBLIC HEARING:
MEMORANDUM OF UNDERSTANDING AND
AUTHORIZATION FOR FUNDING TO PREPARE A
GROUNDWATER SUSTAINABILITY PLAN FOR THE
BORREGO VALLEY GROUNDWATER BASIN
(DISTRICTS: 2 AND 5)**

OVERVIEW:

This item is a request for the Board of Supervisors (Board) to consider approving a Memorandum of Understanding (MOU) between the County of San Diego (County) and Borrego Water District (BWD) and authorize funding necessary to commence preparation of a Groundwater Sustainability Plan (Plan) for the Borrego Valley Groundwater Basin (BVGB) to comply with the requirements of the Sustainable Groundwater Management Act (SGMA). When multiple local agencies declare to become a GSA over the same basin areas, SGMA requires the parties to reach an agreement to eliminate the overlap. The purpose of the MOU is to memorialize each agency's role and responsibilities for developing the Plan that is required to achieve long-term groundwater sustainability, and to eliminate the overlap between each agency.

On October 20, 2015, the BWD held a public hearing and approved a resolution to become a Groundwater Sustainability Agency (GSA) over its portion of the BVGB, as shown on Attachment A. On January 6, 2016 (1), the Board adopted a resolution authorizing the County to become a GSA over the BVGB. The Board further authorized the Director of Department of Planning & Development Services (PDS), to conduct negotiations and develop an inter-agency agreement between the County and BWD. The resultant MOU has been prepared to memorialize roles and responsibilities for developing the Plan for the BVGB.

Today's request is for the Board to 1) approve the MOU between the County and BWD; 2) designate PDS as the County department responsible for carrying out the terms of the MOU; and 3) authorize the Director of PDS to enter into a contract with consultant(s) to prepare a Plan for BVGB.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year 2016-17 Operational Plan. If approved, this request will result in costs of \$500,000 in Fiscal Year 2016-17. The funding source is available prior year General Fund fund balance. Future costs of \$700,000 to complete the Plan will be included in future Operational Plans in the Department of Planning and Development Services. There will be no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15061(b)(1) and Water Code Section 10728.6.
2. Adopt the MOU entitled: MEMORANDUM OF UNDERSTANDING: DEVELOPMENT OF A GROUNDWATER SUSTAINABILITY PLAN FOR THE BORREGO VALLEY GROUNDWATER BASIN (Attachment B).
3. Approve and authorize execution of the MOU (Attachment B) by the Clerk of the Board.
4. Designate PDS as the County department responsible for carrying out the terms of the MOU (Attachment B) and direct the Director, PDS to form a Borrego Valley SGMA Advisory Committee as described in this report.
5. 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: COUNTY OF SAN DIEGO, PLANNING & DEVELOPMENT SERVICES AGREEMENT FOR DEVELOPMENT OF THE GROUNDWATER SUSTAINABILITY PLAN FOR THE BORREGO VALLEY GROUNDWATER BASIN; and upon successful negotiations and determination of a fair and reasonable price, award contracts for a term of two years, with two option years and up to an additional six months if needed, and to amend the contracts as needed to reflect changes to services and funding.
6. Establish appropriations of \$500,000 in PDS, Services & Supplies, for consultant services to develop the Plan for BVGB based on available prior year General Fund fund balance. **(4 VOTES)**

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Jacob, the Board closed the Hearing and took action as recommended.

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

2. **SUBJECT: NOTICED PUBLIC HEARING:
JACUMBA SOLAR MAJOR USE PERMIT, FIRE AND
EMERGENCY SERVICES AGREEMENT AND
ENVIRONMENTAL IMPACT REPORT; MOUNTAIN
EMPIRE SUBREGIONAL PLAN AREA (DISTRICT: 2)**

OVERVIEW:

This is a request for the Board of Supervisors (Board) to evaluate and consider a proposed Major Use Permit and Fire and Emergency Services Agreement for the

Jacumba Solar photovoltaic solar energy generating facility, and make a decision on the certification of an Environmental Impact Report. This permit would authorize the construction and operation of a 108-acre solar energy facility on a 304-acre site with a production capacity of approximately 20 megawatts (MW).

The site is located approximately two and one half miles east of Jacumba Hot Springs and adjacent to the U.S.-Mexico international border fence and the San Diego Gas & Electric (SDG&E) East County (ECO) Substation, within the Mountain Empire Subregional Plan Area (57th Edition Thomas Guide Page 1322).

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

PLANNING COMMISSION

On May 20, 2016, the Planning Commission considered the application and made the following recommendations to the Board.

1. Adopt the Environmental Findings included in Attachment E, which includes the certification of an Environmental Impact Report (EIR).
2. Grant Major Use Permit PDS2014-MUP-14-041 and impose the requirements and conditions set forth in the Major Use Permit (MUP) Form of Decision (Attachment C).
3. Approve the Fire and Emergency Services Agreement (Agreement) between the County of San Diego and Jacumba Solar LLC; and authorize the County Fire Warden or designee to sign the Agreement for the County (Attachment G).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services (PDS) concurs with the Planning Commission's recommendations and further recommends the Board take the additional and related action:

4. Require Jacumba Solar LLC to enter into an agreement to defend and indemnify the County in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the agreement. If litigation is filed challenging the Board's action on this project, require Jacumba Solar LLC to provide security in the amount of \$500,000 in the form of an irrevocable letter of credit or bond, in a form acceptable to County Counsel, within 10 days of litigation being filed.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor D. Roberts, the Board closed the Hearing and took action as recommended by the Department of Planning and Development Services.

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

**3. SUBJECT: NOTICED PUBLIC HEARING:
HOSKINGS RANCH TENTATIVE MAP AND WILLIAMSON
ACT CONTRACT AMENDMENT; JULIAN COMMUNITY
PLAN AREA (DISTRICT: 2)**

OVERVIEW:

This is a request for the Board of Supervisors to approve a proposed Tentative Map (TM) for the Hoskings Ranch 24-lot agricultural subdivision, approve an amendment to an existing Williamson Act Contract, and certify an Environmental Impact Report (EIR).

