

March 13, 2019

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 13, 2019, 9:00 AM
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, SAN DIEGO, CALIFORNIA

Order of Business

A. **REGULAR SESSION:** Meeting was called to order at 9:02 a.m.

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

B. Closed Session Report

C. **Public Communication:** Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.

D. Approval of the Statement of Proceedings/Minutes for the meeting February 27, 2019.

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of February 27, 2019.

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

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 ORDINANCES:
ZONING ORDINANCE UPDATE NO. 31 AND COUNTY CODE AMENDMENTS
(POD 17-004; REZ 18-008) (2/27/19 - FIRST READING; 3/13/19 - SECOND
READING)
[FUNDING SOURCE: FEES PAID BY CUSTOMERS] |
| 2. | ADOPT RESOLUTIONS TO INITIATE PROCEEDINGS FOR FORMATION OF
COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE
MAINTENANCE) |
| 3. | SET A HEARING FOR 04/10/2019:
SPRING VALLEY - CONSIDERATION OF 9 ACRES ON CALAVO DRIVE FOR A
PUBLIC PARK, SET HEARING FOR ACQUISITION AND ADOPTION OF
RESOLUTIONS (CALIFORNIA DEPARTMENT OF TRANSPORTATION) 3/13/2019
FEASIBILITY ASSESSMENT AND SET HEARING; 4/10/2019 HOLD HEARING
[FUNDING SOURCES: GENERAL FUND FUND BALANCE COMPONENT
DECREASE-PARKS EXPANSION & IMPROVEMENT COMMITMENT,
AVILABLE PRIOR YEAR GENERAL FUND FUND BALANCE AND FUND
REDIRECTED FROM CAPITAL PROJECT 1020105 CASA DE ORO LIBRARY AS
INCLUDED IN THE LIBRARY PROJECTS CAPITAL OUTLAY FUND IN THE
2018-19 OPERATIONAL PLAN] |
| 4. | DISSOLUTION OF THE ADVISORY COMMITTEE FOR COUNTY SERVICE
AREA 83 (SAN DIEGUITO) AND 83 ZONE A (4S RANCH) |
| 5. | APPROVE AND RATIFY FISCAL YEAR 2018-19 REVENUE AGREEMENT WITH
THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH AND BAY
WATER QUALITY MONITORING PROGRAM
[FUNDING SOURCES: REVENUE AGREEMENT WITH THE STATE WATER
RESOURCES CONTROL BOARD AND 1991 HEALTH REALIGNMENT
REVENUE] |
| 6. | REPORT OF GIFTS AND DONATIONS TOTALING OVER \$5,000 ACCEPTED
AND EXPENDED FOR OFFICIAL COUNTY BUSINESS PURPOSES FOR
EMPLOYEES DESIGNATED BY THE COUNTY DEPARTMENT OF
ENVIRONMENTAL HEALTH |
| 7. | SEMI-ANNUAL REPORT OF GIFTS AND DONATIONS TOTALING
OVER \$5,000 TO THE DEPARTMENT OF PARKS AND RECREATION |

8. AMEND AIRPORT ENTERPRISE FUND SPENDING PLAN, ADVERTISE AND AWARD CONSTRUCTION CONTRACT FOR CAJON AIR CENTER - RUNWAY OBJECT FREE AREA AND RUNWAY SAFETY AREA DRAINAGE IMPROVEMENT PROJECT
[FUNDING SOURCES: FEDERAL AVIATION ADMINISTRATION AND AVAILABLE PRIOR YEAR AEF FUND BALANCE]
(4 VOTES)
9. PUBLIC COMMUNICATION

1. **SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCES:
ZONING ORDINANCE UPDATE NO. 31 AND COUNTY CODE
AMENDMENTS (POD 17-004; REZ 18-008) (2/27/19 - FIRST
READING; 3/13/19 - SECOND READING) (DISTRICTS: ALL)**

OVERVIEW

This is a request for the County of San Diego (County) Board of Supervisors (Board) to consider and adopt Zoning Ordinance Update No. 31 and the associated County Code amendments (Zoning Ordinance Update). In conformance with State law and the County General Plan (General Plan) Implementation Plan, Planning & Development Services (PDS) proposes periodic Zoning Ordinance amendments for consideration by the Board. The Zoning Ordinance authorizes the Director of PDS to initiate requests to amend the Zoning Ordinance and associated County Codes as necessary to implement and ensure consistency with the General Plan.

