

October 16, 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, OCTOBER 16, 2019, 9:00 AM
COUNTY OPERATIONS CENTER
CAMPUS CENTER CHAMBERS
5520 OVERLAND AVENUE
SAN DIEGO, CA 92123

Order of Business

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

PRESENT: Supervisors Dianne Jacob, Chairwoman; Greg Cox, Vice-Chairman; Kristin Gaspar; Nathan Fletcher; Jim Desmond; also, Erin Demorest, Assistant 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 of September 25, 2019.

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Gaspar, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of October 16, 2019.

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. CONTINUED ITEM FROM 09/25/2019 AGENDA NO. 2:
SAN MARCOS HIGHLANDS ANNEXATION AGREEMENT - ANNEXATION OF
APPROXIMATELY 124.7 ACRES FROM THE UNINCORPORATED COUNTY TO
THE CITY OF SAN MARCOS

2. ELECTRIC VEHICLE ROADMAP
[FUNDING SOURCE: CHARGES TO CLIENT DEPARTMENTS]
3. GENERAL SERVICES - ADOPT A RESOLUTION OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE PORTIONS OF OTAY MESA ROAD AND ENRICO FERMI DRIVE, ALL OF MICHAEL FARADAY DRIVE AND ROLL COMMERCE DRIVE, AND ALL OF AN EASEMENT FOR HIGHWAY EMBANKMENT SLOPES FOR OTAY MESA ROAD, IN THE EAST OTAY MESA AREA (VACATION NO. 2018-0290)
[FUNDING SOURCE: DEPOSIT FROM THE APPLICANT]
4. TRAFFIC ADVISORY COMMITTEE (10/16/2019 - ADOPT RECOMMENDATIONS; 10/30/2019 - SECOND READING OF AN ORDINANCE) 5. ADVERTISE AND AWARD A CONTRACT FOR CULVERT REPAIR AND REPLACEMENT
[FUNDING SOURCE: STATE REVENUE FROM THE HUTA AND AVAILABLE PRIOR YEAR FUND BALANCE IN THE COUNTY FLOOD CONTROL DISTRICT]
6. GILLESPIE FIELD - SECOND AMENDMENT TO AVIATION LEASE WITH SKY HARBOR HANGARS
[FUNDING SOURCE: INCREASED RENTAL PAYMENTS FOR THE LESSEE UNDER THE TERMS OF THE AMENDED LEASE]
(4 VOTES)
7. GILLESPIE FIELD - NEW AVIATION LEASE WITH CLASSIC AIRCRAFT HANGARS, INC.
[FUNDING SOURCE: INCREASE IN RENTAL PAYMENTS FROM THE LESSEE UNDER THE TERMS OF THE AMENDED LEASE AND A ONE-TIME EQUITY PAYMENT]
(4 VOTES)
8. ACCEPTANCE OF A DONATION FROM FALLBROOK SKATEPARK INC. TO THE DEPARTMENT OF PARKS AND RECREATION FOR A FALLBROOK SKATEPARK
[FUNDING SOURCE: DONATION FROM FALLBROOK SKATEPARK INC.]
(4 VOTES)
9. MOUNTAIN MEADOW PRESERVE - APPROVE AGREEMENTS WITH U.S. DEPARTMENT OF THE NAVY AND THE SAN DIEGO FOUNDATION RELATING TO THE MANAGEMENT OF THE PRESERVE
[FUNDING SOURCE: REIMBURSEMENT FROM THE MANAGEMENT FUND]
10. NOTICED PUBLIC HEARING:
AUTHORIZATION FOR THE COUNTY OF SAN DIEGO TO WITHDRAW AS A GROUNDWATER SUSTAINABILITY AGENCY FOR THE BORREGO VALLEY GROUNDWATER BASIN

11. SET A HEARING FOR 11/20/2019:
FOR GENERAL SERVICES - SET HEARING - MCCLELLAN-PALOMAR AIRPORT
PURCHASE OF REAL PROPERTY FROM DURKIN-CAC LOT 24, LLC -
ASSESSOR'S PARCEL NUMBER 212-091-02-00
[FUNDING SOURCE: AVAILABLE PRIOR YEAR FUND BALANCE IN THE
AIRPORT ENTERPRISE FUND]
(4 VOTES)
12. CLOSED SESSION (CARRYOVER FROM 10/15/19 AGENDA NO. 23)
13. PUBLIC COMMUNICATION

**1. SUBJECT: CONTINUED ITEM FROM 09/25/2019 AGENDA NO. 2:
SAN MARCOS HIGHLANDS ANNEXATION AGREEMENT -
ANNEXATION OF APPROXIMATELY 124.7 ACRES FROM THE
UNINCORPORATED COUNTY TO THE CITY OF SAN MARCOS
(DISTRICT: 5)**

OVERVIEW

This item was continued from September 25, 2019 (2).

This is a request for the Board of Supervisors (Board) to consider approving an agreement between the County of San Diego (County), City of San Marcos (City), U.S. Fish & Wildlife Service (Service), California Department of Fish & Wildlife (Department), and Vista San Marcos, LP (Developer) for the annexation of a portion of the San Marcos Highlands project in the unincorporated area from the County into the City (Annexation Agreement).

The San Marcos Highlands project is a single-family residential development within the jurisdictions of both the City and the County. The project was approved in its entirety by the City on November 15, 2016. At the time of approval, the project was conditioned, at the County's request, to complete the proposed Annexation Agreement prior to the San Diego Local Agency Formation Commission (LAFCO) consideration of the transfer of land from the County to the City. The County requested the condition in order to address Section 6.7.3 of the North and East County Multiple Species Conservation Program (MSCP) Planning Agreement which requires the County request an annexation agreement between the County, City, Service, and Department to ensure that the proposed annexation will not jeopardize the buildout of future preserves or compromise viable habitat linkages within the proposed preserves in the Planning Areas. The Planning Agreement defines the County's, Service's, and Department's commitment to the preparation of the MSCP Plans. The Developer proposes to annex approximately 124.7 acres of unincorporated property within the County's draft North County MSCP Plan Area into the City.

