

November 16, 2016

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, NOVEMBER 16, 2016, 9:00 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

REGULAR SESSION: Meeting was called to order at 9:03 a.m.

PRESENT: Supervisors Ron Roberts, Chairman; Dianne Jacob, Vice Chairwoman; Dave Roberts; Bill Horn; also, Andrew Potter, Assistant Clerk of the Board.

ABSENT: Supervisor Greg Cox.

Approval of Statement of Proceedings/Minutes for meeting of October 19, 2016.

ACTION:

ON MOTION of Supervisor D. Roberts, seconded by Supervisor Horn, the Board of Supervisors approved the Statement of Proceedings for the meeting of October 19, 2016.

AYES: Jacob, D. Roberts, Horn

ABSENT: Cox, R. Roberts

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. SET A HEARING FOR 12/14/2016:
 ENHANCED FOOD SERVICE OPTIONS FOR LOCAL BREWERIES AND
 WINERIES AND OTHER COMMERCIAL ESTABLISHMENTS:
 AMENDMENTS TO THE COUNTY CODE REGARDING FOOD CATERERS
 AND CATERING (11/16/2016 – SET HEARING; 12/14/2016 – HOLD HEARING)
 [FUNDING SOURCE: RATES AND CHARGES FROM PERMIT FEE PAYERS]

2. NOTICED PUBLIC HEARING:
 ADOPT AN ORDINANCE TO AMEND THE SCHEDULE OF RATES AND
 CHARGES AND USE CONTROL POLICY FOR COUNTY OF SAN DIEGO
 AIRPORTS (11/16/2016 - FIRST READING; 12/14/2016 - SECOND READING)
 [FUNDING SOURCES: RATES AND CHARGES FROM USERS FOR
 OPERATIONAL USE OF AIRPORTS]

3. NOTICED PUBLIC HEARING:
PURCHASE OF AGRICULTURAL CONSERVATION EASEMENT (PACE) PROGRAM – PURCHASE OF TWO AGRICULTURAL CONSERVATION EASEMENTS IN RAMONA AND PALA-PAUMA VALLEY (10/19/16-SET HEARING; 11/16/16-HOLD HEARING)
[FUNDING SOURCE: FISCAL YEAR 2015-16 AND 2016-17 PACE PROGRAM AVAILABLE FUND BALANCE]
4. ADVERTISE AND AWARD A CONTRACT FOR CONSTRUCTION OF KNOTTWOOD WAY ROAD EXTENSION IMPROVEMENTS PROJECT IN FALLBROOK
[FUNDING SOURCE: ROAD FUND FUND BALANCE]
5. TRAFFIC ADVISORY COMMITTEE
6. RATIFY APPLICATIONS AND ADOPT RESOLUTIONS TO APPLY FOR AND ACCEPT TRANSNET ENVIRONMENTAL MITIGATION PROGRAM GRANT FUNDS AND NATURAL COMMUNITY CONSERVATION PLANNING LOCAL ASSISTANCE GRANT FUNDS
7. RATIFY APPLICATION AND ADOPT A RESOLUTION TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION
8. RATIFY APPLICATION AND ADOPT A RESOLUTION TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION FOR THE CALIFORNIA YOUTH SOCCER AND RECREATION DEVELOPMENT PROGRAM
9. ADVERTISE AND AWARD A CONTRACT FOR REPAIR, REPLACEMENT AND CONSTRUCTION OF CONCRETE SIDEWALKS, CURBS AND GUTTERS FOR FISCAL YEAR 2016-17
[FUNDING SOURCE: HIGHWAY USER TAX]
10. PUBLIC COMMUNICATION

1. **SUBJECT: SET A HEARING FOR 12/14/2016:
ENHANCED FOOD SERVICE OPTIONS FOR LOCAL
BREWERIES AND WINERIES AND OTHER
COMMERCIAL ESTABLISHMENTS: AMENDMENTS TO
THE COUNTY CODE REGARDING FOOD CATERERS
AND CATERING (11/16/2016 – SET HEARING; 12/14/2016 –
HOLD HEARING) (DISTRICTS: ALL)**

OVERVIEW:

On May 4, 2016 (2), at the recommendation of Vice-Chairwoman Dianne Jacob, the Board of Supervisors (Board) directed the Chief Administrative Officer to conduct a pilot project to study catered food service for public events at local breweries and wineries that included exploring options to develop a local catering ordinance that would implement the California Retail Food Code county-wide by setting clear rules and food safety standards for catering. The objective would be to allow for expanded catered food service options while ensuring food safety and public health protection. DEH is returning to the Board with the results of the study and a proposed local catering ordinance in accordance with the Board's direction. The proposed ordinance would allow for expanded catered food service options at local breweries and wineries as well as other commercial businesses while ensuring food safety and protection of public health.