This update proposes 21 total changes: 17 to the Zoning Ordinance, one property zoning change, one change to the County Code of Regulatory Ordinances, and two to the County Code of Administrative Ordinances. The amendments to the Zoning Ordinance include changes to definitions, development regulations, general regulations, and one zoning change to a particular property to ensure consistency with the General Plan. The amendments to County Code of Regulatory and Administrative Ordinances include changes to definitions, new regulations for ex-parte communications, and the addition of new permit fees for ministerial review of small wireless facilities in accordance with a recent Federal Communications Commission ruling.

Today's request requires two steps. On February 27, 2019, it is requested that the Board consider the amendments to the Zoning Ordinance and complete the first reading of the changes to the County Code of Regulatory and Administrative Ordinances. If the Board takes the actions recommended for February 27, 2019, then on March 13, 2019, it is requested that the Board submit the amendments to the County Code of Regulatory and Administrative Ordinances for further Board consideration and adoption (second reading).

RECOMMENDATION(S)

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

1. Submit the Ordinance for further Board consideration and adoption (second reading):
AN ORDINANCE AMENDING ARTICLE 21A, SECTIONS 375 and 375.10 OF
THE SAN DIEGO ADMINISTRATIVE CODE RELATED TO EX-PARTE
COMMUNICATION (POD 17-004; REZ 18-008)
2. Submit the Ordinance for further Board consideration and adoption (second reading):
AN ORDINANCE ADDING SECTION 71.614 TO THE SAN DIEGO COUNTY
REGULATORY CODE AND AMENDING SECTIONS 362.1 AND 362.2 OF THE
ADMINISTRATIVE CODE RELATING TO SMALL CELL WIRELESS FACILITY
PERMITS (POD 17-004; REZ 18-008)

FISCAL IMPACT

Funds for the proposed establishment of a ministerial process for small cell wireless facilities permits, including a new inspection deposit and annual fee, are not included in the Fiscal Year 2018-19 Operational Plan in the Department of Public Works (DPW). If approved by the Board, these recommendations are expected to result in total additional projected costs and revenue of \$7,500 for Fiscal Year (FY) 2018-19 and estimated annual costs and revenue of \$30,000 beginning in FY 2019-20. These fees are consistent with the September 26, 2018 FCC Small Scale Wireless Report and Order (FCC-18-133), and are estimated in an amount sufficient to recover full cost as required by Board Policy B-29: *Fees, Grants, Revenue Contracts-Department Responsibility for Cost Recovery*. Accordingly, there is no projected unrecovered cost and a waiver of Board Policy B-29 is not needed. The funding source is fees paid by customers. If approved, costs and revenue for future fiscal years will be included in future years Operational Plans in DPW. 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 Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Ordinance No. 10596 (N.S.), entitled: AN ORDINANCE AMENDING ARTICLE 21A, SECTIONS 375 AND 375.10 OF THE SAN DIEGO ADMINISTRATIVE CODE RELATED TO EX-PARTE COMMUNICATION (POD 17-004; REZ 18-008); and, Ordinance No. 10597 (N.S.), entitled: AN ORDINANCE ADDING SECTION 71.614 TO THE SAN DIEGO COUNTY REGULATORY CODE AND AMENDING SECTIONS 362.1 AND 362.2 OF THE ADMINISTRATIVE CODE RELATING TO SMALL CELL WIRELESS FACILITY PERMITS (POD 17-004; REZ 18-008).

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

2. **SUBJECT: ADOPT RESOLUTIONS TO INITIATE PROCEEDINGS FOR FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE) (DISTRICT: 2)**

OVERVIEW

This is a request for the Board of Supervisors (Board) to initiate proceedings to establish Community Facilities District (CFD) No. 2019-02. The proposed CFD will provide funding for community services through the levy of a special tax on property owners within the Sweetwater Place Community (Sweetwater Place) and will include an annual adjustment to offset increases in costs.

On December 6, 2017 (3), the Board approved a General Plan Amendment and Tentative Map 5588 for Sweetwater Place (TM) to develop 122 detached residential units and a 2-acre public park on 18 acres of land located north of Jamacha Boulevard at Sweetwater Springs Boulevard, within the Spring Valley Community Plan area. A condition of project approval for TM required a CFD or other funding mechanism to be established to provide funding for ongoing maintenance of the public park (two acres) which will be constructed by KB Home (Developer).