On September 25, 2019, the Board considered the San Marcos Highlands Annexation Agreement and was unable to adopt a motion in favor of the Agreement, with a 2-2 vote. Therefore, in compliance with Board Policy 2(g), the item has been rescheduled for October 16, 2019.

RECOMMENDATION(S)

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services recommends that the Board of Supervisors:

1. Find that the environmental impact report (EIR) on file with the City of San Marcos as Final Environmental Impact Report 15-001 (State Clearing House #1999071007) was completed in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines and that the Board of Supervisors has reviewed and considered the information contained therein before approving the San Marcos Highlands Annexation Agreement. Find that the San Marcos Highlands Annexation Agreement would not cause changes in the San Marcos Highlands project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified EIR dated November 15, 2016, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the EIR was certified.

2. Approve and authorize the Clerk of the Board to execute, upon receipt, five original copies of the Annexation Agreement for San Marcos Highlands (Attachment B, on file with the Clerk of the Board) by and among the City of San Marcos, the County of San Diego, the United States Fish and Wildlife Service, the California Department of Fish and Wildlife, and Vista San Marcos, LP.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ACTION:

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

AYES: Cox, Gaspar, Desmond

NOES: Jacob, Fletcher

2. SUBJECT: ELECTRIC VEHICLE ROADMAP (DISTRICTS: ALL)

OVERVIEW

On April 10, 2019 (8), the County of San Diego (County) Board of Supervisors (Board) directed the Chief Administrative Officer to develop an Electric Vehicle Roadmap (Roadmap) building on related local studies and progress to date, identify funding sources to support the Roadmap, and return to the Board with recommendations for review and approval. The Roadmap was to include, but not be limited to, strategies to increase electric vehicle (EV) ownership and use, install charging infrastructure, and identify future grant opportunities to support recommendations.

Barriers to EV market growth have historically included public perception of vehicle range limitations, up front vehicle cost, and charging infrastructure availability. However, EV market growth has been trending up and has been spurred by State of California (State) and local policies focused on reducing greenhouse gas (GHG) emissions through electrification of the transportation network and through vehicle incentives. The State's existing EV goals include 1.5 million zero-emissions vehicles (ZEVs) registered by 2025 and 5 million ZEVs registered by 2030. ZEVs are vehicles that run on fuels other than gasoline and include a variety of low-to-no GHG emission technologies including battery electric EVs, plug-in hybrid EVs, and hydrogen fuel cell vehicles.

To meet State ZEV goals there will need to be an increase in EV ownership and significant investment in public and workplace charging infrastructure to meet projected demand. The region currently has approximately 35,000 ZEVs, 1,741 public charging stations including 201 fast chargers, and 3,055 workplace chargers. According to SANDAG research, there will need to be approximately 136,500 ZEVs by 2025 and a total of 449,400 ZEVs by 2030 in the region. To support increased regional charging demand, 6,600 publicly accessible charging stations (public chargers), including 2,500 fast chargers, and 6,700 workplace chargers will need to be installed by 2025. A total of 19,700 public chargers, including 8,300 fast chargers, and 21,300 workplace chargers will need to be installed by 2030.

The unincorporated area has approximately 5,400 ZEVs, 76 public charging stations including 2 fast chargers, and 470 workplace chargers. The unincorporated area's share of projected regional ZEVs and chargers (by population) is approximately 21,000 ZEVs by 2025, and a total of 69,100 ZEVs by 2030. To support charging demand in the unincorporated area, 1,000 public chargers including 400 fast chargers, and 1,000 workplace chargers will need to be installed by 2025. A total of 3,000 public chargers, including 1,300 fast chargers, and 3,300 workplace chargers will need to be installed by 2030.

Existing County policies that encourage a transition to EVs are included in the Climate Action Plan, Strategic Energy Plan, and Green Fleet Action Plan. To support these policies and address barriers to increase EV ownership and installation of charging infrastructure in County operations and in the unincorporated area, staff has identified six Roadmap goals and 11 recommendations for the Board's consideration. The Roadmap recommendations include County operations efforts such as increasing the number of EVs in the County fleet, installing charging stations for public use at County facilities, and electrifying County employee commute. Recommendations for the unincorporated area include charging station installation incentives and/or requirements for private development, EV education and outreach, and regional fleet electrification collaboration.

This is a request for the Board to receive the Roadmap and to consider and provide direction on the six goals and 11 recommendations presented in the Roadmap that facilitate the transition to EVs within County operations and the unincorporated area. Staff will return to the Board for further direction and funding requests related to new work programs as needed and described within each recommendation.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Receive the report on Electric Vehicle Roadmap (Roadmap).
2. Find that the Final Supplemental Environmental Impact Report (EIR), dated February 14, 2018, on file with Planning & Development Services (PDS) as Environmental Review Number PDS2016-ER-00-003 was completed in compliance with the California Environmental Quality Act (CEQA) and the state CEQA Guidelines and that the Board has reviewed and considered the information contained therein and an Addendum dated October 16, 2019, on file with PDS prior to approving the project; and

Find that there are no changes in the project or the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified Final Supplemental EIR dated February 14, 2018, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the EIR was certified as explained in the Environmental Review Update Checklist dated October 16, 2019.

3. Find that the Roadmap is also exempt from CEQA pursuant to CEQA Guidelines Section 15303 because it would result in the construction of a limited amount of small electrical equipment as explained in the Notice of Exemption dated October 16, 2019.
4. Provide direction on six goals and 11 recommendations contained in the Roadmap report.
5. Direct staff to report back annually to the Board of Supervisors on Roadmap progress.

