

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, NOVEMBER 06, 2013, 09:00 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

REGULAR SESSION – Regular Meeting was called to order at 9:04 a.m.

Present: Supervisors Greg Cox, Chairman; Dianne Jacob, Vice Chairwoman; Dave Roberts; Ron Roberts; Bill Horn; also David C. Hall, Assistant Clerk of the Board.

Approval of Statement of Proceedings/Minutes for the meeting of October 23, 2013.

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor D. Roberts, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of October 23, 2013.

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

Public Communication: [No Speakers]

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 NOTICED PUBLIC HEARING:
LUSARDI CREEK – ACQUISITION OF 31.15 ACRES OF LAND FOR OPEN SPACE (DIANNE M. FINGAL AND CHARLES V. FINGAL, JR.) (9/25/13 – SET HEARING; 11/6/13 – HOLD HEARING)
[FUNDING SOURCE(S): OPERATING TRANSFER FROM THE GENERAL FUND AND A GRANT FROM THE STATE OF CALIFORNIA HABITAT CONSERVATION FUND]
(4 VOTES)

2. CONTINUED NOTICED PUBLIC HEARING:
OTAY VALLEY REGIONAL PARK – ACQUISITION OF 15.65 ACRES FOR OPEN SPACE (PLATUS CORPORATION PENSION PLAN) (9/25/13 – SET HEARING; 11/6/13– HOLD HEARING)
[FUNDING SOURCE(S): ACQUISITION - OPERATING TRANSFER FROM THE GENERAL FUND AND CALTRANS SETTLEMENT; INITIAL STEWARDSHIP - A TRANSFER FROM THE CONTRIBUTIONS TO CAPITAL OUTLAY FUND AND CALTRANS SETTLEMENT FUNDS]
(4 VOTES)
3. NOTICED PUBLIC HEARING:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: SAN VICENTE ROAD IMPROVEMENT PROJECT IN RAMONA - ADOPT A RESOLUTION OF INTENTION AND INTRODUCE AN ORDINANCE TO ENABLE FORMATION OF AN UNDERGROUND UTILITY DISTRICT (9/25/13- FIRST READING; 11/6/13 - SECOND READING AND ADOPTION)
[FUNDING SOURCE(S): GENERAL PURPOSE REVENUE]
4. NOTICED PUBLIC HEARING:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: ADOPT A RESOLUTION OF INTENTION AND INTRODUCE AN ORDINANCE TO ENABLE FORMATION OF UNDERGROUND UTILITY DISTRICT ON MAINE AVENUE IN THE VICINITY OF LAKESIDE (10/9/13 - FIRST READING; 11/6/13 - SECOND READING AND ADOPTION)
[FUNDING SOURCE(S): GENERAL PURPOSE REVENUE]
5. NOTICED PUBLIC HEARING:
BEACON SUN RANCH OPEN SPACE EASEMENT VACATION; NORTH COUNTY METROPOLITAN SUBREGIONAL PLAN AREA (10/9/13 – SET HEARING; 11/6/13 – HOLD HEARING)
6. BORREGO VALLEY AIRPORT – SECOND AMENDMENT TO AVIATION LEASE WITH JOHN S. WATKINS
[FUNDING SOURCE(S): RENTAL PAYMENTS FROM THE LESSEE UNDER THE TERMS OF THE AMENDED AGREEMENT]
(4 VOTES)
7. MCCLELLAN-PALOMAR AIRPORT – AMENDMENT TO AVIATION LEASE WITH JET SOURCE INC.
[FUNDING SOURCE(S): RENTAL PAYMENTS FROM THE LESSEE UNDER THE TERMS OF THE AMENDED AGREEMENT]
(4 VOTES)
8. AUTHORIZATION TO SUBMIT APPLICATION FOR AND ACCEPT FISCAL YEAR 2013-14 CALIFORNIA COASTAL COMMISSION LOCAL COASTAL PROGRAM PLANNING GRANT FUNDS

9. ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD CONTRACT FOR CONSTRUCTION OF METAL BEAM GUARDRAILS AT VARIOUS LOCATIONS
[FUNDING SOURCE(S): ROAD FUND FUND BALANCE BASED ON PROPOSITION 1B, ROAD FUND FUND BALANCE AND SHERWOOD RIDGE SETTLEMENT AGREEMENT]
(4 VOTES)
10. GILLESPIE FIELD – NEW AVIATION LEASE WITH THE BORDEN TRUST DATED JUNE 11, 2007
[FUNDING SOURCE(S): ONE-TIME EQUITY AND TRANSFER PREMIUM PAYMENTS FROM THE LESSEE UNDER THE TERMS OF THE NEW LEASE]
(4 VOTES)
11. ADOPT A RESOLUTION RE-ALLOCATING EXISTING PROPOSITION 1B FUNDING FOR LOCAL STREETS AND ROADS PROJECTS AND ESTABLISH APPROPRIATIONS FOR ADDITIONAL ROAD IMPROVEMENTS AND MAINTENANCE PROJECTS
[FUNDING SOURCE(S): AVAILABLE ROAD FUND FUND BALANCE FROM PROPOSITION 1B]
(4 VOTES)
12. CLOSED SESSION (CARRYOVER FROM 11/5/13 AGENDA NO. 26)

