

March 11, 2020

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, MARCH 11, 2020, 9:00 AM
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY ROOM 310
SAN DIEGO, CALIFORNIA

Order of Business

A. REGULAR SESSION: Meeting was called to order at 9:01 a.m.

PRESENT: Supervisors Greg Cox, Chairman; Jim Desmond, Vice-Chairman; Dianne Jacob; Kristin Gaspar; Nathan Fletcher; also, Erin Demorest, Assistant Clerk of the Board of Supervisors.

B. Closed Session Report

C. Public Communication: No Speakers

D. Approval of the Statement of Proceedings/Minutes for the meeting of February 26, 2020.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of February 26, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

E. Formation of Consent Calendar

F. Discussion Items

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.	ADMINISTRATIVE ITEM: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: ADOPT ORDINANCE ESTABLISHING URBAN AGRICULTURE INCENTIVE ZONES (POD 15-008) (2/26/20 - FIRST READING; 3/11/20 - SECOND READING) [FUNDING SOURCE: FEES PAID BY APPLICANTS; AVAILABLE PRIOR YEAR GENERAL FUND FUND BALANCE BUDGETED IN PDS]

2. NOTICED PUBLIC HEARING:
GENERAL SERVICES - ESTABLISH APPROPRIATIONS FOR PARKLAND ACQUISITION IN FALLBROOK - ACQUISITION OF APPROXIMATELY 6.8-ACRES FOR FALLBROOK LOCAL PARK (BARR RANCH, LLC) (02/12/2020 - SET HEARING; 03/11/2020 - HOLD HEARING)
[FUNDING SOURCE: FISCAL YEAR 2019-20 COMMUNITY DEVELOPMENT BLOCK GRANT AND GENERAL FUND FUND BALANCE COMPONENT DECREASE - COMMITMENT FOR PARKS EXPANSION AND IMPROVEMENT; DEPARTMENT OF PARKS AND RECREATION GENERAL PURPOSE REVENUE]
(4 VOTES)
3. AMEND AIRPORT ENTERPRISE FUND SPENDING PLAN, ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR CAJON AIR CENTER - AIRCRAFT TRANSIENT APRON PROJECT
[FUNDING SOURCES: FEDERAL AVIATION ADMINISTRATION AND AVAILABLE PRIOR YEAR AEF FUND BALANCE]
(4 VOTES)
4. APPROVE AND RATIFY FISCAL YEAR 2019-20 REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH AND BAY WATER QUALITY MONITORING PROGRAM
[FUNDING SOURCE: REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD AND 1991 HEALTH REALIGNMENT REVENUE FROM THE STATE]
5. SEMI-ANNUAL REPORT OF GIFTS AND DONATIONS AND RATIFICATION OF ACCEPTANCE OF GIFTS AND DONATIONS EXCEEDING \$5,000 TO THE DEPARTMENT OF ENVIRONMENTAL HEALTH
6. SEMI-ANNUAL REPORT OF GIFTS AND DONATIONS TOTALING OVER \$5,000 TO THE DEPARTMENT OF PARKS AND RECREATION
7. AUTHORIZATION TO INCREASE CURRENT CONTRACT CAPACITY FOR AS-NEEDED CONSULTANT SERVICES FOR DESIGN SERVICES, CEQA SUPPORT, RESOURCE MONITORING AND BIOLOGICAL RESTORATION SERVICES
8. CLOSED SESSION (CARRYOVER FROM 03/10/2020 ITEM NO. 20)

**1. SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
ADOPT ORDINANCE ESTABLISHING URBAN AGRICULTURE
INCENTIVE ZONES (POD 15-008) (2/26/20 - FIRST READING; 3/11/20 -
SECOND READING) (DISTRICTS: ALL)**

OVERVIEW

On February 26, 2020 (2), the Board of Supervisors introduced the Ordinances for further Board consideration and adoption on March 11, 2020.

