MS-0398.039.009.0047

There is presented to the Board a letter, Board of Supervisors Document No. 742443, from the Chief Administrative Officer, concerning Court space expansion alternatives, and recommending that the Board:

1. Approve in principle subject to environmental review the acquisition of a new Court/Office building(s) which will accommodate the District Attorney, Courts (8-10 courtrooms), and other office functions as appropriate by taking the following actions:

   A. Approve a search, and authorize the Director of General Services to negotiate a purchase or Lease/purchase, for space in the downtown San Diego area within three blocks of the Courthouse to possibly house the District Attorney, Law Library, Adult Probation, Grand Jury, and other functions as appropriate.

   B. Authorize the Request For Proposals for Lease/purchase of County-owned building(s) to:

      - Consider the use of County-owned land bounded by Front, B Street, C Street, and First Avenue; land that is owned by the private sector; a building that would be constructed to the County's specification, and/or the acquisition of existing Downtown San Diego buildings.

      - Consider the inclusion of the Law Library.

      - Allow the use of design/build technology.

   C. Direct that the following revenue sources be applied to the funding of these new Court/office facilities:

      - $2.0 million annually from the County Courthouse Temporary Facility Construction Fund

      - $1.0 million annually from the existing lease for the District Attorney.

      - $1.0 million annually from the funds that had been appropriated for the El Cortez Project.

      - Other possible lease consolidation savings (maximum savings $1.1 million annually).

2. Direct the Chief Administrative Officer to:

   A. Renegotiate the Cooperation Agreement with the City of San Diego Redevelopment Agency for the funding of additional courtrooms.

B. Request that the $3.0 million that had been designated for the El Cortez project be dedicated to the expansion of courtrooms in a new Court/Office facility and architectural master planning services.

3. Direct that the Master Plan for Justice Facilities be amended for approval by the Board, pending environmental review, to include the construction of a Criminal Courts Annex to the Downtown Courthouse, contingent on the availability of sales tax revenue.

4. Direct the Department of General Services to begin planning for the expansion of the Downtown Courthouse by adopting the following actions:

   A. Determine to retain the existing Courthouse for a minimum period of ten years.

   B. Authorize the Director of General Service to issue a Request for Proposals for master planning and design services for the expansion and refurbishment of the Downtown Courthouse and design services that may be required for new County-owned Court/Office building(s).

   C. Return to the Board of Supervisors within 120 days with a Contract and funding for architectural/master planning services.

   D. Find that these actions constitute feasibility or planning studies which the Board has not yet adopted, funded, or determined to carry out and that these actions are therefore exempt from the California Environmental Quality Act Section 15262 of the California Environmental Quality Act guidelines.

5. Determine not to proceed with any additional lease of interim space for Superior Court courtrooms in the Downtown San Diego area.

6. Direct that the Office of Intergovernmental Affairs seek legislation during 1992 which would increase the amount of revenue going to the County Courthouse Temporary Facility Construction Fund.

7. Direct that the Chief Administrative Officer return within 60 days with a Contract and funding for an Environmental Impact Report for a Downtown Courthouse expansion.

8. Direct the Chief Administrative Officer report back in 60 days with a specific financial analysis of the proposed recommendations for expansion of the Downtown Courthouse and a progress report on the Court/Office/Building Request for

Proposals progress.

The Director of the Office of Special Projects orally addresses the Board stating that the recommendations are achievable and if Proposition A is approved, the project should not have to be redesigned. He refers the Board's attention to a display on the floor, exhibiting a proposed courthouse plan.

Joan Shoemaker, Mayor of the City of El Cajon, addresses the Board in favor of the proposed recommendations. She urges the Board to consider the needs for the East County Courthouse facility and states that the City of El Cajon is committed to the County with this project either by providing land for construction of a facility, or dollars to help convert the existing jails.

Judge McConnell, Presiding Judge of the Superior Court, addresses the Board in favor of the proposed recommendations. She refers to information she submitted previously to the Board addressing the severity of the need for courtrooms. She urges the Board to include in the Request For Proposal, a three-year time line for project completion. She states the Courts have asked for an additional 25 courtrooms and is confident San Diego will get an additional 25 judges by the year 2000.

Edwin L. Miller, Jr., District Attorney, addresses the Board in favor of the proposed recommendations. He states he has met personally with numerous developers and observed previous studies concerning development problems in the downtown area. He states it would be his recommendation to select the corner of Union and Broadway as a site for the proposed courthouse project. He urges the Board to consider a three-year construction period with a lease/purchase option.

George Andreas, President of the County Bar Association, addresses the Board in favor of the proposed recommendations. He states the present courthouse situation is an embarrassment and urges the Board to take the necessary steps now to complete the long range goal. He states it is the Bar Association's position that plans for the future should be made today for the courtrooms that will be needed by the 21st Century.