The project site is located at the southwest intersection of State Route (SR) 78/79 and Pine Hills Road, in the Julian Community Planning Area (57th Edition Thomas Guide Pages 1135 and 1155).

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

PLANNING COMMISSION

On February 5, 2016, the Planning Commission considered the project and made the following recommendations to the Board of Supervisors (Board):

1. Adopt the Environmental Findings, which includes the required California Environmental Quality Act (CEQA) findings required to certify the EIR (Attachment E, page 462).
2. Adopt the resolution entitled: RESOLUTION OF SAN DIEGO COUNTY CONDITIONALLY APPROVING TENTATIVE MAP NO. 5312 RPL³ which makes the appropriate findings and includes those requirements and conditions necessary to ensure that the project is consistent with State laws and County of San Diego Regulations (Attachment C, page 374).
3. Adopt the THIRD AMENDMENT TO LAND CONSERVATION CONTRACT (AP 15-01) to reduce the Williamson Act Contract's minimum lot size on a 161-acre portion of the Hoskings Ranch from 160 acres to 40 acres. (Attachment D, page 457).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services (PDS) concurs with the Planning Commission's recommendations and further recommends the Board take the following additional action:

4. Require the applicant enter into a Defense and Indemnification Agreement with the County in accordance with County Code Section 86.201, et seq., and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on this project, require Genesee Properties, Inc. to provide security in the amount of \$750,000.00 in the form of an irrevocable letter of credit or bond, in a form acceptable to County Counsel, within 10 days of litigation being filed (Attachment J).

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Cox, the Board closed the Hearing and took action as recommended by the Department of Planning and Development Services adopting Resolution No. 16-124 entitled: RESOLUTION OF SAN DIEGO COUNTY CONDITIONALLY APPROVING TENTATIVE MAP NO. 5312 RPL³.

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

4. **SUBJECT: AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE VIEJAS BAND OF KUMEYAAY INDIANS PURSUANT TO TRIBAL-STATE COMPACT REGARDING CASINO EXPANSION (DISTRICT: 2)**

OVERVIEW:

This is a request to authorize the Clerk of the Board to execute an Amended and Restated Intergovernmental Agreement (Agreement) between the County of San Diego (County) and the Viejas Band of Kumeyaay Indians (Viejas) pursuant to tribal-state compact regarding casino expansion, and to find that the proposed action is exempt from the California Environmental Quality Act (CEQA). Revisions to the Agreement would memorialize recent negotiations between Viejas and the County of San Diego regarding mitigation for construction of a second hotel tower and additional gaming area.

Viejas submitted a Tribal Environmental Impact Report (TEIR) to the County in August 2016 to review impacts for a 170-room, five-story hotel to be built adjacent to the existing casino, which would include a spa, outdoor pools and entertainment spaces, new restaurants, and renovated gaming areas (Project). In the Agreement, Viejas agrees to pay \$150,000 to the County to mitigate impacts, with no restrictions on the County for spending the funding, and further agrees to measures for protection of dark skies, groundwater resources, and fire protection.

FISCAL IMPACT:

There is no direct fiscal impact associated with the signing of this Agreement. A one-time payment of \$150,000 will be made to the County of San Diego for the mitigation of other impacts to off-reservation lands, and appropriations will be requested of the Board of Supervisors as necessary for projects per the agreement. There will be no change in net General Fund costs and no additional staff years required.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that entering into the Intergovernmental Agreement with Viejas is not a project as defined in Sections 15060(c)(3) and 15378 (b)(4) of the California Environmental Quality Act (CEQA) Guidelines.
2. Approve and authorize the Clerk of the Board of Supervisors to execute two copies, upon receipt, of the Amended and Restated Intergovernmental Agreement between the County of San Diego and the Viejas Band of Kumeyaay Indians pursuant to tribal-state compact regarding casino expansion.

ACTION:

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

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

5. **SUBJECT: RANCHO SANTA FE ROUNDABOUTS PROJECT:
AUTHORIZE NEGOTIATIONS TO FUND MAINTENANCE
OF INTERSECTION LANDSCAPING AND LIGHTING,
CERTIFY ENVIRONMENTAL IMPACT REPORT
(DISTRICT: 5)**

OVERVIEW:

The Rancho Santa Fe Roundabouts Project is designed to improve traffic flow and ease congestion at three stop sign controlled intersections (Via de la Valle/La Fremontia, El Montevideo/La Valle Plateada, and El Camino del Norte/Del Dios Highway) along Paseo Delicias, a two-lane road within the historic Rancho Santa Fe community (2013 Thomas Guide Page 1168-1F, 2E, 3E, 3D). The roundabouts project arose in response to community interest in developing a project that would improve traffic flow and ease intersection congestion. The roundabouts are designed to also accommodate bicyclists, equestrians and pedestrians.

This is a request to authorize the Director, Department of Public Works (DPW), or designee, upon identification of funding for project construction, to negotiate and execute a MOU with the Rancho Santa Fe Community Services District (RSFCSD) and the Rancho Santa Fe Association (RSFA) for RSFCSD and the RSFA to fund the maintenance of landscaping and lighting at the three project roundabouts on County-maintained roads. This request is also to certify the Final Environmental Impact Report (FEIR), adopt the related California Environmental Quality Act findings for mitigation of significant impacts and adopt a Statement of Overriding Considerations for one temporary impact that cannot be mitigated.

By certifying the FEIR, the project will meet State of California and federal requirements allowing it to better compete for grants and other funding sources.

