

September 16, 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, SEPTEMBER 16, 2020, 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 9:00 a.m.

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

(Please note, California Governor Gavin Newsom issued Executive Order N-29-20 on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic. Pursuant to the Executive Order, and to maintain the orderly conduct of the meeting, all members of the Board of Supervisors attended the meeting via teleconference and participated in the meeting to the same extent as if they were present.)

- 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 of August 5, 2020.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor Desmond, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of August 5, 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: TRAFFIC
ADVISORY COMMITTEE (08/05/2020 - ADOPT RECOMMENDATIONS;
09/16/2020 - SECOND READING OF AN ORDINANCE) |
| 2. | NOTICED PUBLIC HEARING:
OTAY VALLEY REGIONAL PARK TRAIL STAGING AREA ON HERITAGE
ROAD IN CHULA VISTA - ACQUISITION OF 2.75 ACRES OF LAND (DIII
HERITAGE, LLC) (8/5/2020 - SET HEARING; 9/16/2020 - HOLD HEARING)
[FUNDING SOURCES: GENERAL PURPOSE REVENUE AND AVAILABLE PRIOR
YEAR GENERAL FUND FUND BALANCE] |
| 3. | SET A HEARING FOR 10/14/2020:
VALLEY CENTER HELLHOLE CANYON PRESERVE ACQUISITION OF
APPROXIMATELY 76 ACRES OF LAND (FUREIGH FAMILY TRUST) (9/16/2020
SET HEARING; 10/14/2020 HOLD HEARING)
[FUNDING SOURCES: AVAILABLE PRIOR YEAR GENERAL FUND FUND
BALANCE AND THE STATE OF CALIFORNIA HABITAT CONSERVATION
FUND GRANT; GENERAL PURPOSE REVENUE] |
| 4. | AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION
CONTRACT FOR FOUR GEE PARK DEVELOPMENT
[FUNDING SOURCES: PARK LANDS DEDICATION ORDINANCE (PLDO) AREA
31 SAN DIEGUITO FUND AND GENERAL FUND FUND BALANCE COMPONENT
DECREASE - PARK EXPANSION & IMPROVEMENT COMMITMENT;
ASSESSMENTS ON PROPERTY OWNERS WITHIN COUNTY SERVICE AREA 83
SAN DIEGUITO] |
| 5. | BORREGO VALLEY AIRPORT - NEW TWENTY-YEAR RESTAURANT LEASE
WITH WINDSWEPT RESTAURANTS, INC.
(4 VOTES) |
| 6. | COUNTY OF SAN DIEGO TRACT NO. 4736-1 (FINAL MAP NO. 13856): APPROVE
THIRD AMENDMENT TO SECURED JOINT AGREEMENT TO IMPROVE MAJOR
SUBDIVISION, EXTEND TIME TO COMPLETE IMPROVEMENTS, AND
APPROVE PARTIAL RELEASE OF JOINT LIEN CONTRACT AND PARTIAL
TERMINATION OF HOLDING AGREEMENT OF SPECIFIED LOTS, FOR THE
POLO CLUB LOCATED IN THE BONSALL COMMUNITY PLAN AREA |
| 7. | AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION
CONTRACT FOR STELZER PARK RANGER STATION AND VISITOR CENTER
[FUNDING SOURCES: AVAILABLE PRIOR YEAR GENERAL FUND BALANCE,
GENERAL PURPOSE REVENUE, AND THE LOUIS A. STELZER TRUST FUND] |

8. AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR LAMAR COUNTY PARK FITNESS LOOP CONNECTION
[FUNDING SOURCE: COMMUNITY DEVELOPMENT BLOCK GRANT]
9. SEMI-ANNUAL REPORT OF GIFTS AND DONATIONS TOTALING OVER \$5,000 TO THE DEPARTMENT OF PARKS AND RECREATION
10. SEMI-ANNUAL REPORT OF GIFTS AND DONATIONS AND RATIFICATION OF ACCEPTANCE OF GIFTS AND DONATIONS EXCEEDING \$5,000 TO THE DEPARTMENT OF ENVIRONMENTAL HEALTH
11. APPROVE AND AUTHORIZE EXECUTION OF ASSOCIATE COMMISSION MEMBER AGREEMENT WITH THE SOUTHERN CALIFORNIA COASTAL WATER RESEARCH PROJECT AUTHORITY
[FUNDING SOURCE: GENERAL PURPOSE REVENUE]
12. DEVELOPING AN ACQUISITION PLAN TO PURCHASE ROUGHLY 98 ACRES OF SURPLUS PROPERTY FROM THE HELIX WATER DISTRICT
[FUNDING SOURCE: GENERAL PURPOSE REVENUE]
13. CLOSED SESSION (CARRYOVER FROM 09/15/20 AGENDA NO. 35)
14. PUBLIC COMMUNICATION

**1. SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE:
TRAFFIC ADVISORY COMMITTEE (08/05/2020 - ADOPT
RECOMMENDATIONS; 09/16/2020 - SECOND READING OF AN
ORDINANCE) (DISTRICTS: 2 & 5)**

OVERVIEW

On August 5, 2020 (5), the Board of Supervisors introduced the Ordinance for further Board consideration and adoption on September 16, 2020.

As part of the Department of Public Works (DPW) traffic engineering program, the Board of Supervisors (Board) established the Traffic Advisory Committee (TAC) as an aid in providing uniform traffic regulations throughout the unincorporated areas of the county. The goal of the TAC is to make recommendations to the Board on traffic matters to provide communities in the unincorporated region with a safe and efficient road system. To accomplish this, it is necessary that traffic policies be established and used to provide persons using the road system with consistent and uniform regulations that are effective and can be legally enforced. The TAC meets every six weeks to review proposed additions, deletions, or changes to regulatory traffic control devices such as speed limits, stop signs, traffic signals, and parking regulations on County-maintained roads. Upon receipt of a request or recommendation for a traffic regulation in unincorporated areas of the county, the TAC reviews and investigates the requested item including engineering and traffic condition studies.