FISCAL IMPACT

There is no fiscal impact associated with accepting the Electric Vehicle Roadmap (Roadmap). There are implementation costs for the recommendations contained in the Roadmap. Funds for these requests are not included in the Fiscal Year (FY) 2019-20 Operational Plan. If all the recommendations are accepted and directed by the Board of Supervisors, additional costs are estimated up to \$16,680,00 in one-time and \$125,000 in ongoing funding requests from FY 2020-21 to FY 2024-25. This request includes \$2,660,000 in one-time funding requests in FY 2020-21; \$4,050,000 in one-time funding requests in FY 2021-22; \$2,050,000 in one-time funding requests in FY 2022-23; \$4,390,000 in one-time funding requests in FY 2023-24; and \$3,530,000 in one-time funding requests in FY 2024-25; and \$25,000 in ongoing costs beginning in FY 2020-21. Upon Board direction, costs and funding will be included in future Operational Plans based on ongoing and one-time funding sources, beginning in FY 2020-21.

Further, the Department of General Services anticipates an increase of 1.0 staff year in FY 2020-21 with an estimated annual cost of \$148,000 to manage the fleet conversion to electric vehicles; identify and pursue incentives and grant funding opportunities; conduct outreach; keep pace with technological trends; track the costs and benefits of fleet conversion; and update the Green Fleet Action Plan. The funding source is charges to client departments. Additional staffing, and associated costs and revenue will be included in future Operational Plans.

The total annual estimated fiscal impact over the next five fiscal years is as follows:

<i>Incremental cost in millions – not to exceed</i>	<i>FY 20-21</i>	<i>FY 21-22</i>	<i>FY 22-23</i>	<i>FY 23-24</i>	<i>FY 24-25</i>
<i>One-time Funding Requests</i>	\$2.66	\$4.05	\$2.05	\$4.39	\$3.53
<i>Ongoing Costs</i>	\$0.17	\$0.17	\$0.17	\$0.17	\$0.17
<i>Total Annual Cost</i>	\$2.83	\$4.22	\$2.22	\$4.56	\$3.70

Costs for the implementation of the recommendations proposed in Goal 1, Recommendation A; Goal 2, Recommendations A and C; and Goals 3, 4 and 6 have yet to be identified. Upon Board direction, staff would return to the Board with associated implementation costs, for which funding would impact the availability of General Fund resources, including General Purpose Revenue and/or available General Fund fund balance.

BUSINESS IMPACT STATEMENT

The Roadmap report includes goals and recommendations that support the local economy by providing new opportunities for additional charging infrastructure to be installed, and by conducting targeted outreach and marketing that will increase demand for the conversion to EV vehicles.

ACTION:

ON MOTION of Supervisor Fletcher, second by Supervisor Cox, the Board took action as recommended, with an amendment by Supervisor Desmond to change the County fleet conversion policy to require that existing County vehicles be maintained for 75% of their useful life before being sold or turned in and converted to electric vehicles.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

A substitute motion was made by Supervisor Gaspar to bifurcate the vote and provide direction on each of the six goals individually. Due to lack of a second, the motion failed.

3. **SUBJECT: GENERAL SERVICES - ADOPT A RESOLUTION OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE PORTIONS OF OTAY MESA ROAD AND ENRICO FERMI DRIVE, ALL OF MICHAEL FARADAY DRIVE AND ROLL COMMERCE DRIVE, AND ALL OF AN EASEMENT FOR HIGHWAY EMBANKMENT SLOPES FOR OTAY MESA ROAD, IN THE EAST OTAY MESA AREA (VACATION NO. 2018-0290) (DISTRICT: 1)**

OVERVIEW

The Department of General Services, Real Estate Services Division is processing a request to summarily vacate the offers of dedication (ODs) made on Map No. 16097 for portions of Otay Mesa Road and Enrico Fermi Drive, and all of Roll Commerce Drive and Michael Faraday Drive, and to vacate all of an easement for embankment slopes along the south side of Otay Mesa Road. The ODs and the easement for embankment slopes are all located in the unincorporated East Otay Mesa area of the County and are within the Otay Community Plan Area. A summary vacation of public service easements and roads, or in this case, offers to dedicate roads, may be requested by the public if the road or public service easement is found to be excess right of way not required for road or public service purposes. In many cases the road and public service easement vacation can be a public benefit through improved use of the land made available by the vacation.

Today's request is to approve and adopt a resolution to summarily vacate these ODs made on Map No. 16097 and to vacate the public service easement for embankment slopes in its entirety. The roads within the ODs have not been constructed. They are not part of a General Plan Mobility Element (ME) roadway, and the right-of-way has not been used for the installation of any facilities by a utility with franchise rights to use public streets. No property owner will be land-locked as a result of the proposed vacations. Therefore, these ODs and public service easement may be found to be excess and summarily vacated in accordance with California Streets and Highways Code sections 8334 and 8333 respectively.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the environmental impact report (EIR) dated July 27, 1994 on file with the Department of Planning and Development Services as Environmental Review Log Number 93-19-6 was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines and that the Director has reviewed and considered the information contained therein and the Addendum thereto dated January 18, 2019 on file with the Department of Planning and Development Services as Environmental Review Number PDS2018-ER-93-19-006ZZH before approving the project; and

Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts that were not considered in the previously certified EIR dated July 27, 1994, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the EIR was certified as explained in the Environmental Review Update Checklist dated January 18, 2019.

2. Approve and adopt the attached Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE PORTIONS OF OTAY MESA ROAD AND ENRICO FERMI DRIVE, ALL OF MICHAEL FARADAY DRIVE AND ROLL COMMERCE DRIVE, AND ALL OF AN EASEMENT FOR EMBANKMENT SLOPES FOR OTAY MESA ROAD, IN THE EAST OTAY MESA AREA (VACATION NO. 2018-0290).
3. Direct the Clerk of the Board to record the Resolution pursuant to California Streets and Highways Code section 8336.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan in the Department of General Services. If approved, this request will result in estimated costs and revenue of \$3,500 to process the proposed vacation. The funding source is a deposit from the applicant. 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 Desmond, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 19-166, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE PORTIONS OF OTAY MESA ROAD AND ENRICO FERMI DRIVE, ALL OF MICHAEL FARADAY DRIVE AND ROLL COMMERCE DRIVE, AND ALL OF AN EASEMENT FOR EMBANKMENT SLOPES FOR OTAY MESA ROAD, IN THE EAST OTAY MESA AREA (VACATION NO. 2018-0290).

