

**SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK
JOINT POWERS AUTHORITY
Minutes of February 17, 2012**

MEMBERS PRESENT

Sherri Lightner -Vice Chair
Olga Diaz -Vice Chair
Don Mosier
Jim Cunningham
Lesa Heebner
Pam Slater-Price
Tom Golich
Becky Bartling

REPRESENTING

City of San Diego
City of Escondido
City of Del Mar
City of Poway
City of Solana Beach
County of San Diego
Citizens Advisory Committee
22 District Agricultural Association

VISITORS/STAFF PRESENT

Wayne Brechtel	JPA Counsel
Dick Bobertz	San Dieguito River Park JPA
Susan Carter	San Dieguito River Park JPA
Shawna Anderson	San Dieguito River Park JPA
Jan Lines	San Dieguito River Park JPA
Anne Cooper	San Dieguito River Park JPA
Allan Kosup	Caltrans Corridor Director
Dave Roberts	Councilmember City of Solana Beach
Lynne Baker	San Dieguito River Valley Conservancy
Jacqueline Winterer	Friends of the San Dieguito River Park
Jeffrey Barnouw	Friends of the San Dieguito River Park
Phil Pryde	Audubon Society
Al Stehly	Farmer, Rancho Guejito
Donna Jones	Attorney representing Rancho Guejito
Cory Ha'o	Coastal property owner

Introduction and Announcements

Chair Lightner convened the meeting at 9:32 a.m. in the County Administration Building, 1600 Pacific Highway, Room 302/303, San Diego, CA 92101

Boardmember Golich introduced the CAC members in attendance as, Jacqueline Winterer, Jeff Barnouw Phil Pryde

Chair Lightner made a modification to the agenda, moving # 2 of the Consent Agenda to the Action Agenda because we have a speaker on that item. Item 2 would be moved after item #6 on the Action Agenda.

Ms. Lightner said that she would have to leave the meeting at 11:00 a.m. and would have to recuse herself from action item #8. She would like to move that item to # 9 of the Action Agenda.

Boardmember Cunningham moved approval of the agenda modifications and Boardmember Golich seconded. All in favor.

Chair Lightner read the list of accomplishments which included restoring sand to the beach at Del Mar from dredged wetlands, the wetland restoration was deemed complete by the Coastal Commission, SANDAG decided that it is feasible to create 60 more acres of tidal wetlands known as W-19. The trails completed are the West Bernardo Bike Path, Highland Valley/Old Coach Trail section that connects the City of Poway to the Coast to Crest Trail, the Del Dios Rattlesnake Viewing platform was completed and Ms. Lightner spoke about the outreach programs that were so important to the education of the public on our projects.

Approval of Minutes of December 9, 2011

Chair Lightner asked for any comments or changes to the minutes, seeing none she deemed the minutes approved by consent. All in favor.

Executive Director's Report Director Bobertz reported on the grants and awards received by the River Park in 2011. We received 2 Orchids and Onions awards last year, one for the reconstruction of our office that burned down in 2007 and the second for the David Kreitzer Lake Hodges Pedestrian Bridge. Mr. Bobertz said that he thinks that we are the only organization to get two separate awards for our projects in one year. We received another award for the office design from the California State American Institute of Architects along with an award from SOHO for the reconstruction of Sikes Adobe Farmstead. Mr. Bobertz said that the County of San Diego granted us \$50K from the Neighborhood Reinvestment Program for three entry monuments and seven interpretive panels, and \$5,000 from the Community Enhancement Program for scout projects, \$93,655.00 was allocated from the San Dieguito River Valley Conservancy for construction of the Old Coach Trail and for planning and permitting for the Pamo Valley trail and Lusardi Creek Trail.

Director Bobertz said that we have a new trail at the wetland restoration area that we are going to dedicate on March 17th from 9 a.m. to 12 p.m. This green day event will have a number of activities for all ages

Lynne Baker, the new director of the Conservancy, was asked to speak about the Conservancy's part in the event on March 17th and she said that this will be a great day for the family and hopefully a fundraiser for the proposed amphitheater at the wetlands.