The TAC recommends the Board act on six items from the April 24, 2020, TAC meeting agenda:

District	Item	Location	Action
2	2-A	Creekford Drive, Lakeside	Certify the 35 MPH speed limit
5	5-A	Miller Road, Valley Center	Reduce the 45 MPH speed limit to 40 MPH and certify
	5-B	Palm Canyon Drive, Borrego Springs	Certify the 45 MPH speed limit
	5-C	Palm Canyon Drive, Borrego Springs	Certify the 35 MPH speed limit
	5-D	Palm Canyon Drive, Borrego Springs	Certify the 40 MPH speed limit
	5-E	Palm Canyon Drive, Borrego Springs	Relocate and certify a 50 MPH speed limit

Approval of Items 2-A and 5-A through 5-E would support speed enforcement, which increases roadway safety and retains mobility. Properly posted speed limits provide feedback to drivers to improve traffic safety, reduce the number and severity of collisions, and allow for fair enforcement.

The Board's action on Items 2-A and Items 5-B through 5-D does not require a second hearing, and Board direction on August 5, 2020 would allow implementation by DPW. The Board's action on Items 5-A and 5-E would introduce an ordinance to decrease a speed limit and relocate a speed limit zone, respectively, would revise the San Diego County Code of Regulatory Ordinances (County Code), and requires two steps. On August 5, 2020, the Board would consider the TAC item. If the Board acts on August 5, 2020, then on September 16, 2020, a second reading and adoption of an ordinance amending County Code would be necessary to implement the Board's direction.

RECOMMENDATION(S)
TRAFFIC ADVISORY COMMITTEE

District 2:

Item 2-A. Creekford Drive from Winter Gardens Boulevard to Riverview Avenue in Lakeside - Certify the existing 35 MPH speed limit for radar enforcement.

District 5:

Item 5-A. Miller Road from Valley Center Road to Cole Grade Road in Valley Center - Reduce the 45 MPH speed limit to 40 MPH and certify the speed limit for radar enforcement.

Item 5-B. Palm Canyon Drive from Montezuma Valley Road/Hoberg Road to Ocotillo Circle/Country Club Road in Borrego Springs - Certify the existing 45 MPH speed limit for radar enforcement.

Item 5-C. Palm Canyon Drive from Ocotillo Circle/Country Club Road to Christmas Circle Drive in Borrego Springs - Certify the existing 35 MPH speed limit for radar enforcement.

Item 5-D. Palm Canyon Drive from Christmas Circle Drive to Di Giorgio Road in Borrego Springs - Certify the existing 40 MPH speed limit for radar enforcement.

Item 5-E. Palm Canyon Drive from Di Giorgio Road to Borrego Valley Road in Borrego Springs - Relocate the east end of the 50 MPH speed zone to a point 1,500' east of Borrego Valley Road and certify the speed limit for radar enforcement.

CHIEF ADMINISTRATIVE OFFICER

Consider and adopt the following Ordinance:

ORDINANCE AMENDING SECTIONS 72.161.25.4. AND 72.169.82. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 5-A & 5-E).

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2020-21 preliminary operating budget in the Department of Public Works Road Fund and will be included in the Fiscal Year 2020-21 Amended Operational Plan. 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, adopting Ordinance No. 10683 (N.S.), entitled: ORDINANCE AMENDING SECTIONS 72.161.25.4. AND 72.169.82. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**2. SUBJECT: NOTICED PUBLIC HEARING:
OTAY VALLEY REGIONAL PARK TRAIL STAGING AREA ON
HERITAGE ROAD IN CHULA VISTA - ACQUISITION OF 2.75 ACRES
OF LAND (DIII HERITAGE, LLC) (8/5/2020 - SET HEARING; 9/16/2020 -
HOLD HEARING) (DISTRICT: 1)**

OVERVIEW

On August 5, 2020 (10), the Board of Supervisors set a Hearing for September 16, 2020.

The Otay Valley Regional Park (OVRP) encompasses a conceptual planning area of nearly 9,000 acres along the Otay River in South County. The regional park offers a variety of recreational amenities including a multi-use trail network, picnic facilities, and a ranger station. The County of San Diego (County) and the cities of San Diego and Chula Vista entered into a Joint Exercise of Powers Agreement in 2005 for the coordinated planning, acquisition, design, operations, and maintenance of this regional park. The three jurisdictions collaborated to create one regional park for the greater benefit of the region.

The County identified a 2.75-acre parcel (Property) within the OVRP planning area, located on the east side of Heritage Road and south of Main Street in Chula Vista, for inclusion into OVRP. The parcel is adjacent to County-owned OVRP land and will provide contiguous access for park users. The Property is immediately adjacent to land on which a future trail is planned, making it an ideal site for a potential staging area.