Prior to commencing the pilot study, the County of San Diego Department of Environmental Health (DEH) reached out over 20 local wineries and approximately 30 breweries, in addition to permitted restaurants, caterers, temporary event vendors, and various local industry associations representing multiple vintners and brewers to communicate the objective of the pilot study and encourage participation. The pilot study was conducted over 3 months that involved 25 catering events consisting of 13 breweries, 10 wineries, and 2 private functions. Overall, pilot study participants, including breweries, wineries, caterers and restaurants were welcoming of the opportunity to participate. They expressed interest in providing both catering for private events as well as public (direct-sales) food service.

Today's request requires two steps. On November 16, 2016, it is requested that the Board of Supervisors introduce the catering ordinance described below and set and provide notice of a hearing for December 14, 2016 to consider and adopt that ordinance.

If the Board takes action on November 16, 2016, then on December 14, 2016, the Board would be requested to consider and adopt the proposed Ordinance amending Division 1 of Title 6 of the County Code, including readopting Chapter 3 of that Division to address food catering.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2016-17 Operational Plan in the Department of Environmental Health. If approved, this request would result in estimated costs and revenue of \$50,922 in Fiscal Year 2016-17. The funding

source is based on rates and charges from permit fee payers. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

Direct beneficiaries of the proposal would be caterers, businesses newly able to legally use caterers, restaurants, and customers of those businesses. The proposed new permits offer another option for caterers or restaurants who desire to expand their business model to include direct sales catering. Breweries, wineries and other commercial establishments will now have an option of obtaining a host facility permit if they desire to partner with a direct sales caterer to provide food to the public at their facility. The public would also benefit from improved food safety.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

On November 16, 2016:

1. Set a hearing for December 14, 2016 for consideration and adoption of an Ordinance amending Chapter 1 of Division 1 of Title 6 of the County Code and enacting Chapter 3 of that Division.
2. Approve the introduction of the Ordinance, (first reading), read title and waive further reading of an Ordinance entitled:
AN ORDINANCE AMENDING CHAPTER 1 OF DIVISION 1 OF TITLE 6 OF THE COUNTY CODE, AND ENACTING CHAPTER 3 OF THAT DIVISION, REGARDING FOOD CATERERS AND CATERING.
3. Direct the Chief Administrative Officer to include support in the County's Legislative Program of legislation that expands catered food service options to include direct-sales catering, while ensuring food safety and public health protection, or that allows the County's local ordinance on catered food service with direct-sales catering to be grandfathered under state law.

If, on November 16, 2016, the Board takes the actions recommended in Items 1 and 2 above then, on December 14, 2016:

1. Find in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines that enactment of the ordinance is not subject to CEQA review, because it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment.
2. Consider and adopt the Ordinance Amending Chapter 1 of Division 1 of Title 6 of the County Code, and Enacting Chapter 3 of that Division, Regarding Food Caterers and Catering (second reading).

ACTION:

ON MOTION of Supervisor Jacob, seconded by Supervisor D. Roberts, the Board took action as recommended, introducing the Ordinance for further Board consideration and adoption and setting a Hearing for December 14, 2016.

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

ABSENT: Cox

2.

**SUBJECT: NOTICED PUBLIC HEARING:
ADOPT AN ORDINANCE TO AMEND THE SCHEDULE OF
RATES AND CHARGES AND USE CONTROL POLICY FOR
COUNTY OF SAN DIEGO AIRPORTS (11/16/2016 - FIRST
READING; 12/14/2016 - SECOND READING)
(DISTRICTS: 2 & 5)**

OVERVIEW:

The County of San Diego operates and maintains eight airports. The Schedule of Rates and Charges and Use Control Policy for County of San Diego Airports (Schedule) was first established by the San Diego County Board of Supervisors (Board) on May 27, 1975 (56). The Schedule includes provisions for the use of County of San Diego Airports and establishes rates and charges applicable to services, concessions and unleased airport facilities that are part of the Airport Enterprise Fund (AEF).