**1. SUBJECT: CONTINUED NOTICED PUBLIC HEARING:
LUSARDI CREEK – ACQUISITION OF 31.15 ACRES OF
LAND FOR OPEN SPACE (DIANNE M. FINGAL AND
CHARLES V. FINGAL, JR.) (9/25/13 – SET HEARING;
11/6/13 – HOLD HEARING) (DISTRICT: 5)**

OVERVIEW:

On October 23, 2013 (7) the Board of Supervisors continued the item to November 6, 2013.

On September 25, 2013 (5), the Board set a Hearing for October 23, 2013. In order to finalize matters, staff requires additional time to bring the item back to the Board for approval on November 6, 2013.

The County has identified 31.15 acres available for acquisition in the unincorporated area of San Dieguito west of Camino del Sur at the southwest terminus of Artesian Road (2012 Thomas Guide page 1168, H-4). The acquisition of this property will help preserve valuable riparian and California gnatcatcher habitat as well as provide recreational trail opportunities in the region. The property, located adjacent to the Lusardi Creek Preserve, is within an identified core area of the Multiple Species Conservation Program (MSCP) South County Subarea Plan. Core areas support a high concentration of sensitive biological resources which, if lost or fragmented, could not be replaced or mitigated elsewhere. The appraised value of the property is \$1,360,000.

Today's request requires two steps. On September 25, 2013, it is requested that the Board set a hearing for November 6, 2013, and provide public notice of the hearing. If the Board takes the actions recommended for September 25, 2013, then on November 6, 2013, after making the necessary findings, the Board is requested to approve the purchase from Dianne M. Fingal and Charles V. Fingal, Jr. of Assessor's Parcel Number 269-100-29 for the appraised value of \$1,360,000. In addition, today's request would establish appropriations of \$200,000 in the Multiple Species Conservation Program Acquisitions Fund based upon a grant award from the State of California Habitat Conservation Fund (HCF). The HCF program protects sensitive plant and animal species by providing funding for the acquisition of high quality habitat.

FISCAL IMPACT:

Funds for this request are partially included in the Fiscal Year 2013-14 Operational Plan for Multiple Species Conservation Program (MSCP) Acquisitions Fund. If approved, this request will result in a current year cost of \$1,456,100 itemized as follows: \$1,360,000 for property acquisition; \$38,000 for staff and due diligence expenses to complete the transaction; \$6,100 for closing and title costs; and \$52,000 in one-time land protection costs for signage, fencing and vegetation management. The funding sources are an Operating Transfer from the General Fund (\$1,256,100) and a grant from the State of California Habitat Conservation Fund (\$200,000).

Total annual costs for required land monitoring and management of the 31.15 acres, per the approved MCSP South County Subarea Plan, are estimated at \$2,000. In addition, there will be an annual cost of \$1,677 for fixed charge assessments including road improvement and maintenance, vector control and water standby charges. These costs will be absorbed within the Department of Parks and Recreation existing budget. There will be no change in current year net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15325 of the California Environmental Quality Act (CEQA), that the purchase of APN 269-100-29 is categorically exempt from the provisions of the CEQA Guidelines, as it involves the transfer of ownership of land to preserve open space and natural conditions.
2. Establish appropriations of \$200,000 in the Multiple Species Conservation Program Acquisitions Fund, for the acquisition of 31.15 acres of land for Open Space, based upon grant award from the Habitat Conservation Fund. **(4 VOTES)**
3. Authorize the Director, Department of General Services, to exercise the option to purchase APN 269-100-29 from Dianne M. Fingal and Charles V. Fingal, Jr. for the appraised value of \$1,360,000.
4. Authorize the Director, Department of General Services, or designee, to execute all escrow and related documents necessary to complete the purchase of the property.

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board closed the Hearing and took action as recommended, on Consent.

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

2. **SUBJECT: CONTINUED NOTICED PUBLIC HEARING:
OTAY VALLEY REGIONAL PARK – ACQUISITION OF
15.65 ACRES FOR OPEN SPACE (PLATUS CORPORATION
PENSION PLAN) (9/25/13 – SET HEARING; 11/6/13– HOLD
HEARING) (DISTRICT: 1)**

OVERVIEW:

On October 23, 2013 (8) the Board of Supervisors continued the item to November 6, 2013.

On September 25, 2013 (8), the Board set a Hearing for October 23, 2013. In order to finalize matters, staff requires additional time to bring the item back to the Board for approval on November 6, 2013.