Today's request is for the Board of Supervisors (Board) to set a hearing for September 16, 2020 to consider approval of the purchase of the 2.75-acre property and direct the Clerk of the Board to provide public notice of the hearing. If the Board approves the request, on September 16, 2020, after making the necessary findings, the Board will be requested to authorize the purchase of 2.75 acres of land (Assessor's Parcel Number 644-050-11) from DIII Heritage, LLC for the appraised value of \$1,025,000. The total one-time County cost, including property acquisition, appraisal, staff time, and initial stewardship, is \$1,078,000 and will be funded by General Purpose Revenue (\$450,000) and available prior year General Fund fund balance (\$628,000) budgeted in the Capital Outlay Fund.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed acquisition of APN 644-050-11 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 conditions any future use of the site upon CEQA compliance.
2. Authorize the Director, Department of General Services, to exercise the option to purchase APN 644-050-11 at the appraised value of \$1,025,000.
3. Authorize the Director, Department of General Services to execute all escrow and related documents necessary to complete the purchase of APN 644-050-11.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2020-21 preliminary operating budget in the Capital Outlay Fund for Capital Project 1022912 OVRP Heritage Staging Area Zone A. Funding for this acquisition was included in the Fiscal Year 2019-20 Operational Plan and unspent. If approved, appropriations will be included in the Fiscal Year 2020-21 Amended Operational Plan, resulting in total costs of \$1,078,000 for Capital Project 1022912 OVRP Heritage Staging Area Zone A. Costs are itemized as follows: \$1,025,000 for property acquisition; \$45,000 for the appraisal and staff time to complete the transaction; \$3,000 for closing and title costs; and \$5,000 in one-time land protection costs. The funding sources are General Purpose Revenue (\$450,000) and available prior year General Fund fund balance (\$628,000).

Once developed, staffing, operations, and maintenance of this area will be the responsibility of the City of San Diego per the existing Joint Exercise of Powers Agreement for the Otay Valley Regional Park.

There will be no additional staff years.

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: SET A HEARING FOR 10/14/2020:
VALLEY CENTER HELLHOLE CANYON PRESERVE ACQUISITION
OF APPROXIMATELY 76 ACRES OF LAND (FUREIGH FAMILY
TRUST) (9/16/2020 SET HEARING; 10/14/2020 HOLD HEARING)
(DISTRICT: 5)**

OVERVIEW

Since 1998, the County of San Diego (County) has acquired approximately 23,000 acres of open space land for the County's Multiple Species Conservation Program (MSCP) to ensure the long-term survival of sensitive plant and animal species and balance the public need for development, open space, and passive recreation. The County has identified a 76-acre property adjacent to eastern Hellhole Canyon Preserve in Valley Center within the MSCP Draft North County Plan Pre-Approved Mitigation Area (PAMA), an area important for the conservation of sensitive species and habitat. It is the last remaining property needed to provide contiguous conserved habitat between County and adjacent federal Bureau of Land Management (BLM) properties in the area. The property is located at the eastern end of Paradise Mountain Road and adjacent to the 250 acres of Hellhole Canyon Preserve land purchased by the County in 2019. The County was awarded a State of California Habitat Conservation Fund (HCF) Deer and Mountain Lion Habitat grant in July 2019 to acquire the identified approximately 76-acre property from the Fureigh Family Trust. The grant will cover \$225,000 of the \$610,000 purchase price of the land. The HCF grant is competitive and requires a dollar-for-dollar funding match, funded by available prior year General Fund fund balance. Once the property is acquired,

Hellhole Canyon Preserve will be nearly 2,700 acres in size, providing large, contiguous habitat for deer and mountain lion and other sensitive species, protecting sensitive wildlife habitats through conservation. On May 18, 2020, the County entered into an Option Agreement with the Fureigh Family Trust for the purchase of the property identified as Assessor Parcel Number 191-180-10 appraised value of \$610,000.

Today's request is for the Board of Supervisors (Board) to set a hearing for October 14, 2020 to consider approval of the purchase of the property and direct the Clerk of the Board to provide public notice of the hearing. If the Board approves the request, on October 14, 2020, after making the necessary findings, the Board will be requested to authorize the purchase from the Fureigh Family Trust for the appraised value of \$610,000. The total one-time County cost, including property acquisition, staff time, and initial stewardship is \$778,900.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On September 16, 2020:

1. Set a hearing for October 14, 2020, at which time the Board of Supervisors may authorize the Director, Department of General Services, to exercise the option to purchase Assessor's Parcel Number (APN) 191-180-10 from the Fureigh Family Trust for the appraised value of \$610,000.
2. Direct the Clerk of the Board of Supervisors to provide notice of the October 14, 2020 hearing via publication and posting as required by law.

If, on September 16, 2020, the Board takes the actions recommended in Items 1-2 above, then on October 14, 2020:

1. Find that the proposed acquisition of APN 191-180-10 for open space purposes is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15304 (Minor Alterations to Land), 15311 (Accessory Structures), 15316 (Transfer of Ownership of Land in Order to Create Parks) and 15325 (Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources).
2. Establish appropriations of \$225,000 in the Multiple Species Conservation Program Acquisitions Fund for the acquisition of 76 acres of land for Open Space (Hellhole Fureigh property), based upon a grant award from the State of California Habitat Conservation Fund.
(4 VOTES)
3. Authorize the Director, Department of General Services, to exercise the option to purchase APN 191-180-10 at the appraised value of \$610,000.
4. Authorize the Director, Department of General Services to execute all escrow and related documents necessary to complete the purchase of APN 191-180-10.

FISCAL IMPACT

Funds for this request are partially included in the Fiscal Year 2020-21 Operational Plan in the Multiple Species Conservation Program (MSCP) Acquisitions Fund in the amount of \$553,900. If approved, this request will result in total project costs for the Fureigh Trust property of \$778,900 itemized as follows: \$610,000 for property acquisition; \$36,000 for staff time and

appraisal reports to complete the transaction; \$1,900 for closing and title costs; \$131,000 in one-time land protection costs including initial stewardship that features signage, boundary survey, access and vegetation and erosion control measures (\$35,000) and the update of the Hellhole Canyon Preserve Resource Management Plan and associated inventory surveys (\$96,000). The funding source is available prior year General Fund fund balance (\$553,900) and the State of California Habitat Conservation Fund grant (\$225,000).