In 2013, Assembly Bill 551 (AB 551) authorized a statewide tax reduction incentive program for local governments to encourage use of properties for urban agriculture through the establishment of Urban Agriculture Incentive Zones (UAIZ). On November 14, 2018 (03) the Board of Supervisors (Board) directed the Chief Administrative Officer to establish a UAIZ program, prepare a detailed assessment of blighted properties, analyze the appropriate fee structure, and complete any necessary analysis required by the California Environmental Quality Act (CEQA). Establishing a UAIZ program aligns with *Board Policy I-133 - Support and Encouragement of Farming in San Diego County*, because increasing urban farming opportunities supports local businesses and increases community access to healthy foods. In exchange for a tax reduction, eligible landowners can enter into a UAIZ contract with the County of San Diego (County) to fully dedicate their parcel to agricultural use for a minimum of five years. Parcels must be between 0.1 and 3.0 acres, be vacant or contain only non-residential structures, and be located within unincorporated Census-designated urbanized areas of 250,000 people or more.

Today's request is to establish a UAIZ program through adoption of an ordinance, establishment of an application fee, and consideration of application fee waivers. The recommended actions require two steps. On February 26, 2020, it is requested that the Board find that the action is exempt from CEQA and introduce both the UAIZ ordinance and ordinance amending the Planning & Development Fee Schedule into to the County Code of Administrative Ordinances (first reading). To encourage program participation, the Board may choose to waive *Board Policy B-29 - Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery* and adopt a fee waiver resolution to waive the application fee. Due to previous statewide participation rates, staff anticipates less than 50 applications over the life of the State program. If the Board takes the actions recommended for February 26, 2020, then on March 11, 2020, it is requested that the Board consider and adopt the two ordinances (second reading). If application fee waivers are approved by the Board, the UAIZ program fee waivers may result in costs of up to \$63,200, depending on program participation, and would be funded by available prior year General Fund fund balance budgeted in the Department of Planning & Development Services.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Consider and adopt the UAIZ Ordinance (second reading): AN ORDINANCE ENACTING SECTION 88.20 OF ARTICLE IV-A ASSESSOR/RECORDER/COUNTY CLERK OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES RELATING TO THE URBAN AGRICULTURE INCENTIVE ZONES ORDINANCE
2. Consider and adopt the attached Form of Ordinance entitled (second reading): AN ORDINANCE AMENDING SECTION 362.1 OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES RELATING TO DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES FEE SCHEDULE

FISCAL IMPACT

Funds for this request are included in the Fiscal Year (FY) 2019-20 Operational Plan in the Department of Planning & Development Services (PDS). If approved this request will result in costs and revenues of up to \$63,200 for application processing and contract execution. The funding source is fees paid by applicants. There will be no change in net General Fund cost and no additional staff years.

If approved, the Urban Agriculture Incentive Zones (UAIZ) program may result in a potential loss of property tax revenue to the County of San Diego (County) and affecting taxing entities, depending on program participation. Staff conducted an analysis of potential property tax loss, which indicates 4,165 parcels in the unincorporated area may be eligible to participate. If every eligible parcel participated, the estimated tax loss would be approximately \$5.8 million annually to all taxing agencies. The UAIZ program proposes a \$250,000 cap on property tax loss annually. A total of 180 potentially eligible parcels receiving an average annual tax reduction of \$1,391 could participate in the UAIZ program before reaching the \$250,000 cap. A \$250,000 program cap equates to \$41,280 in annual tax revenue loss for the County and \$208,720 annual loss for other taxing agencies.

To encourage participation, staff has included as an option, a recommendation for the waiver of permit application fees. If the Board of Supervisors (Board) directs the waiver of permit application fees, funds for this request are included in the FY 2019-20 Operational Plan in PDS. If approved, the application fee waiver program may result in costs of up to \$63,200 to the County of San Diego beginning as early as Fiscal Year 2019-20. These funds will offset application fees for up to 50 properties that opt to participate in the UAIZ program. A waiver of Board Policy B-29 is required for unrecovered costs of \$63,200 as a result of the proposed application fee waivers. The funding source is available prior year General Fund fund balance budgeted in PDS. These funds will remain available for UAIZ application fee waivers until depleted or until the UAIZ program sunsets at the State level, whichever occurs first. There will be no additional staff years. Should program participation exceed the anticipated level, staff will return to the Board to request additional funding.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10662 (N.S.), entitled: AN ORDINANCE ENACTING SECTION 88.20 OF ARTICLE IV A ASSESSOR/RECORDER/COUNTY CLERK OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES RELATING TO THE URBAN AGRICULTURE INCENTIVE ZONES ORDINANCE; and,

Ordinance No. 10663 (N.S.), entitled: AN ORDINANCE AMENDING SECTION 362.1 OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES RELATING TO DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES FEE SCHEDULE.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**2. SUBJECT: NOTICED PUBLIC HEARING:
GENERAL SERVICES - ESTABLISH APPROPRIATIONS FOR
PARKLAND ACQUISITION IN FALLBROOK - ACQUISITION OF
APPROXIMATELY 6.8-ACRES FOR FALLBROOK LOCAL PARK
(BARR RANCH, LLC) (02/12/2020 - SET HEARING; 03/11/2020 - HOLD
HEARING) (DISTRICT: 5)**

OVERVIEW

On February 12, 2020 (3), the Board of Supervisors set a Hearing for March 11, 2020.