In 1990, the County of San Diego, along with the cities of San Diego and Chula Vista, formed a Joint Exercise of Powers Agreement (JEPA) to coordinate the acquisition, planning, design, operation and maintenance of land and park facilities within the Otay Valley Regional Park. The park, as envisioned, will eventually span 13 miles from southern San Diego Bay to Otay Lakes Park. The County has identified 15.65 acres available for acquisition and inclusion into the park south of Main Street and west of Interstate 805 in the City of San Diego (2012 Thomas Guide page; 1330, G-6). Half of the property is within a City of San Diego Multiple Species Conservation Program Multiple Habitat Planning Area. The acquisition will protect valuable habitat and provide open space and potential for a trail connection in the park. The price of the property is \$525,000. The City of San Diego has agreed to assume ownership and long-term management of the property following County acquisition and initial stewardship. Half of the acquisition is being funded by a settlement agreement between the County and State of California for Caltrans' take of parkland for State Route 125 construction.

Today's request requires two steps. On September 25, 2013, it is requested that the Board set a hearing for November 6, 2013, and provide public notice of the hearing. If the Board takes the actions recommended for September 25, 2013, then on November 6, 2013, after making the necessary findings, the Board is requested to approve the purchase of Assessor's Parcel Numbers 624-070-22 and -26 from Platus Corporation Pension Plan for \$525,000. In addition, this request will establish appropriations of \$324,000, and authorize transfer of the land to the City of San Diego for long-term management.

FISCAL IMPACT:

Funds for the acquisition are partially budgeted in the Fiscal Year 2013-14 Operational Plan for Multiple Species Conservation Program (MSCP) Acquisitions Fund. If approved, this request will establish an additional \$284,000 for a total current year cost of \$568,000 itemized as follows: \$525,000 for the land purchase, \$40,500 for staff and due diligence expenses to complete the transaction, \$2,500 for closing and title costs. The funding sources are an Operating Transfer from the General Fund (\$284,000) and Caltrans settlement (\$284,000).

Funds for initial stewardship including vegetation management and access control are not budgeted in the Fiscal Year 2013-14 Operational Plan in the Department of Parks and Recreation. If approved, this request will result in current year costs and revenue of \$40,000. The funding sources are a transfer from the Contributions to Capital Outlay Fund (\$20,000) and Caltrans settlement funds (\$20,000).

The City of San Diego will assume ownership and long-term management after acquisition and completion of initial stewardship which is expected to be completed within three months. There will be no on-going annual costs for land stewardship, adaptive management, and monitoring of the 15.65 acres. There will be no change in current year net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15325 of the California Environmental Quality Act (CEQA) Guidelines, that the purchase of APNs 624-070-22 and -26 is categorically exempt from the provisions of the CEQA, as it involves the transfer of ownership of land to preserve open space and natural conditions.
2. Establish appropriations of \$284,000 in the Multiple Species Conservation Program (MSCP) Acquisitions Fund for land acquisition, based on unanticipated revenue from Caltrans settlement. **(4 VOTES)**
3. Cancel appropriations of \$20,000 and related Operating Transfer from the General Fund in the MSCP Acquisitions Fund, for initial stewardship.
4. Transfer appropriations of \$20,000 from the Contributions from Capital Outlay Fund, Operating Transfer Out, to the Department of Parks and Recreation, services and supplies, for initial stewardship.
5. Establish appropriations of \$20,000 in the Department of Parks and Recreation, services and supplies, for initial stewardship based on unanticipated revenue from Caltrans settlement. **(4 VOTES)**
6. Authorize the Director, Department of General Services, to exercise the option to purchase APNs 624-070-22 and -26 from Platus Corporation Pension Plan, or assignee, for the price of \$525,000.
7. Authorize the Director, Department of General Services, or designee, to execute all escrow and related documents necessary to complete the purchase of the property.
8. Authorize the Director, Department of General Services, or designee, to execute a grant deed and all escrow and related documents approved by County Counsel to complete the transfer of the property to the City of San Diego. **(4 VOTES)**

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board closed the Hearing and took action as recommended, on Consent.

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

**3. SUBJECT: NOTICED PUBLIC HEARING:
SECOND CONSIDERATION AND ADOPTION OF
ORDINANCE: SAN VICENTE ROAD IMPROVEMENT
PROJECT IN RAMONA - ADOPT A RESOLUTION OF
INTENTION AND INTRODUCE AN ORDINANCE TO
ENABLE FORMATION OF AN UNDERGROUND UTILITY
DISTRICT (9/25/13 - FIRST READING; 11/6/13 - SECOND
READING AND ADOPTION) (DISTRICT: 2)**

OVERVIEW:

On September 25, 2013 (3), the Board introduced the Ordinance for further consideration and adoption on November 6, 2013.