FISCAL IMPACT:

There is no fiscal impact associated with these recommendations. Should funding for construction of the three project roundabouts become available in the future, a request for appropriation of funds will be included as part of a request to authorize the advertisement and award of a construction contract. There will be no change in General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Certify that the Final Environmental Impact Report (FEIR) dated September 2016 SCH No. 2007101081, has been completed in compliance with California Environmental Quality Act (CEQA) and the State CEQA Guidelines, that the EIR was presented to the Board of Supervisors, that the Board of Supervisors reviewed and considered the information contained therein before approving the project, and that the FEIR reflects the independent judgment and analysis of the Board of Supervisors.
2. Adopt the Findings Concerning Mitigation of Significant Environmental Effects pursuant to Section 15091 of the State CEQA Guidelines.
3. Adopt the Statement of Location and Custodian of Record.
4. Adopt the Statement of Overriding Considerations pursuant to Section 15093 of the State CEQA Guidelines.
5. Adopt the determination that recirculation of the FEIR is not required pursuant to Section 15088.5 of the State CEQA Guidelines.
6. Adopt the Mitigation Monitoring and Reporting Program prepared in accordance with Section 15097 of the State CEQA Guidelines.
7. Authorize the Director, Department of Public Works, or designee, upon identification of funding for project construction, to negotiate and execute a MOU with the Rancho Santa Fe Community Services District (RSFCSD) and the Rancho Santa Fe Association (RSFA) for RSFCDS and RSFA to fund the maintenance of landscaping and lighting of the three project roundabouts on County-maintained roads.

ACTION:

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

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

6. SUBJECT: AUTHORIZE IMPLEMENTATION AGREEMENT WITH RIVERSIDE COUNTY AGENCIES TO COMPLY WITH THE MUNICIPAL STORMWATER PERMIT IN THE SANTA MARGARITA RIVER WATERSHED (DISTRICT: 5)

OVERVIEW:

The Municipal Stormwater Permit issued to the County of San Diego and other local agencies by the San Diego Regional Water Quality Control Board requires a Water Quality Improvement Plan for the Santa Margarita River Watershed. Development and implementation of this plan is a joint responsibility of the County of San Diego and several agencies in southern Riverside County. The Riverside County Flood Control and Water Conservation District (District) is the Principal Permittee responsible for coordinating the efforts of multiple agencies in the watershed.

The District has prepared an Implementation Agreement describing the roles and responsibilities of each responsible agency with regard to the Water Quality Improvement Plan. Today's action would authorize the Department of Public Works to execute the Implementation Agreement and to negotiate and execute any future amendments or extensions. It would also authorize the Departments of Public Works, Parks and Recreation, and Agriculture, Weights and Measures to apply for and accept grant funds to support implementation of the Santa Margarita River Watershed Water Quality Improvement Plan.

FISCAL IMPACT:

There is no fiscal impact associated with these recommendations. There is no cost associated with entering into the Implementation Agreement. There will be no change in net General Fund cost and no additional staff years. Funds to develop the Santa Margarita River Watershed Water Quality Improvement Plan are included in the Fiscal Year 2016-17 Operational Plan in the Department of Public Works Watershed Protection Program. If approved, funds for any grants awarded will be appropriated in future year Operational Plans or quarterly budget status adjustments.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines that execution of the Implementation Agreement and delegation of authority are exempt from CEQA review because it can be seen with certainty that there is no possibility these activities may have a significant effect on the environment.
2. Approve and authorize the Director of the Department of Public Works, or his designee, to execute the Implementation Agreement with the Santa Margarita River Watershed Agencies and to take all actions necessary to fulfill the County of San Diego's obligations under the Implementation Agreement.

3. Approve and authorize the Director of the Department of Public Works, or his designee, to execute amendments or extensions to the Implementation Agreement with the Santa Margarita River Watershed Agencies.
4. Approve and authorize the Directors of the Department of Public Works and Parks and Recreation and Commissioner, Agriculture, Weights and Measures, or their designees, to apply for and accept state or federal grant funds to support implementation of the Santa Margarita River Watershed Water Quality Improvement Plan.

ACTION:

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

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

7. **SUBJECT: AUTHORIZATION TO EXECUTE AGREEMENTS BETWEEN THE COUNTY OF SAN DIEGO, THE COUNTY OF ORANGE, AND THE CITY OF SAN DIEGO TO SUPPORT THE EVALUATION OF THE BACTERIA TOTAL MAXIMUM DAILY LOADS BY THE REGIONAL WATER QUALITY CONTROL BOARD (DISTRICTS: ALL)**

OVERVIEW:

The Municipal Stormwater Permit issued to the County of San Diego (County) and other local agencies by the San Diego Regional Water Quality Control Board requires compliance with Total Maximum Daily Loads (TMDLs) for bacterial indicators at several beaches and creek segments in San Diego and Orange Counties. The Bacteria TMDL establishes an aggressive timeline to restore water quality at these beaches and creeks. Costs to achieve Bacteria TMDL targets in the unincorporated area have been estimated between \$286 million and \$567 million over the next 15 years.

The Bacteria TMDL anticipated the need to revise the numeric standards and implementation plan based on new science. In partnership with the City of San Diego, County of Orange, and others, the County has undertaken special studies to collect data that may serve to support science-based revisions to the Bacteria TMDL or broader changes to the water quality objectives upon which the TMDL is based. In support of this process, San Diego Regional Water Quality Control Board (RWQCB) Resolution No. R9-2015-0043 identified the re-evaluation of bacteria water quality objectives as one of the highest priority projects to be addressed in a triennial review of the San Diego Basin Plan. The RWQCB also committed to seeking an impartial third-party analysis of the costs and benefits of implementing the TMDL. The RWQCB is expected to consider TMDL revisions by 2018.

This is a request to authorize execution of two cost-sharing agreements with the City of San Diego and the County of Orange (Bacteria Agreements). The first agreement is to support development of a TMDL recommendations report based on new science and the results of recent special studies. The second agreement is to ensure timely completion of a third-party TMDL cost-benefit analysis. The total cost to the County to implement the agreements is \$1,210,583.

