

**SAN DIEGUITO RIVER PARK  
JOINT POWERS AUTHORITY  
Minutes of April 18, 2014**

**MEMBERS PRESENT**

Dave Roberts- Chair  
Don Mosier -Vice Chair  
Olga Diaz  
Dianne Jacob  
Dave Zito  
Tom Golich  
Becky Bartling

**REPRESENTING**

County of San Diego  
City of Del Mar  
City of Escondido  
County of San Diego  
City of Solana Beach  
Citizens Advisory Committee  
22<sup>nd</sup> District Agricultural Association

**VISITORS/STAFF PRESENT**

Wayne Brechtel  
Dick Bobertz  
Susan Carter  
Shawna Anderson  
Brenda Miller  
Jacqueline Winterer  
Bill Michalski  
Peter Shapiro  
Trish Boaz  
Phil Pryde

JPA Counsel  
San Dieguito River Park JPA  
San Dieguito River Park JPA  
San Dieguito River Park JPA  
San Dieguito River Park JPA  
Friends of San Dieguito River Valley  
Sierra Club, San Dieguito Lagoon Committee  
President, San Dieguito River Valley Conservancy  
Exec. Director, San Dieguito River Valley Conservancy  
Self

**Introduction and Announcements**

Chair Roberts convened the meeting at 9:30 a.m. in the County Administration Building, 1600 Pacific Highway, Room 302/303, San Diego, CA 92101

All members, staff and visitors introduced themselves.

**Approval of Minutes of February 21, 2014**

Boardmember Diaz made a motion to approve the minutes of February 21, 2014, and Boardmember Zito seconded the motion. The motion passed unanimously.

**Executive Director's Report**

Executive Director Dick Bobertz said he had nothing to report that wouldn't be discussed later in the agenda.

**Public Comment-** No public comments were made.

## DISCUSSION / ACTION

1. SANDAG W19 Lagoon Wetland Restoration Project and Consideration of CEQA Processing  
(presentation by Keith Greer from SANDAG)

**Recommendation:** Receive Information and Take Action to Revise Existing MOU Regarding the JPA's Role as CEQA Lead on the W19 Project if Deemed Necessary.

Deputy Director Susan Carter introduced Keith Greer from SANDAG. Mr. Greer introduced the W19 Project. The proposed site would restore areas south of the San Dieguito River and east of I5 on property that is owned by the San Dieguito River Park, City of San Diego and California Dept. of Fish & Wildlife. The proposed project would complement the existing restoration of the Lagoon ecosystem, integrate and expand upon the San Dieguito Wetland Restoration Project recently implemented by Southern California Edison by an additional 55 acres, approximately. Mr. Greer listed the Design constraints as: no impact to SCE's project, no increase in flooding, no increase in scouring, no change in sediment transport and design must be peer-viewed. The current status of the project is that a feasibility study was completed, three options were identified, and three additional options were added based upon resource agency review. Mr. Greer explained alternative issues including the requirement of a hydrologic model to determine the risk to the restoration site, determine flood protection and sediment movement. Mr. Greer showed modeling options for three options for CEQA review. The next steps are to complete hydrology studies, refine options into three CEQA alternatives, notice of preparation, June 30 public review, July public workshop, DEIR/EA scheduled for June 2015, phase 3 final engineering and permitting (Oct. 2015) and construction with estimated date of November 2016.

Counsel Brechtel reported that the existing MOU between SANDAG and the JPA states that the JPA will be the lead agency for CEQA. After discussion with Mr. Greer and JPA staff, it was determined to continue to have the JPA be the CEQA lead for the W19 project. Therefore no action to amend the MOU is required at this time.

2. Report on Meeting with San Diego Mayor Faulconer

**Recommendation:** Provide direction, if needed, or actions required to address City of San Diego concerns and /or ensure that the JPA Agreement continues in effect while issues with the City of San Diego are being resolved.

Chair Roberts stated that Boardmember Mosier was not present at the meeting as to not violate the Brown Act, because the Mayor had invited Boardmembers Kersey and Lightner to attend. At the meeting with Chair Roberts, Boardmember Diaz and Director Bobertz, Mayor Faulconer said he looked to Boardmember Sherri Lightner for leadership on this issue. The concerns raised by the City of San Diego were the length of the agreement, the vote process, condition of not making assessment payments to be able to vote and the open ended liability. Chair Roberts said he informed Mayor Faulconer that for 25 years the City of San Diego has contracted out the park to the JPA for much less than it would have cost for the City to do it alone. Boardmember Diaz said she was shocked that Councilmembers Mark Kersey and Sherri Lightner were not advocates for the park. Chair Roberts shared copies of a newspaper article dated 4/18/1014 that was written regarding the JPA meeting with Mayor Faulconer and said he stressed to the Mayor the importance of representation of the City of San Diego at the JPA meetings. Director Bobertz shared that Mayor Faulconer asked his staff if a cost benefit analysis had been done and wanted one done over the next two weeks. Director Bobertz said he felt this was a good opportunity that will demonstrate how the