The AEF operations are funded through revenues from both aviation and non-aviation (industrial) activities and leases on County airport property. Review of the AEF over the past six years shows aviation revenues are not keeping pace with aviation expenses. While such a gap between aviation revenues and expenses has been made whole by non-aviation revenues and from reserve funds, over time these reserve funds will be depleted and will not be able to keep pace with the need. As such, it is proposed to increase certain aviation fees to help reduce some of the annual gap between aviation revenues and expenses, and to relieve some of the demands on reserve funds.

This is a request to amend the Schedule to: increase fuel flowage, landing, and transient aircraft storage fees, introduce storage fees for vehicles providing ground support to transient aircraft, include a waiver for promotional activities to support the development of airport services, amend certain language to make the Schedule more responsive to airport business needs, such as being able to charge market rate for services when needed, and adjust the method by which fees for processing leases or licenses of County airport property are charged.

This action requires two steps. On November 16, 2016, the Board is requested to approve introduction of an Ordinance to amend the Schedule. If the Board takes action on November 16, 2016, then on December 14, 2016, the Board would be requested to consider and adopt the proposed Ordinance amending the Schedule.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year (FY) 2016-17 Airport Enterprise Fund Spending Plan. If approved, this request would result in additional revenue of approximately \$171,000 based on 5.5 months at the increased rates in FY 2016-17 and \$373,000 of additional annual costs and revenue in subsequent fiscal years. The funding sources for additional revenue are rates and charges from users for operational use of airports. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

On November 16, 2016:

Approve the introduction of the Ordinance, (first reading), read title and waive further reading of an Ordinance entitled:

AN ORDINANCE TO AMEND THE SCHEDULE OF RATES AND CHARGES AND USE CONTROL POLICY FOR COUNTY OF SAN DIEGO AIRPORTS.

If, on November 16, 2016, the Board takes action as recommended, then on December 14, 2016:

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) and 15273 of the CEQA Guidelines since it can be seen with certainty there is no possibility that the proposed action may have a significant effect on the environment, and because CEQA does not apply to the establishment of rates and charges by a public agency which are for the purpose of meeting operating expenses, and adopt the findings made pursuant to CEQA Guidelines Section 15273.
2. Consider and adopt the Ordinance amending the Schedule of Rates and Charges and Use Control Policy for County of San Diego Airports (second reading).

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor D. Roberts, the Board closed the Hearing and took action as recommended, on Consent, introducing the Ordinance for further Board consideration and adoption on December 14, 2016.

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

ABSENT: Cox

3. **SUBJECT: NOTICED PUBLIC HEARING:
PURCHASE OF AGRICULTURAL CONSERVATION
EASEMENT (PACE) PROGRAM – PURCHASE OF TWO
AGRICULTURAL CONSERVATION EASEMENTS IN
RAMONA AND PALA-PAUMA VALLEY (10/19/16-SET
HEARING; 11/16/16-HOLD HEARING) (DISTRICTS: 2 & 5)**

OVERVIEW:

On December 4, 2013 (3), the Board of Supervisors (Board) established the Purchase of Agricultural Conservation Easement (PACE) Program as an on-going County program and established the continuous funding of acquisitions through an annual General Fund appropriation and sale of mitigation credits. On September 17, 2014 (1), the Board expanded the PACE Program to include a mitigation component.

The Board provided staff with the following direction:

- Periodically reopen the PACE application process to interested property owners; and
- Pursue an on-going PACE program based on an annual funding allocation of up to \$1,500,000.

In response to the Board's direction, in Fiscal Year (FY) 2015-16, the County acquired 189.87 acres through the PACE program. As of today, 59.23 acres have been acquired in FY 2016-17. Today's request is to approve easement acquisitions from two property owners that have signed "willing seller" letters. The first property is identified as Assessor Parcel Numbers (APN) 130-120-07, 132-020-16, -22, -37, -51, -52 (211.54 acres) appraised at \$608,470, and the second property is identified as APN 278-080-08 (81.99 acres) appraised at \$361,500, for a total of 293.53 acres. The appraised value of each easement exceeds the limit established by Government Code Section 25350.60 and Administrative Code Section 73(a), which authorizes acquisition of real property interests valued at less than \$250,000 by the Director, Department of General Services, and requires the Board's approval. The two agricultural conservation easements appraised for a combined value of \$969,970.