The community of Fallbrook has three local parks with various park amenities that currently provide one acre of local parkland per 1,000 residents. The current Fallbrook parks do not meet the minimum General Plan goal of 10 acres of local parkland per 1,000 residents. The community of Fallbrook desires additional local active park amenities such as ballfields, sports courts, trails, and playgrounds. County of San Diego (County) staff identified and is proposing to acquire approximately 6.8-acres that can provide a range of additional park amenities desired by the community. The property is located south of Fallbrook Road between Morro Road and Golden Road and meets the criteria for a local active park due to its flat topography and access from County maintained roads. Community meetings in Fallbrook will be held to gather input on specific local active park amenities for the site after acquisition.

On February 11, 2020, the Board of Supervisors (Board) was asked to reallocate Community Development Block Grant (CDBG) funds for parkland acquisitions, including funds for an active park in Fallbrook. If the Board takes the CDBG action on February 11, 2020, this request will proceed, and the property and transaction costs will be funded by CDBG. Land improvement costs will be funded by existing budgeted funds from the General Fund Commitment for Parks Expansion and Improvement.

Today's request requires two steps. On February 12, 2020, the Board is requested to set a hearing for March 11, 2020, to consider approval of the purchase of the approximately 6.8-acre property and direct the Clerk of the Board to provide public notice of the hearing. If the Board takes the recommended actions for February 12, 2020, then on March 11, 2020 after making the necessary findings, the Board is requested to establish CDBG appropriations of \$1,172,000 in Capital Project, 1022921 Fallbrook Local Park, and authorize the purchase of approximately 6.8-acres of Assessor Parcel Numbers 105-841-02 and 105-841-03 (portion) from Barr Ranch, LLC for the total appraised value of \$1,100,000. The total one-time County cost, including property acquisition, staff time, and initial stewardship, is \$1,202,000.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed acquisition of APNs 105-841-02 and 105-841-03 (portion) for park preservation purposes is exempt from the California Environmental Quality Act (CEQA) pursuant to (a) Public Resources Code section 21080.28 and CEQA Guidelines section 15325 for the preservation of land for park purposes and (b) CEQA Guidelines section 15004(b)(2) and section 15004(b)(2)(A) because an agency may designate a preferred site for CEQA review and enter into land acquisition agreements prior to completing CEQA review and the Board of Supervisors hereby makes conditions any future use of the site upon CEQA compliance.

2. Establish appropriations of \$1,172,000 in the Capital Outlay Fund for Capital Project 1022921, Fallbrook Local Park, based on grant funding from a Community Development Block Grant. (4 VOTES)
3. Authorize the Director, Department of General Services, to exercise the option to purchase approximately 6.8 acres of APNs 105-841-02 and 105-841-03 (portion) at the appraised value of \$1,100,000.
4. Authorize the Director, Department of General Services to execute all escrow and related documents necessary to complete the purchase.

FISCAL IMPACT

Funds for this request are partially included in the Fiscal Year 2019-20 Operational Plan in the Capital Outlay Fund in the amount of \$30,000. If approved, this request will result in costs of \$1,202,000 for Capital Project 1022921, Fallbrook Local Park, itemized as follows: \$1,100,000 for property acquisition; \$69,000 for the appraisal and staff time to complete the transaction; \$3,000 for closing and title costs; and \$30,000 in one-time land protection costs, which include initial stewardship signage, weed abatement, and access control. The funding source is the Fiscal Year 2019-20 Community Development Block Grant (\$1,172,000) and General Fund fund balance component decrease - Commitment for Parks Expansion and Improvement (\$30,000). There will be no additional staff years in Fiscal Year 2019-20.