Charles R. Dyer, Director of the County Law Library, addresses the Board in favor of the proposed recommendations and presents a letter to the Board members, Board of Supervisors Document No. 742873. He describes the needs of the Law Library and urges the Board to include the Law Library in the Request For Proposal. He also requests that the Law Library not be moved to temporary quarters.

Chuck Del Valle, owner of the Walker Scott site, addresses the Board in favor of the project. Mr. Del Valle indicates his property has been preapproved for this project by County staff and

he is prepared to begin lease negotiations. He also states he would be interested in selling the property.

Wayne Raffesberger, representing San Diegans, Inc., addresses the Board in favor of the project. He states his organization is aware of the County's critical need for a downtown courthouse facility. He states San Diegans, Inc. is working with the City of San Diego to possibly develop a 10 - 12 block master plan and urges the Board to begin the process of working with the City in public hearings, to jointly master plan the downtown area.

Brad Saunders, representing Starboard Development Corporation, addresses the Board in favor of the project. He states his company is working with the County in putting together a package that will deal with acquisition, timing of delivery, amenities such as parking, trolley, and connection to downtown. He urges the Board to broaden their horizons to get the best selection available. He states he feels the three year time frame for development is achievable.

Robert Simmons, Professor of Law, University of San Diego, addresses the Board speaking in favor of staff's recommendations. He states he was the Chairman of the Law Center four years ago, and has been attending monthly meetings for the past two years developing guidelines and standards for new and rehabilitated courtrooms throughout the state. Regarding these matters, he states the emphasis should be on new facilities and on flexibility of uses. He suggests a pilot program be developed in San Diego to use existing courtrooms for extended hours or split-shift uses.

Sandor Shapery, representing Emerald Shapery Center, speaks in favor of the proposed recommendations. He states he owns property on the block directly next to the courthouse bound by State, Union, "B" Street and "C" Street. He states he is aware of two proposals on two contiguous blocks which would be acceptable for the proposed project and feels that this project could be developed in less than three years.

Wayne Peterson, Judge of the Superior Court, addresses the Board opposing statements made by Professor Simmons concerning the Judges. He states that the San Diego Superior Court has received recognition from various news agencies, including the Editorial Board of CBS, and has received plaudits from the Chief Justice of the California State Supreme Court.

The Assistant Chief Administrative Officer states that he has been asked to advise the Board that the San Diego Municipal Court's reaction to Professor Simmons' statements are similar to those of Judge Peterson. He states that three of the Municipal Courts have been working double shifts and they are sharing courtrooms in two different instances.

Barbara Adams, a Broker and seller of Union Street property, addresses the Board in favor of the recommendations. She states she presently has available 15,000 square feet of property directly across the street from the present courthouse which could easily access the present courtrooms by ground, underground or aerial tramway. She states that if staff's recommendation is approved, she will submit a proposal.

John Donovan, of the Donovan/Irving Group, representing Catellus Development Corporation, speaks in opposition to the recommendations, primarily due to the fact that the recommendations limit the geographical parameters. He states his company owns 17 acres of land on the west side of the train station in downtown San Diego. He urges the Board to allow developers to address the mitigation of geographical inconveniences, and states that with the recent passage of the Transportation Demand Management Ordinance attempting to convince people to commute to work by public transportation, the Santa Fe Train Depot will be the transportation center. He also states that the San Diego Coastal Commuter Rail project, coupled with the bus service that serves that area, will eliminate any problems associated with that location for the courthouse as well as the District Attorney's Office.

During discussion, the recommendations are discussed in detail and making various suggestions which are incorporated in the actions taken. It is suggested that certain criteria be established concerning the Request For Proposal. It is also mentioned that staff continue to consider the courtroom needs of South Bay and East County.

No. 71

ON MOTION of Supervisor Golding, seconded by Supervisor Bailey, in the matter of Court Space Expansion Alternatives, the Board of Supervisors take the following actions:

1. Approves in principle, subject to environmental review, the acquisition of a new Court/Office building(s) which will accommodate the District Attorney, Courts (8-10 courtrooms), and other office functions as appropriate by taking the following actions:

   A. Approves a search, and authorizes the Director of General Services to negotiate a purchase or Lease/purchase, for space in the downtown San Diego area within three blocks of the Courthouse to possibly house the District Attorney, Law Library, Adult Probation, Grand Jury, and other functions as appropriate.

   B. Authorizes the Request For Proposals for Lease/purchase of County-owned building(s) to:

a. Consider the use of County-owned land bounded by Front, B Street, C Street, and First Avenue; land that is owned by the private sector; a building that would be constructed to the County's specification, and/or the acquisition of existing Downtown San Diego buildings.

b. Consider the inclusion of the Law Library.

c. Allow the use of design/build technology.