The proposed CFD has been reviewed by staff and the total effective special tax rate was found to be in compliance with Board Policy I-136, *Comprehensive Goals and Policies for Community Facilities Districts*, which sets a maximum total effective tax rate of 1.86% of the estimated sales price of the residential homes. The developer has agreed to fund interim maintenance of facilities until CFD funds are available.

The CFD formation process requires three hearings. The first hearing is for the Board to initiate the CFD formation process. A second hearing, scheduled for May 1, 2019, will be for the Board to provide the public an opportunity to comment on the formation of the CFD and complete the first reading of the ordinance authorizing a new tax. A third hearing, scheduled for May 22, 2019, will be for the Board to conduct a second reading of the ordinance to adopt the new tax, if approved by a two-thirds vote of the qualified electors. A qualified elector is either a property owner or registered voter within a proposed CFD; if the proposed community within the CFD boundary is uninhabited, the Mello-Roos Act specifies that in this case the qualified elector is the sole property owner.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Mitigated Negative Declaration (MND) for the Sweetwater Place project, dated August 22, 2017, on file in Planning & Development Services under PDS2015-ER-14-19-005, has been completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; that the decision-making body has reviewed and considered the information contained in the MND prior to approving the formation of the Community Facilities District (CFD); and the MND reflects the independent judgment and analysis of the Board of Supervisors (Board).
2. Find that the currently proposed actions are within the scope of the MND; that there are no changes in the project or in the circumstances under which it is undertaken that would result in significant environmental impacts beyond those considered in the MND; and that no new information of substantial importance has become available since the MND (CEQA Guidelines Section 15162) was prepared.
3. Adopt a Resolution entitled:
RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN TO FINANCE CERTAIN SERVICES AND SETTING THE PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF THE PROPOSED DISTRICT AND ORDERING AND DIRECTING THE PREPARATION OF A COMMUNITY FACILITIES DISTRICT REPORT FOR PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE) (Attachment B, on file with the Clerk of the Board).
4. Adopt a Resolution entitled:
RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, ADOPTING A BOUNDARY MAP SHOWING THE BOUNDARIES OF THE TERRITORY PROPOSED FOR INCLUSION IN THE PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE) (Attachment C, on file with the Clerk of the Board).

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year (FY) 2018-19 Operational Plan in Planning & Development Services or the Department of Parks and Recreation. All staff time and consultant costs incurred to establish and form the Sweetwater Place Maintenance Community Facilities District (CFD), estimated at \$50,000, will be funded by KB Home (Developer). The Developer is responsible for all County of San Diego (County) and consultant costs incurred in the establishment and formation of this CFD and will provide additional funds as needed.

The Rate and Method of Apportionment of the Special Tax (RMA) sets forth the annual amount of special tax to be levied on each parcel in an amount sufficient to support the full cost of public facilities and services, including operations, maintenance and administrative costs, at the time of CFD formation and in future years. In FY 2019-20, when the special tax is scheduled to begin, the maximum annual special tax levy is projected to be \$983.89 per residence. The RMA also specifies an Undeveloped Special Tax of \$8,595 per acre for undeveloped land, levied on the Developer during construction phases, until all residential units are sold and homeowners begin to pay the CFD special tax. Additionally, consistent with Board Policies I-136, *Comprehensive Goals and Policies for Community Facilities Districts*, and B-29, *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, the CFD is projected to fully fund ongoing administration costs of the CFD, estimated at \$10,000 annually in 2019 dollars. The special tax will include annual adjustments estimated to fully offset any increases in maintenance services costs and ongoing administration costs of the CFD, including any staff, services and supplies, and the anticipated cost of repair and replacement of equipment for the public park.

Upon approval of this and associated items by the Board of Supervisors (Board) and approval of the special taxes by the property owners, the ongoing operations, maintenance and administration costs, and levying of the CFD special taxes are authorized to begin in FY 2019-20 and will be included in future Operational Plans. 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 Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 19-022, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN TO FINANCE CERTAIN SERVICES AND SETTING THE PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF THE PROPOSED DISTRICT AND ORDERING AND DIRECTING THE PREPARATION OF A COMMUNITY FACILITIES DISTRICT REPORT FOR PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE);

and, Resolution No. 19-023, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, ADOPTING A BOUNDARY MAP SHOWING THE BOUNDARIES OF THE TERRITORY PROPOSED FOR INCLUSION IN THE PROPOSED COMMUNITY FACILITIES DISTRICT NO. 2019-02 (SWEETWATER PLACE MAINTENANCE).