Ongoing costs for land monitoring and adaptive management of the Fureigh Family property are estimated at \$21,200, annually. In addition, there will be an estimated annual cost of \$360 for fixed charge assessment including vector control and fire standby. If approved, total annual costs, estimated at \$21,560 will be included in future Operational Plans. The funding source will be General Purpose Revenue.

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, setting a Hearing for October 14, 2020.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

4. SUBJECT: AUTHORIZATION TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR FOUR GEE PARK DEVELOPMENT (DISTRICT: 5)

OVERVIEW

The Department of Parks and Recreation (DPR) is seeking to construct a new neighborhood park on an undeveloped 2.7 acre parcel on Four Gee Road, located within the boundaries of County Service Area 83 -San Dieguito, approximately three miles west of Interstate 15 and 7 miles north of Highway 56. The Park will support the recreational interests of the San Dieguito Community, which is currently deficient in the number of playgrounds and dog parks according to national averages for those amenities. In addition, the San Dieguito Community Planning Group named Four Gee park development as one of their top three priorities for spending their Park Land Dedication Ordinance (PLDO) fees in their 2019/2020 PLDO priority letter. The purpose of PLDO funds are to defray the cost of acquiring and/or developing park land in the specific development areas where they are collected. DPR staff held public outreach meetings and collaborated with community stakeholders to develop the conceptual design of the proposed park. The final design improvements include a fenced off-leash dog area, a playground, walking paths, picnic tables, inter-generational game boards, a concrete ping pong table and cornhole boards and benches. These new amenities will provide a wide range of passive and active uses to allow park visitors of all ages and abilities to enjoy the park. The drought tolerant, low maintenance landscaping and efficient irrigation system that will be installed in the park supports the County's Climate Action Plan (CAP) Measure W-1.2 to reduce outdoor water use. In addition, the new trees planted will support CAP measure A-2.2 to plant more trees in our county parks. County tree planting enriches local ecosystems, supports biodiversity, provides shade, prevents soil erosion, sequesters carbon from the atmosphere into the soil and buffers against wind and noise.

The requested action will authorize the Department of Purchasing and Contracting Director to advertise and award a construction contract for Capital Project 1022934 Four Gee Park project. This project has an estimated construction cost of \$955,000 including contingency. Remaining project funds of \$45,000 will be used for design, inspection services, construction management, and project administration for a total project cost of \$1,000,000 in Fiscal Year 2020-21, budgeted in the Capital Outlay Fund. If approved, construction is expected to begin in fall 2020 and is anticipated to be completed in summer 2021.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Environmental Impact Report (EIR) on file with the Department of Planning and Development Services for the Santa Fe Valley Specific Plan, dated October 20, 1995 and certified on December 13, 1995, State Clearinghouse #1995081014, was completed in compliance with the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines, that the Board of Supervisors has reviewed and considered the information contained therein before approving the project, and that the EIR reflects the independent judgement and analysis of the Board of Supervisors; and

Find on the basis of substantial evidence in the record before your Board that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered the in the previously certified EIR, dated December 13, 1995, 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 said EIR was certified as explained in the June 12, 2020 Environmental Review Update Checklist.

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 Four Gee Park Development.
3. Designate the Director, Department of Parks and Recreation, or designee, as the County of San Diego Officer responsible for administering the construction contract for Four Gee Park Development in accordance with Section 430.4 of the County Code of Administrative Ordinances and Board Policy F-41, Public Works Construction Projects.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2020-21 Operational Plan for the Capital Outlay Fund. If approved, this request will result in costs of \$1,000,000 for Capital Project 1022934 Four Gee Park. Construction costs are estimated at \$955,000 including contingency. Remaining project funds of approximately \$45,000 will be used for related project expenses including design, environmental analysis, inspection services, construction management and project administration. The funding sources are Park Lands Dedication Ordinance (PLDO) Area 31 San Dieguito Fund (\$600,000) and General Fund fund balance component decrease - Park Expansion & Improvement Commitment (\$400,000).

Upon project completion, DPR will assume responsibility for the operation and maintenance of this new park estimated to be \$36,380 annually. Operational costs and staffing impacts will be included in future years' Operational Plans in the Department of Parks and Recreation County Services Area 83 San Dieguito. The funding source will be assessments on property owners within County Service Area 83 San Dieguito.

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

5. SUBJECT: BORREGO VALLEY AIRPORT - NEW TWENTY-YEAR RESTAURANT LEASE WITH WINDSWEPT RESTAURANTS, INC. (DISTRICT: 5)

OVERVIEW

Borrego Valley Airport (Airport) is a general aviation airport owned by the County of San Diego (County) and operated by the Department of Public Works (DPW), located in the desert community of Borrego Springs. The Airport serves the community and the region by providing air transportation facilities for tourism, corporate travel, search and rescue operations, parks management, law enforcement, and general aviation use. Leasing of airport property generates lease revenue within the Airport Enterprise Fund, which is used by DPW to ensure that all County airports are properly maintained and safe for airport users.

On February 15, 2017, the County entered into a 10-year short-term lease with Windswept Restaurants, Inc., a California corporation (Windswept), at Borrego Valley Airport as provided for in the Schedule of Rates and Charges and Use Control Policy for County of San Diego Airports. This lease includes the existing $\pm 3,100$ square foot restaurant facility, parking lot, and desert landscaped perimeter on approximately 0.6 acres. The premises needed substantial repairs and upgrades and the short-term agreement provided both the time and leasing framework for the upgrades. During this time, Windswept has completed approximately \$300,000 in capital improvements to the property, which is almost three times the required amount and substantially more than lessee's preliminary estimates at the time the short-term lease was negotiated. With the necessary improvements completed, Windswept and DPW staff have negotiated a new long-term lease that allows for the amortization of the capital investment and establishes the terms and conditions for the operation of the restaurant for airport users and the Borrego Springs community.