City funding has been leveraged and well-spent. The Mayor also said he wants to get back together with the JPA committee in two weeks to discuss how to proceed from here. Director Bobertz brought up the issue of a bill for the Lake Hodges Bridge project from the City of San Diego which the boardmembers received a copy of. Director Bobertz will meet with the City attorney to discuss this bill. Boardmember Jacob asked for two things. First, can we do our own analysis to determine how much money JPA has invested in City of San Diego over time? Second, what is the cost of JPA maintaining and operating the Park versus the City operating and maintaining. JPA has two weeks to put something together. Boardmember Jacob also asked that JPA staff concurrently work on plan B. If City pulls out, what is plan B.? We will provide our cost analysis to the City. If the City of San Diego wants to join there are benefits, if they pull out there are consequences. She emphasized that not a dime should be spent in City of San Diego jurisdiction if the City pulls out (excepting on the JPA's own property or due to contractual agreements.) Chair Roberts stated that the JPA agreement's June 12<sup>th</sup> deadline is a huge challenge. Counsel Brechtel recommended that the JPA Board extend the original agreement, which he said would become effective when any two agencies approved it, but he said that five would be better. He referred to a proposed Extension Agreement at each Boardmember's place. He recommended that it be circulated to member agencies for approval before the deadline. He strongly advised against letting the agency terminate because the consequences would be serious and have multiple effects.

Speaker Phil Pryde – San Diego – Brought attention to the newspaper article in newspaper this morning. The issue is now fair game in the media. He recommends flooding newspaper with letters to the editor in favor of the River Park.

Chair Roberts said after the meeting with Mayor Faulconer in two weeks, staff will provide an update. Chair Roberts will keep subcommittee informed of all updates and how to address questions that come up. Chair Roberts asked that the list of JPA members on the amendment be alphabetized.

Deputy Director Carter will contact City managers with revised amendment and cc Boardmembers, so the amended agreement can be added to City Council meeting agendas.

Peter Shapiro stated the SDRVC has a plan to reach out to the groups that use the trails and park. Boardmember Jacob said that the River Park does have supporters, and suggested that the media be approached by the Conservancy and other friends. She said she is convinced that the JPA is a good fiscal solution for the City.

Counsel Brechtel stated the motion to direct staff to submit the Extension of Joint Exercise of Powers Agreement between the County of San Diego and the Cities of Del Mar, Escondido, Poway, San Diego and Solana Beach creating the San Dieguito River Valley Regional Open Space Park Joint Powers Authority to their member agencies for approval as soon as possible as amended with regard to the order of signatures. Boardmember Golich made the motion and Boardmember Jacob seconded the motion. The motion passed unanimously.

3. Budget Committee Report and Recommendation

**Recommendation:** Approve FY 14/15 Budget and Salary/Staffing Schedule.

Director Bobertz stated that the budget was prepared before the meeting with Mayor Faulconer. The Budget Committee will meet the first week of May to figure out how to run this agency without the

City of San Diego contribution as Plan B. Recommend to defer budget item until the May meeting, which will need to be held.

4. Proposed Removal/Elimination of Lagoon Boardwalk

**Recommendation:** Direct JPA Board Chair to Send Letter to California Coastal Commission Protesting the Plan to Remove the San Dieguito Lagoon Boardwalk and Requesting that this Issue be Resolved Permanently.

Director Bobertz reported that on February 13<sup>th</sup> the Coastal Commission approved restoring the South overflow lot to wetlands. Eight years ago the Boardwalk was installed. Although a condition of the approval of the Boardwalk was that the Boardwalk could be removed at some time in future., the plan for the SOL that the Coastal Commission approved in February did not require the removal of the Boardwalk and there was no apparent discussion of removing the Boardwalk. After that action, when the 22<sup>nd</sup> District submitted the restoration plans for approval, the Coastal Commission staff instructed them to submit a plan without the boardwalk. Director Bobertz explained that the Boardwalk was installed as nature study trail not part of the Coast to Crest trail. We disagree with the Coastal Commission staff's decision to remove boardwalk. We believe the Boardwalk should stay because it is used for Education and nature study. The Coastal Commission biologist has said that the boardwalk should be removed in order to create an additional ¼ acre of wetlands, and also because human activity on the boardwalk disturbs the birds using the wetlands. However, Mr. Bobertz reported that we have been advised that there are offsetting benefits, and that the issue must go forward for thorough discussion in a public forum.

Boardmember Jacobs added there may be grant funds issues and asked if Counsel Brechtel could look into this aspect. Counsel Brechtel said he would.

Boardmember Golich said the CAC was unanimous that the Boardwalk should not be removed.

Public speakers

Phil Pryde –San Diego – The Board has a copy of the letter written by Mr. Pryde. He said that the CCC biologists may not have experience with wetlands and boardwalks, stating that birds know if and when they are threatened. A boardwalk is neutral location for birds. He also stated there are many other boardwalks nationwide and specifically described the one at South Padre Island in Texas . His opinion, based on years of experience and leading bird hikes worldwide, is that a boardwalk is not a threat, and in fact, offers birds a refuge from predators. He encouraged the Board to give his letter to whoever is appropriate at the Coastal Commission.