AYES: Jacob, Gaspar, Fletcher, Desmond
ABSENT: Cox

3. **SUBJECT: SET A HEARING FOR 04/10/2019:
SPRING VALLEY - CONSIDERATION OF 9 ACRES ON CALAVO
DRIVE FOR A PUBLIC PARK, SET HEARING FOR ACQUISITION
AND ADOPTION OF RESOLUTIONS (CALIFORNIA DEPARTMENT
OF TRANSPORTATION) 3/13/2019 FEASIBILITY ASSESSMENT AND
SET HEARING; 4/10/2019 HOLD HEARING (DISTRICT: 2)**

OVERVIEW

The California Department of Transportation (Caltrans) owns an approximately 9-acre property (Calavo Property) located on Calavo Drive north of Jamacha Boulevard and within the community of Spring Valley. Caltrans has declared the property surplus and is in the process of putting the property out to auction for sale for an appraised value of \$6,400,000. The Spring Valley Community Planning Group has indicated to the County of San Diego (County) that its top priority for parkland is the acquisition of the Calavo Property for a park and community sports complex.

On January 30, 2019 (6) the County Board of Supervisors (Board) directed staff to explore the feasibility of purchasing the property for the purpose of developing a public park or multi use sports facility and return to the Board by March 27, 2019. Staff reviewed the appraisal for the Calavo Property and determined that the \$6,400,000 price is fair and reasonable. The Calavo Property is considered a feasible site for future recreational facilities because it is undeveloped, has fairly flat topography, is a reasonable size, is accessible from major roadways, is located in proximity to schools and residences, and has potential for trail connections. The site was assessed for potential environmental constraints and was found to have low potential for sensitive environmental resources that could preclude development of future park facilities.

Today's request requires multiple steps. On March 13, 2019, the Board is requested to set a hearing for April 10, 2019, to consider approval of the purchase of the Calavo Property, and direct the Clerk of the Board to provide public notice of the hearing. If the Board accepts the recommended actions for March 13, 2019, then on April 10, 2019, after making the necessary findings, the Board is requested to authorize the purchase of the Calavo Property identified as Caltrans Director's Deed DD20613-01-04 from Caltrans for the appraised value of \$6,400,000. Additionally, on April 10, 2019 the Board is requested to adopt resolutions declaring that the property will be used for a public purpose as a future park facility and declaring a portion of Calavo Drive a County Highway upon the transfer of the Calavo Property to the County. The total project acquisition cost in Fiscal Year 2018-19 of \$6,454,000 would include \$6,400,000 for property acquisition, \$25,000 for transaction costs; \$12,000 for closing and title costs; and \$17,000 in initial land stewardship costs. The

cost for design, environmental analysis and construction of a future park facility on this parcel is estimated at \$7,000,000 to \$9,000,000; however actual costs will be determined once an environmental assessment is completed and the park amenities are determined after public input.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On March 13, 2019:

1. Find that the request to set a hearing date to consider the purchase of California Department of Transportation Director's Deed DD20613-01-04 does not constitute approval of a project as defined by the California Environmental Quality Act (CEQA) pursuant to Section 15352 and 15378(b)(5) of the State CEQA Guidelines.
2. Set a hearing for April 10, 2019, at which time the Board of Supervisors may consider approving the purchase of the property identified as California Department of Transportation Director's Deed DD20613-01-04 for the appraised value of \$6,400,000.
3. Direct the Clerk of the Board of Supervisors to provide notice of said hearing via publication and posting as required by law.

If, on March 13, 2019, the Board takes the actions recommended in Items 1-4 above, then on April 10, 2019:

1. Require that any future use of California Department of Transportation Director's Deed DD20613-01-04 be contingent upon compliance with CEQA.
2. Cancel appropriations of \$3,947,935 in the Library Projects Capital Outlay Fund and related Operating Transfer In from the General Fund for Capital Project 1020105 Casa de Oro Library, to provide funding for the Calavo Park property acquisition.
3. Authorize the Auditor & Controller to reduce the Fund Balance Commitment for Parks Expansion & Improvement by \$1,000,000 to provide funding for Capital Project 1022858 Calavo Park. **(4 VOTES)**
4. Establish appropriations of \$2,506,065 in the Contribution to Capital Outlay Fund, Operating Transfer Out, for Capital Project 1022858 Calavo Park, based on General Fund fund balance component decrease - Parks Expansion & Improvement Commitment (\$1,000,000) and available prior year General Fund fund balance (\$1,506,065). **(4 VOTES)**
5. Establish appropriations of \$6,454,000 in the Capital Outlay Fund for Capital Project 1022858 Calavo Park, based on an Operating Transfer In from the General Fund. **(4 VOTES)**
6. Adopt a Resolution entitled:
A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO DECLARING THAT THE LAND IDENTIFIED IN DIRECTORS DEED DD20613-01-04 WILL BE USED FOR A PUBLIC PURPOSE AS FUTURE PARK LAND.

7. Adopt a Resolution entitled:
A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO DECLARING A PORTION OF CALAVO DRIVE IN SPRING VALLEY A COUNTY HIGHWAY.
8. Authorize the Director, Department of General Services to execute two originals of the Purchase and Sale Agreement for the purchase of approximately 9 acres identified as California Department of Transportation Director's Deed DD20613-01-04 for \$6,400,000.
9. 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 2018-19 Operational Plan in the Capital Outlay Fund for Capital Project 1020105 Casa de Oro Library. If approved, this request will result in current year costs of \$6,454,000 for Capital Project 1022858 Calavo Park. The funding sources are General Fund fund balance component decrease - Parks Expansion & Improvement Commitment (\$1,000,000), available prior year General Fund fund balance (\$1,506,065) and funds redirected from Capital Project 1020105 Casa de Oro Library as included in the Library Projects Capital Outlay Fund in the 2018-19 Operational Plan (\$3,947,935). Costs are itemized as follows: \$6,400,000 for property acquisition; \$25,000 for staff time to complete the transaction; \$12,000 for closing and title costs; and \$17,000 in initial land stewardship costs. There will be no additional staff years in Fiscal Year 2018-19.

Annual total operational costs for managing the vacant approximately 9 acres are estimated at \$6,000 beginning in Fiscal Year 2019-20. Ongoing costs for park operations, maintenance and staffing needs of the developed park will be determined based on the improvements that will be planned and constructed, subject to the approval of the Board. Ongoing costs will be included in future years' Operational Plans in the Department of Parks and Recreation. Ongoing costs could include costs associated with managing the vacant land or costs associated with managing and maintaining a developed park if the Board elects to proceed with construction of a park. The cost to construct a future park facility on this parcel is estimated at \$7,000,000 to \$9,000,000; however the actual costs will be determined after an environmental assessment has been completed and the future park amenities have been selected based on public input.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, and set a Hearing for April 10, 2019.

AYES: Jacob, Gaspar, Fletcher, Desmond
ABSENT: Cox

4. SUBJECT: DISSOLUTION OF THE ADVISORY COMMITTEE FOR COUNTY SERVICE AREA 83 (SAN DIEGUITO) AND 83 ZONE A (4S RANCH) (DISTRICTS: 3 AND 5)

OVERVIEW

Board of Supervisors Policy A-74, Citizen Participation in County Boards, Commissions and Committees, sets forth the sunset review process by which staff reviews active advisory committees to determine the effectiveness of the committee, its functions, and the need for its continued existence. In accordance with this policy, this is a request to dissolve the seven-member Advisory Committee for County Service Area (CSA) 83 (San Dieguito) and a CSA 83 subarea titled 83 Zone A (4S Ranch) that was established on July 23, 2008 (10). The committee was established to provide information and recommendations to the County of San Diego Department of Parks and Recreation (DPR) regarding the annual operations and maintenance of local parks in the San Dieguito and 4S Ranch communities. 83 Zone A is a subarea within CSA 83

The committee has been inactive for the past five years and despite DPR's efforts to recruit new members through direct conversations with park users, athletic league organizers, and other community members, there has been no interest from the community. The last CSA 83/83A meeting was held on August 1, 2013. DPR meets with the San Dieguito Community Planning Group and the 4S Ranch Youth Sports Coalition to seek input and assistance on matters regarding new park planning, park improvements, recreation programs and facility use in the San Dieguito and 4S Ranch communities.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Pursuant to Board Policy A-74, dissolve the seven-member Advisory Committee for County Service Area 83 (San Dieguito) and 83 Zone A (4S Ranch).

FISCAL IMPACT

There is no fiscal impact associated with this recommendation. 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 Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent.

