

February 4, 2015

STATEMENT OF PROCEEDINGS

The Minutes of the

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

COUNTY OF SAN DIEGO

COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, FEBRUARY 04, 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 9:05 a.m.

Present: Supervisors Bill Horn, Chairman; Dave Roberts, Vice Chairman; Greg Cox; Dianne Jacob; Ron Roberts; also Marvice E. Mazyck, Chief Deputy.

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:
SOITEC SOLAR DEVELOPMENT; MOUNTAIN EMPIRE SUBREGIONAL
PLAN AREA
2. AWARD A CONSTRUCTION CONTRACT FOR BUCKMAN SPRINGS ROAD
AT OAK DRIVE INTERSECTION IMPROVEMENT PROJECT
[FUNDING SOURCE: HIGHWAY USER TAX ACCOUNT]
3. ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD A
CONSTRUCTION CONTRACT FOR OLD HIGHWAY 80 AT PINE CREEK
ROAD INTERSECTION IMPROVEMENTS PROJECT
[FUNDING SOURCE: AVAILABLE PRIOR YEAR ROAD FUND FUND
BALANCE]
4VOTES
4. ADOPT A RESOLUTION ORDERING DISSOLUTION OF SAN DIEGO
COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 1002
SUNNY ACRES IN THE ALPINE AREA (2/4/15 – FIRST READING
ORDINANCE; 3/4/15 – ADOPT ORDINANCE AND DISSOLUTION
RESOLUTION)
5. AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION
CONTRACT FOR LAMAR FITNESS PATH PROJECT
[FUNDING SOURCE: COMMUNITY DEVELOPMENT BLOCK GRANT]

6. RATIFICATION AND AUTHORIZATION TO ACCEPT A REVENUE AGREEMENT WITH THE STATE OF CALIFORNIA FOR BEACH WATER QUALITY MONITORING AND ADOPT A RESOLUTION
[FUNDING SOURCES: REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD, 1991 HEALTH AND SOCIAL SERVICES REALIGNMENT REVENUE, AND GENERAL PURPOSE REVENUE]
7. ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR COUNTYWIDE ASPHALT CONCRETE OVERLAY FISCAL YEAR 2014-2015
[FUNDING SOURCES: AVAILABLE PRIOR YEAR ROAD FUND FUND BALANCE, AND HIGHWAY USER TAX ACCOUNT]
8. PUBLIC COMMUNICATIONS

**1. SUBJECT: NOTICED PUBLIC HEARING:
SOITEC SOLAR DEVELOPMENT; MOUNTAIN EMPIRE
SUBREGIONAL PLAN AREA (DISTRICT: 2)**

OVERVIEW:

Application Dates: May 15, 2012, June 15, 2012, August 22, 2012

This is a request for the Board of Supervisors to evaluate and consider the proposed Rugged Solar and Tierra Del Sol Solar concentrated photovoltaic energy projects in the Mountain Empire Subregional Plan area, and make a decision on the certification of the EIR.

Each project would include concentrated photovoltaic (CPV) technology which utilizes a dual-axis tracking system. The entire tracker assembly measures approximately 48 feet across by 25 feet tall and is mounted on a 28-inch diameter steel mast pole. Each of the projects would also include inverters to convert power from direct current (DC) to alternating current (AC), underground and overhead collector lines, internal fire access and service roads, an operation and maintenance building, and an onsite substation.

The application was first submitted in May of 2012, and in response to public input and analysis, the applicant has modified the proposed project and requested actions. The following table summarizes the four projects first evaluated in the EIR, the project modifications made through the processing of the EIR and the discretionary actions being requested at this time. In addition to the recommendations of the Planning Commission to adopt the Environmental Impact Report (EIR), adopt the Rezone resolution, adopt the Agricultural Preserve Disestablishment ordinance, and grant two Major Use Permits, the Department of Planning & Development Services (PDS) also recommends that the Board of Supervisors approve two Fire and Emergency Services Agreements, adopt a Franchise Agreement Ordinance and require the applicant to enter into an agreement to defend and indemnify the County.