The easement acquisition request requires two steps. On October 19, 2016, the Board is requested to set a hearing for November 16, 2016, and provide public notice for the hearing. If the Board takes the actions recommended for October 19, 2016, then on November 16, 2016, after making the necessary findings, staff requests the Board approve the purchase of agricultural easements for the above referenced properties.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2016-17 Operational Plan for Planning & Development Services (PDS). If approved, this request will result in estimated costs of \$974,970 for the two easements totaling \$969,970 which includes \$5,000 in related title and escrow costs. The funding source is Fiscal Year 2015-16 (\$411,056) and 2016-17 (\$563,914) PACE Program available fund balance. After acquiring the two easements, \$936,086 will remain in the PACE Program. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is categorically exempt from the California Environment Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15325 as it involves the transfer of ownership of land to allow continued agricultural use and preserve existing natural conditions.

2. Approve the Real Property Contract for the purchase of an agricultural conservation easement over APNs 130-120-07, 132-020-16, -22, -37, -51, and -52 from Few Acres Ranch LLC, John Dwight Beck Family Trust U.D.T. 2/17/99, and John D. Beck Family Trust U/D/T February 17, 1999 for the appraised value of \$608,470.
3. Approve the Real Property Contract for the purchase of an agricultural conservation easement over APN 278-080-08 from JSB Trust Dated January 22, 2000 for the appraised value of \$361,500.
4. Authorize the Director, Department of General Services, or designee, to execute two originals of each Real Property Contract as well as all escrow and related documents necessary to complete the purchases of agricultural conservation easements over APNs 130-120-07, 132-020-16, -22, -37, -51, -52 and 278-080-08.

ACTION:

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

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

ABSENT: Cox

4. SUBJECT: ADVERTISE AND AWARD A CONTRACT FOR CONSTRUCTION OF KNOTTWOOD WAY ROAD EXTENSION IMPROVEMENTS PROJECT IN FALLBROOK (DISTRICT: 5)

OVERVIEW:

The Knottwood Way Road Extension Improvements project is located in the unincorporated community of Fallbrook (57th Edition Thomas Guide Page 1048, B3). The project proposes to construct a 420-foot section of Knottwood Way to close the gap between two subdivisions in the Fallbrook Planning Area of San Diego county. The new road is designed to Rural Light Collector Road Standards, including associated drainage improvements. The proposed improvements will benefit the community by enhancing emergency vehicle response time and community circulation and connectivity.

This is a request to approve the advertisement and subsequent construction contract award to the lowest responsive and responsible bidder. Construction is scheduled to begin early 2017 and be completed by summer 2017. The construction cost is estimated at \$1,100,000 including contingencies.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2016-17 Operational Plan in the Department of Public Works Detailed Work Program. If approved, construction project costs are estimated at \$1,100,000 including contingency. The funding source is Road Fund fund balance. 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.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Mitigated Negative Declaration on file with the Department of Public Works for Knottwood Way Road Extension Project, dated May 6, 2009, State Clearinghouse #2009051028, was adopted in compliance with California Environmental Quality Act (CEQA) guidelines, that the decision-making body has reviewed and considered the information contained therein prior to approving the project; and

Find that there are no substantial changes in the project or in the circumstances under which it is undertaken which involve significant new environmental impacts which were not considered in the previously adopted Mitigated Negative Declaration (MND) dated May 6, 2009, 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 MND was adopted.

2. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other action authorized by Section 401, et seq. of the Administrative Code with respect to contracting for subject public works project.
3. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

ACTION:

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

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

ABSENT: Cox

5. SUBJECT: TRAFFIC ADVISORY COMMITTEE (DISTRICTS: 2 & 5)

OVERVIEW:

The Traffic Advisory Committee meets every six weeks to review proposed additions, deletions or changes to regulatory traffic controls. The Committee recommends your action on nine items from the September 9, 2016 meeting agenda.

FISCAL IMPACT:

There is no fiscal impact associated with these recommendations. If approved, there will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

TRAFFIC ADVISORY COMMITTEE

District 2

2-A. Ash Street from State Route 78 to the End of County Maintenance (58th Edition Thomas Guide Page 1152 F-4) Ramona – Recertify the existing 40 MPH speed limit for continued radar speed enforcement.