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

4. **SUBJECT: TRAFFIC ADVISORY COMMITTEE (10/16/2019 - ADOPT RECOMMENDATIONS; 10/30/2019 - SECOND READING OF AN ORDINANCE) (DISTRICTS: 1, 2, 3, & 5)**

OVERVIEW

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 the 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 studies and studies of traffic conditions.

The TAC recommends the Board act on four items from the July 26, 2019, meeting agenda:

- Item 1-A is a periodic review that is required every seven years and was requested by DPW staff to comply with state law. This will recertify the use of radar for speed enforcement on Briarwood Road from Sweetwater Road to State Route 54 in Bonita. The roadway is currently posted with a 40 MPH speed limit and measured speeds averaged 40.9 MPH. Road operating conditions including collision experience and the narrowing of travelled lanes for installation of bicycle lanes during this summer's regular resurfacing project support a 35 MPH posted speed limit along with the use of radar for enforcement.
- Item 2-A is a periodic review that is required every seven years and was requested by DPW staff to comply with state law. This will recertify the use of radar for speed enforcement on Potrero Valley Road from State Route 94 and Potrero Park Drive in Potrero. The roadway is currently posted with a 40 MPH speed limit and measured speeds averaged 37.9 MPH. Road operating conditions, an adjacent school zone, and measured speeds that allow for a speed reduction support a 35 MPH posted speed limit along with the use of radar for enforcement.
- Item 3-A is a periodic review that is required every seven years and was requested by DPW staff to comply with state law. This will recertify the use of radar for speed enforcement on Mary Lane from the Escondido City Limits (near Jasmine Place) to Summit Drive in unincorporated Escondido. The roadway is currently posted with a 45 MPH speed limit and measured speeds averaged 46.0 MPH. Road operating conditions including collision experience and high residential driveway density support a 40 MPH posted speed limit along with the use of radar for enforcement.
- Item 5-A is a periodic review that is required every seven years and was requested by DPW staff to comply with state law. This will recertify the use of radar for speed enforcement on Winter Haven Road from Mission Road to Brooke Road in Fallbrook and certify the speed limit for radar enforcement. The roadway is currently posted with a 45 MPH speed limit and measured speeds averaged 44.5 MPH. Road operating conditions, adjacent land uses including schools and residences, and measured speeds that allow for a speed reduction support a 40 MPH posted speed limit along with the use of radar for enforcement.

The Board's action on Item 1-A, 2-A, 3-A, & 5-A would revise the San Diego County Code of Regulatory Ordinances (County Code) and would require two steps. On October 16, 2019, the Board would consider the TAC items. If the Board takes action on October 16, 2019, then on October 30, 2019, a second reading of an ordinance amending County Code would be necessary to implement the Board's direction.

RECOMMENDATION(S)
TRAFFIC ADVISORY COMMITTEE

District 1:

Item 1-A. Briarwood Road from Sweetwater Road to State Route 54 in Bonita - Reduce the 40 MPH speed limit to 35 MPH and certify the 35 MPH speed limit for radar enforcement.

District 2:

Item 2-A. Potrero Valley Road from State Route 94 and Potrero Park Drive in Potrero - Reduce the 40 MPH speed limit to 35 MPH and certify the 35 MPH speed limit for radar enforcement.

District 3:

Item 3-A. Mary Lane from the Escondido City Limits (near Jasmine Place) to Summit Drive in Escondido - Reduce the 45 MPH speed limit to 40 MPH and certify the 40 MPH speed limit for radar enforcement.

District 5:

Item 5-A. Winter Haven Road from Mission Road to Brooke Road in Fallbrook - Reduce the 45 MPH speed limit to 40 MPH and certify the 40 MPH speed limit for radar enforcement.

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the CEQA Guidelines because the proposed action involves minor alterations of existing public facilities relating to regulatory traffic control issues on County maintained roadways, resulting in negligible or no expansion of existing or former use.
2. Adopt the Traffic Advisory Committee's recommendations.
3. Approve the introduction, read title, and waive further reading of the following Ordinance:
ORDINANCE AMENDING SECTIONS 72.161.95., 72.164.11., 72.169.54.1., AND 72.169.77.3. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 1-A, 2-A, 3-A, & 5-A).

If, on October 16, 2019, the Board takes action as recommended, then, on October 30, 2019: Consider and adopt the following Ordinance:

ORDINANCE AMENDING SECTIONS 72.161.95., 72.164.11., 72.169.54.1., AND 72.169.77.3. OF THE SAN DIEGO COUNTY CODE RELATING TO SPEED LIMITS ON COUNTY MAINTAINED ROADS IN SAN DIEGO COUNTY (Items 1-A, 2-A, 3-A, & 5-A).

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan for the Department of Public Works Road Fund. If approved, 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 Desmond, the Board of Supervisors took action as recommended, on Consent, introducing the Ordinance for further Board consideration and adoption on October 30, 2019.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

5. SUBJECT: ADVERTISE AND AWARD A CONTRACT FOR CULVERT REPAIR AND REPLACEMENT (DISTRICTS: 2, 3 & 5)

OVERVIEW

The County of San Diego's Department of Public Works (DPW) maintains over 18,000 drainage culverts in the unincorporated region. Drainage culverts convey water away from roadways, enhancing safety for motorists and protecting the County's transportation system from deterioration and costly future repairs. DPW has assessed the condition of County-maintained culverts during recent field reviews and has identified 24 locations for repair and replacement.