	Site Location	Proposed Development	CEQA Analysis	Project Modifications under Alternative 2A	Discretionary Actions
Rugged Solar	East of Ribbonwood Road and west of McCain Valley Road	<ul style="list-style-type: none"> • 765 acre site • 80 megawatt (MW) • Concentrated photovoltaic technology (CPV) (trackers) • Battery Storage • Temporary Batch Plant and Rock Crushing Facility 	EIR	Removal of 177 trackers	<ul style="list-style-type: none"> • Major Use Permit

<p>Tierra Del Sol Solar</p>	<p>South of Tierra Del Sol and adjacent to the United States-Mexico border</p>	<ul style="list-style-type: none"> • 420 acre site • 60 MW • Concentrated photovoltaic technology (trackers) • 6 mile gen-tie 	<p>EIR</p>	<p>Removal of 99 trackers</p>	<ul style="list-style-type: none"> • Agricultural Preserve Disestablishment • Rezone • Major Use Permit • Utility Franchise
<p>THE COMPONENTS BELOW ARE NO LONGER A PART OF THE PROPOSED PROJECT</p>					
<p>LanWest</p>	<p>South of Interstate-8 and north of Old Highway 80</p>	<ul style="list-style-type: none"> • 55 acre site • 6.5 MW • Concentrated photovoltaic technology (trackers) 	<p>EIR</p>	<p>Elimination of project</p>	<ul style="list-style-type: none"> • Major Use Permit (Withdrawn)
<p>LanEast</p>	<p>South of Interstate-8 and north of Old Highway 80</p>	<ul style="list-style-type: none"> • 233 acre site • 22 MW • Concentrated photovoltaic technology (trackers) 	<p>EIR</p>	<p>Elimination of project</p>	<ul style="list-style-type: none"> • N/A

Table 1: Project Overview

The project case numbers are: PDS2012-3910-120005 (ER), RUGGED SOLAR, PDS2012-3300-12-007 (MUP); TIERRA DEL SOL SOLAR, PDS2012-3600-12-005 (REZ), PDS2012-3921-77-046-01 (AP DIS), PDS2012-3300-12-010 (MUP).

57th Edition Thomas Guide Page 1300 D/1, D/2, D/3, E/1, E/2, E/3, E/4, F/4, G/2, G/3, H/2, H/3, Page 1391 J/7, Page 1320 A/7, Page 1339 and Page 1340

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

**RECOMMENDATION:
PLANNING COMMISSION**

On January 16, 2015, the Planning Commission considered the application and made the following recommendations to the Board of Supervisors.

1. Adopt the environmental findings included in Attachment K, which includes the certification of an Environmental Impact Report (EIR).
2. Adopt the Resolution titled: RESOLUTION OF THE BOARD OF SUPERVISORS DISESTABLISHING A PORTION OF THE MAUPIN AGRICULTURAL PRESERVE NO. 96 (Attachment C) for the reasons stated therein and discussed in this report.

3. Adopt the Ordinance titled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE BOULEVARD SUBREGIONAL PLAN AREA; REF: PDS2012-3600-12-005 (REZ) (Attachment D).
4. Grant Major Use Permit PDS2012-3300-12-010 and impose the requirements and conditions set forth in the Major Use Permit Form of Decision (Attachment E).
5. Grant Major Use Permit PDS2012-3300-12-007 and impose the requirements and conditions set forth in the Major Use Permit Form of Decision (Attachment F).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services concurs with the Planning Commission's recommendations and further recommends the Board take the additional and related actions.

1. Approve the Fire and Emergency Services Agreement between the County of San Diego and Tierra Del Sol Solar Farm LLC and authorize the County Fire Warden or his designee to sign the agreement for the County (Attachment H).
2. Approve the Fire and Emergency Services Agreement between the County of San Diego and Rugged LLC and authorize the County Fire Warden or his designee to sign the agreement for the County (Attachment G).
3. Adopt the Resolution entitled: "RESOLUTION OF INTENTION TO GRANT A FRANCHISE TO TIERRA DEL SOL SOLAR FARM LLC TO INSTALL, MAINTAIN, OPERATE, REPAIR, RENEW AND REMOVE AN UNDERGROUND ELECTRIC TRANSMISSION SYSTEM IN TIERRA DEL SOL ROAD" (Attachment I).
4. Read the title and waive further reading of an Ordinance entitled: "AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, GRANTING TO TIERRA DEL SOL SOLAR FARM LLC TO INSTALL, MAINTAIN, OPERATE, REPAIR, RENEW AND REMOVE AN UNDERGROUND ELECTRIC TRANSMISSION SYSTEM IN TIERRA DEL SOL ROAD", and introduce for further consideration and adoption on March 4, 2015 (Attachment I).
5. Require the applicant 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 Planning & Development Services to execute the agreement. If litigation is filed challenging the Board's action on this project, require Soitec Solar Development, LLC, Tierra Del Sol Solar Farm LLC and Rugged LLC to provide security in the amount of \$300,000.00 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.