We have invited all the mayoral candidates to the March 17th event so that they can see all that the River Park and Conservancy do to promote the outdoors and conservation. Boardmember Slater-Price suggested that we invite all the 3rd District candidates also.

He reported on the Consent Decree that was signed by the 22nd District Agricultural Association which will benefit the River Park not only financially but be a good partner in projects. Becky Bartling from the Ag District said that they are very happy to start the programs for the River Park and she said that the public is welcome to email her about the content of the document.

Public Comment- None

CONSENT

1. Receive and Distribute Audit for Year Ending June 30, 2011
2. El Camino real-Wildlife Undercrossing Update

Recommendation: Approve the attached letter to City of San Diego urging completion of the El Camino Real culvert replacement project.

3. Issues Pending Regarding David Kreitzer Lake Hodges Bicycle/Pedestrian Bridge and West Bernardo Bike Path

Recommendation; Authorize the Executive Director to 1) enter into a reimbursement agreement with the City of San Diego for \$335.00 annually; and 2) withdraw \$10,995 from the Endowment/Reserve Fund to pay for the design and construction of the pedestal/transformer to enable the bridge to be connected to the City of San Diego electrical pull box; and \$10,000 from the Endowment/Reserve for consultation with the project engineers regarding construction litigation.

Boardmember Heebner moved for approval of the Consent agenda and Boardmember Mosier Seconded All in favor

ACTION

4. Election of Officers for 2012

Recommendation: Approve Nominating Committee's Recommendations for JPA Chair and Vice-Chair and Committee Assignments for 2012.

Director Bobertz said that the Nominating Committee comprised of Chair Lightner, Boardmember Slater Price and Boardmember Tom Golich made a recommendation to consider Olga Diaz for Chair and JimCunningham for Vice- Chair

Boardmember Slater -Price made a motion to approve the Nominating Committees recommendation and Boardmember Golich seconded. All in favor

The new Chair Olga Diaz resumed the meeting and thanked Ms. Lightner for her year of service and presented her with an orchid.

5. Adopt Resolution Recognizing Dave Roberts for Service on JPA Board

Chair Diaz read a resolution to recognize Dave Roberts for his service to the JPA Board. A gift was presented to Mr. Roberts. Ms.Diaz recognized Lesa Heebner as his replacement and welcomed her to the Board.

Mr. Roberts spoke about the years he served on the JPA Board and the responsibility of keeping this River Park open. He said that staff has been great to work with and commended the rangers for all their hard work. Mr. Roberts reminded the board that "we can not pave over paradise".

Boardmember Lightner made a motion to approve the resolution to recognize Mr. Roberts for all his work and Boardmember Heebner seconded. All in favor

6. I-5 Corridor Widening Presentation- Caltrans- Alan Kosup, Caltrans Corridor Director, reported on the status of this 27 mile-long, 6.5 Billion project. He gave a PowerPoint presentation showing the corridor that had not had improvements in the last 40 years. Mr. Kosup discussed the need to

widen the bike and the travel lanes for better flow along with bridge replacement. He stated that Senate Bill 468 provides SANDAG/Caltrans with the go ahead for the LOSSAN double track rail line and begin the widening of the corridor with bike and pedestrian considerations. The Coastal Commission will hold public hearings and there will be a final EIR this year.

Boardmember Heebner said that she had noted that SANDAG/Caltrans had recommended enhancement funds for some lagoons, but not San Dieguito. She asked Mr. Kosup if the River Park's Reach the Beach project could be included in the Public Works Plan as an enhancement project. He indicated willingness to consider that. Boardmember Slater-Price added her support for that, and noted that the Reach the Beach project would be largely in the right of way of the doubletracking project, but could be implemented in a way that it could be done early, before the doubletracking was completed. Chair Diaz told Mr. Kosup that the estimated cost of the Reach the Beach segment was \$3 million, so that he could include it on the list of proposed enhancements.

Speaker, Bill Michalsky said that the Bridge will be widened by 74 feet at the San Dieguito Lagoon and he felt that the aesthetic for the trail user and this additional noise should be mitigated by Caltrans.