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

5. **SUBJECT: APPROVE AND RATIFY FISCAL YEAR 2018-19 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 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 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. The total cost of the Beach and Bay Water Quality Monitoring Program for Fiscal Year 2018-19 is anticipated to be approximately \$546,101. The revenue agreement with the SWRCB will fund \$348,500, which consists of Federal (\$188,500) and State (\$160,000) 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, 2018 to June 30, 2019, while the Federally-funded portion will reimburse expenses incurred from October 1, 2018 to August 15, 2019. Additionally, each year DEH receives a fixed amount of ongoing 1991 Health Realignment revenue (\$197,601). 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 to implement a year-round Beach and Bay Water Quality Monitoring Program throughout the coastal shoreline. A waiver of Board Policy, B-29: *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, is requested in the amount of \$197,601. 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, as required by Board Policy B-29. The County of San Diego received a final revenue agreement from the SWRCB on February 14, 2019.

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 \$348,500 for the period of July 1, 2018 through August 15, 2019 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 \$348,500 for the period July 1, 2018 through August 15, 2019.
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 2018-2019.
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 2018-19 Operational Plan in the Department of Environmental Health (DEH). If approved, this request will result in current year program costs and revenue of \$546,101. The funding sources are a revenue agreement with the State Water Resources Control Board (\$348,500) and 1991 Health Realignment revenue (\$197,601). DEH receives a fixed amount of ongoing 1991 Health Realignment revenue to assist with covering 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 \$197,601 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 Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 19-024, 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 2018-2019.

AYES: Jacob, Gaspar, Fletcher, Desmond
ABSENT: Cox

6. **SUBJECT: REPORT OF GIFTS AND DONATIONS TOTALING OVER \$5,000 ACCEPTED AND EXPENDED FOR OFFICIAL COUNTY BUSINESS PURPOSES FOR EMPLOYEES DESIGNATED BY THE COUNTY 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 industry 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. County of San Diego 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 of Supervisors 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 receive Board approval prior to expending gifts in excess of \$5,000 as required by Administrative Code Section 66 because the funding for staff participation at these meetings and trainings were unanticipated.

Today's proposed actions are to accept DEH's Report of Gifts and Donations from the California Certified Unified Program Agency (CUPA) Forum Board totaling \$5,010 for the period of July 1, 2018 to December 31, 2018, and to ratify the acceptance and expenditure of gifts by DEH that exceeded \$5,000. Donations received during this reporting period from non-profit and industry associations were used to support DEH technical and regulatory contributions towards meetings and staff training.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed activity is not a project as defined by the California Environmental Quality Act pursuant to California Public Resources Code Section 21065 because none of the donations were used for actions that would result in a direct or indirect physical change in the environment.
2. In accordance with Board Policy A-112, *Acceptance and Use of Gifts and Donations* and Administrative Code, Section 66, *Acceptance of Gifts*, accept the County of San Diego Department of Environmental Health Report of Gifts and Donations from the California Certified Unified Program Agency (CUPA) Forum for the period of July 1, 2018 to December 31, 2018, and ratify the acceptance and expenditure of gifts exceeding \$5,000 during this period.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. The Department of Environmental Health received \$5,010 in cash and non-cash donations for the period of July 1, 2018 through December 31, 2018. These gifts and donations were used to support staff training and meeting 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 Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent.

AYES: Jacob, Gaspar, Fletcher, Desmond
ABSENT: Cox

7. **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 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, 2018 to December 31, 2018, DPR received donations from the Parks Society totaling \$93,595.36 (\$2,483.97 in cash donations and \$91,111.39 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, 2018 to December 31, 2018. In addition, today's action authorizes the Chair of the Board to sign a letter of appreciation to the Parks Society for the donations.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that today's actions are not projects as defined by Section 15061(b)(3) of the California Environmental Quality Act Guidelines because it can be seen with certainty that the actions do not have the potential to cause a significant effect on 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 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, 2018 to December 31, 2018.
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.

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 \$93,595.36 (\$2,483.97 in cash donations and \$91,111.39 in non-cash donations) from July 1, 2018 to December 31, 2018. 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 Gaspar, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent.