FISCAL IMPACT:

Funding for the first year of this request is included in the Fiscal Year 2016-17 Operational Plan in the Department of Public Works Watershed Protection Program. If approved, the first year of this request will result in costs of \$1,008,370 with additional costs of \$202,213 over the subsequent three years (Fiscal Years 2017-18 through 2019-20) which will be budgeted in future Operational Plans. The total cost of this request is \$1,210,583, which will be partially offset by revenue from other jurisdictions in the amount of \$490,395. The Fiscal Year 2016-17 funding sources are General Fund (\$517,975) and Stormwater Trust Fund revenue (\$490,395). 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 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines that execution of the proposed agreements and delegation of authority are exempt from CEQA review because it can be seen with certainty that there is no possibility the activity may have a significant effect on the environment.
2. Approve and authorize the Director of the Department of Public Works, or his designee, to execute and to negotiate extensions to the Bacteria Agreements with the City of San Diego and the County of Orange, and to take all action necessary to fulfill the County's obligations under the Bacteria Agreements, including, without limitation, authorizing payment requests for work.
3. Approve and authorize the Director of the Department of Public Works, or his designee, to execute modifications or amendments to the Bacteria Agreements with the City of San Diego and the County of Orange.

ACTION:

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

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

8. **SUBJECT: SET HEARING FOR: 12/14/2016:
SAN LUIS REY RIVER PARK – ACQUISITION OF 118
ACRES FOR INCLUSION IN THE RIVER PARK AS OPEN
SPACE (SAN LUIS REY DOWNS ENTERPRISES, LLC)
(10/19/2016 – SET HEARING; 12/14/2016 – HOLD HEARING)
(DISTRICT: 5)**

OVERVIEW:

The County has identified approximately 118 acres in the Bonsall area available for acquisition to add to the planned San Luis Rey River Park. The property is located south of Camino del Rey and east of State Route 76 (57th Edition Thomas Guide page 1068, A-2) and is in the Multiple Species Conservation Program Draft North County Plan Pre-Approved Mitigation Area. Acquisition of the property will preserve land near the San Luis Rey River where the least Bell's vireo, a songbird on the federal and state endangered species lists, has been sited. Subject to future funding and environmental review, the property may also provide passive recreational opportunities including non-motorized, multi-use trails for the river park.

Today's request requires two steps. On October 19, 2016, it is requested that the Board set a hearing for December 14, 2016, and provide public notice of the hearing. If the Board takes the actions recommended for October 19, 2016, then on December 14, 2016 after making the necessary findings, the Board is requested to approve the purchase of Assessor's Parcel Numbers 126-070-20, 126-100-09, 126-100-20, 126-100-23, 126-120-30, 126-230-15, 126-230-48, and 126-300-55 from San Luis Rey Downs Enterprises, LLC for the appraised value of \$5,885,500.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2016-17 Operational Plan for the Multiple Species Conservation Program (MSCP) Acquisitions Fund. If approved, this request will result in current year costs of \$6,263,500 itemized as follows: \$5,885,500 for property acquisition; \$40,000 for staff, appraisal and ancillary costs to complete the transaction; \$5,000 for closing and title costs; and \$333,000 in one-time land protection costs, including initial stewardship that features gates and fencing, installation of signage, vegetation management and stormwater/erosion protection measures (\$133,000) and the update of the existing resource management plan for the San Luis Rey River Park to include the subject property and preparation of a revegetation plan and associated environmental documentation (\$200,000). The funding source is General Fund.

Total annual cost for land monitoring and management of the 118 acres is estimated at \$64,000. In addition, there will be an estimated annual cost of \$3,289 for fixed charge assessments including vector control and water standby charges. The funding source will be General Purpose Revenue and will be provided for in future Operational Plans. There will be no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER**

On October 19, 2016:

1. Set a hearing for December 14, 2016 at which time the Board of Supervisors may consider approving the purchase of Assessor's Parcel Numbers (APNs) 126-070-20, 126-100-09, 126-100-20, 126-100-23, 126-120-30, 126-230-15, 126-230-48, and 126-300-55 from San Luis Rey Downs Enterprises, LLC for the appraised value of \$5,885,500.
2. Direct the Clerk of the Board of Supervisors to provide notice of said hearing via publication and posting as required by law.

If, on October 19, 2016, the Board takes the actions recommended in Items 1-2 above then, on December 14, 2016:

1. Find that the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15325 and 15304 because it involves the acquisition of land to preserve open space or lands for park purposes and existing conditions, and involves vegetation management and stormwater/erosion protection measures.
2. Approve the Purchase and Sale Agreement and Joint Escrow Instructions for the purchase of APNs 126-070-20, 126-100-09, 126-100-20, 126-100-23, 126-120-30, 126-230-15, 126-230-48, and 126-300-55 from San Luis Rey Downs Enterprises, LLC at the appraised value of \$5,885,500.
3. Authorize the Director, Department of General Services, or designee, to execute two originals of the Purchase Sale Agreement and Joint Escrow Instructions as well as all escrow and related documents necessary to complete the purchase of APNs 126-070-20, 126-100-09, 126-100-20, 126-100-23, 126-120-30, 126-230-15, 126-230-48, and 126-300-55.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board took action as recommended, on Consent, setting a Hearing for December 14, 2016.

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

9. **SUBJECT: SET HEARING FOR 11/16/2016:
PURCHASE OF AGRICULTURAL CONSERVATION
EASEMENT (PACE) PROGRAM – PURCHASE OF
TWO AGRICULTURAL CONSERVATION EASEMENTS
IN RAMONA AND PALA-PAUMA VALLEY (10/19/2016 –
SET HEARING; 11/16/2016 – HOLD HEARING)
(DISTRICTS: 2 & 5)**

OVERVIEW:

On December 4, 2013 (3), the Board of Supervisors (Board) established the Purchase of Agricultural Conservation Easement (PACE) Program as an on-going

County program and established the continuous funding of acquisitions through an annual General Fund appropriation and sale of mitigation credits. On September 17, 2014 (1), the Board expanded the PACE Program to include a mitigation component.