2-B. Elkelton Boulevard from Jamacha Road to Paradise Valley Road (58th Edition Thomas Guide Page 1290 J-3) Spring Valley – Recertify the existing 40 MPH speed limit for continued radar speed enforcement.

2-C. Bradley Avenue between Graves Avenue and First Street (County Maintained portions) (58th Edition Thomas Guide Page 1251 G-2) Bostonia – Recertify the existing 40 MPH speed limit for continued radar speed enforcement.

2-D. Chase Avenue from Jamacha Road (State Route 54) to the El Cajon City Limit (58th Edition Thomas Guide Page 1251 H-7) El Cajon – Recertify the existing 45 MPH speed limit for continued radar speed enforcement.

2-E. Vista Camino from Lakeside Avenue to Valle Vista Road (58th Edition Thomas Guide Page 1231 J-2) Lakeside – Recertify the existing 40 MPH speed limit for continued radar speed enforcement.

2-F. Austin Drive from Sweetwater Springs Boulevard to Calavo Drive/Del Rio Road (58th Edition Thos. Bros. 1271 F-7) Spring Valley – Recertify the existing 45 MPH speed limit for continued radar speed enforcement.

District 5

5-A. Sunset Drive and Emerald Drive (58th Edition Thomas Guide Page 1107 D-2) Vista – Establish an all-way stop intersection.

5-B. Lago Lindo from El Camino del Norte to El Montevideo (58th Edition Thomas Guide Page 1168 E-1) Rancho Santa Fe – Recertify the existing 35 MPH speed limit for continued radar speed enforcement.

5-C. Linea del Cielo from 1,600 feet west of El Camino Real to 180 feet east of El Fuego (58th Edition Thomas Guide Page 1152 E-6) Rancho Santa Fe – Recertify the existing 35 MPH speed limit for continued radar speed 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 roads, resulting in negligible or no expansion of use beyond that existing at the time of the Board action.

2. Adopt the Traffic Advisory Committee’s recommendations.

3. Adopt the following Resolution:

RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299
RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP
INTERSECTIONS IN SAN DIEGO COUNTY (Item 5-A).

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, adopting Resolution No. 16-134, entitled: RESOLUTION AMENDING TRAFFIC RESOLUTION NO. 299 RELATING TO THE ESTABLISHMENT OF ALL-WAY STOP INTERSECTIONS IN SAN DIEGO COUNTY (Item 5-A).

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

ABSENT: Cox

6. SUBJECT: RATIFY APPLICATIONS AND ADOPT RESOLUTIONS TO APPLY FOR AND ACCEPT TRANSNET ENVIRONMENTAL MITIGATION PROGRAM GRANT FUNDS AND NATURAL COMMUNITY CONSERVATION PLANNING LOCAL ASSISTANCE GRANT FUNDS (DISTRICT: 1)

OVERVIEW:

The Department of Parks and Recreation (DPR) has identified two grant opportunities available to local jurisdictions. The TransNet Environmental Mitigation Program (EMP) grant administered by the San Diego Association of Governments (SANDAG) allocates funds for regional habitat conservation in order to mitigate the impacts of transportation projects. The EMP includes a funding allocation for habitat acquisition, management, and monitoring activities as needed to help implement regional habitat conservation plans.

The Natural Community Conservation Planning Local Assistance Grant (NCCP LAG) Program is administered by the California Department of Fish and Wildlife for projects that preserve, restore, and enhance fish and wildlife habitat. The grant program offers state funds for urgent tasks associated with the implementation of Natural Community Conservation Plans.

This is a request to ratify the applications and adopt Resolutions authorizing the Department of Parks and Recreation (DPR) to accept \$44,000 of EMP grant funding to restore and enhance the Quino checkerspot butterfly habitat at the Otay Reservoir Site, \$8,855 of EMP grant funding for coastal cactus wren habitat access control fencing within the Otay River Valley, and \$42,414 of NCCP LAG funding for Quino checkerspot butterfly habitat restoration and enhancement near Otay Lakes. In addition, this request is to authorize the Director, DPR, to conduct all negotiations and to execute and submit all documents that may be necessary to apply for and accept the grant funds.