If on February 4, 2015 the Board takes actions recommended in items 3 and 4, then on March 4, 2015 after the close of the protest hearing:

Overrule all protests received and adopt an Ordinance entitled: "AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, GRANTING TO TIERRA DEL SOL SOLAR FARM LLC TO INSTALL, MAINTAIN, OPERATE, REPAIR, RENEW AND REMOVE AN UNDERGROUND ELECTRIC TRANSMISSION SYSTEM IN TIERRA DEL SOL ROAD" (Attachment I).

ACTION:

Noting for the record two Errata sheets were submitted, ON MOTION of Supervisor R. Roberts, seconded by Supervisor Cox, the Board closed the Hearing and took action as recommended, adopting Resolution No. 15-015, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS DISESTABLISHING A PORTION OF THE MAUPIN AGRICULTURAL PRESERVE NO. 96; adopting Ordinance No. 10375, entitled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE BOULEVARD SUBREGIONAL PLAN AREA; REF: PDS2012-3600-12-005 (REZ); adopting Resolution No. 15-016, entitled: RESOLUTION OF INTENTION TO GRANT A FRANCHISE TO TIERRA DEL SOL SOLAR FARM LLC TO INSTALL, MAINTAIN, OPERATE, REPAIR, RENEW AND REMOVE AN UNDERGROUND ELECTRIC TRANSMISSION SYSTEM IN TIERRA DEL SOL ROAD; and introducing an Ordinance entitled: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, GRANTING TO TIERRA DEL SOL SOLAR FARM LLC TO INSTALL, MAINTAIN, OPERATE, REPAIR, RENEW AND REMOVE AN UNDERGROUND ELECTRIC TRANSMISSION SYSTEM IN TIERRA DEL SOL ROAD for further consideration and adoption on March 4, 2015.

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

NOES: Jacob

2. **SUBJECT: AWARD A CONSTRUCTION CONTRACT FOR BUCKMAN SPRINGS ROAD AT OAK DRIVE INTERSECTION IMPROVEMENT PROJECT (DISTRICT: 2)**

OVERVIEW:

This is a request to approve a construction contract award to the lowest responsive and responsible bidder for the Buckman Springs Road at Oak Drive Intersection Improvement project located in the unincorporated community of Campo/Lake Morena (2013 Thomas Guide 58 Edition, Page 1297 H-4). On September 24, 2014 (7), the Board approved the advertisement and award of a contract for the project for a total amount of \$850,000, including contingency. The project was advertised and bids were opened on November 21, 2014, with multiple bidders responding. Bids from nine potentially responsive and responsible bidders ranged from \$848,800 to \$1,070,686 with the three lowest

bidders ranging between \$848,800 and \$889,167. Based on a review of the engineer's estimate and responsive bids received, the estimated construction cost for the project will be \$1,000,000, including contingency. Additional funding in the amount of \$150,000 to supplement the original \$850,000 authorized by the Board is necessary to award the construction contract with sufficient contingency. Upon Board approval of this additional authority, the Department of Purchasing and Contracting will subsequently award a contract for construction based on the original advertisement. If approved, construction is scheduled to begin in spring 2015 and be completed by fall 2015.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2014-15 Operational Plan in the Department of Public Works Detailed Work Program. If approved, current year construction cost for the Buckman Springs Road at Oak Drive Intersection Improvement project will be \$1,000,000, including contingency. The funding source is Highway User Tax Account. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

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

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Negative Declaration (ND) on file in the Department of Public Works for the Buckman Springs Road at Oak Drive Intersection Improvements project dated July 14, 2011, and revised August 30, 2011, State Clearinghouse #2011071044 was adopted in compliance with California Environmental Quality Act (CEQA) and State and County CEQA Guidelines, that the decision-making body has reviewed and considered the information contained therein prior to approving the project; and,

Find that there are no substantial changes in the project or in the circumstances under which it is undertaken which involve significant new environmental impacts which were not considered in the previously adopted ND, 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 ND was adopted.