Typical costs for park operations and maintenance and staffing needs for a 6.8-acre park is estimated at \$90,000 to \$125,000 annually. The actual cost will vary and will be determined based on the type of improvements that would be constructed once the County selects a design for the park project, subject to the approval of the Board. Ongoing costs will be included in future years' Operational Plans in the Department of Parks and Recreation. The funding source would be Department of Parks and Recreation General Purpose Revenue.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors closed the Hearing and took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

3. **SUBJECT: AMEND AIRPORT ENTERPRISE FUND SPENDING PLAN, ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR CAJON AIR CENTER - AIRCRAFT TRANSIENT APRON PROJECT (DISTRICT: 2)**

OVERVIEW

Gillespie Field is a general aviation airport owned and operated by the County of San Diego (County) and located within the municipal limits of the City of El Cajon and the City of Santee. The airport is a gateway to and from San Diego's east county providing aircraft storage, maintenance, and services to corporate and general aviation customers. The County owns and is currently redeveloping a vacant 70-acre site located in the southeastern corner of Gillespie Field,

known as the Cajon Air Center. The development will help meet the forecasted regional demand for aviation infrastructure and facilities. The Cajon Air Center project is being implemented in multiple phases based on available funding from the FAA. Staff works with the FAA each year to prioritize airport improvement projects over a five-year period, and the FAA use the five-year plan to issue grants to the County. The major components of the Cajon Air Center development includes construction of an underground detention basin, drainage improvements, utility relocation, road improvements, new aircraft waiting and parking areas and taxiways, and grading of buildable aviation-use lots. Anticipated aviation-related development will be balanced with existing uses and may include hangars and associated office buildings that may provide services such as aircraft storage, sales and maintenance, and related allowable aviation industries.

The Federal Aviation Administration (FAA) has identified the next phase of this project as a priority eligible for funding. As such, the FAA has made additional funding available to complete portions of Phase 3 of the Cajon Air Center Project. On May 11, 2016 (02), the County Board of Supervisors (Board) approved the first phase of the Cajon Air Center to construct an underground detention basin at Gillespie Field which was completed in 2017. On March 13, 2019 (08), the Board approved the second phase of the development which includes connecting Phase 1 detention basin to the existing drainage system and improving the drainage system for Runway Object Free Areas and Runway Safety Areas, which is anticipated to be completed this year.

The next phase, Phase 3, of the redevelopment of Cajon Air Center includes the permanent closure of Airport Drive and installation of a new transient apron in the northwest corner of the development area. The transient apron would provide an area where aircraft could be parked, unloaded or loaded, refueled, or boarded. Completion of Phase 3 will provide airport users access between the new transient apron area and connection points to Taxiway Delta, which intersects all three airport runways. The new apron will provide 29 parking spaces for various aircraft sizes. In addition, the project includes Phase 4 as an additive alternate for a new taxilane and improvements. Phase 4's project provides connectivity to the airport for the first two developable lots.

This is a request to amend the Airport Enterprise Fund (AEF) current year spending plan for Gillespie Field to include the transient apron portion of Phase 3. The FAA has identified this apron project as a priority and the project is eligible for up to 90% FAA grant funding. The FAA has also programmed the project funding for the 2020 Federal Fiscal Year. The AEF is a self-sustaining fund to operate and maintain the County of San Diego's eight airports. The fund receives revenues from airport property leases, and federal and state grants and has an annual operating budget of \$19.3 million. This revenue allows the AEF to front the project cost and then be reimbursed in arrears by FAA. Upon Board approval, the Department of Purchasing and Contracting will advertise and subsequently award to the lowest responsive and responsible bidder a contract to construct the Phase 3 improvements at Gillespie Field. Award of the contract is contingent on receipt of funds approval from the FAA. Construction is anticipated to begin in summer 2020 and be completed by late summer 2021. Phase 3 project costs consist of development costs (\$734,475) and construction costs (\$5,830,000). Total project cost for phase 3 is estimated at \$6,564,475 including contingencies and the funding sources are the FAA and available prior year Airport Enterprise Fund fund balance.