This is a request to approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for the repair and replacement of drainage culverts throughout the region. If approved, construction would be scheduled to begin in spring 2020 and be complete by summer 2020. The construction cost is estimated at \$1,520,000, including contingency, and the funding sources are State revenue from the Highway User Tax Account (\$1,350,000) and available prior year fund balance in the County Flood Control District (\$170,000).

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the CEQA Guidelines because this project consists of the advertisement and award of a contract to allow for repair and replacement of existing drainage culverts involving negligible expansion of existing or former use.
2. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other actions authorized by Section 401 et seq., of the Administrative Code with respect to contracting for drainage culverts throughout the County.
3. Designate the Director, Department of Public Works, as the County Officer responsible for administering the construction contract in accordance with Board Policy F-41, Public Works Construction Projects.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan in the Department of Public Works Road Fund Detailed Work Program. If approved, construction costs are estimated at \$1,520,000, including contingency. The funding sources are State revenue from the HUTA (\$1,350,000) and available prior year fund balance in the County Flood Control District (\$170,000). 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 help stimulate the local economy.

ACTION:

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

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**6. SUBJECT: GILLESPIE FIELD - SECOND AMENDMENT TO AVIATION LEASE
WITH SKY HARBOR HANGARS (DISTRICT: 2)**

OVERVIEW

Gillespie Field is a general aviation airport owned and operated by the County of San Diego's (County) Department of Public Works (DPW) within the municipal limits of the City of El Cajon. The airport includes 19 aviation leases and is a gateway to and from San Diego's east county providing infrastructure, facilities, and services to corporate and general aviation communities. 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 September 15, 2010 (13) the Board of Supervisors approved a new nine-year ten-month lease for aircraft storage hangars with Sky Harbor Hangars (Sky Harbor). The lease commenced on October 1, 2010 and is scheduled to terminate on July 31, 2020. This lease was amended on

September 12, 2012 (8) to reduce the size of the leasehold and adjust rent proportionately. The lease provides for a renegotiated rent adjustment, which is scheduled to take effect on December 1, 2019. DPW and Sky Harbor have negotiated a lease amendment that would adjust the rent for the remaining 8-month term of the lease.

This is a request to approve the second amendment to the aviation lease with Sky Harbor. The amendment would increase base monthly rent, effective December 1, 2019, from \$13,100 to \$13,799. If the proposed action is adopted, the current fiscal year revenue would increase by \$4,893.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines that the proposed lease amendment 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 Second Amendment to Aviation Lease with Sky Harbor Hangars, a general partnership, (County Contract No. 503284) **(4 VOTES)**

FISCAL IMPACT

Funds resulting from this request are partially included in the Fiscal Year 2019-20 Operational Plan for the Airport Enterprise Fund. If approved, this request would result in total annual revenue of \$162,093 in Fiscal Year 2019-20, an increase of \$4,893 over the amount budgeted. The funding source for the additional revenue is increased rental payments for the lessee under the terms of the amended lease. 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 Desmond, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

7. SUBJECT: GILLESPIE FIELD - NEW AVIATION LEASE WITH CLASSIC AIRCRAFT HANGARS, INC. (DISTRICT: 2)

OVERVIEW

Gillespie Field is a general aviation airport owned and operated by the County of San Diego's (County) Department of Public Works (DPW) within the municipal limits of the City of El Cajon. The airport includes 19 aviation leases and is a gateway to and from San Diego's east county providing infrastructure, facilities, and services to corporate and general aviation communities. 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 September 11, 1984 (82), the Board of Supervisors approved a 30-year aviation lease for aircraft storage hangars with Classic Aircraft Hangars, Inc. (Classic), which commenced on October 1, 1984. On April 14, 1999 (10), the Board of Supervisors approved a new 30-year aviation lease with Classic, which replaced their previous lease for the same premises. The current lease commenced on April 1, 1999 and is scheduled to terminate on March 31, 2029. The lease was amended on February 24, 2010 (12), to adjust rent and revise certain lease provisions. Classic has requested to extend its cumulative tenancy on the leasehold to 50 years, which is the maximum allowed by Government Code Section 50478. As a result, the Classic lease could be extended through 2034. DPW and Classic have negotiated a new lease as summarized below.

This is a request to approve a new 14-year 10-month aviation lease to replace the existing lease with Classic, beginning on December 1, 2019 and ending on September 30, 2034. Approval of this action would provide the County with updated lease language including environmental sustainability provisions, increased rental revenue, and a one-time equity payment from the lessee. If the proposed action is approved, current fiscal year revenue would increase by \$123,128 over the budgeted amount.

RECOMMENDATION(S)**CHIEF ADMINISTRATIVE OFFICER**

1. Find, in accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines that the proposed lease amendment 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 Aviation Lease with Classic Aircraft Hangars, Inc. (County Contract No. 320005)
- (4 VOTES)**

FISCAL IMPACT

Funds resulting from this request are partially included in the Fiscal Year 2019-20 Operational Plan for the Airport Enterprise Fund. If approved, this request would result in total annual revenue of \$187,928 in Fiscal Year 2019-20, an increase of \$123,128 over the amount budgeted. The funding source for the additional revenue is a total of \$2,016 increase in rental payments from the lessee under the terms of the amended lease and a one-time equity payment of \$121,112. 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.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

8. SUBJECT: ACCEPTANCE OF A DONATION FROM FALLBROOK SKATEPARK INC. TO THE DEPARTMENT OF PARKS AND RECREATION FOR A FALLBROOK SKATEPARK (DISTRICT: 5)

OVERVIEW

The Fiscal Year 2019-20 Operational Plan includes \$582,000 for the construction of a skatepark in Fallbrook. The Department of Parks and Recreation (DPR) is currently pursuing land in the community of Fallbrook to acquire property and build a park that will include the skatepark, and the Fiscal Year 2019-20 Operational Plan includes \$2,000,000 for this purpose. The Fallbrook Skatepark will be the first park and recreation facility in Fallbrook built to meet the needs of the youth and adults who enjoy the sport of skateboarding.