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

ACTION:

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

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

3. SUBJECT: ESTABLISH APPROPRIATIONS, ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR OLD HIGHWAY 80 AT PINE CREEK ROAD INTERSECTION IMPROVEMENTS PROJECT (DISTRICT: 2)

OVERVIEW:

Today's requested actions will authorize the construction of a project to improve an intersection and stabilize a slope in the unincorporated community of Pine Valley. The project is located north of Interstate Route 8 on Pine Creek Road where it intersects Old Highway 80 between State Route 79 to the west and Sunrise Highway to the east (57th Edition Thomas Guide, Page 1237, A5). The project will realign Pine Creek Road to the north to increase its intersection angle with Old Highway 80 and will stabilize the adjacent vertical slope. The project will benefit the community by enhancing vehicular, pedestrian, cyclist and equestrian safety at this intersection by improving the function and operation of the roadway and the stability of the adjacent slope.

This is a request to establish appropriations and approve the advertisement and award of a construction contract to the lowest responsive and responsible bidder for the Old Highway 80 at Pine Creek Intersection Improvements Project. Upon Board approval, the Department of Purchasing and Contracting will advertise and subsequently award a contract for construction. Project construction is scheduled to begin in fall 2015 and be completed by spring 2016. The estimated cost for this project will be \$1,400,000, including contingency.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year 2014-15 Operational Plan in the Department of Public Works Detailed Work Program. If approved, construction costs for the Old Highway 80 at Pine Creek Intersection Improvements Project will be \$1,400,000, including contingency. The funding source is available prior year Road Fund fund balance. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

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

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER**

1. Find that the Mitigated Negative Declaration (MND) on file in the Department of Public Works for the Old Highway 80 at Pine Creek Road Intersection Improvements Project, dated January 2, 2013, State Clearinghouse #2012091054, was adopted in compliance with the California Environmental Quality Act (CEQA) and state and County CEQA guidelines, that the decision-making body has reviewed and considered the information contained therein prior to approving the project; and

Find that there are no substantial changes in the project or in the circumstances under which it is undertaken which involve significant new environmental impacts which were not considered in the previously adopted MND, dated January 2, 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.

2. Establish appropriations of \$1,400,000 in the Department of Public Works Detailed Work Program for the construction of Old Highway 80 at Pine Creek Road Intersection Improvements Project based on available prior year Road Fund fund balance. **(4 VOTES)**
3. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other actions authorized by Section 401, et seq. of the Administrative Code with respect to contracting for subject public works project.
4. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

ACTION:

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

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

4. **SUBJECT: ADOPT A RESOLUTION ORDERING DISSOLUTION OF SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 1002 SUNNY ACRES IN THE ALPINE AREA (2/4/15 – FIRST READING ORDINANCE; 3/4/15 – ADOPT ORDINANCE AND DISSOLUTION RESOLUTION) (DISTRICT: 2)**

OVERVIEW:

Permanent Road Division Zone No. 1002 – Sunny Acres (Zone) was formed as a Permanent Road Division on March 23, 1999 (24), for improving and maintaining Sunny Acres Avenue, a 364-foot road segment. The Zone is located in the Alpine area of San Diego county (57th Edition Thomas Guide Page 1234, G-5).

On March 24, 2014, the Department of Public Works received a petition from a Zone property owner requesting dissolution of Permanent Road Division Zone No. 1002 – Sunny Acres. This petition was signed by 56 percent of the property owners, representing 61 percent of the benefit units within the Zone boundary and is being presented to the Board based on the desires of the property owners within the PRD boundary. There is no additional maintenance being required and there is sufficient funding to close the account so County staff have no concerns with this request.

This action requires two steps. On February 4, 2015, the Board will introduce an ordinance to dissolve Permanent Road Division Zone No. 1002 – Sunny Acres. If the Board takes action on February 4, 2015, then on March 4, 2015, the Board is asked to adopt a Resolution to dissolve Permanent Road Division Zone No. 1002 – Sunny Acres and repeal the related Ordinance authorizing the collection of benefit charges within the boundaries of the Zone.