Today's request also includes an additive alternate for a new taxilane and improvements. If FAA funding becomes available for the taxilane project, it would be eligible for up to 90% FAA grant funding. Upon receiving assurances from the FAA to reimburse for the additive alternate, the

AEF will fund the project. Approval of the additive alternate would streamline the application process and enable the County to capture these additional grant funds on short notice. The additive alternate costs include project design (\$391,000) and construction (\$2,509,000). Total project cost for the additive alternate is estimated at \$2,900,000 including contingencies and the funding sources are the FAA grant funding and available prior year AEF fund balance. If approved by the Board and funded by the FAA, the total amendment to the Airport Enterprise spending plan for Gillespie Field would be \$4,164,475. The total estimated cost for Phase 3 (\$6,564,475) and the additive alternate (\$2,900,000) is \$9,464,475. Construction is scheduled to begin in fall 2020 and be completed by summer 2021.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Final Program Environmental Impact Report (FPEIR) for the Gillespie Field 70-acre Redevelopment Project, certified June 20, 2012 (02), State Clearinghouse (SCH) No. 2005111092 on file with the Department of Public Works, was prepared in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines; that the decision-making body has reviewed and considered the information contained therein and the Findings thereto dated March 11, 2020, before approving the project, that the FPEIR reflects the independent judgement and analysis of the Board of Supervisors; and;

Find that there are no substantial changes in the project or in the circumstances under which it is to be undertaken that involve significant new environmental impacts which were not considered in the certified FPEIR; 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 FPEIR was prepared in accordance with CEQA Guidelines Section 15168.

2. Amend the Fiscal Year 2019-20 Airport Enterprise Fund Spending Plan by \$1,264,475 to provide funds for the Cajon Air Center Aircraft Transient Apron Project based on unanticipated revenue from the FAA (\$1,258,027) and available prior year Airport Enterprise Fund fund balance (\$6,448). **(4 VOTES)**
3. Amend the Fiscal Year 2019-20 Airport Enterprise Fund Spending Plan by \$2,900,000 to provide funds for the Cajon Air Center Taxiway Segment Project based on unanticipated revenue from the FAA (\$2,610,000) and available prior year Airport Enterprise Fund fund balance (\$290,000). **(4 VOTES)**
4. Authorize the Director of Purchasing and Contracting to advertise and award a contract and to any take other action authorized by Section 401 et seq. of the Administrative Code, with respect to contracting for the Cajon Air Center - Aircraft Transient Apron Project.
5. Designate the Director, Department of Public Works, as the County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, for Cajon Air Center - Runway Object Free Area and Runway Safety Area Drainage Improvement Project.

FISCAL IMPACT

Funds for this request are partially included in the Fiscal Year 2019-20 Operational Plan in the Airport Enterprise Fund (AEF). Total project cost for the Cajon Air Center Aircraft Transient Apron Project and the additive alternate is estimated at \$9,464,475. Previous Board actions, on March 14, 2017 (21), \$650,000 was appropriated from available prior year fund balance in the AEF for preparation of the project design and environmental processing. Subsequently on March 14, 2018 (04), \$4,650,000 was appropriated in the AEF based on unanticipated revenue from the Federal Aviation Administration (FAA) for construction contract including contingencies and project construction administration.

Today's requested action will amend the AEF Spending Plan by \$1,264,475 for the Cajon Air Center Aircraft Transient Apron Project and \$2,900,000 for the Additive Alternate. If approved, this request will result in additional costs and revenue of \$4,164,475 for construction contract including contingencies and project development costs. The funding sources are the Federal Aviation Administration (\$3,868,027) and available prior year AEF fund balance (\$296,448). 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 will help stimulate the local economy.

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

4. **SUBJECT: APPROVE AND RATIFY FISCAL YEAR 2019-20 REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH AND BAY WATER QUALITY MONITORING PROGRAM (DISTRICTS: 1, 3, 4 & 5)**

OVERVIEW

In 1997, AB 411 Beach Sanitation: Posting (Health and Safety Code Chapter 765) established criteria to identify which beaches are mandated to be monitored for water quality and at what frequency. The AB 411 criteria identify 1) beaches with storm drains that discharge to the beach during dry weather and 2) are visited by more than 50,000 people per year. Beaches that meet these criteria are mandated to be monitored at least weekly from April 1 through October 31 by the local health officer or environmental health agency. Beginning in 1999, State of California (State) regulations implementing AB 411 required local officials to post warning signs at beaches when bacteria levels exceed State health standards.