FISCAL IMPACT:

There is no fiscal impact associated with these recommendations. Appropriations for these projects are included in the Fiscal Year 2016-17 Operational Plan in the Department of Parks and Recreation. If approved, this request will ratify the applications and authorize the Department of Parks and Recreation (DPR) to accept TransNet Environmental Mitigation Program (EMP) grant funds of \$44,000 for the Otay Reservoir Quino Habitat Restoration and Enhancement Project, and EMP grant funds of \$8,855 for the Otay River Valley Cactus Wren Restoration Area Fencing Project. If approved, this request will also ratify the application and authorize DPR to accept Natural Community Conservation Plan Local Assistance Grant (NCCP-LAG) funds of \$42,414 for the Quino Checkerspot Butterfly Habitat Restoration and Enhancement project in the Otay Lakes area. Both the EMP and NCCP LAG programs are competitive grant programs and funds were awarded to the County in September, 2016. 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 that the proposed Otay Reservoir Quino Habitat Restoration and Enhancement Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15303, 15304, and 15333 because the project involves the installation of signage and fencing which is considered accessory (appurtenant) structures, because the project involves minor alterations in the condition of vegetation which does not involve removal of healthy, mature, or scenic trees, and because the project does not exceed five acres and assures the restoration and enhancement of habitat for plants and wildlife.

2. Find that the proposed Otay River Valley Cactus Wren Restoration Area Fencing Project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303 because the project involves the installation of signage and fencing which is considered accessory (appurtenant) structures.
3. Find that the proposed Quino Checkerspot Butterfly Habitat Restoration and Enhancement Project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15304 because the project involves minor alterations in the condition of vegetation which does not involve removal of healthy, mature, or scenic trees.
4. Waive Board Policy B-29, Fees, Grants, and Revenue Contracts – Department Responsibility for Cost Recovery, which requires the Board of Supervisors to act upon the proposed actions at least 15 days before a grant application is submitted.
5. Adopt the Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS FROM THE TRANSNET ENVIRONMENTAL MITIGATION PROGRAM FOR THE OTAY RESERVOIR QUINO HABITAT RESTORATION AND ENHANCEMENT PROJECT.
6. Adopt the Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS FROM THE TRANSNET ENVIRONMENTAL MITIGATION PROGRAM FOR THE OTAY RIVER VALLEY CACTUS WREN RESTORATION AREA FENCING PROJECT.
7. Adopt the Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS FROM THE NATURAL COMMUNITY CONSERVATION PLANNING LOCAL ASSISTANCE PROGRAM FOR THE QUINO CHECKERSPOT BUTTERFLY HABITAT RESTORATION AND ENHANCEMENT PROJECT.
8. Ratify the applications for \$44,000 and for \$8,855 of Environmental Mitigation Program grant funds and ratify the application for \$42,414 of Natural Community Conservation Planning Local Assistance Program grant funds and authorize the Department of Parks and Recreation to accept the grant funds.
9. Authorize the Director, Department of Parks and Recreation, or designee, as agent of the County, to conduct all negotiations and submit all documents including, but not limited to, applications, contracts, payment requests and funds are awarded to execute the grant agreements, including any extensions or amendments thereof that do not materially impact or alter the grant program or funding levels.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, adopting the following:

Resolution No. 16-135, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS FROM THE TRANSNET ENVIRONMENTAL MITIGATION PROGRAM FOR THE OTAY RESERVOIR QUINO HABITAT RESTORATION AND ENHANCEMENT PROJECT;

Resolution No. 16-136, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS FROM THE TRANSNET ENVIRONMENTAL MITIGATION PROGRAM FOR THE OTAY RIVER VALLEY CACTUS WREN RESTORATION AREA FENCING PROJECT; and

Resolution No. 16-137, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS FROM THE NATURAL COMMUNITY CONSERVATION PLANNING LOCAL ASSISTANCE PROGRAM FOR THE QUINO CHECKERSPOT BUTTERFLY HABITAT RESTORATION AND ENHANCEMENT PROJECT.

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

ABSENT: Cox

7. **SUBJECT: RATIFY APPLICATION AND ADOPT A RESOLUTION TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (DISTRICT: 2)**

OVERVIEW:

The California Department of Forestry and Fire Protection (CAL FIRE) administers the State Responsibility Area (SRA) Fire Prevention Fund and the Tree Mortality Grant Program. The program provides grant funds to local government agencies for fire prevention projects and activities that address the risk and potential impacts of wildfire and for supporting local efforts to remove hazardous trees that pose a threat to public health and safety. The grant program is competitive and does not require matching funds. A project specific resolution from the governing body must be included with the grant application.