Speaker, Jacqueline Winterer voiced her concerns about the proposed tunnel that will go through the City of Del Mar. Ms. Winterer said that she is in favor of a tunnel but that Caltrans needs to educate the residents of Del Mar that this portion of the expansion will not be a big trench going through the city.

No action was taken by the Board.

7. Rancho Guejito Unpermitted Grading Activity

Recommendation: Send letter to County of San Diego and California Department of Fish and Game urging thorough investigation, prosecution and restoration.

Deputy Director Carter said that the Department of Fish and Game, County of San Diego and Army Corps of Engineers have been notified of unpermitted grading activity that was done on the Rancho Guejito property.

Mr. Al Stehly said that Rancho Guejito is a working farm with avocado, citrus and grapes. This property is so vast that it is necessary to have a road to connect all the different locations for produce so that he does not have to travel around the property to get to his crops. This road is also needed for emergency use.

Boardmember Slater-Price stated that the letter to be approved today is not whether the road is needed or what it is used for, but if the roadwork was permitted before it was graded.

Donna Jones, attorney for Rancho Guejito stated that the purpose of the road grading is for better access for farming on the property. Ms. Jones said that Rancho Guejito has a signed agreement with the County of San Diego that they cannot seek development for 10 years in those areas so there is no reason for the property owner to grade a small road section on the property. There has been a stop work order for any further grading on Rancho Guejito and a site visit from the County of San Diego, Army Corps of Engineers, Department of Fish and Game, Fish and Wildlife and the Regional Water Quality Control Board was conducted over about 3 hours with full co-operation from the property manager, who also provided these agencies with a biology report and historic evidence of the road. Ms. Jones said that they were in contact with the County of San Diego recently and were told that they are still analyzing the information and did not agree with the Rancho Guejito position that this grading was exempt from permitting. It was noted that

the property owner appreciates that the Joint Powers Authority has a reputation for following process and they understand that there have been instances where other property in the focused planning area have not been properly investigated but the Rancho Guejito is a high profile property and is being thoroughly investigated at this time. It was asked of the JPA Board that they please wait to get the reports from the County and other agencies before any further action is taken.

Boardmember Slater Price recused herself from this item since this issue may come before the Board of Supervisors in the near future. Ms. Lightner asked what the County of San Diego does in cases of illegal grading on property.

Counsel Brechtel stated that most agencies have a Code Enforcement Department who has discretion as to how to respond to the possible violation.

Boardmember Lightner asked for feedback from the County of San Diego as to what is going on and what the process is if illegal grading was done. Ms. Lightner wanted to see the 4 violations that are under review. It was suggested that staff get involved in any future site visits and bring this back in a staff report

Boardmember Cunningham stated that the JPA needs to confirm that all the agencies are working on this issue and the status of the investigation. He did not think that we should just send a letter when we did not have all the facts. He felt that we need to monitor this situation and bring it back in a future agenda.

Boardmember Lightner made a motion to have staff participate in any future site visits along with follow up on the information from the other agencies. Ms. Lightner asked that this be tabled until we can get current information with a complete status report so we can take action at that time.

Chair Diaz said that the proposed letter (that staff recommends the JPA send) states that if the road was graded illegally then something needs to be done to restore it. Ms. Diaz said that it is important for the JPA to send a letter and be on record showing that we are concerned about this issue and request to be kept in the loop. It was suggested that the letter be modified asking for confirmation from each agency involved in the site visit that something is being reviewed and asking to be included in the process.

Boardmember Golich said that the grading is one issue but we are mostly concerned about the runoff that ends up in the watershed.

Boardmember Heebner asked the maker of the motion for a friendly amendment to modify the letter and be on record stating our concerns.

Counsel Brechtel said that the letter can be modified to address our concerns of environmental degradation and water quality and to impress on the other agencies that we would like to be informed of the results being reviewed. Mr. Brechtel said that an information letter can be emailed to the Board members providing information that staff has received.

Ms. Lightner, maker of the first motion, agreed to an amendment to have a modified letter sent now as suggested by Counsel Brechtel. A report was requested for the April meeting that would inform the Board of the status and resolution to the matter.