The Department of Environmental Health (DEH) has entered into a revenue agreement annually with the State since 1999 to receive funds to implement the State-mandated Beach and Bay Water Quality Monitoring Program (Program). This Program collects samples and tests ocean water, conducts public education and outreach, and posts signs warning of contaminated water at public beaches when impacted by sewage spills or urban stormwater runoff. Signs are posted when sample results exceed State health standards, or during other events that may pose a risk to public health. Up-to-date beach water quality information is also made available to the public at www.sdbeachinfo.com <<http://www.sdbeachinfo.com>> so beach-users can make informed decisions as to when and where to enter the water.

The Program is funded by a revenue agreement with the State Water Resources Control Board (SWRCB) and 1991 Health Realignment revenue from the State. The total cost of the Beach and Bay Water Quality Monitoring Program for Fiscal Year 2019-20 is anticipated to be approximately \$560,946. The revenue agreement with the SWRCB will fund \$347,639, which consists of Federal (\$182,214) and State (\$165,425) funding made available through the Public Beach Safety Grant Program. Since this revenue agreement is funded by both Federal and State monies, the performance period for each of the funded amounts is different because the agencies do not have the same fiscal year cycle. The performance period for the State-funded portion will reimburse expenses incurred from July 1, 2019 to June 30, 2020, while the Federally-funded portion will reimburse expenses incurred from October 1, 2019 to August 15, 2020. Additionally, each year DEH receives a fixed amount of ongoing 1991 Health Realignment revenue from the State (\$213,307) that will be used for the Beach and Bay Water Quality Monitoring Program. This accounts for expenditures not allowable under the revenue agreement, including County support costs, which are capped under the revenue agreement, and for wet weather monitoring from November 1 to March 30, which is not otherwise funded by the revenue agreement. A waiver of Board Policy, B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, is requested in the amount of \$213,307 to implement a year-round Beach and Bay Water Quality Monitoring Program throughout the coastal shoreline. In addition, ratification is requested as delayed receipt of the State agreement prevented DEH from bringing this agreement to the Board at least 60 days before the effective date of the agreement and work began before the agreement was in place, as required by Board Policy B-29. The County of San Diego received a final revenue agreement from the SWRCB on February 19, 2020.

If approved by the Board, these recommendations also authorize the DEH Director, or their designee, to execute a revenue agreement with the SWRCB in the amount of \$347,639 for the period of July 1, 2019 through August 15, 2020 to fund the Beach and Bay Water Quality Monitoring Program, and adopt a resolution authorizing DEH to receive the funds.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. In accordance with Section 15061(b)(3) of the State of California Environmental Quality Act (CEQA) Guidelines, find that it can be seen with certainty that there is no possibility this project may have a significant effect on the environment and that it is therefore exempt from CEQA.
2. Waive Board Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, which requires full cost recovery for revenue contracts.
3. Ratify acceptance and authorize the Director, Department of Environmental Health, or their designee, to execute a revenue agreement with the State Water Resources Control Board to fund beach and bay water quality monitoring, in the amount of \$347,639 for the period July 1, 2019 through August 15, 2020.
4. Adopt a Resolution entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH AND BAY WATER QUALITY MONITORING PROGRAM FOR FISCAL YEAR 2019-20.

5. Authorize the Director, Department of Environmental Health, or their designee, to execute any extensions, amendments, or revisions thereof that do not materially impact or alter either the program or funding level.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan in the Department of Environmental Health (DEH). If approved, this request will result in current year program costs and revenue of \$560,946. The funding sources are a revenue agreement with the State Water Resources Control Board (\$347,639) and 1991 Health Realignment revenue from the State (\$213,307). DEH receives a fixed amount of ongoing 1991 Health Realignment revenue for the costs of operating various State mandated public health officer programs, one of which is the Beach and Bay Water Quality Monitoring Program. A waiver of Board Policy, B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, is requested in the amount of \$213,307 for program costs not covered by the revenue agreement including County support costs which are capped under the State revenue agreement, and for wet weather monitoring. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Water quality testing needs to be conducted in a timely manner to ensure the protection of public health and to monitor for water quality impacts at public beaches and bays. When bacteria levels in the water at beaches and bays exceed State health standards, business, tourism and recreational activities in the county can be negatively affected due to a decline in beach-goers recreating and frequenting businesses.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 20-023, entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH AND BAY WATER QUALITY MONITORING PROGRAM FOR FISCAL YEAR 2019-20.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