The San Vicente Road Improvement project (“Project”) proposes widening approximately 2.25-miles of San Vicente Road from Warnock Drive to 100 feet east of the intersection with Wildcat Canyon Road (57th Edition Thomas Guide Page 1172-G3-4, H4-5, J5, and 1173-A5). The Project will improve line of sight for motorists, traffic operations, and stormwater conveyance to accommodate the 100-year flood. It will also enhance safety for bicyclists, pedestrians, and equestrians with the installation of two bicycle lanes, a crushed granite pathway on the west and south side of the road, and a graded parkway on the other side of the road. In addition, waterlines will be relocated. The Project is anticipated to begin construction in March 2014 and be completed by November 2015.

As part of the project, overhead utilities will be relocated through the County’s Underground Utility District (UUD) program. The purpose of the UUD program is to improve the appearance of communities by undergrounding overhead utilities in areas of benefit to the general public. Board Policy J-17, Undergrounding of Existing Overhead Utility Facilities, establishes a policy and procedure for district formation and program administration. San Diego Gas and Electric (SDG&E) company collects 20A funds through a standard surcharge on rate payer’s bills for use by local jurisdictions to pay for the undergrounding of electric facilities. These funds are allocated to the local jurisdiction where, as in this case, undergrounding allows for removal of lines on heavily traveled roads and those that pass through areas of scenic interest.

This is a request to set a hearing for November 6, 2013, to form a new Underground Utility District, San Vicente Road, in Ramona (57th Edition Thomas Guide Page 1192, G-3). Establishing an Underground Utility District is a two-step process. The first step includes adopting a Resolution of Intention setting November 6, 2013, for a public hearing and introduction of an ordinance establishing the District. The second step on November 6, 2013, will be to hear public testimony and at close of the public hearing, adopt an ordinance forming the District.

FISCAL IMPACT:

Funds for the formation and administration of the San Vicente Road Underground Utility District No. 115 are budgeted in the Fiscal Year 2013-14 Operational Plan in the Department of Public Works, General Fund. If approved, County costs and revenue are estimated at \$2,000 in Fiscal Year 2013-14 and approximately \$1,000 in Fiscal Year 2014-15. The funding source is General Purpose Revenue. There will be no change in net General Fund cost and no additional staff years.

Utility undergrounding project costs within the scope of CPUC Rule 20a are not paid from County funds. SDG&E may use Rule 20a funds to pay for undergrounding of electric lines in a number of circumstances, including where there the lines are located along heavily traveled or scenic routes. Similar CPUC Rules are applicable to undergrounding by other utilities such as telecommunications companies. The cost of undergrounding on San Vicente Road is estimated at \$4.2 million and will be funded by SDG&E’s Rule 20a funds and funds from other overhead utilities required by this action to underground.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15302(d) of the state CEQA Guidelines.
2. Adopt the Ordinance entitled:

AN ORDINANCE ADDING SECTION 89.316 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO FORM AN UNDERGROUND UTILITY DISTRICT ON SAN VICENTE ROAD, UNDERGROUND UTILITY DISTRICT NO. 115.

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board closed the Hearing and took action as recommended, on Consent, adopting Ordinance No. 10299 (N.S.), entitled: AN ORDINANCE ADDING SECTION 89.316 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO FORM AN UNDERGROUND UTILITY DISTRICT ON SAN VICENTE ROAD, UNDERGROUND UTILITY DISTRICT NO. 115.

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

4. **SUBJECT: NOTICED PUBLIC HEARING:
SECOND CONSIDERATION AND ADOPTION OF
ORDINANCE: ADOPT A RESOLUTION OF INTENTION
AND INTRODUCE AN ORDINANCE TO ENABLE
FORMATION OF AN UNDERGROUND UTILITY
DISTRICT ON MAINE AVENUE IN THE VICINITY OF
LAKESIDE (10/9/13 - FIRST READING, 11/6/13 - SECOND
READING AND ADOPTION) (DISTRICT: 2)**

OVERVIEW:

On October 9, 2013 (2), the Board introduced the Ordinance for further consideration and adoption on November 6, 2013.

The purpose of the Underground Utility District program is to improve the appearance of communities by undergrounding overhead utilities in areas of benefit to the general public in the unincorporated county. Utility companies such as Southern California Gas & Electric (SDG&E) collect funds from rate payers to pay for undergrounding of facilities. These funds may be used by utilities to underground facilities within Underground Utility Districts established by County ordinance along roads that are heavily traveled, in areas of scenic beauty or when other conditions are met.

Maine Avenue is the historical and commercial center of the Lakeside community. This project will underground electric, telephone and cable television lines between Woodside Avenue and Mapleview Street. As part of the project, 36 poles will be eliminated from sidewalks along Maine Avenue and 52 property services will be converted to having underground service. This undergrounding project, which was initiated at the request of the Lakeside Revitalization Committee, is a standalone construction project not associated with a County road improvement project.