The Board provided staff with the following direction:

- Periodically reopen the PACE application process to interested property owners; and
- Pursue an on-going PACE program based on an annual funding allocation of up to \$1,500,000.

In response to the Board's direction, in Fiscal Year (FY) 2015-16, the County acquired 189.87 acres through the PACE program. As of today, 59.23 acres have been acquired in FY 2016-17. Today's request is to approve easement acquisitions from two property owners that have signed "willing seller" letters. The first property is identified as Assessor Parcel Numbers (APN) 130-120-07, 132-020-16, -22, -37, -51, -52 (211.54 acres) appraised at \$608,470, and the second property is identified as APN 278-080-08 (81.99 acres) appraised at \$361,500, for a total of 293.53 acres. The appraised value of each easement exceeds the limit established by Government Code Section 25350.60 and Administrative Code Section 73(a), which authorizes acquisition of real property interests valued at less than \$250,000 by the Director, Department of General Services, and requires the Board's approval. The two agricultural conservation easements appraised for a combined value of \$969,970.

The easement acquisition request requires two steps. On October 19, 2016, the Board is requested to set a hearing for November 16, 2016, and provide public notice for the hearing. If the Board takes the actions recommended for October 19, 2016, then on November 16, 2016, after making the necessary findings, staff requests the Board approve the purchase of agricultural easements for the above referenced properties.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2016-17 Operational Plan for Planning & Development Services (PDS). If approved, this request will result in estimated costs of \$974,970 for the two easements totaling \$969,970 which includes \$5,000 in related title and escrow costs. The funding source is Fiscal Year 2015-16 (\$411,056) and 2016-17 (\$563,914) PACE Program available fund balance. After acquiring the two easements, \$936,086 will remain in the PACE Program. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER**

On October 19, 2016:

1. Set a hearing for November 16, 2016 at which time the Board of Supervisors may consider approving the purchase of agricultural easements over Assessor Parcel Numbers (APNs) 130-120-07, 132-020-16, -22, -37, -51, -52 and 278-080-08.
2. Direct the Clerk of the Board of Supervisors to provide notice of said hearing via publication and posting as required by law.

If on October 19, 2016, the Board takes the actions recommended in Items 1-2 above, then on November 16, 2016:

1. Find that the proposed project is categorically exempt from the California Environment Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15325 as it involves the transfer of ownership of land to allow continued agricultural use and preserve existing natural conditions.
2. Approve the Real Property Contract for the purchase of an agricultural conservation easement over APNs 130-120-07, 132-020-16, -22, -37, -51, and -52 from Few Acres Ranch LLC, John Dwight Beck Family Trust U.D.T. 2/17/99, and John D. Beck Family Trust U/D/T February 17, 1999 for the appraised value of \$608,470.
3. Approve the Real Property Contract for the purchase of an agricultural conservation easement over APN 278-080-08 from JSB Trust Dated January 22, 2000 for the appraised value of \$361,500.
4. Authorize the Director, Department of General Services, or designee, to execute two originals of each Real Property Contract as well as all escrow and related documents necessary to complete the purchases of agricultural conservation easements over APNs 130-120-07, 132-020-16, -22, -37, -51, -52 and 278-080-08.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board took action as recommended, on Consent, setting a Hearing for November 16, 2016.

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

10. **SUBJECT: GILLESPIE FIELD – AMENDMENTS TO INDUSTRIAL LEASES WITH GKN AEROSPACE CHEM-TRONICS, INC. AND 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 the City of Santee (57th Edition Thomas Guide page 1251, D-1). 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.

On August 8, 1984 (59), the Board of Supervisors approved one of the four industrial leases with Chem-Tronics, Inc., which later changed its name to GKN Aerospace Chem-Tronics, Inc. On June 22, 2005 (11), the Board of Supervisors approved a new ground lease with Carpenter Special Products Corporation, which subsequently changed its name to Veridiam, Inc. Veridiam, Inc. subleases a portion of its leasehold to GKN Aerospace Chem-Tronics, Inc.

GKN Aerospace Chem-Tronics, Inc. and Veridiam, Inc. requested the County to adjust their leasehold premises, to transfer this portion to GKN Aerospace Chem-Tronics, Inc., so it would lease the area directly from the County. This would be accomplished through lease amendments for both businesses.

This is a request to approve the fifth amendment to the industrial lease with GKN Aerospace Chem-Tronics, Inc. and the third amendment to the industrial lease with Veridiam, Inc. If the proposed action is approved, an approximate 0.57-acre portion of land would be subtracted from the Veridiam, Inc. leasehold and added to the GKN Aerospace Chem-Tronics, Inc. leasehold.