The Department of Parks and Recreation (DPR) manages and operates open space preserves, community parks, campgrounds and recreation programs throughout San Diego County. DPR is seeking grant funding to remove dead/dying trees that pose a threat to public health and safety due to the impacts of the California drought and infestations of the Gold Spotted Oak Borer and Shot Hole Borer.

This is a request to ratify the application and adopt a resolution authorizing DPR to apply for and accept up to \$200,000 of SRA Fire Prevention and Tree Mortality grant funds to remove dead/dying trees at William Heise Park, Dos Picos Park, and Santa Ysabel West Preserve. This request will also authorize the Director, Department of Parks and Recreation to conduct all negotiations and to execute and submit all documents necessary to apply for and accept grant funds if awarded. If authorized and grant funds are awarded, DPR will return to the Board to request the establishment of appropriations as necessary.

FISCAL IMPACT:

There is no fiscal impact associated with today's proposed actions. If approved, this request will ratify the application and authorize the Department of Parks and Recreation (DPR) apply for and accept grant funds of up to \$200,000 from the California Department of Forestry and Fire Protection (CAL FIRE) for the Tree Removal in the Ramona/Mountains Area project.

The CAL FIRE grant is a competitive grant program therefore, it is unknown if grant funding will be awarded or the final amount of the award. The CAL FIRE grant program does not require a dollar-for-dollar funding match. Funding notification is anticipated in November 2016. If approved and grant funds are awarded, DPR will return to the Board to appropriate funds as necessary. 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 that the Tree Removal project in the Ramona/Mountains Area is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resource Code 21080(b)(3) and Section 15269 of the State CEQA Guidelines – Emergency Projects.
2. Adopt the Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS FROM THE STATE RESPONSIBILITY AREA FIRE PREVENTION FUND AND TREE MORTALITY PROGRAM FOR TREE REMOVAL IN THE RAMONA/MOUNTAINS AREA.
3. Waive Board Policy B-29, Fees, Grants and Revenue Contracts – Department Responsibility for Cost Recovery, which requires the Board of Supervisors to act upon the proposed actions at least 15 days before a grant application is submitted.
4. Ratify the application for up to \$200,000 in grant funds from the California Department of Forestry and Fire Protection and authorize the Department of Parks and Recreation to accept the grant funds, if awarded.

5. Authorize the Director, Department of Parks and Recreation, or designee, as agent of the County, to conduct all negotiations and submit all documents necessary to apply for and accept grant funds including, but not limited to, applications, grant contracts, payment requests and, if funds are awarded, to execute the grant agreement, including any extensions or amendments thereof that do not materially impact or alter the grant's programs or funding levels.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, adopting Resolution No. 16-138, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS FROM THE STATE RESPONSIBILITY AREA FIRE PREVENTION FUND AND TREE MORTALITY PROGRAM FOR TREE REMOVAL IN THE RAMONA/MOUNTAINS AREA.

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

8. **SUBJECT: RATIFY APPLICATION AND ADOPT A RESOLUTION TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION FOR THE CALIFORNIA YOUTH SOCCER AND RECREATION DEVELOPMENT PROGRAM (DISTRICT: 2)**

OVERVIEW:

The California Department of Parks and Recreation administers the California Youth Soccer and Recreation Development Program (CYSRD) which is funded through the Proposition 40 bond act. The CYSRD provides grant funds to community-based organizations, local governments, schools, and park districts for development projects that create new opportunities for youth soccer, baseball, softball and basketball. Eligible projects must include a water conservation element.

The Department of Parks and Recreation (DPR) operates parks and recreation programs throughout San Diego County. DPR is pursuing grant funding to create a new basketball court at Sweetwater Lane Park. This new park amenity will provide an additional opportunity for outdoor exercise and will also reduce the amount of existing irrigated grass turf at the park.

This is a request to ratify the application and adopt a resolution authorizing DPR to apply for and accept up to \$500,000 of CYSRD grant funds to construct a new basketball court at Sweetwater Lane Park. This grant program does not require matching funds. This request will also authorize the Director, Department of Parks and Recreation to conduct all negotiations and to execute and submit all documents necessary to apply for and accept grant funds if awarded. If authorized and grant funds are awarded, DPR will return to the Board to request the establishment of appropriations as necessary.