This is a request to set a hearing for November 6, 2013, to form a new district on Maine Avenue in Lakeside (57th Edition Thomas Guide Page 1232, B-3). Establishing an Underground Utility District is a two-step process. This first step includes adopting a Resolution of Intention setting November 6, 2013, for a public hearing and introduction of an Ordinance establishing the district. The second step on November 6, 2013, will be to hear public testimony and at close of the public hearing, consider the adoption of an Ordinance forming the district.

FISCAL IMPACT:

Funds for the formation and administration of this underground utility district are budgeted in the Fiscal Year 2013-14 Operational Plan in the Department of Public Works, General Fund. If approved, County costs and revenue associated with the formation and administration of the underground utility district are estimated at \$2,000 in Fiscal Year 2013-14 and approximately \$1,000 in Fiscal Year 2014-15. The funding source is General Purpose Revenue. There will be no change in net General Fund cost and no additional staff years.

Utility undergrounding project costs within the scope of CPUC Rule 20a and other similar rules or requirements applicable to utilities are not paid from County funds. SDG&E may use Rule 20a funds pay for undergrounding of electric lines in a number of circumstances, including where the lines are located along heavily traveled or scenic routes. CPUC Rule 32a establishes a similar rule for AT&T facilities. The cost for this project is estimated at \$1.3 million and will be funded by SDG&E's 20A funds, AT&T Rule 32a funds and funds from other overhead utility providers.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15302(d) of the state CEQA Guidelines.
2. Adopt the Ordinance entitled:

AN ORDINANCE ADDING SECTION 89.317 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO FORM AN UNDERGROUND UTILITY DISTRICT ON MAINE AVENUE, UNDERGROUND UTILITY DISTRICT NO. 116.

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board closed the Hearing and took action as recommended, on Consent, adopting Ordinance No. 10300 (N.S.), entitled: AN ORDINANCE ADDING SECTION 89.317 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO FORM AN UNDERGROUND UTILITY DISTRICT ON MAINE AVENUE, UNDERGROUND UTILITY DISTRICT NO. 116.

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

5. **SUBJECT: NOTICED PUBLIC HEARING:
BEACON SUN RANCH OPEN SPACE EASEMENT
VACATION; NORTH COUNTY METROPOLITAN
SUBREGIONAL PLAN AREA (10/9/13 – SET HEARING;
11/6/13 – HOLD HEARING) (DISTRICT: 5)**

OVERVIEW:

On October 9, 2013 (4), the Board set a Hearing for November 6, 2013.

Application date: August 25, 2011

This is a request for the Board of Supervisors to consider the vacation of an open space easement pursuant to the Streets and Highways Code and Board Policy I-103 Open Space Easement Vacations. The 15.74 acre open space easement requested to be vacated was recorded in association with the Stafford Tentative Parcel Map (TPM 16539) which was approved in 1981. A Parcel Map associated with this project was never recorded, and the Tentative Parcel Map has since expired. Therefore, the easement is no longer required to mitigate impacts related to the Tentative Parcel Map under the California Environmental Quality Act (CEQA). The case number for this project is: PDS2011-3940-11-001 (VAC).

The project site measures 78.22 acres and is located south of Old Guejito Grade Road, east of Hidden Trails Road, within the North County Metropolitan Subregional Plan area, County of San Diego (Thomas Bros. Map Page 1110, H-7).

Today's request requires two steps. On October 9, 2013, it is requested that the Board set a date for a public hearing for November 6, 2013, and provide public notice of the hearing. If the Board takes the actions recommended for October 9, 2013, then on November 6, 2013, it is requested that the Board consider and adopt a resolution to vacate the referenced easement and record the resolution of vacation.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES

1. Adopt the environmental findings included in Attachment D.
2. Adopt the resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING PUBLIC SERVICE EASEMENT PDS2011-3940-11-001 (VAC) (Attachment C).
3. Direct the Clerk of the Board to record this resolution pursuant to the Streets and Highways Code Section 8325.

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board closed the Hearing and took action as recommended, on Consent, adopting Resolution No. 13-157, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING PUBLIC SERVICE EASEMENT PDS2011-3940-11-001 (VAC).

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

6. **SUBJECT: BORREGO VALLEY AIRPORT – SECOND AMENDMENT TO AVIATION LEASE WITH JOHN S. WATKINS (DISTRICT: 5)**

OVERVIEW:

Borrego Valley Airport serves the desert community of Borrego Springs and Anza-Borrego Desert (57th Edition Thomas Guide, Page 1079, G-1). On January 7, 2004 (6), the Board approved a new 30-year aviation lease with John S. Watkins for 1.05-acres at Borrego Valley Airport. The lease was amended on November 19, 2008 (12), to adjust rent and to modify required improvements. This 1.05-acre leasehold has been developed with 10 aircraft storage hangars. This lease requires rent to be renegotiated every five years to keep current with market rates and is next due for adjustment on January 7, 2014. The lease originally required John S. Watkins to build six additional hangars, but there is currently no demand for more hangars at the airport and .36 acres of the leasehold remains undeveloped.