5. **SUBJECT: SEMI-ANNUAL REPORT OF GIFTS AND DONATIONS AND RATIFICATION OF ACCEPTANCE OF GIFTS AND DONATIONS EXCEEDING \$5,000 TO THE DEPARTMENT OF ENVIRONMENTAL HEALTH (DISTRICTS: ALL)**

OVERVIEW

The County of San Diego Department of Environmental Health (DEH) receives gifts and donations from organizations such as non-profit and professional associations that are interested in expanding DEH expertise and supporting its programs, training events, and staff knowledge by offsetting costs through both cash and non-cash donations. During the period of July 1, 2019 to December 31, 2019, DEH received donations totaling \$5,891.93 (\$1,964.74 in cash donations and \$3,927.19 in non-cash donations). County of San Diego (County) Board of Supervisors (Board) Policy A-112, *Acceptance and Use of Gifts and Donations*, permits the acceptance of donations by the administrative head of each department of the County if specified conditions are met. County Administrative Code Section 66, *Acceptance of Gifts*, requires Board ratification of

the acceptance of such gifts and approval prior to the expenditure of the gift, if the gift exceeds \$5,000. DEH did not request Board approval prior to expending gifts in excess of \$5,000, as required by Administrative Code Section 66, because the amount of funding available for DEH staff participation at the training was unknown.

Today's proposed actions are to accept DEH's Report of Gifts and Donations for the period of July 1, 2019 to December 31, 2019, and to ratify the acceptance and expenditure of gifts by DEH that exceeded \$5,000. Donations received during this reporting period from a non-profit and professional association were used to support DEH staff training.

**RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed action is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and (3) because it does not have a direct or indirect effect on the environment and the action is not a project as defined in Section 15378(b)(5) of the State CEQA Guidelines.
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 of San Diego Department of Environmental Health Report of Gifts and Donations from the California Hazardous Materials Investigators Association for the period of July 1, 2019 to December 31, 2019.
3. In accordance with Administrative Code Section 66 and Board Policy A-112, ratify the acceptance and expenditure of gifts from the California Hazardous Materials Investigators Association for the period of July 1, 2019 to December 31, 2019 that exceeded \$5,000.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. The Department of Environmental Health received \$5,891.93 in cash and non-cash donations for the period of July 1, 2019 through December 31, 2019. These gifts and donations were used to support training and conference attendance. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

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

OVERVIEW

The San Diego County Parks Society (Parks Society) is a nonprofit organization committed to promoting the County of San Diego (County) Department of Parks and Recreation (DPR) and supporting DPR programs and special events by offsetting costs through both cash and non-cash donations. During the period of July 1, 2019 to December 31, 2019, DPR received donations from the Parks Society totaling \$66,270.22 (\$2,950.56 in cash donations and \$63,319.66 in 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, not to exceed \$5,000 individually, subject to ratification by the Board of Supervisors (Board).

Today's proposed actions are to accept the DPR's Report of Gifts and Donations for the period of July 1, 2019 to December 31, 2019.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed actions are not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15060(c)(2) and (3) and 15378(b)(5).
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 of San Diego Department of Parks and Recreation Report of Gifts and Donations from the San Diego County Parks Society for the period of July 1, 2019 to December 31, 2019.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. The Department of Parks and Recreation received donations from the San Diego County Parks Society totaling \$66,270.22 (\$2,950.56 in cash donations and \$63,319.66 in non-cash donations) from July 1, 2019 to December 31, 2019. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

7. SUBJECT: AUTHORIZATION TO INCREASE CURRENT CONTRACT CAPACITY FOR AS-NEEDED CONSULTANT SERVICES FOR DESIGN SERVICES, CEQA SUPPORT, RESOURCE MONITORING AND BIOLOGICAL RESTORATION SERVICES (DISTRICTS: ALL)

OVERVIEW

The Department of Parks and Recreation (DPR) utilizes the services of vendor consultants for planning, design, engineering, California Environmental Quality Act (CEQA) support, land use and resource monitoring, and biological restoration services on an as-needed basis. These consultants allow DPR to provide a timely response to requests for such services for capital, major maintenance improvement, and environmental services projects. The eligible consultants are procured through a qualification-based selection process in accordance with Board of Supervisors Policy F-40, Procuring Architectural, Engineering, and Related Professional Services, resulting in the award of contracts with a contract capacity of not more than \$1,000,000 per year, with the option to renew annually for up to an additional four years. Since June 2017, DPR has received more than \$90,000,000 in additional funding for more than 70 new and existing parks projects from a variety of sources including: Parks Capital Improvement Projects, General Fund Commitment for Parks Expansion and Improvement, Park Land Dedication Ordinance funds, Neighborhood Reinvestment Program funds and recently awarded grants. The recent increase in project funding has increased the use of the existing as-needed consultant service contracts.