FISCAL IMPACT:

Funds for this request are partially included in the Fiscal Year 2016-17 Operational Plan for the Airport Enterprise Fund. If approved, this request would result in total annual revenue of \$720,028 in Fiscal Year 2016-17; a net increase of \$86 over the amount budgeted. The funding source for additional revenue is rental payments from the lessees under the terms of the amended agreements. There would 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 amendments are categorically exempt from CEQA review as they consist of the leasing of existing facilities involving negligible or no expansion of existing use.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the fifth amendment to the industrial lease with GKN Aerospace Chem-Tronics, Inc., County Contract No. 70619R. (4 VOTES)
3. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the third amendment to the industrial lease with Veridiam, Inc., County Contract No. 117011. (4 VOTES)

ACTION:

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

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

11. **SUBJECT: ADOPT A RESOLUTION OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE PORTIONS OF IRREVOCABLE OFFERS OF DEDICATION FOR ROADWAY PURPOSES ALONG SUNCREST BOULEVARD, CREST AREA (VACATION NO. 2015-0199) (DISTRICT: 2)**

OVERVIEW:

The Department of General Services, Real Estate Services Division is processing a request to summarily vacate portions of the Irrevocable Offer to Dedicate Real Property (IOD) for public highway purposes granted on a document recorded August 23, 1976 as File/Page No. 76-273551, and the portion of the IOD for roadway purposes over portions of Parcel Map No. 12890, in the county of San Diego, California, made and rejected on the map. The portions of the IODs proposed to be vacated are a portion of Suncrest Boulevard located in the unincorporated area of the County, in the vicinity of Crest, west of the intersection with Vista Way and South Lane, identified as APN: 509-310-26, 509-310-27, and 509-310-28. These IODs are excess right-of-way, not required for street or highway purposes.

Today's request is to adopt a Resolution to summarily vacate portions of the IODs for highway and roadway purposes over portions of Parcels 1, 2 and 3 of Parcel Map No. 12890, adjacent to the northerly sideline of Suncrest Boulevard, that are excess right-of-way, and are not part of the County's General Plan Mobility Element. There are no in-place public utility facilities that are in use that would be affected by the vacation and no property owner would be land-locked as a result of the proposed vacation. Therefore, the excess right-of-way may be summarily vacated pursuant to Streets and Highways Code Section 8334(a).

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2016-17 Operational Plan in the Department of General Services. If approved, this request would result in costs of \$2,085 to process the proposed vacation. These costs will be absorbed in the budgeted appropriations. 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 is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(2) and (3) because the action does not have a direct or indirect effect on the environment as it will only result in the vacation excess IODs for right-of-way and the action is not a project as defined in Section 15378 of the CEQA Guidelines.
2. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE IRREVOCABLE OFFERS OF DEDICATION FOR HIGHWAY AND ROADWAY PURPOSES ALONG SUNCREST BOULEVARD, CREST AREA (VACATION NO. 2015-0199).
3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2015-0199 pursuant to Streets and Highways Code Section 8336.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Cox, the Board took action as recommended, on Consent, adopting Resolution No. 16-125 entitled: RESOLUTION OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE IRREVOCABLE OFFERS OF DEDICATION FOR HIGHWAY AND ROADWAY PURPOSES ALONG SUNCREST BOULEVARD, CREST AREA (VACATION NO. 2015-0199).

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

12. **SUBJECT: ESTABLISH APPROPRIATIONS AND APPROVE THE FIRST AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE JAMUL-DULZURA UNION SCHOOL DISTRICT FOR TRACK IMPROVEMENTS AT OAK GROVE MIDDLE SCHOOL (DISTRICT: 2)**

OVERVIEW:

The County and the Jamul-Dulzura Union School District (School District) currently have a Joint Exercise of Powers Agreement for the construction of recreational facilities that are available for public use at Oak Grove Middle School. The School District has proposed the construction of a synthetic track around their new synthetic turf field at Oak Grove Middle School in the unincorporated community of Jamul (2009 Thomas Guide page 1292, J1). The synthetic track project is Phase 2 of a master plan for the Oak Grove Middle School sports complex. The School District has requested \$105,000 in Park Lands Dedication Ordinance (PLDO) funding to partially fund the track improvements. The Department of Parks and Recreation has evaluated the proposed improvements and concurs the request is an eligible and reasonable use of PLDO funds. The First Amendment to the Joint Exercise of Powers Agreement with the Jamul-Dulzura Union School District will provide funding for construction and ensure the new track will be open to the public when not in use by the school.

The requested action will authorize the Director, Department of Parks and Recreation to execute the First Amendment to the Joint Exercise of Powers Agreement with the Jamul-Dulzura Union School District and will establish appropriations of \$105,000 in the Park Lands Dedication Ordinance Area 19 Jamul fund based on prior year available fund balance to partially fund the track improvements at Oak Grove Middle School. Design and construction of the project will be managed by the School District. The School District will be responsible for the operation and maintenance of the improvements once completed. If approved, construction will be performed by the School District and is expected to be completed in fall 2016.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year 2016-17 Operational Plan for the Park Lands Dedication Ordinance Area 19 Jamul fund. If approved, this request will result in current year cost of \$105,000 for the track improvements at Oak Grove Middle School. The funding source is prior year PLDO Area 19 Jamul available fund balance. There will be no change in net General Fund cost and no additional staff years.

Construction, annual operations, and maintenance of the improvements will be provided by the Jamul-Dulzura Union School District.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15302 of the California Environmental Quality Act (CEQA) guidelines that the synthetic track construction at Oak Grove Middle School is exempt from CEQA because the project consists of replacement of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose as the structure replaced.
2. Establish appropriations of \$105,000 in the Park Lands Dedication Ordinance Area 19 Jamul fund, to provide funds for the track improvements at Oak Grove Middle School based on prior year available fund balance. **(4 VOTES)**.
3. Authorize the Director, Department of Parks and Recreation to execute the First Amendment to the Joint Exercise of Powers Agreement between the County of San Diego and the Jamul- Dulzura Union School District for the construction of a synthetic perimeter track at Oak Grove Middle School.

ACTION:

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

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

13. **SUBJECT: AUTHORIZATION TO ADVERTISE AND AWARD A DESIGN-BUILD CONTRACT FOR THE SAN DIEGO BOTANIC GARDEN IMPROVEMENTS PROJECT AND EXECUTE FIRST AMENDMENT TO LEASE AGREEMENT (DISTRICT: 3)**

OVERVIEW:

The Department of Parks and Recreation owns parkland in the City of Encinitas that is leased to and operated by the San Diego Botanic Garden (SDBG), (57th Edition, Thomas Guide page 1147, D-6). In recent years, the SDBG has grown rapidly in popularity as a result of their festivals, shows, plant conservation efforts and guest speakers. SDBG seeks to provide an improved customer experience by relocating staff offices and maintenance equipment and storage outside of exhibit areas.