This is a request to approve the new 20-year restaurant lease with Windswept at Borrego Valley Airport. This proposed lease would comply with current laws and County leasing standards, while ensuring long-term lease revenues within the Airport Enterprise Fund, which are used by DPW to ensure that all County airports are properly maintained and safe for airport users without cost to the General Fund. The proposed lease includes sustainability language encouraging energy and water conservation, waste reduction, recycling, composting, and environmentally friendly packaging materials. There is no change proposed to the rental rates in the new lease.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines that the proposed lease is categorically exempt from CEQA review as it consists of leasing of existing facilities involving negligible or no expansion of existing or former use.

2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the new Restaurant Lease with Windswept Restaurants, Inc., County Contract Number 320031.
(4 VOTES)

FISCAL IMPACT

Funds resulting from this request are included in the Fiscal Year 2020-21 Operational Plan for the Airport Enterprise Fund. If approved, this request would result in no net change from the amount budgeted, as the initial base monthly rent and percentage rent schedule in the new 20-year lease agreement would remain the same as in the current 10-year lease. There will be no change in net General Fund cost and no additional staff years. Revenue from the new lease would be included in future Operational Plans in the Airport Enterprise Fund.

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: COUNTY OF SAN DIEGO TRACT NO. 4736-1 (FINAL MAP NO. 13856): APPROVE THIRD AMENDMENT TO SECURED JOINT AGREEMENT TO IMPROVE MAJOR SUBDIVISION, EXTEND TIME TO COMPLETE IMPROVEMENTS, AND APPROVE PARTIAL RELEASE OF JOINT LIEN CONTRACT AND PARTIAL TERMINATION OF HOLDING AGREEMENT OF SPECIFIED LOTS, FOR THE POLO CLUB LOCATED IN THE BONSALL COMMUNITY PLAN AREA (DISTRICT: 5)**

OVERVIEW

The Polo Club Tentative Map 4736RPL4 project (Project) is a subdivision consisting of 165 residential lots and two open space lots on a total of 449.54 acres. The site is located within the Bonsall Community Plan Area, on the north side of Gopher Canyon Road and Vista Valley Road, west of Interstate 15 within the unincorporated county (Attachment A).

Developers may enter into Subdivision Improvement Agreements to guarantee the construction of improvements required as a condition of the approved subdivision. The San Diego County Code of Regulatory Ordinances (County Regulatory Code) establishes the requirements for time extensions to complete the required improvements on subdivisions, such as roads and storm drainage systems. In most cases, these improvements are to benefit the public and will be accepted into the County of San Diego (County) Maintained System to be owned, operated, and maintained by the County of San Diego's Department of Public Works (DPW) in perpetuity. Section 81.405(c) of County Regulatory Code allows the Director of Planning & Development Services or the Director of DPW to extend the time for a developer to complete improvements once, for up to two additional years. Subsequently, the Board of Supervisors (Board) may grant additional time extensions. Where the County has allowed a developer to substitute a lien contract for existing security, Section 81.409(e) of the County Code allows the Board to grant additional time extensions on a case-by-case basis.

On November 3, 1993 (1), the Board approved the Project, and on September 22, 1999 (10), the Board approved a Final Map and a Joint Agreement to Improve Major Subdivision (Joint Agreement for Improvements) for the Project. The Joint Agreement for Improvements was secured by bonds that guaranteed the construction of the streets, sewer facilities, water facilities, and drainage facilities in favor of the Rainbow Municipal Water District (District) and the County. The Joint Agreement for Improvements expired on September 22, 2001.

The Project has received a total of three extensions since the Final Map was recorded in 1999. The first request to extend the agreement was submitted to the County in 2012.

On August 8, 2012 (10), the Board approved the first Amendment to the Joint Agreement for Improvements, extending the time for completion of the improvements to August 8, 2014. On October 22, 2014 (13), the Board approved another time extension to October 22, 2016, and the former owners substituted the bonds with a lien contract with the County to secure the completion of the improvements. On January 15, 2020 (5), the Board approved an assumption agreement and time extension, extending the time to complete improvements to October 18, 2021. On January 23, 2020, the current owners purchased the property.

Today's request is for the Board to review and approve the third amendment to the agreements for public and private improvements required by the Project, the partial release of the joint lien contract and holding agreement, and the partial substitution of securities pertaining to Lots 2-17 of the 165 residential lots of the Project including a two-year time extension to complete the improvements.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Third Amendment to the Joint Agreement to Improve Subdivision (Attachment B) and associated actions for County Tract No. 4736-1 is not a project subject to review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(1) and (2) of the CEQA Guidelines because it does not involve the exercise of discretionary powers by a public entity, and the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.
2. Approve and direct the Clerk of the Board of Supervisors (Clerk), upon receipt of the original signed bonds (Attachments D and E) within 90 days, to execute the Third Amendment to the Joint Agreement to Improve Major Subdivision, Extension of Time to Complete Improvements, Partial Release of Joint Lien Contract, and Partial Termination of Holding Agreement (Attachment B) (County of San Diego Tract No. 4736-1). This Agreement extends the time to complete the improvements to August 5, 2022.
3. Approve and direct the Clerk, upon receipt of the original signed bonds (Attachments D and E) within 90 days, to execute the Agreement for Improvements for Lots 2-17 (Attachment C), which includes street improvements, drainage facilities, water facilities, sewer facilities and final monumentation.
4. Direct the Clerk, upon execution of the Joint Agreement to Improve Subdivision (Attachment B), to forward the document to the County Recorder for recordation.
5. Direct the Clerk to notify First American Trust, FSB (the holding company) that the amended Agreement has been executed and recorded.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