AYES: Jacob, Gaspar, Fletcher, Desmond

ABSENT: Cox

- 8. **SUBJECT: AMEND AIRPORT ENTERPRISE FUND SPENDING PLAN, ADVERTISE AND AWARD CONSTRUCTION CONTRACT FOR CAJON AIR CENTER - RUNWAY OBJECT FREE AREA AND RUNWAY SAFETY AREA DRAINAGE IMPROVEMENT PROJECT (DISTRICT: 2)**

OVERVIEW

Gillespie Field is a general aviation airport owned and operated by the County of San Diego (County) and is 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 is developing a vacant 70-acre site located in the southeastern corner of Gillespie Field as the Cajon Air Center to help meet the forecasted regional demand for aviation infrastructure and facilities. The Cajon Air Center is a multi-phased development which includes construction of an underground detention basin, drainage improvements, utility relocation, road improvements, new aircraft waiting and parking area 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.

On May 11, 2016 (2), the 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 September 2017. This next phase of the redevelopment includes connecting the Cajon Air Center Phase 1 detention basin to the existing drainage system and improving the drainage system for runway object free areas (ROFA) and runway safety areas (RSA). The ROFA is an area surrounding a runway that must be kept free of any objects above ground level to provide adequate aircraft wing-tip clearance. The RSA is a designated area surrounding the runway that serves to enhance safety in case an airplane overruns the runway. The Federal Aviation Administration (FAA) has identified this drainage project as a priority and the project is eligible for grant funding.

Today's request is to amend the Airport Enterprise Fund (AEF) current year spending plan for Gillespie Field to include funding for the Cajon Air Center Runway Object Free Area and Runway Safety Area Drainage Improvement project. 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. 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 drainage improvements at Gillespie Field. Award of the contract is contingent on receipt of funds from the FAA. The FAA has programmed the project funding for the 2019 Federal Fiscal Year. Construction is anticipated to begin in summer 2019 and be completed by late spring 2020. Project costs consist of development costs (\$970,000) and construction costs (\$4,960,000). Total project cost for this phase is estimated at \$5,930,000 including contingencies, and the funding sources are an FAA grant and available prior year AEF fund balance used as a grant match.

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; and
2. Find, on the basis of the whole record, that there is no substantial evidence that this phase of the project will have a significant effect on the environment. Consider the Subsequent Mitigated Negative Declaration (MND), on file with the Department of Public Works dated March 13, 2019, SCH No. 2019011051, together with comments received during public review, and adopt it, finding that it reflects the independent judgement and analysis of the Board of Supervisors.
3. Adopt the Mitigation Monitoring and Reporting Program prepared in accordance with Public Resources Code 21081.6 (Attachment D), and authorize the Director, Department of Public Works, to implement the mitigation measures identified.
4. Amend the Fiscal Year 2018-19 Airport Enterprise Fund Spending Plan by \$5,330,000 to provide funds for the Cajon Air Center Runway Object Free Area and Runway Safety Area Drainage Improvement Project based on unanticipated revenue from the FAA (\$5,318,000) and available prior year Airport Enterprise Fund fund balance (\$12,000). **(4 VOTES)**
5. 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 - Runway Object Free Area and Runway Safety Area Drainage Improvement Project.
6. 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 2018-19 Operational Plan in the Airport Enterprise Fund (AEF). On December 5, 2017 (24), Recommendation 23, \$600,000 was appropriated from available prior year fund balance in the AEF for project design and environmental work as approved by the Board of Supervisors in the Fiscal Year 2017-18 First Quarter Operational Plan Budget Adjustments and carried forward in the Fiscal Year 2018-19 Operational Plan. If approved, this request will result in additional costs and revenue in Fiscal Year 2018-19 of \$5,330,000 for construction contract including contingencies (\$4,960,000) and project development costs (\$970,000). The funding sources are the Federal Aviation Administration (\$5,318,000) and available prior year AEF fund balance (\$12,000). The Cajon Air Center Runway Object Free Area and Runway Safety Area Drainage Improvement Project total project cost is estimated at \$5,930,000. 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 Fletcher, the Board of Supervisors took action as recommended.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

9. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Robert Germann spoke to the Board regarding Gillespie Field.

Toni Santini spoke to the Board regarding County code compliance issues.

Scott Chipman spoke to the Board regarding marijuana, violence, crime and health issues.

Kathleen Lippitt spoke to the Board regarding commercialization that undermines public health.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 9:23 a.m.

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 Wednesday March 27, 2019.



DIANNE JACOB
Chairwoman

Attest:



ANDREW POTTER
Clerk of the Board

03/13/19