FISCAL IMPACT:

The Permanent Road Division Zone No. 1002 – Sunny Acres current cash balance is approximately \$11,500. Dissolution costs will be about \$7,500, leaving approximately \$4,000 to be refunded to the property owners. This number could be slightly less, based on expenses between today and final dissolution. Upon dissolution, Sunny Acres Avenue will become the responsibility of the property owners who share road ownership. Thereafter, the County will have no responsibility for road maintenance. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

On February 4, 2015

1. Find that the proposed actions are exempt from California Environmental Quality Act (CEQA) as specified under Section 15060(c)(3) of the state CEQA Guidelines because the activity is not a project as defined by Section 15378 of the state CEQA Guidelines.
2. Approve the introduction of the Ordinance (first reading), read title and waive further reading of Ordinance:

AN ORDINANCE TO REPEAL ORDINANCE NO. 9126 (NEW SERIES) PROVIDING A PROCEDURE FOR FIXING AND COLLECTING CHARGES ON THE TAX ROLL FOR SERVICES AND CONTINUING IN EFFECT THE PREVIOUSLY APPROVED MAXIMUM CHARGE WITHIN SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 1002 – SUNNY ACRES.

If on February 4, 2015, the Board takes the actions recommended in Items 1-2, then, on March 4, 2015:

1. Consider and adopt the Ordinance to repeal Ordinance No. 9126.
2. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS ORDERING DISSOLUTION OF SAN DIEGO COUNTYWIDE PERMANENT ROAD DIVISION NO. 1000, ZONE NO. 1002 - SUNNY ACRES WITHOUT AN ELECTION.
3. Authorize the Director, Department of Public Works and the Auditor & Controller, once dissolution is complete and refunds have been issued to property owners, to take any action necessary to close out all residual funds and transfer to the General Fund relative to Permanent Road Division Zone No. 1002 – Sunny Acres.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor D. Roberts, the Board took action as recommended and directed the Chief Administrative Officer to look into the delay of the recommended action to determine if there was money paid by Peter Realuto to the County that should not have been paid; and if so, then to reimburse him.

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

5. **SUBJECT: AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR LAMAR FITNESS PATH PROJECT (DISTRICT: 2)**

OVERVIEW:

The United States Department of Housing and Urban Development provides an annual grant funding opportunity for housing and community development projects through the Community Development Block Grant (CDBG) Program. On April 15, 2014 (10), the Department of Housing and Community Development received Board of Supervisors approval of the Final Proposed Fiscal Year 2014-15 County of San Diego Annual Funding Plan that included CDBG project funding of \$250,000 for the Lamar Fitness Path project. The Fiscal Year 2014-15 Grant Agreement for CDBG funds was executed in August 2014.

The Lamar Fitness Path project will construct an Americans with Disabilities Act (ADA) compliant pedestrian path that will include a pedestrian bridge over Spring Valley Creek to an ADA accessible exercise loop trail containing a minimum of six outdoor fitness stations. This project will provide access to an underutilized area of the park by bridging over a portion of Spring Valley Creek which serves as an urban runoff drainage channel, and will provide new fitness and recreation opportunities to park patrons. If approved, construction is expected to begin in spring 2015 and to be completed in summer 2015.

The requested action will authorize the Director, Department of Purchasing and Contracting to advertise and award a construction contract to the lowest responsive and responsible bidder for the Lamar Fitness Path project for an estimated cost of \$207,000 including contingency. Additional project funds of \$43,000 will be used for inspection services, construction management and project administration for total project cost of \$250,000.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2014-15 Operational Plan for the Capital Outlay Fund. If approved, costs for Capital Project 1019011, Lamar Fitness Path, will be \$250,000. The funding source is Community Development Block Grant (\$250,000). Construction costs are estimated at \$207,000 including contingency. Remaining project funds of approximately \$43,000 will be used for related project costs including inspection services, construction management and project administration.

Upon project completion, annual operations and maintenance will be provided by existing Department of Parks and Recreation staff in County Service Area 128. 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 Lamar Park fitness path and pedestrian bridge is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303.
2. Authorize the Director, Department of Purchasing and Contracting to advertise and award a construction contract and take any other action authorized by Section 401 et seq. of the Administrative Code with respect to contracting for the construction of the Lamar Fitness Path.

ACTION:

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

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

6. **SUBJECT: RATIFICATION AND AUTHORIZATION TO ACCEPT A REVENUE AGREEMENT WITH THE STATE OF CALIFORNIA FOR BEACH WATER QUALITY MONITORING AND ADOPT A RESOLUTION (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 posting of signs warning of

contaminated water at recreational beaches affected by sewage spills, 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 go into the water.

The State's funding process for Fiscal Year 2013-14 was significantly delayed by the transition of this program to the State Water Resources Control Board. State action was also delayed for Fiscal Year 2014-15; the County did not receive a draft contract until December 2014. The State Water Resources Control Board has provided a new revenue agreement for beach water quality testing in the amount of \$335,000 for the period of July 1, 2014 to September 30, 2015, to administer the monitoring program and public health notification. Since this contract was not received by DEH until 6 months after the July 1, 2014 start date, today's requested action includes both ratification and authorization of the revenue agreement.