Noting for the record that Recommendation No. 1 was modified to read as follows: Find that the Third Amendment to the Joint Agreement to Improve Subdivision (Attachment B) and associated actions for County Tract No. 4736-1 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the activity in question will have significant effect on the environment; 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 ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR STELZER PARK RANGER STATION AND VISITOR CENTER (DISTRICT: 2)**

OVERVIEW

The Department of Parks and Recreation (DPR) operates Louis A. Stelzer County Park (Park) in the unincorporated community of Lakeside. The Park is a 420-acre facility which includes several miles of multi-use hiking trails, mature canopy trees, play equipment and a ranger station that serves as staff headquarters and visitor center. Typical use of the ranger station includes office space for park staff, educational programming for school groups and live animal exhibits. The building has reached a state of disrepair, and while maintenance has extended the building life, replacement is needed.

DPR is proposing to replace the Stelzer Park Ranger Station and Visitor Center with a new single-story building that improves capacity and circulation for educational programming. The entrance of the new building includes a lobby, animal exhibit space, and office space. These amenities improve the visitor experience by creating an accessible area to learn about the Park and its surrounding ecology. The rear of the building is mainly reserved for staff use and includes lockers, storage, restroom, and a kitchen.

Today's proposed actions will authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract for the Stelzer Park Ranger Station and Visitor Center project for an estimated \$555,000, including contingency. The remaining \$120,000 in project funding will be used for design, inspection, construction management, and project administration. The total project cost is \$675,000 for the Stelzer Park Ranger Station and Visitor Center is funded by available prior year General Fund Balance (\$155,000) General Purpose Revenue (\$260,000) and the Louis A. Stelzer Trust Fund (\$260,000). If approved, construction will begin in fall 2020 and be completed in spring 2021.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Stelzer Park Ranger Station and Visitor Center project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and 15304 (Minor Alterations to Land).
2. Authorize the Director, Department of Purchasing and Contracting to advertise and award a construction contract and to take any action authorized by Section 401, et seq. of the Administrative Code, with respect to contracting for Stelzer Park Ranger Station and Visitor Center.
3. Designate the Director, Department of Parks and Recreation, or designee, as the County Officer for administering the construction contract for the Stelzer Park Ranger Station and Visitor Center project, in accordance with Board Policy F-41, Public Works Construction Projects.

FISCAL IMPACT

Funds for this request were included in the Fiscal Year 2020-21 Operational Plan for the Capital Outlay fund. If approved, this request will result in costs of \$675,000 for Capital Project 1021904 Stelzer Park Ranger Station and Visitor Center. Construction costs are estimated at \$555,000, including contingency. The remaining \$120,000 in project funding will be used for design, inspection, construction management, and project administration. The funding sources are available prior year General Fund Balance (\$155,000) General Purpose Revenue (\$260,000) and the Louis A. Stelzer Trust Fund (\$260,000).

Upon completion, annual operations and maintenance of improvements will be provided by existing Department of Parks and Recreation staff. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

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: AUTHORITY TO ADVERTISE AND AWARD A CONSTRUCTION CONTRACT FOR LAMAR COUNTY PARK FITNESS LOOP CONNECTION (DISTRICT: 2)**

OVERVIEW

Lamar County Park is a nine-acre local park in the unincorporated community of Spring Valley. The park offers a variety of amenities including a playground, pavilion, restrooms, barbeques, picnic tables, off-leash area and an Americans with Disabilities Act (ADA) accessible exercise trail with fitness stations.

The Lamar County Park Fitness Loop Connection project will expand an existing trail to create a complete loop around the perimeter of the park. The project will provide an additional 540' long section of decomposed granite path and install 8 additional solar light fixtures adjacent to the path for safety in an underutilized area of the park. The path will be ADA compliant and the decomposed granite will be contained with 6" wide concrete mow curbs. The addition of this path section will fill a significant gap within the existing park trail system to create a circular path around the perimeter of the park. It will allow park visitors the ability to walk or run the entire border of the park and have improved access to all the park amenities including the off-leash area, playground equipment and exercise stations. The funding source for the project is directly tied to an annual Community Development Block Grant which supports creating walkable communities and promoting physical activity within vulnerable communities.

The requested action will authorize the Director, Department of Purchasing and Contracting to advertise and award a construction contract for the Capital Project 1023731 Lamar County Park Fitness Loop Connection project. This project has an estimated construction cost of \$142,000 including contingency. Remaining project funds of \$35,000 will be used for design, inspection services, construction management, and project administration for a total project cost of \$177,000. If approved, construction is expected to begin in fall 2020 and is anticipated to be completed in winter 2020/21.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that Lamar County Park Fitness Loop Connection project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land).
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 County Park Fitness Loop Connection project.
3. Designate the Director, Department of Parks and Recreation, or designee, as the County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Contracts.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2020-21 Operational Plan for the Capital Outlay Fund. If approved, this request will result in costs of \$177,000 for Capital Project 1023731, Lamar County Park Fitness Loop Connection. Construction costs are estimated at \$142,000 including contingency, and remaining funds of approximately \$35,000 will be used for related project expenses including design, inspection services, construction management, and project administration. The funding source is a Community Development Block Grant (\$177,000).

Upon project completion, annual operations and maintenance will be provided by existing Department of Parks and Recreation staff. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

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

9. **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 January 1, 2020 to June 30, 2020, DPR received donations from the Parks Society totaling \$25,977.49 (\$3,925.30 in cash donations and \$22,052.19 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 action is to accept the DPR's Report of Gifts and Donations for the period of January 1, 2020 to June 30, 2020.