The San Diego Botanic Garden Improvements project will construct new buildings along the western perimeter of the garden for existing staff and maintenance needs. This project will also make improvements to the existing Lawn and Larabee Houses, which are at the center of the garden and currently accommodate horticulture staff and maintenance equipment. This project will improve functionality and provide better use for interpretation by visitors.

Today's proposed action will authorize the Director, Department of Purchasing and Contracting to advertise and award a design-build contract for \$1,750,000 including contingency for the San Diego Botanic Garden Improvements project. Remaining project funds of \$350,000 will be used for related project costs including inspection, construction management, and project administration for a total project cost of \$2,100,000. If approved, project design would begin in fall 2016 with construction completion anticipated in spring 2018. Today's proposed action will also authorize the Director, Department of General Services, to amend the existing lease with the San Diego Botanic Garden to allow the County to enter the property to construct the proposed improvements, revise other lease provisions related to the project and make other immaterial changes to the lease as may be necessary.

FISCAL IMPACT:

Funds for the San Diego Botanic Garden Improvements project are included in the Fiscal Year 2016-17 Operational Plan for the Capital Outlay Fund. If approved this request will result in costs of \$2,100,000 for Capital Project 1018209, San Diego Botanic Garden Improvements project. Design and construction costs are estimated at \$1,750,000, including contingency. Remaining project funds of \$350,000 will be used for related project costs including inspection, construction management, and project administration for a total project cost of \$2,100,000. The funding source is prior year available General Fund fund balance.

Upon project completion, annual operations and maintenance of improvements will be provided by San Diego Botanic Garden staff pursuant to the First Amendment to the Lease Agreement. There will be no additional staff years.

BUSINESS IMPACT STATEMENT:

This public works contract would be competitively procured and help stimulate the local economy.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Sections 15301, 15303 & 15304 of the California Environmental Quality Act (CEQA) Guidelines that the San Diego Botanic Garden Improvements project and lease amendment are categorically exempt from CEQA because the project involves improvements to an existing facility to will result in no or negligible expansion of facility operations.
2. Authorize the Director, Department of General Services, to execute the First Amendment to Lease Agreement with San Diego Botanic Garden (formerly Quail Botanical Gardens), County Contract 75408-R, providing the County with the right to enter the property to construct the project, clarifying that the County will own the improvements at lease expiration, requiring annual operations and maintenance of improvements be provided by San Diego Botanic Garden staff, and providing other immaterial changes as may be necessary.
3. Upon execution of the First Amendment to Lease Agreement, authorize the Director, Department of Purchasing and Contracting to advertise and award a design-build contract and take any action authorized by Section 401, et seq. of the Administrative Code and Public Contract Code sections 22160, et seq. with respect to contracting for the San Diego Botanic Garden Improvements project.
4. Designate the Director, Department of Parks and Recreation as the County Officer responsible for the administration of the contract associated with the construction of the San Diego Botanic Garden Improvements project.

ACTION:

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

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

14. **SUBJECT: AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE CITY OF SAN DIEGO RELATED TO THE ANNEXATION OF AN ISLAND AND TRANSFER OF STORMWATER MANAGEMENT RESPONSIBILITIES IN SOUTHEASTERN SAN DIEGO (DISTRICT: 1)**

OVERVIEW:

The County of San Diego has jurisdiction over an approximately 121-acre area of land that is completely surrounded by territory under the jurisdiction of the City of San Diego and is located within the City's adopted sphere of influence. When a small area of unincorporated land lies within a city, it is referred to as an island,

and Government Code Sections 56375 and 56375.3 identify a streamlined process for annexation of unincorporated islands into the surrounding city. The City of San Diego will be initiating the annexation process with the Local Agency Formation Commission (LAFCO) to detach this Southeastern San Diego island from the County's jurisdiction and annex it into the City's jurisdiction.

The County and City of San Diego are responsible for complying with the requirements of a Municipal Stormwater Permit issued by the San Diego Regional Water Quality Control Board (Regional Board). In addition to routine permit compliance activities, the permit requires the County, City, and other entities to meet numeric water quality limits (or Total Maximum Daily Loads or TMDLs) specific to Chollas Creek, which traverses the Southeastern San Diego island. The Regional Board has established TMDLs for a variety of pollutants in Chollas Creek. This represents the most rigorous regulation of any water body in San Diego County. TMDLs require local jurisdictions to significantly enhance stormwater management activities to meet numeric pollution reduction targets and avoid costly penalties for non-compliance. Following annexation, the City of San Diego would assume the County's responsibility for complying with all stormwater and TMDL regulations on Chollas Creek. In doing so, the County will not face additional compliance costs or liability related to future requirements.

This is a request to approve an agreement with the City of San Diego that outlines responsibilities, costs and the timeline associated with the detachment and current stormwater requirements.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year 2016-17 Operational Plan in Countywide General. If approved, this request will result in costs of \$13,569,345 in Fiscal Year 2016-17. The funding source is available prior year General Fund fund balance. There will be no change in net General Fund cost and no additional staff years. The payment to the City of San Diego will be made upon the completion of the LAFCO Annexation process which is anticipated in spring 2017.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Sections 15320 and 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines that the proposed action to approve a funding agreement in support of an island annexation by the City is exempt from CEQA review.
2. Approve and authorize the Clerk of the Board to execute the Annexation Agreement between the County of San Diego and the City of San Diego for the 121-acre island that includes Greenwood Cemetery and other parcels of land.