The total cost of this program for Fiscal Year 2014-15 is \$493,363. The funding sources are the revenue agreement with the State Water Resources Control Board (\$335,000), 1991 Health and Social Services Realignment revenue (\$136,935), and General Purpose Revenue (\$21,428). A waiver of Board Policy, B-29, Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery, is requested in the amount of \$158,363 for program costs not covered by the contract.

The proposed action is requesting the Board to adopt a resolution, ratify acceptance, and authorize the Director, Department of Environmental Health to execute an agreement with the State Water Resources Control Board, in the amount of \$335,000 to recover accrued and expected costs to administer the beach water quality testing from July 1, 2014 through June 30, 2015.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2014-15 Operational Plan for the Department of Environmental Health. If approved, this request will result in program costs of \$493,363. The funding sources are the revenue agreement with the State Water Resources Control Board (\$335,000), 1991 Health and Social Services Realignment revenue (\$136,935), and General Purpose Revenue (\$21,428). 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 in the amount of \$158,363 for program costs not covered by the contract, including external (County) support costs of \$21,428 which are disallowed under the State agreement.

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. Ratify acceptance and authorize the Director, Department of Environmental Health, to accept and to execute a revenue agreement in the amount of \$335,000 with the State Water Resources Control Board for the period July 1, 2014 through September 30, 2015, and to invoice as provided in that agreement for both accrued and future costs.
3. Authorize the Director, Department of Environmental Health, to execute any amendments, extensions and/or revisions thereof that do not materially impact or alter either the program or funding level.
4. Adopt a Resolution entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE STATE OF CALIFORNIA FOR BEACH WATER QUALITY MONITORING FOR FISCAL YEAR 2014-2015.
5. Waive Board Policy B-29 Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery, which requires full cost recovery for revenue contracts.

ACTION:

ON MOTION of Supervisor D. Roberts, seconded by Supervisor Cox, the Board took action as recommended, adopting Resolution No. 15-017, entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE STATE OF CALIFORNIA FOR BEACH WATER QUALITY MONITORING FOR FISCAL YEAR 2014-2015.

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

7. **SUBJECT: ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR COUNTYWIDE ASPHALT CONCRETE OVERLAY FISCAL YEAR 2014-2015 (DISTRICTS: 1, 2, 3 AND 5)**

OVERVIEW:

The Department of Public Works maintains nearly 2,000 center line miles of roads in unincorporated San Diego county. The Department of Public Works (DPW) uses a pavement management system that incorporates field review, resident and community input, and mechanical data collection to determine which roads require resurfacing. Resurfacing provides road users with structurally sound travel ways and protects roads from deterioration and costly future repairs.

This is a request to approve the advertisement and award of a construction contract to the lowest responsive and responsible bidder for the Countywide Asphalt Concrete Overlay Fiscal Year 2014-15 project. The estimated construction cost for this project is \$2,900,000, including contingencies. The project is scheduled to begin in spring 2015 and be completed by the end of the calendar year.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2014-15 Operational Plan in the Department of Public Works Detailed Work Program. If approved, construction costs for Countywide Asphalt Concrete Overlay will be \$2,900,000, including contingencies. The funding sources are available prior year Road Fund fund balance (\$1,800,000), and Highway User Tax Account (\$1,100,000). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

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

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the CEQA Guidelines because it involves the operation, repair, maintenance of existing public roadway involving no or negligible expansion of existing use.
2. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a construction contract and to take other action authorized by Section 401 et seq. of the Administrative Code with respect to contracting for the subject public works project.
3. Designate the Director, Department of Public Works, as the County Officer responsible for administering the construction contract in accordance with Board Policy F-41, Public Works Construction Projects.

ACTION:

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

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

8. SUBJECT: PUBLIC COMMUNICATIONS (DISTRICTS: ALL)

OVERVIEW:

Robert Germann spoke to the Board regarding Gillespie Field Airport.

Martha Welch spoke to the Board regarding Fracking.

ACTION:

Heard, referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 12:03 p.m.

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

Consent: Panfil

Discussion: Miller

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, March 4, 2015.



DAVE ROBERTS
Chairman

Attest:



DAVID HALL
Clerk of the Board

02/04/15