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 January 1, 2020 to June 30, 2020.

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 \$25,977.49 (\$3,925.30 in cash donations and \$22,052.19 in non-cash donations) from January 1, 2020 to June 30, 2020. 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

- 10. 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 (County) 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 January 1, 2020 to June 30, 2020, DEH received donations totaling \$39,211.12 (\$2,699.20 in cash donations and \$36,511.92 in non-cash donations). 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 January 1, 2020 to June 30, 2020, 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 CUPA Forum for the period of January 1, 2020 to June 30, 2020.
3. In accordance with Administrative Code Section 66 and Board Policy A-112, ratify the acceptance and expenditure of gifts from the California CUPA Forum for the period of January 1, 2020 to June 30, 2020 that exceeded \$5,000.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. The Department of Environmental Health received \$39,211.12 in cash and non-cash donations for the period of January 1, 2020 to June 30, 2020. 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

- 11. SUBJECT: APPROVE AND AUTHORIZE EXECUTION OF ASSOCIATE COMMISSION MEMBER AGREEMENT WITH THE SOUTHERN CALIFORNIA COASTAL WATER RESEARCH PROJECT AUTHORITY (DISTRICTS: ALL)**

OVERVIEW

This is a request to approve an agreement that would renew the County of San Diego's (County) membership in the Southern California Coastal Water Research Project Authority (SCCWRP) for five years. SCCWRP is a joint powers authority comprising Southern California's largest wastewater and stormwater management agencies, as well as state and federal regulatory agencies that develop and enforce water quality laws. Through this unique partnership of regulated and regulating entities, SCCWRP carries out objective water quality science that increases shared knowledge about how treated wastewater discharges, stormwater discharges, and other human activities affect Southern California's coastal aquatic ecosystems. Membership in SCCWRP enables the County to help develop scientific research that provides relevant data to inform implementation of stormwater management programs, including those required to comply with State and federal water quality mandates such as the Municipal Stormwater Permit. The County first joined SCCWRP in 2008. The current SCCWRP agreement is set to expire on June 30, 2021, and a new five-year agreement has been proposed.

In addition to furthering the region's knowledge about water quality, participation in SCCWRP assists the County in complying with San Diego Regional Water Quality Control Board Order No. R9-2013-0001 (the Municipal Stormwater Permit) and other water quality mandates, which require the County and other agencies to eliminate sources of pollution entering local waters. For the past 12 years, the County has successfully collaborated with SCCWRP's team of scientists on studies that support regulatory compliance through the identification and elimination of pollution sources. For example, SCCWRP studies have helped to identify the best approaches to comply with state-mandated Bacteria and Nutrient Total Maximum Daily Load regulations. Investigations such as the Surfer Health Study, the Santa Margarita River Watershed Nutrient Initiative, and the ongoing San Diego River Watershed investigation of human fecal sources shed light on the management strategies most likely to improve water quality. The results of SCCWRP studies are routinely published in peer-reviewed scientific journals and are readily accepted by water quality regulators and the scientific community at large.

Today's action is to authorize execution of an Associate Commission Member Agreement with SCCWRP to extend the County's membership from July 1, 2021, to June 30, 2026. Annual fees would begin at \$128,750 during FY 2021-22 and would increase by 3% each year, for a total five-year cost of \$683,552. The funding source for payment of membership fees in Fiscal Year 2021-22 is budgeted General Purpose Revenue, which also will be included in future year Operational Plans beginning in Fiscal Year 2022-23.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the proposed agreement would have a significant effect on the environment.
2. Approve and authorize execution by the Director, Department of Public Works, or designee, of the Associate Membership Agreement for Membership in the Southern California Coastal Water Research Project Authority, and to take all action necessary to fulfill the County obligations under the agreement, including, without limitation, authorizing membership fee payments.

FISCAL IMPACT

Funding for the Southern California Coastal Water Research Project Authority (SCCWRP) Associate Commission Member fees is included in the Fiscal Year 2021-22 Operational Plan in the Department of Public Works, Watershed Protection Program. If approved, this request will result in costs of \$128,750 in Fiscal Year 2021-22. The funding source is General Purpose Revenue. SCCWRP membership fees for Fiscal Years 2022-23 through 2025-26 will be \$132,613, \$136,591, \$140,689, and \$144,909, respectively, for a total five-year cost of \$683,552. Funding for the membership fees will be included in future year Operational Plans based on General Purpose Revenue. There will be 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

12. **SUBJECT: DEVELOPING AN ACQUISITION PLAN TO PURCHASE ROUGHLY 98 ACRES OF SURPLUS PROPERTY FROM THE HELIX WATER DISTRICT (DISTRICTS: 2)**

OVERVIEW

On March 18, 2020, the Helix Water District Board of Directors formally declared approximately 105 acres in the San Diego River Valley within the unincorporated community of Lakeside surplus to the District's needs.

Under Public Resources Code section 32646, the San Diego River Conservancy has the first right of refusal to acquire the subject properties as they are public lands suitable for park and open space within the Conservancy's jurisdiction.

On September 10, 2020, the San Diego River Conservancy Governing Board determined that the County of San Diego (County) could negotiate to purchase approximately 98 out of 105 acres of the San Diego River Valley property for open space or park use as there is a general interest to keep this property in public ownership and retain the current leases and uses on the properties. If Helix and the County are unable to agree upon the terms of the purchase and sale, the Conservancy will retain its first right of refusal.

Acquiring these lands and keeping them in public ownership would provide an opportunity for a future trail connection along the San Diego River that can connect to nearby County Department of Parks and Recreation facilities, as well as retaining four current leases on the property which include equestrian uses and youth baseball.