Fallbrook Skatepark Inc. (FSI) is a non-profit organization committed to facilitating safe skateboarding opportunities in the Fallbrook area for skateboarders of all ages and abilities. On August 1, 2019, the FSI board voted to donate \$20,000 to DPR to add to the construction funds available for skatepark amenities in the future Fallbrook Skatepark. County of San Diego Administrative Code Section 66, *Acceptance of Gifts*, and Board of Supervisor Policy A-112, *Acceptance and Use of Gifts and Donations*, requires the Board of Supervisors to approve the acceptance of donations that exceed \$5,000. Today's requested action will authorize DPR to accept the \$20,000 cash donation from FSI and establish appropriations of \$20,000 in Capital Project 1022920, Fallbrook Skatepark.

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 a donation of \$20,000 from Fallbrook Skatepark Inc. to the Department of Parks and Recreation for use towards construction of a new skatepark elements in Fallbrook

3. Establish appropriations of \$20,000 in the Capital Outlay Fund for Capital Project 1022920 Fallbrook Skatepark, based on revenue from the cash donation from Fallbrook Skatepark Inc.
(4 VOTES)
4. Authorize the Chair of the Board of Supervisors to sign a letter of appreciation on behalf of the County of San Diego to Fallbrook Skatepark Inc.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2019-20 Operational Plan in the Capital Outlay Fund. If approved, the proposed actions will authorize the acceptance of a donation of \$20,000 from Fallbrook Skatepark Inc. to be deposited in the Parks and Recreation Trust Fund and establish appropriations of \$20,000 in Capital Project 1022920, Fallbrook Skatepark for construction of the Fallbrook Skatepark. The funding source is a donation from Fallbrook Skatepark Inc. 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 Desmond, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

9. **SUBJECT: MOUNTAIN MEADOW PRESERVE - APPROVE AGREEMENTS WITH U.S. DEPARTMENT OF THE NAVY AND THE SAN DIEGO FOUNDATION RELATING TO THE MANAGEMENT OF THE PRESERVE (DISTRICT: 5)**

OVERVIEW

On September 28, 2018, the County of San Diego (County) acquired the 670-acre Mountain Meadow County Preserve (Preserve) south of Mountain Meadow Road and east of Interstate 15 near the headwaters of Escondido Creek. The U.S. Department of the Navy (Navy) matched County funding to acquire the Preserve with Readiness and Environmental Protection Integration (REPI) buffer program funds for Camp Pendleton. The REPI program helps offset damage that occurs to sensitive habitat during training maneuvers. Prior to acquisition, an additional approximately \$2.0 million was committed from the REPI program to fund management of the Preserve with the final value to be set once a habitat management plan was finalized. The Escondido Creek Conservancy (TECC) agreed to manage the Preserve under an agreement with the County and will be reimbursed for their management costs pursuant to an existing REPI agreement.

The County, TECC and Navy finalized a habitat management plan for the Preserve on July 12, 2019. The plan details stewardship activities planned for the Preserve and estimates costs associated with those activities. After approval of the plan, the Navy funded a total of \$2.15 million split between an endowment fund (\$1.55 million) for long-term management and a non-endowment fund (\$0.6 million) for approximately three years of start-up work on the Preserve. The San Diego Foundation (Foundation) received the Navy funding on August 28, 2019 and will manage the two funds in perpetuity. TECC and the Foundation have executed

agreements so that TECC is eligible to be reimbursed from the non-endowment and endowment funds for its stewardship activities at the Preserve. The County also needs to execute agreements with TECC and the Foundation for the County to access the funds in the event the County must conduct management activities within the Preserve. Additionally, per REPI program requirements, the County must execute an agreement directly with the Navy to be eligible for reimbursement.

Today's action is to approve and authorize the Director, Department of Parks and Recreation, to execute 1) an Encroachment Partnering Agreement with the Navy to allow the County to be reimbursed from the Navy's management money and 2) two agreements with the Foundation and TECC for the endowment and non-endowment funds committed to managing the Preserve.

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)(4) and (5) of the State CEQA Guidelines and in accordance with State CEQA Guidelines section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment for the reasons stated in the Notice of Exemption.
2. Approve and authorize the Director, Department of Parks and Recreation, or designee, to execute an Encroachment Partnering Agreement with the Department of Navy, Contract #N6247316RP00063.
3. Approve and authorize the Director, Department of Parks and Recreation, or designee, to execute an endowment fund agreement and a non-endowment fund agreement with the San Diego Foundation and The Escondido Creek Conservancy for the Mountain Meadow Preserve.

FISCAL IMPACT

There is no fiscal impact associated with today's recommendations. Currently, the Escondido Creek Conservancy (TECC) manages the Mountain Meadow County Preserve (Preserve). Funding of \$2.15 million was deposited directly to the San Diego Foundation from the U.S. Department of the Navy from an escrow account on August 28, 2019. The deposited money funds the management of the Preserve and will reimburse TECC's costs for management of the Preserve. If TECC ceases to manage the Preserve, the estimated cost for the County to manage the Preserve is approximately \$80,000 per year and the funding source would be reimbursement from the management fund.

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 Desmond, the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

**10. SUBJECT: NOTICED PUBLIC HEARING:
AUTHORIZATION FOR THE COUNTY OF SAN DIEGO TO
WITHDRAW AS A GROUNDWATER SUSTAINABILITY AGENCY FOR
THE BORREGO VALLEY GROUNDWATER BASIN (DISTRICT: 5)**

OVERVIEW

On October 19, 2016 (1), the Board of Supervisors (Board) entered into a Memorandum of Understanding (MOU) with the Borrego Water District (BWD) to establish a Groundwater Sustainability Agency (GSA) over the Borrego Valley Groundwater Basin (Basin) (Attachment A) as required by the State of California's Sustainable Groundwater Management Act (SGMA). The purpose of a GSA under SGMA is to develop a Groundwater Sustainability Plan (Sustainability Plan) to achieve long-term groundwater sustainability in a basin.