Boardmember Heebner seconded the modified motion .
Vote 6 yes 1 abstained (Slater-Price)

8. Rancho Del Mar (former Hu property)-

Recommendation: Discuss situation and provide direction to staff.

Shawna Anderson said this item came to the JPA Board through the PRC committee which reported action taken by the Carmel Valley Planning Board to the City of San Diego. The Carmel Valley Planning Board called a special meeting to compose a letter to the City of San Diego Planning regarding this proposed project. The parcel is 23 acres on the south side of the Polo Fields which was purchased a few years ago. This parcel is on designated Prop A lands and is zoned AR11. The project is a proposed 224 unit care facility. The designation of Prop A property is significant due to the fact that Prop A says that any increase in density needs a vote of the people before it can be changed. The matter is very complex, causing the Carmel Valley Planning Board to write a very detailed letter that calls for the City Attorney to review the matter. The proponents of the project have come to the PRC previously to describe the project and answer questions. The applicant had provided the PRC and Carmel Valley Planning Board with details on the project and that it was undergoing a preliminary analysis by the City of San Diego. The Board is being asked to support the Carmel Valley Planning Board and send a letter to the City of San Diego asking for clarification and confirmation of the legality of the Planning Commission's action. Ms. Anderson referred the Board members to the draft letter before them.

Speaker Cory Ha'o reiterated that projects involving Prop A properties are subject to a public vote. There are environmental issues that may need to be addressed and stressed that this project is in conflict with codes and high density issues.

Jay Powell, a concerned citizen and a founding member of San Diegans for Managed Growth, which initiated Prop A in 1985, supports staff's recommendation about the project and urges the JPA to reject this facility. He was on the Prop A committee before it was voted on, and said that the purpose of the measure was to lock down the urban reserve and provide for orderly dialogue on how to use this pristine property. Mr. Powell thanked staff for all their work on this project.

Boardmember Heebner made a motion to send the letter to the City of San Diego in support of the Carmel Valley Planning Board's action and Boardmember Mosier seconded. All in favor, with Boardmember Lightner absent..

9. Fiscal Year 2012-13 Budget Setting Process

Recommendation: Provide direction to staff concerning the Board's intention whether to revert to FY 08/09 level and implementation of the updated contribution percentages in the FY 2012/13

- a. Discussion of Reversion to FY 08/09 Member Agency Assessment
- b. Date to begin implementation of Updated Contribution formula adopted at the December 2011 JPA meeting.

Director Bobertz said that the staff needs direction for the budget this year following the adjustment that the City of Escondido and Del Mar did to increase their assessment last year. It was too late for the other cities to adjust their budget last year but staff wanted to know if the Board wished to revert to the FY 08/09 budget assessment level, which was 14% higher than the following years.

The second issue pertained to the updated assessment percentages based on population increases that had been approved at the December 9, 2011 Board meeting. Should those numbers be used in the draft FY 2013 budget?

There was general consensus to go back to the Fiscal Year 08/09 funding level (which was 14% higher than present). Supervisor Slater-Price said she remembered the discussion from last year and was in favor of that, and even though Supervisor Jacob wasn't at the meeting, Supervisor Slater-Price said she had talked to her and she agreed. Escondido and Del Mar have already gone back to the 08/09 funding level in the current budget. Lesa Heebner (SB) said she would check with her council to get approval.

Regarding the date of implementation of the updated contribution formula, Board member Cunningham said that he didn't think his agency could do the new number – it would increase their current 10% to 13%. He said he would go back to his staff and discuss it further. Since the new percentages would actually go down for Solana Beach and Del Mar, they both indicated that they would be willing to stay at their current dollar levels in FY 13.

Mr. Bobertz said that staff will prepare a draft FY 13 budget and call a meeting of the budget committee next month with intention of bringing the draft FY 13 budget to the April Board meeting.

INFORMATION

10. Reach the Beach Final Feasibility Study- Shawna Anderson said that the JPA has completed the Reach the Beach Feasibility Study with a recommended alternative. This now gives staff information to help secure grants to complete the project. It will be necessary to complete CEQA and work out many details with the 22nd District Agricultural Association and the City of Del Mar. Ms. Anderson said that concerns about horses on the beach have been raised, but there has also been a lot of support for continuing to allow horses on the beach. She said that the Del Mar Lagoon Committee supported the proposed alignment.