Today's action will formally express the County's interest in acquiring the property and directs the Chief Administrative Officer to develop an acquisition plan to purchase the property from the Helix

Water District. In effort to spearhead this action, \$500,000 of District 2's Neighborhood Reinvestment Program funding will be allocated towards this acquisition.

RECOMMENDATION(S)
SUPERVISOR DIANNE JACOB

1. Find that the proposed action is not an approval of a project as defined by the California Environmental Quality Act (CEQA) pursuant to Sections 15352 and 15378(b)(5) of the CEQA Guidelines. The proposed action is also exempt from CEQA review pursuant to Sections 15004(b)(2)(A) and 15061(b)(3) of the CEQA Guidelines.
2. Allocate \$500,000 from the District 2 Neighborhood Reinvestment Program (Org 15655) to the Department of Parks and Recreation to partially fund the acquisition of approximately 98 acres that have been deemed surplus by the Helix Water District.
3. Transfer appropriations of \$500,000 from the District 2 Neighborhood Reinvestment Program (Org 15655), Other Charges, to the Department of Parks and Recreation, Capital Assets/Land Acquisition, to partially fund the acquisition of approximately 98 acres that have been deemed surplus by the Helix Water District.
4. Direct the Chief Administrative Officer to develop an acquisition plan to purchase approximately 98 acres from the Helix Water District to keep these lands in public ownership and retain the lease and current uses on subject properties, and if negotiations with the water district are successful, return to the Board of Supervisors no later than December 9, 2020 with recommendations that may include grant funding opportunities.

FISCAL IMPACT

The fiscal impact of this recommendation is \$500,000. Funds for these requests are included in the Fiscal Year 2020-2021 Operational Plan for the Neighborhood Reinvestment Program (Org 15655). The funding source is General Purpose Revenue. These actions will not result in the addition of any new staff years and no additional costs.

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

13. SUBJECT: CLOSED SESSION (DISTRICTS: ALL)

OVERVIEW

On September 15, 2020 (35), the Board of Supervisors continued the item to September 16, 2020.

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Kimberly Casey v. County of San Diego.; Workers' Compensation Appeals Board,
San Diego District No. ADJ112283221
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Kimberly Casey v. County of San Diego.; Workers' Compensation Appeals Board,
San Diego District No. ADJ9132769
- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
David Roberts v. County of San Diego; Workers' Compensation Appeals Board,
San Diego District No. ADJ10692023
- D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Douglas Hansen v. County of San Diego Sheriff's Department; Workers'
Compensation Appeals Board, San Diego District No. ADJ8536892
- E. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
State of California ex rel. OnTheGo Wireless, LLC v. Cellco Partnership d/b/a
Verizon, et al.; Sacramento Superior Court Case No. 34-2012-00127517
- F. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
In re: E.V.; San Diego County Superior Court Case No. 00520239
- G. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Andrew Santillan, et al. v. Ruben Medina, et al.; United States District Court,
Southern District, No. 19cv1552-WQH-NLS

- H. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
S.A.C., a minor, et al. v. Christopher Villanueva; United States District Court, Southern District, No. 17cv01893-LAB-BLM
- I. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
James Soler v. County of San Diego, et al.; United States District Court, Southern District, No. 14cv2470-MMA-RBB
- J. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Michael A. Hartsell v. County of San Diego, et al.; United States District Court, Southern District, No. 16cv1094-LAB-LL
- K. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
D.C., et al. v. County of San Diego, et al.; United States District Court, Southern District, No. 18cv00013-WQH-DEB
- L. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Sierra Club, et al. v. County of San Diego; San Diego County Superior Court No. 37-2018-0001-14081-CU-TT-CTL
- M. PUBLIC EMPLOYEE APPOINTMENT
(Government Code section 54957)
Title: County Counsel

ACTION:

On September 15, 2020 (35), the Board of Supervisors continued the item to September 16, 2020.

County Counsel reported that for Closed Session on Wednesday, September 16, 2020, the Board of Supervisors took the following actions:

Items 35A & B: Kimberly Casey (Deceased) v. County of San Diego, with all five Board members voting “AYE”, authorized County Counsel to settle these workers’ compensation cases for \$666,855.13.

Item 35D: Douglas Hansen v. County of San Diego Sheriff’s Department, with all five Board members voting “AYE”, authorized County Counsel to settle this workers’ compensation case for \$301,682.87.

Item 35E: State of California ex rel. OnTheGo Wireless, LLC v. Cellco Partnership d/b/a Verizon, et al. with all five Board members voting “Aye”, authorized County Counsel to accept a payment of \$1,745,747 in settlement of this qui tam action.

Item 35H: S.A.C., a minor, et al. v. Christopher Villanueva, et al. with three Board members voting "AYE" and Supervisors Jacob and Gaspar voting "NO", authorized County Counsel to settle this action alleging excessive force for \$1.5 million.

Item 35M: Public Employee Appointment: County Counsel, with four Board members voting "AYE" and Supervisor Fletcher voting "NO", appointed Thomas Bunton as County Counsel effective January 7, 2021.

14. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

Due to the COVID-19 emergency, public comments on non-agenda items were received electronically and read into the record. The following individuals submitted comments:

Jennifer Dunaway provided comments to the Board regarding opening of San Diego businesses.

R. Vesterfelt provided comments to the Board regarding COVID-19 restrictions.

Kathleen Lippitt provided comments to the Board regarding marijuana retailers.

ACTION:

Heard, Referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 10:42 a.m. in memory of Kathy Bruyere, Kevin Powell, Ron Sisler, and Connie Puente Miller.

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 September 30, 2020.



GREG COX
Chairman

Attest:



ANDREW POTTER
Clerk of the Board

09/16/2020