The MOU defined roles and responsibilities for the County of San Diego (County) and BWD during development of the Sustainability Plan for the Basin. Although BWD is the agency with water supply and water management responsibilities in the Basin, the County provided the initial funding and hired the consultant to develop the Sustainability Plan in collaboration with BWD. The County undertook this effort to support the community and ensure the timely completion of the Sustainability Plan. After a 60-day public comment period, the draft Sustainability Plan was finalized on August 30, 2019; thus, satisfying the objectives of the MOU. SGMA further requires the GSA to adopt and implement the Sustainability Plan by January 31, 2020 unless an alternative is submitted to the California Department of Water Resources (DWR).

As an alternative to the adoption and implementation of a Sustainability Plan by a GSA, SGMA allows water rights holders in the Basin to decide their water rights by agreeing to terms in a Water Rights Holders Stipulated Agreement (Stipulated Agreement). Representatives from agriculture, golf courses, and municipal groundwater pumpers in the Basin have been negotiating terms for a Stipulated Agreement. Although a Stipulated Agreement can occur with or without GSA involvement, BWD has been participating in the Stipulated Agreement process, as both a GSA and a groundwater pumper. A Stipulated Agreement could provide benefits that a GSA-implemented Sustainability Plan does not, including surety of water rights and reduced costs while avoiding an adversarial groundwater adjudication. Like a GSA-implemented Sustainability Plan, a Stipulated Agreement would include water allocations for each groundwater user and requirements to reduce the amount of water pumped from the Basin. The difference is that reduction requirements are agreed to by groundwater users in a Stipulated Agreement rather than imposed by a GSA in a Sustainability Plan.

The Stipulated Agreement would provide a comprehensive determination of groundwater rights and requires approval from the Superior Court of California. The Court would then appoint a Watermaster to manage groundwater resources in the Basin. The Watermaster would be tasked with ensuring water is allocated according to established water rights. Any Stipulated Agreement must be consistent with state legislation and would include the Sustainability Plan as the technical basis to guide groundwater management decisions. Groundwater management would

be undertaken by the Watermaster with oversight from the court. Since the Sustainability Plan has been finalized and made available for use in the Stipulated Agreement, and because the County does not have water supply or water management responsibilities in the Basin, the County may withdraw its GSA status in advance of the January 31, 2020 SGMA-mandated deadline. If the County withdraws from being a GSA, its role in the Basin would transition to overseeing the integration of groundwater sustainability measures with the County's existing land use and well permitting responsibilities, as a non-GSA agency.

This item is a request for the Board to consider terminating the MOU with the Borrego Water District and withdrawing the County from being a GSA for the Basin without adopting the Sustainability Plan.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3) and 15378(b)(5) of the State CEQA Guidelines.
2. Receive this report and authorize the Director of Planning & Development Services (PDS) to withdraw from being a Groundwater Sustainability Agency without adopting the Groundwater Sustainability Plan for the Borrego Valley Groundwater Basin by notifying the California Department of Water Resources in accordance with Section 10723.8(e) of the Sustainable Groundwater Management Act.
3. Authorize the Director of PDS, to submit written notice to the Borrego Water District terminating the provisions of the *Memorandum of Understanding: Development of a Groundwater Sustainability Plan for the Borrego Valley Groundwater Basin* (MOU) in accordance with Section XIII(1) of the MOU.

FISCAL IMPACT

Funds for implementing the Groundwater Sustainability Plan (Sustainability Plan) within the Borrego Valley Groundwater Basin (Basin) are included in the Fiscal Year 2019-20 Operational Plan in Planning & Development Services. Approximately \$2.1 million of remaining funds budgeted for Sustainability Plan implementation activities will fund land use planning efforts in the Basin, including updating the Borrego Springs Community 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 Desmond, second by Supervisor Cox, the Board of Supervisors closed the Hearing and took action as recommended adopting the following:

1. Found that the proposed action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3) and 15378(b)(5) of the State CEQA Guidelines.
2. Received this report and authorized the Director of Planning & Development Services (PDS) to withdraw from being a Groundwater Sustainability Agency without adopting the Groundwater Sustainability Plan for the Borrego Valley Groundwater Basin by notifying the California Department of Water Resources in accordance with Section 10723.8(e) of the Sustainable Groundwater Management Act.

3. Authorized the Director of PDS, to submit written notice to the Borrego Water District terminating the provisions of the Memorandum of Understanding: Development of a Groundwater Sustainability Plan for the Borrego Valley Groundwater Basin (MOU) in accordance with Section XIII(1) of the MOU.
4. Approved that the notification for the County of San Diego to withdraw as a Groundwater Sustainability Agency for the Borrego Valley Groundwater Basin shall occur immediately, but shall not take effect until after a stipulated agreement is submitted to a court, in accordance with California Code of Civil Procedure 830, or on December 31, 2019, whichever occurs first. The County of San Diego will transfer a \$500,000 grant from the Department of Water Resources to the Borrego Water District as necessary for continued support after the stipulated agreement is submitted to court.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

11. **SUBJECT: SET A HEARING FOR 11/20/2019:
GENERAL SERVICES - SET HEARING - MCCLELLAN-PALOMAR
AIRPORT PURCHASE OF REAL PROPERTY FROM DURKIN-CAC
LOT 24, LLC - ASSESSOR'S PARCEL NUMBER 212-091-02-00
(DISTRICT: 5)**

OVERVIEW

The County of San Diego's Department of Public Works (DPW) owns and operates a system of eight airports. McClellan-Palomar Airport (Airport) is in the city of Carlsbad and serves the northern portion of San Diego County. The Airport provides facilities and services for commercial, corporate, and general aviation operations.