This is a request to approve the Second Amendment to Aviation Lease with John S. Watkins. The proposed amendment would increase the monthly rent per acre to market rental rate per acre, effective January 7, 2014. The amendment would also reduce the size of the premises to 0.69 acres, remove the requirement to construct additional hangars, extend the next rent renegotiation period to synchronize this lease with other leases at the airport, and update other clauses in the lease. If the proposed action is approved, the rent for this lease would decrease by \$122 per month for monthly total revenue of \$255.

FISCAL IMPACT:

Funds for revenue from this lease are included in the Fiscal Year 2013-2014 Operational Plan for the Airport Enterprise Fund. If approved, this request would result in total revenue of \$3,816 in the Fiscal Year 2013-14 Airport Enterprise Fund spending plan; a decrease of \$708 from the amount budgeted. This lease will be subject to an annual consumer price index adjustment and renegotiation every five years. The funding source for anticipated revenue is rental payments from the lessee under the terms of the amended agreement. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find, 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 the leasing of existing facilities involving negligible or no expansion of existing use.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the Second Amendment to Aviation Lease with John S. Watkins, County Contract 75727R. **(4 VOTES)**

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent.

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

7. SUBJECT: MCCLELLAN-PALOMAR AIRPORT – AMENDMENT TO AVIATION LEASE WITH JET SOURCE INC. (DISTRICT: 5)

OVERVIEW:

McClellan-Palomar Airport, located in Carlsbad (57th Edition Thomas Guide Page 1127, D3), is a major gateway to and from San Diego’s North County. The airport provides facilities and services to commercial, corporate and general aviation communities.

On December 10, 2003 (13), the Board approved a new 30-year Aviation Lease with Jet Source Inc. at McClellan-Palomar Airport. This lease was amended on December 6, 2006 (6) to extend the term, November 29, 2008 (9) to adjust the rent and March 24, 2010 (6) to apply a rent credit to mitigate for a runway closure. This lease requires rent to be renegotiated every five years to keep current with market rates and is next due for adjustment on January 1, 2014.

This is a request to approve the proposed Fourth Amendment to Aviation Lease with Jet Source Inc. This amendment will increase monthly rent to reflect current market rates, effective January 1, 2014. If the proposed action is approved, the rent for this lease will increase by \$848 per month for monthly total revenue of \$20,274.

FISCAL IMPACT:

Funds for revenue from this lease are partially included in the Fiscal Year 2013-14 Operational Plan for the Airport Enterprise Fund. If approved, this request would result in increased revenue of \$5,088, for total revenue of \$238,200 for County Contract No. 75758R. This lease will be subject to an annual consumer price index adjustment and renegotiation every five years. The funding source is rental payments from the lessee under the terms of the amended agreement. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find, 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 the leasing of existing facilities involving negligible or no expansion of existing use.

2. Approve and authorize Clerk of the Board to execute, upon receipt, three copies of the Fourth Amendment to Aviation Lease with Jet Source, Inc., County Contract No. 75758R. **(4 VOTES)**

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent.

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

8. **SUBJECT: AUTHORIZATION TO SUBMIT APPLICATION FOR AND ACCEPT FISCAL YEAR 2013-14 CALIFORNIA COASTAL COMMISSION LOCAL COASTAL PROGRAM PLANNING GRANT FUNDS (DISTRICT: 5)**

OVERVIEW:

Today's actions would authorize the application for and acceptance of grant funds available from the California Coastal Commission (Commission) to update the County of San Diego's Local Coastal Program (LCP). LCPs are an essential component of the California Coastal Act (Coastal Act) and implement the Coastal Act's statewide goals and policies at a local level. The County's currently adopted LCP is outdated and has not been certified, which means the Commission maintains authority to review and issue coastal development permits for the portion of the Coastal Zone within the unincorporated area. In order to obtain certification by the Commission, an update to the County's LCP is necessary. Once the LCP is certified, the County would assume responsibility for issuance of most coastal development permits.

FISCAL IMPACT:

There is no fiscal impact associated with today's action to authorize the submittal and acceptance of an application for a competitive grant from the California Coastal Commission of up to \$300,000. If a grant is awarded, the Fiscal Year 2013-14 Operational Plan in the Department of Planning & Development Services will fund any necessary County staff to manage the project. Grant funds, if awarded, may offset up to 100 percent of these costs. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

The County's LCP is not currently certified, which means the Commission maintains authority to review and issue coastal development permits for the portion of the Coastal Zone within the unincorporated area (Attachment B). Property owners within the Coastal Zone of the unincorporated county must go directly to the Commission in order to receive coastal development permits. This process is required in addition to the permit process required by the County. Upon obtaining a certified LCP, the County would assume responsibility for issuing permits previously issued by the Commission, which would streamline the application process for property owners by eliminating the need to go to the Commission for approval.