FISCAL IMPACT:

There is no fiscal impact associated with today's recommendations. If approved, this request will authorize the Department of Parks and Recreation (DPR) to apply for and accept California Youth Soccer and Recreation Development (CYSRD) grant funds of up to \$500,000. If awarded, the CYSRD grant funds will be used to construct a basketball court at Sweetwater Lane Park. There are no matching funds required for this grant. If awarded, DPR will return to the Board at a later date to request the appropriation of grant funds. There will be no change in net General Fund cost and no additional staff years. Upon completion of the project, the basketball court will be operated and maintained by County Service Area 128.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Sections 15303 and 15304 of the California Environmental Quality Act (CEQA) Guidelines that the Sweetwater Lane Basketball Court project is categorically exempt from CEQA because the project involves construction of small/accessory structures that will result in a negligible expansion of park operations.
2. Waive Board Policy B-29, Fees, Grants, and Revenue Contracts – Department Responsibility for Cost Recovery, which requires the Board of Supervisors to act upon the proposed actions at least 15 days before a grant application is submitted.
3. Adopt the Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS FROM THE CALIFORNIA YOUTH SOCCER AND RECREATION DEVELOPMENT PROGRAM FOR CONSTRUCTION OF BASKETBALL AMENITIES AT SWEETWATER LANE PARK.
4. Ratify the grant application for \$500,000 of California Youth Soccer and Recreational Development Program grant funds and authorize the Department of Parks and Recreation to accept the grant funds if awarded.
5. Authorize the Director, Department of Parks and Recreation, or designee, as agent of the County, to conduct all negotiations and submit all documents necessary to apply for and accept grant funds including, but not limited to, applications, grant contracts, payment requests and, if funds are awarded, to execute the grant agreements, including any extensions or amendments thereof that do not materially impact or alter the grant program or funding levels.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor D. Roberts, the Board took action as recommended, on Consent, Resolution No. 16-139, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDS FROM THE CALIFORNIA YOUTH SOCCER AND RECREATION DEVELOPMENT PROGRAM FOR CONSTRUCTION OF BASKETBALL AMENITIES AT SWEETWATER LANE PARK.

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

ABSENT: Cox

9. **SUBJECT: ADVERTISE AND AWARD A CONTRACT FOR REPAIR, REPLACEMENT AND CONSTRUCTION OF CONCRETE SIDEWALKS, CURBS AND GUTTERS FOR FISCAL YEAR 2016-17 (DISTRICTS: 1, 2, 3 & 5)**

OVERVIEW:

The Department of Public Works has identified several locations for the removal and replacement of damaged concrete sidewalks and road infrastructure including sidewalks, curbs, gutters and surface drainage. At intersections, this work will also include the addition of Americans with Disabilities Act (ADA) compliant curb ramps. The improvements will be performed along various roads in the unincorporated portions of San Diego county and will contribute to the community by enhancing pedestrian safety and street drainage.

This is a request to approve the advertisement and subsequent construction contract award to the lowest responsive and responsible bidder for this project. Bid packages have been structured with a base bid consisting of the minimum number of locations for the work and additive alternates, which are clusters of locations that can be added to the contract if bid prices favor doing so.

The project is scheduled to begin in early 2017 and be completed in summer 2017. If approved, construction costs are estimated at \$500,000 including contingencies.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2016-17 Operational Plan in the Department of Public Works, Detailed Work Program. If approved, construction costs are estimated at \$500,000 including contingencies. The funding source is Highway User Tax (\$500,000). There will be no change in net General Fund costs 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 CEQA Guidelines because this project involves the operation, repair and maintenance of existing public roadway involving no or negligible expansion of existing 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 action authorized by Section 401 et seq., of the Administrative Code with respect to contracting for the subject public works project.
3. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

ACTION:

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

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

ABSENT: Cox

10. SUBJECT: PUBLIC COMMUNICATION (DISTRICTS: ALL)

OVERVIEW:

Martha Welch spoke to the Board regarding the failure of the County.

ACTION:

Heard, referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 9:35 a.m.

DAVID HALL
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Miller

Discussion: Lopez

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, December 14, 2016.



RON ROBERTS
Chairman

Attest:



DAVID HALL
Clerk of the Board

11/16/16