3. Establish appropriations of \$13,569,345 in Countywide General, Services and Supplies, for costs associated with the detachment of a County island that will be annexed into the City of San Diego, based on available prior year General Fund fund balance. (4 VOTES)

ACTION:

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

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

15. **SUBJECT: AUTHORIZATION TO EXECUTE CONTRACT AND APPROVE ASSOCIATE COMMISSION MEMBER AGREEMENT WITH SOUTHERN CALIFORNIA COASTAL WATER RESEARCH PROJECT AUTHORITY (DISTRICTS: ALL)**

OVERVIEW:

The Southern California Coastal Water Research Project Authority is a joint powers agency whose purpose is to increase scientific knowledge regarding how treated wastewater discharges, stormwater discharges, and other human activities interact to affect Southern California's coastal aquatic ecological systems, and thereby to ensure protection of these resources. Southern California Coastal Water Research Project Authority is governed by a Commission composed of representatives of public bodies with accountability for water quality management and aquatic protection in southern California. The Commission is responsible for directing and overseeing scientific research to improve our understanding of coastal ecology. A membership in Southern California Coastal Water Research Project Authority allows the County of San Diego to serve as an Associate Member on the Commission. This, in turn, assists the County in designing effective stormwater management programs, which are required by San Diego Regional Water Quality Control Board, Order No. R9-2015-0100 (the Municipal Stormwater Permit).

Today's first action is to authorize an agreement with Southern California Coastal Water Research Project Authority to extend the County's membership from July 1, 2017, to June 30, 2021. Annual fees for Associate Commission Members are \$125,000, for a total four-year cost of \$500,000. Today's second action is to authorize negotiation and award of a contract with Southern California Coastal Water Research Project Authority in the amount of \$250,000 to conduct a bacteria source investigation in the San Diego River Watershed. The investigation will use novel scientific approaches to distinguish bacteria that may cause human illness from those bacteria that are less likely to impact human health.

FISCAL IMPACT:

Funding for the bacteria source investigation is included in the Fiscal Year 2016-17 Operational Plan in the Department of Public Works Watershed Protection Program. If approved, this request will result in costs of \$250,000 in

Fiscal Year 2016-17 to conduct the bacteria source investigation. The funding source is General Fund. SCCWRP membership fees for Fiscal Year 2017-18 through Fiscal Year 2020-21 will result in costs of \$125,000 per year for a total four-year cost of \$500,000. Funding for the membership fees will be included in future year operational plans. There will be no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15306 of the State CEQA Guidelines because the proposed bacteria source investigation includes basic data collection and research for information gathering purposes.
2. Approve and authorize execution by the Director, Department of Public Works, or his designee, of the Associate Membership Agreement for Membership in the Southern California Coastal Water Research Project Authority, and to take all action necessary to fulfill the County obligations under the agreement, including, without limitation, authorizing membership fee payments.
3. Authorize the Director, Department of Purchasing and Contracting, in accordance with County Administrative Code Section 401 et seq., to negotiate and award a contract with the Southern California Coastal Water Research Project Authority for a bacteria source investigation in the San Diego River Watershed, subject to the approval of the Director, Department of Public Works, or his designee.

ACTION:

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

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

16. **SUBJECT: SEMI-ANNUAL REPORT OF GIFTS AND DONATIONS TOTALING OVER \$5,000 TO THE DEPARTMENT OF PARKS AND RECREATION (DISTRICTS: ALL)**

OVERVIEW:

The County of San Diego Department of Parks and Recreation (DPR) received numerous donations from the San Diego County Parks Society (Parks Society) during the period of January 1, 2016 to June 30, 2016. The Parks Society is a nonprofit organization committed to promoting DPR and supporting its programs and special events by offsetting costs through both cash and non-cash donations. County of San Diego Administrative Code, Section 66, *Acceptance of Gifts*, permits the acceptance of donations by the administrative head of each department of the County, subject to ratification by the Board of Supervisors. The Board of Supervisors' approval to accept individual gifts over \$5,000 is required. Donations

received from the Parks Society for the period of January 1, 2016 to June 30, 2016 total \$40,965 (\$7,286 in cash donations and \$33,679 in non-cash donations).

Today's proposed action is to accept the Department of Parks and Recreation Report of Gifts and Donations for the period of January 1, 2016 to June 30, 2016 from the San Diego County Parks Society and ratify the acceptance of gifts exceeding \$5,000. In addition, today's action authorizes the Chair of the Board of Supervisors to sign a letter of appreciation to the Parks Society for the donations.

FISCAL IMPACT:

There is no fiscal impact associated with these recommendations. The Department of Parks and Recreation received donations from the San Diego Parks Society totaling \$40,965 between January 1, 2016 and June 30, 2016. Donations are used to support Department of Parks and Recreation programs. 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 not a project as defined by the California Environmental Quality Act pursuant to Section 21065 because none of the donations were used for actions that would constitute direct or indirect physical change in the environment.
2. In accordance with Administrative Code Section 66, *Acceptance of Gifts* and Board Policy A-112, *Acceptance and Use of Gifts and Donations*, accept the County Department of Parks and Recreation Report of Gifts and Donations from the San Diego County Parks Society for the period of January 1, 2016 to June 30, 2016 and ratify the acceptance of gifts exceeding \$5,000.
3. Authorize the Chair of the Board of Supervisors to sign a letter of appreciation on behalf of the County of San Diego to the San Diego County Parks Society.

ACTION:

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

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

17. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW:

Martha Welch spoke to the Board regarding privatization of County services.

Michelle Mitchell spoke to the Board regarding 4S Ranch sports park.

ACTION:

Heard, referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 11:59 a.m.

DAVID HALL

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

Consent: Miller

Discussion: Zurita

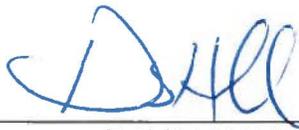
NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors, on Wednesday, November 16, 2016.



RON ROBERTS
Chairman

Attest:



DAVID HALL
Clerk of the Board

10/19/16