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER**

1. Find that the resolution complies with the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines because CEQA does not apply pursuant to Section 15265(a)(1) of the CEQA Guidelines.
2. Adopt the Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF CALIFORNIA COASTAL COMMISSION LOCAL COASTAL PROGRAM GRANT FUNDS. (Attachment A).

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, adopting Resolution No. 13-158, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF CALIFORNIA COASTAL COMMISSION LOCAL COASTAL PROGRAM GRANT FUNDS.

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

9. **SUBJECT: ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD CONTRACT FOR CONSTRUCTION OF METAL BEAM GUARDRAILS AT VARIOUS LOCATIONS (DISTRICTS: 2, 3 AND 5)**

OVERVIEW:

The Department of Public Works has identified various locations for replacement of guardrail-end sections and installation of new guardrail segments along County roads as part of its Guardrail Program. Guardrails and the associated end sections are typically repaired or replaced along roadways where guardrails have been damaged or where it is determined there is a need to upgrade existing guardrails to meet current design standards.

On May 8, 2013 (7), the Board approved the advertisement of a guardrail project and appropriated \$313,000 for construction. Bids were opened on July 9, 2013 with only one bid submitted at \$401,216. After review and consideration of this bid, it was rejected mainly because it exceeded the engineer's estimate and was determined unreasonable.

Prop 1B savings allowed the department to review the process, proposed locations and go out for an additional bid. This is a request to establish \$250,000 in appropriations based on Road Fund fund balance based on Proposition 1B and approve advertisement and subsequent contract award to the lowest responsible bidder to construct metal beam guardrails at various locations in the County, including all but two locations previously approved by the Board in May 2013. Two previously approved remote locations on Montezuma Valley Road near Borrego were removed.

Upon Board approval, the Department of Purchasing and Contracting will advertise and subsequently award a contract for construction scheduled to begin in early 2014 and be completed by summer 2014.

FISCAL IMPACT:

Funds for this request are partially included in the Fiscal Year 2013-14 Operational Plan in the Department of Public Works Detailed Work Program. If approved, construction costs are estimated to be \$563,000. The funding sources are Road Fund fund balance based on Proposition 1B (\$250,000), Road Fund fund balance (\$250,000) and Sherwood Ridge Settlement Agreement (\$63,000). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

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

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15301 of the state CEQA Guidelines.
2. Establish appropriations of \$250,000 in the Department of Public Works Detailed Work Program for metal beam guardrails at various County roads, based on available Road Fund fund balance based on Proposition 1B. **(4 VOTES)**
3. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other actions authorized by Section 401 et seq., of the Administrative Code with respect to contracting for subject public works project.
4. Designate the Director, Department of Public Works, as the County Officer responsible for administering the construction contract in accordance with Board Policy F-41, Public Works Construction Projects.

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent.

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

10. SUBJECT: GILLESPIE FIELD – NEW AVIATION LEASE WITH THE BORDEN TRUST DATED JUNE 11, 2007 (DISTRICT: 2)

OVERVIEW:

Gillespie Field is a general aviation airport owned and operated by the County of San Diego and located within the municipal limits of the City of El Cajon and City of Santee (57th Edition Thomas Guide Page 1251, D-1).

On November 13, 2002 (19), the Board approved a 30-year aviation lease with RPG Investments, Inc. for a 10.072-acre parcel (County Contract No. 75623R). Following Board approval on October 15, 2008 (8), this 10.072-acre parcel was subdivided into two separate leaseholds. County Contract No. 75623R was reduced to 8.044 acres, and a new lease was issued for the remaining 2.028 acres. RPG Investments, Inc. then assigned its 2.028-acre leasehold (County Contract No. 126082) to Michael C. Borden.

RPG Investments, Inc. now intends to assign its 8.044-acre leasehold, (County Contract No. 75623R), to Michael C. Borden. Michael C. Borden has requested a new 32-year lease issued to The Borden Trust Dated June 11, 2007, that would combine this newly acquired leasehold with his existing 2.028-acre leasehold. This is a request to approve a new 32-year ground lease with The Borden Trust Dated June 11, 2007 for the combined 10.072 acres, which would replace both current leases. If the proposed action is approved, the rent for this lease would remain the same as the two leases being replaced. Current year revenue will increase by \$697,097 due to one-time equity and transfer premium payments.

FISCAL IMPACT:

Funds for this request are partially included in the Fiscal Year 2013-14 Operational Plan for the Airport Enterprise Fund. If approved, this request would result in total annual revenue of \$799,076 (\$101,979 in base rent, \$677,233 in equity payments and \$19,864 in transfer premium payments) in Fiscal Year 2013-14, an increase of \$697,097 over the amount budgeted. The funding source for additional revenue is one-time equity and transfer premium payments from the lessee under the terms of the new lease. The base monthly rent is \$8,813, the same as the combined rent for both County Contract Nos. 75623R and 126082, and subject to the same rental rate adjustment schedule as in the current leases, which includes an annual consumer price index adjustment. There would be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find, in accordance with Section 15302 of the California Environmental Quality Act (CEQA) Guidelines, that the proposed lease is categorically exempt from CEQA review as it consists of the replacement of existing structures.