Boardmember Slater-Price thanked staff for all their hard work and looked forward to reading the report.

Speaker, Cory Ha'o felt that horses would be compatible on the beach and the Riverpath and the fertilizer issue was not as difficult an issue as some feel it to be.

Boardmember Mosier said that the horses on the beach issue was addressed at the Lagoon Committee and the council will address this matter in the near future.

11. Coordination Reports (oral)

- a. San Dieguito River Valley Conservancy- Lynne Baker said that the Conservancy is asking for a standard referral to a law enforcement officer to contact in River Park matters. This officer would be primarily for public safety issues that arise with our River Park operations. It is very helpful to know who to call in times of need.
- b. Friends of the San Dieguito River Valley- None
- c. Volcan Mountain Preserve Foundation- None

- d. San Dieguito Lagoon Committee- Bill Michalsky thanked the City of Del Mar for the ordinance that will protect the lagoon in keeping people out that should not be there. Signage has been proposed that will address many issues. Mr. Michalsky reminded everyone about the Lagoon Day that will be at the Powerhouse on April 22nd.
12. Status Reports
 - a. Sikes Adobe Museum Manager Report- Anne Cooper gave a PowerPoint presentation about the events at the Sikes Adobe, including pictures of the My Big Back Yard project where tours were given and demonstrations of old time laundry chores along with a presentation on how to make a scarecrow. In June we had an anniversary event and last week there was a Valentines Tea. Ms. Cooper said that we had a Festive Farmhouse in December where ornaments were made and a tree was trimmed.
 - b. River Park Projects- Shawna Anderson reported on the Mesa Loop Trail in the lagoon area that is almost complete. We have a staging area with fence and a gate. This trail will be renamed The Dust Devil Nature Trail to honor our dedicated volunteers who did most of the work on this trail.

Deputy Director Carter said that on March 17th the River Park will be having a dedication of The Dust Devil Nature Trail and the Lagoon Trail. Ms. Carter invited the Board members to attend the event. The Lagoon Trail is near the Horsepark Trail that will be completed in the fall.

Ms. Carter stated that we are working on two locations for monuments in the park that would have the most impact for the public to see. Staff at the City of Escondido welcomed the site of the first monument at Via Rancho Parkway and Sunset. Ms. Carter said that we are looking to put another monument along Jimmy Durante Blvd. in the City of Del Mar and will be contacting their staff to get suggestions.

- c. Proposed trail parking/staging area in Del Mar _ nothing to report.
13. Jurisdictional Status Reports- Boardmember Slater-Price thanked Jacqueline Winterer for all her hard work on in urging the Coastal Commission to resolve the outstanding violations at the Fairgrounds. Ms. Slater-Price commended Jacqueline due to the fact that she never gives up and has been the eyes and ears of the River Park in the lagoon area and works tirelessly for the River Park. Boardmember Mosier agreed with the comments of Ms. Slater-Price and feels that Jacqueline Winterer is a real hero for all her good work. All applauded Ms. Winterer.

Chair Diaz said that since we approved the funding for the Lake Hodges bridge electrical connection she is excited to plan for a string of Holiday Lights for next December

14. Communications- None

Letter from Carmel Valley Planning Board re Cantilever at El Camino Real Bridge
Letter from JPA to City of San Diego re El Camino real Bridge

15. CLOSED SESSION

Conference with legal counsel pursuant to Government Code Sec. 54956.9 regarding pending litigation: City of Solana Beach et al. v. 22nd District Agricultural Association.

Conference with legal counsel to discuss liability claim pursuant to California Government Code Sec. 54956.9(b)(1) and (3): Tri Group construction delay damages claim.

Counsel Brechtel stated that the Board met in closed session on the items previously disclosed and no action was taken.

Chair Diaz adjourned the meeting at 11:50 a.m.

These minutes approved by Board Action

Date

Executive Director

DRAFT