To protect people and property on the ground from the effects of an aircraft incident, areas known as Runway Protection Zones (RPZ) are created to keep the areas immediately off the end of the runways clear of activities that would attract people into those RPZs. The Federal Aviation Administration (FAA) encourages airport operators to own the property affected by the RPZ, where appropriate. One such property, summarized below, exists in Carlsbad to the west of the Airport. The purchase of this property will allow DPW to own and control additional land in the RPZ as encouraged by the FAA and to prevent previously dismissed litigation relating to the property from being reinstated.

Durkin-CAC Lot 24, LLC, a California limited liability company (Durkin) owns a property located at 5817 Dryden Place in Carlsbad (Property) that is situated within Safety Zone 1 of the Airport Land Use Compatibility Plan for the Airport. The Property consists of 3.13-acres of land with an approximately 29,900-square-foot building and is also identified as Assessor's Parcel Number 212-091-02-00. Last month, the County entered into an option agreement to secure the right to purchase the Property from Durkin and will pay \$75,000 as option consideration within 15 days of the Board approving today's request to set a hearing to consider the purchase.

Today's request is for the Board of Supervisors (Board) to set a hearing for November 20, 2019 to consider the purchase of the Property, to direct the Clerk of the Board of Supervisors to publish public notice of the hearing, and to authorize the appropriations of funds to pay the \$75,000 option payment based on available prior year fund balance in the Airport Enterprise

Fund. If the Board takes today's requested action, then on November 20, 2019, after making the necessary environmental findings, the Board will be requested to approve and authorize the necessary appropriations for and purchase of the Property for the appraised value of \$6,000,000 plus escrow, title, and related acquisition expenses.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action to set a hearing is an administrative action that is not approval of a project as defined by the California Environmental Quality Act (CEQA).
2. Set a hearing for November 20, 2019, at which time the Board of Supervisors may consider authorizing the purchase of Assessor's Parcel Number 212-091-02-00 from Durkin-CAC Lot 24, LLC for \$6,000,000.
3. Direct the Clerk of the Board of Supervisors to provide notice of the hearing in accordance with California Government Code Sections 6063 and 25350.
4. Amend the Fiscal Year 2019-20 Airport Enterprise Fund Spending Plan by \$75,000 to provide funds for the option to purchase the Durkin-CAC Lot 24, LLC Property, Assessor's Parcel Number 212-091-02-00, based on available prior year fund balance in the Airport Enterprise Fund. **(4 VOTES)**

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2019-20 Operational Plan in the Airport Enterprise Fund. The cost for the option to purchase the Durkin-CAC Lot 24, LLC Property, is \$75,000 in Fiscal Year 2019-20. The funding source is available prior year fund balance in the Airport Enterprise Fund. 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 Desmond, the Board of Supervisors took action as recommended, on Consent, setting a Hearing for November 20, 2019.

AYES: Cox, Jacob, Fletcher, Desmond

RECUSED: Gaspar

12. **SUBJECT: CLOSED SESSION (CARRYOVER FROM 10/15/19 AGENDA NO. 23)
(DISTRICTS: ALL)**

OVERVIEW

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Isabella Godshall, et al. v. County of San Diego, et al.; United States District Court, Southern District, No. 18-CV-2548-H-WVG

- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Thomas M. Deleon, II, et al. v. City of Vista, et al.; United States District Court,
Southern District, No. 18-CV-714-JM-BGS
- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
A.B., a minor, et al. v. County of San Diego, et al.; United States District Court,
Southern District, No. 18-CV-1541-MMA-LL
- D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
First Amendment Coalition v. County of San Diego, et al.; San Diego County
Superior Court No. 37-2018-00037504-CU-WM-CTL
- E. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of
Government Code section 54956.9: (Number of Potential Cases - 1)
- F. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of
Government Code section 54956.9: (Number of Potential Cases - 1)
- G. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Mark Mann, et al. v. County of San Diego, et al.; United States District Court,
Southern District, No. 11-CV-708-GPC-BGS
- H. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
In Re: National Prescription Opiate Litigation; United States District Court,
Northern District of Ohio, No. 1:17-MD-02804-DAP
- I. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Mylene Huynh v. County of San Diego; San Diego County Superior Court No.
37-2018-00020382-CU-PO-CTL
- J. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Timothy Campbell v. County of San Diego; San Diego County Superior Court No.
37-2018-00010197-CU-NP-NC
- K. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of
Government Code section 54956.9: (Number of Potential Cases - 1)

L. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Golden Door Properties, LLC v. County of San Diego; San Diego County Superior
Court No. 37-2018-00013324-CU-TT-CTL

ACTION:

County Counsel reported that for Closed Session on October 16, 2019, the Board of Supervisors took the following action:

Item B: Thomas Deleon, et al., v. County of San Diego, et al., by a vote of 5-0 with all Board members present and voting aye, authorized settlement of \$250,000 in this lawsuit involving allegations of excessive force by a Sheriff's deputy.

Item D: First Amendment Coalition v. County of San Diego et al., by a vote of 5-0 with all Board members present and voting aye, authorized County Counsel to accept Petitioner's offer to settle its claim for attorneys' fees and costs for \$97,500.

Item I: Mylene Huynh v. County of San Diego, by a vote of 5-0 with all Board members present and voting aye, authorized County Counsel to accept Plaintiff's settlement demand of \$500,000.

13. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW

John Bottorff and Suzanne Hume spoke to the Board regarding no pesticides on County lands.

ACTION:

Heard, Referred to the Chief Administrative Officer.

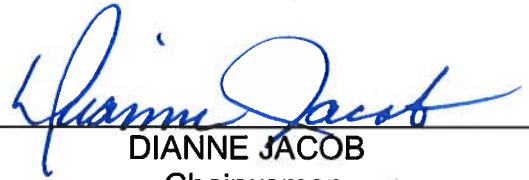
There being no further business, the Board adjourned at 12:27 p.m. in memory of Dorothy "Dottie" Miller, Bill Wright, and Susan Pallinger.

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 October 30, 2019.



DIANNE JACOB
Chairwoman

Attest:



ANDREW POTTER
Clerk of the Board

10/16/19