2. Approve and authorize the Clerk of the Board to execute, upon receipt, three copies of the new Aviation Lease with The Borden Trust Dated June 11, 2007. **(4 VOTES)**

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board withdrew this item at the request of the Chief Administrative Officer, on Consent.

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

11. **SUBJECT: ADOPT A RESOLUTION RE-ALLOCATING EXISTING PROPOSITION 1B FUNDING FOR LOCAL STREETS AND ROADS PROJECTS AND ESTABLISH APPROPRIATIONS FOR ADDITIONAL ROAD IMPROVEMENTS AND MAINTENANCE PROJECTS (DISTRICTS: ALL)**

OVERVIEW:

In November 2006, voters approved Proposition 1B, which provided \$2 billion for California's local streets and roads. Proposition 1B included a requirement that the Board of Supervisors approves a list of projects to be funded by Proposition 1B monies before receiving funding from the State.

On October 14, 2009 (5), the Board adopted a resolution designating Proposition 1B funding, and allocating it to a list of County projects. That action allowed the County to receive its Fiscal Year 2008-09 and Fiscal Year 2009-2010 allocations from Proposition 1B funding of \$41.3 million. Since then, Proposition 1B funding has been expended on the Board of Supervisors approved list of County projects, which included numerous and important capital improvement projects. Several of the projects have been completed under budget, freeing up additional funding to be reallocated to other projects provided that the funds are expended prior to the expenditure deadline of June 30, 2014. Today's proposed action, which will appropriate \$2,454,151 in Proposition 1B Road Fund fund balance, along with a second Board Letter being considered by the Board of Supervisors today appropriating \$250,000 in Proposition 1B Road Fund fund balance for guard rails, as well as an action taken by the Board of Supervisors on October 23, 2013 (4) which appropriated \$500,000 in Proposition 1B Road Fund fund balance for in-pavement lighting, will ensure the County spends the entire \$41.3 million before the expenditure deadline. Projects were selected based on a list of unfunded priority maintenance and construction projects that can be completed in accordance with the Proposition 1B guidelines and deadline.

This requested action will update the \$41.3 million in Proposition 1B funding received by the County. It will also establish appropriations for road improvement and maintenance projects in the unincorporated county based on savings for road maintenance and construction costs.

FISCAL IMPACT:

The proposed action will allocate, by Resolution, \$41,342,824 in Proposition 1B funding that the County has received. Funds for this request are partially included in the Fiscal Year 2013-14 Operational Plan in the Department of Public Works Detailed Work Program. If approved, based on savings from other Prop 1B projects, additional appropriations of \$2,454,151 will be established as follows: \$406,383 in construction costs, including contingency for additional bid items for the slurry seal contract; \$1,700,000 in construction costs, including contingency for Asphalt Concrete Overlay; and \$347,768 for estimated support costs for Proposition 1B road improvement and maintenance projects. The funding source is available Road Fund fund balance from Proposition 1B. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

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

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the recommended action is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15061(b) of the state CEQA Guidelines.
2. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF SAN DIEGO, RE-ALLOCATING EXISTING PROPOSITION 1B FUNDING FOR LOCAL STREETS AND ROADS PROJECTS.
3. Establish appropriations of \$2,454,151 in the Department of Public Works, Detailed Work Program based on available Road Fund fund balance from Proposition 1B. **(4 VOTES)**

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, adopting Resolution No. 13-159, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF SAN DIEGO, RE-ALLOCATING EXISTING PROPOSITION 1B FUNDING FOR LOCAL STREETS AND ROADS PROJECTS.

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

12. SUBJECT: CLOSED SESSION (CARRYOVER FROM 11/5/13 AGENDA NO. 26) (DISTRICTS: ALL)

OVERVIEW:

- A. CONFERENCE WITH LABOR NEGOTIATORS
(Government Code section 54957.6)
Designated Representatives: Don Turko, Jeannine Seher
Employee Organizations: All
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Bereket Demisse, et al. v. City of San Diego, et al.; United States District Court, Southern District of California, No. 12-CV-00914 JM WVG
- C. 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)
- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Maher Darraj, et al. v. County of San Diego, et al.; United States District Court, Southern District of California, No. 11-CV-1657 AJB BGS
- 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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code section 54957)
Title: Chief Administrative Officer

ACTION:

County Counsel announced that there were no reportable matters.

There being no further business, the Board adjourned at 11:35 a.m. in memory of James Madison “Bud” Harbin, Jr.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Miller
Discussion: Panfil

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.