Today's request is to approve an increase in the annual capacity of the three planning, design and engineering service consultant contracts up to an additional \$2,000,000 per contract year, not to exceed \$3,000,000 per contract year, for a total capacity of \$11,000,000 per contract. This request will also increase the annual capacity for the four environmental service consultant contracts up to an additional \$2,000,000 per contract year, not to exceed \$3,000,000, for a total capacity of \$15,000,000 per contract. This increase will apply to the current and remaining contract years in order to accommodate the increased capacity requirements. As-needed consultant contract task orders are only issued based on available funding appropriated for approved Department of Parks and Recreation park projects.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed activity is not a project as defined by Section 21065 of the California Environmental Quality Act and CEQA Guidelines Section 15378 as the increase in contract capacity is a government fiscal activity which does not involve any commitment to a specific project which may result in a potentially significant impact on the environment.
2. In accordance with Board Policy F-40, Procuring Architectural, Engineering, and Related Professional Services, approve and authorize the Director, Department of Purchasing and Contracting to enter into negotiations with the following contractors and, subject to successful negotiations, amend the following contracts to increase contract capacity by up to \$2,000,000 per contract year for contract years 3, 4 and 5.

Contract Number	Contractor	Contract Type	Current Contract Amount Not to Exceed	Revised Total Contract Amount Not to Exceed:
556906	Michael Baker International	Planning & Design	\$5,250,000	\$11,000,000
557050	MW Peltz and Associates, Inc.	Planning & Design	\$5,250,000	\$11,000,000
556969	Rick Engineering Company	Planning & Design	\$5,250,000	\$11,000,000
557665	Helix Environmental Planning	Environmental	\$9,000,000	\$15,000,000
557744	Environmental Science Associates	Environmental	\$9,000,000	\$15,000,000
557775	ICF Jones and Stokes, Inc.	Environmental	\$9,000,000	\$15,000,000
558735	Harris and Associates, Inc.	Environmental	\$9,000,000	\$15,000,000
Total	All Contracts		\$51,750,000	\$93,000,000

FISCAL IMPACT

There is no direct fiscal impact associated with these recommendations. If approved, this request will result in the increased capacity of existing individual as-needed consultant contracts for a total increase of \$17,250,000 for design contracts, an increase of \$5,750,000 for a total up to \$11,000,000 per contract. It will also result in increased capacity of existing environmental services for a total increase of \$24,000,000, an increase of up to \$6,000,000 for a total of \$15,000,000 per contract. The total increase in contract value for all seven contracts will increase by \$41,250,000 from \$51,750,000 to \$93,000,000 for all seven contracts. As-needed consultant contract task orders are only issued based on available funding appropriated for approved Department of Parks and Recreation park projects. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

- 8. SUBJECT: CLOSED SESSION (CARRYOVER FROM 03/10/2020 ITEM NO. 20)
(DISTRICTS: ALL)**

OVERVIEW

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to (Paragraph (2) of subdivision (d) of Section 54956.9): (Number of Potential Cases - 1)

- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Dick Miller, Inc. v. County of San Diego.; Office of Administrative
Hearings Case No. A-0008-2018

- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Donald Parker (Deceased) v. County of San Diego; Workers' Compensation
Appeals Board Case No. ADJ10020844

ACTION:

County Counsel reported that for Closed Session on Wednesday, March 11, 2020, the Board of Supervisors took the following action:

Item A: Claim of Nicole Arnold and Savannah Taylor, by a vote of 5-0, authorized settlement of this action for \$57,381.49.

Item B: Dick Miller, Inc. v. County of San Diego, by a vote of 5-0, authorized payment of the arbitration award of \$562,435.48.

There being no further business, the Board adjourned at 9:24 a.m. in memory of Ofelia "Jackie" Seiler, Rosemarie Kalemkarian, Michael Johnson, Gary Pryor, and Eric Nelson.

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

Consent: Santiago
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 Tuesday, March 24, 2020.



GREG COX
Chairman

Attest:



ANDREW POTTER
Clerk of the Board

03/11/2020