2. Directs the following revenue sources be applied to the funding of these new Court/office facilities:

a. $2.0 million annually from the County Courthouse Temporary Facility Construction Fund

b. $1.0 million annually from the existing lease for the District Attorney.

c. $1.0 million annually from the funds that had been appropriated for the El Cortez Project.

d. Other possible lease consolidation savings (maximum savings $1.1 million annually).

3. Directs the Chief Administrative Officer to:

A. Renegotiate the Cooperation Agreement with the City of San Diego Redevelopment Agency for the funding of additional courtrooms.

B. Request that the $3.0 million that had been designated for the El Cortez project be dedicated to the expansion of courtrooms in a new Court/Office facility and architectural master planning services.

4. Directs that the Master Plan for Justice Facilities be amended for approval by the Board, pending environmental review, to include the construction of a Criminal Courts Annex to the Downtown Courthouse, contingent on the availability of sales tax revenue.

5. Directs the Department of General Services to begin planning for the expansion of the Downtown Courthouse by adopting the following actions:

A. Determine to retain the existing Courthouse for a minimum period of ten years.

B. Authorize the Director of General Service to issue a Request for Proposals for master planning and design

services for the expansion and refurbishment of the Downtown Courthouse and design services that may be required for new County-owned Court/Office building(s).

C. Return to the Board of Supervisors within 120 days with a Contract and funding for architectural/master planning services.

D. Find that these actions constitute feasibility or planning studies which the Board has not yet adopted, funded, or determined to carry out and that these actions are therefore exempt from the California Environmental Quality Act Section 15262 of the California Environmental Quality Act guidelines.

6. Determines not to proceed with any additional lease of interim space for Superior Court courtrooms in the Downtown San Diego area.

7. Directs the Office of Intergovernmental Affairs to seek legislation during 1992 which would increase the amount of revenue going to the County Courthouse Temporary Facility Construction Fund.

8. Directs the Chief Administrative Officer to return within 60 days with a Contract and funding for an Environmental Impact Report for a Downtown Courthouse expansion.

9. Directs the Chief Administrative Officer to report back in 60 days with a specific financial analysis of the proposed recommendations for expansion of the Downtown Courthouse and a progress report on the Court/Office/Building Request for Proposals progress;

10. Directs the Chief Administrative Officer:

A. That the Request for Proposal stipulate preference that the project be completed within a 3-year time period;

B. That there be substantial delay penalties for non-completion;

C. That the site search for the space should have preference for a 3-block radius, and that support services can be considered beyond that radius;

D. That transportation issues be considered in the Request For Proposal;

E. That there be strict time lines which would be noticed publicly regarding a reasonable development time for the

issuance of the Request for Proposal and for a decision by the Board of Supervisors;

F. To investigate and report on June 11, 1991, setting the 3-year date for completing the new courthouse project to begin on June 11, 1991;

G. To continue the decision on downtown courthouse use time until Proposition A decision;

H. To investigate and report on June 11, 1991 as to which Departments would utilize the existing courthouse building;

I. To determine to allow Proposition A to continue on this project in regard to preparation of environmental findings;

J. To continue to investigate suburban court needs.

11. Directs County Counsel to advise the Board of Supervisors on the legalities of limits of public work projects as well as the bidding process;

Roll call on the foregoing motion results in the following vote:

AYES: Supervisors Bilbray, Bailey, Golding, Williams, and MacDonald
NOES: Supervisors None
ABSENT: Supervisors None

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No. 72

ON MOTION of Supervisor Golding, seconded by Supervisor Williams, the Board of Supervisors directs the Chief Administrative Officer to work with the City Manager of the City of San Diego to consider the development of discussions regarding a Government Center in the downtown San Diego area.

Roll call on the foregoing motion results in the following vote:

AYES: Supervisors Bilbray, Bailey, Golding, Williams, and MacDonald
NOES: Supervisors None
ABSENT: Supervisors None

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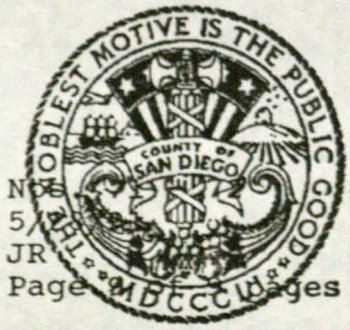
STATE OF CALIFORNIA)
County of San Diego) ss.

I, THOMAS J. PASTUSZKA, Clerk of the Board of Supervisors of the County of San Diego, State of California, hereby certify that I have compared the foregoing copy with the original order adopted by said Board, at a regular meeting thereof, held May 28, 1991 (7) by the vote herein stated, which original order is now on file in my office; that the same contains a full, true and correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of said Board of Supervisors this 28th day of June, 1991.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
By Esther C. Ryan
Esther C. Ryan
Deputy



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