Discussion of letter included adding cc to all Coastal Commission boardmembers and the San Diego staff of the Coastal Commission.

Chair Roberts asked to correct the letter as follows: “At their meeting of April 18, 2014, the Board of Directors of the San Dieguito River Park Joint Powers Authority considered this item and voted unanimously to oppose removing the Boardwalk for the reasons stated in this letter and Attachment 1.”

Boardmember Jacob made the motion and Boardmember Mosier seconded the motion to send the letter with correction to the Coastal Commission. Boardmember Diaz abstained. The motion passed unanimously.

5. Proposal for Memorial for Abbe Wolfsheimer-Stutz in the San Dieguito River Park  
**Recommendation:** Request Chair Roberts to Appoint a Committee from the JPA Board and CAC Membership to Propose a Recommendation for an Appropriate Memorial.

Deputy Director Carter reported that Abbe Wolfsheimer-Stutz was very instrumental and passionate about getting the River Park started. She stated that there have been many people over the years that have made a difference and we should find a way to recognize them. One idea might be a “founder’s wall” and adding videos of the individuals stating the importance of the park on QR codes. Chair Roberts stated he will work with Tom Golich to appoint a committee from members of the CAC to work with staff to come up with a design. Tom Golich made the motion to approve the staff recommendation and Boardmember Diaz seconded the motion. The motion passed unanimously.

6. St. John Garabed Church  
**Recommendation:** Send letter to City of San Diego confirming JPA staff comments on the Draft EIR.

Shawna Anderson presented. Staff submitted a letter on the due date of April 15 (same as draft letter in packet). The project has been in front of the Project Review Committee several times since 2011. Copies of previous letters dated 10-11-2011, 11-13-2012 and 8-12-2013 were attached to this agenda. There have been minor design changes since the original design was presented however it does not appear that the PRC concerns have been addressed. The letter to the Draft EIR has two main points: the project impacts on MSCP corridor and visual impact to the San Dieguito River Valley. The wildlife corridor through Gonzales Canyon is very important and there is heavy wildlife use to get to the wetland area. After the W19 project is complete there will be even more wetlands and more attraction for wildlife. The height of the church is 93 feet tall, and it is 20 feet from edge of the mesa. Our letter emphasizes the impact of lights, traffic, noise, height of structure etc to wildlife and that the proposed mitigation is not adequate. The second point of the visual impact to the San Dieguito River Valley is a concern because the project appears to be overbuilt for the site. The comment letter asked for an alternative design regarding set back and height of church. The other item addressed in the comment letter was that the EIR does not mention the planned public trail through Gonzales Canyon. We feel it should be in the EIR to make sure the trail is accessible in future.

Boardmember Jacob made a motion to send a letter to the City of San Diego confirming JPA staff comments on the Draft EIR. Boardmember Mosier seconded the motion.

Allen Haynie spoke on behalf of the membership of St. John Garabed Church stating that the church has a rich history and strong traditions. The plan for this church is consistent with tradition and these churches have traditionally been built on mesas overlooking valleys. Mr. Haynie would ask that the Board not move to send a letter to the City of San Diego or at a minimum, modify the letter. Mr. Haynie stated that the project is located on a mesa and will not impact wildlife movement. The church had to talk with the City of San Diego, U.S Fish and Wildlife and California Department of Fish and Wildlife to make a boundary adjustment to develop the site. The position of US Fish and Wildlife and California Department of Fish and Wildlife is that the corridor will not harm wildlife. The project will enhance the corridor. If they try to make the church shorter it would lose visual

character. Mr. Haynie stated the project would have no visual impact from any trails. He went on to say that this religious community is excited to have this church. Please reconsider the letter.

Harry Krikorian, representing the St. John Armenian Church, stated that when the church project started four years ago, they saw another church being built adjacent to the property just purchased. The parishioners share same concerns about the environment. He asked the JPA Board to reconsider views, respect private property rights, and respect religious history and expression.

Chair Roberts read a letter he had received from a church member stating that in fact they had made many changes to the design in response to the JPA's concerns. He said he would like to have recognition of those changes included in the letter.

Boardmember Jacob agreed to make the change, and stated that her motion stands with the following changes to the letter: to acknowledge the fact that some changes have been made to the project design and that the JPA looks forward to working with the City and applicant to resolve the issues. Boardmember Mosier seconded the motion. The motion passed unanimously.

7. Letter from San Pasqual Bank of Mission Indians regarding condition of Pictographs at Piedras Pintadas

**Recommendation:** Send Response Letter to San Pasqual Band of Diegueno Mission Indians.

Deputy Director Carter stated that a draft response letter was at each Board members place. Deputy Director Carter explained the background and the extent of the graffiti to the Piedras Pintadas rock art. She recommends sending the draft letter provided, which explains that by agreement, the protection of the rock art is the responsibility of the City of San Diego, not the San Dieguito River Park, but that the River Park staff would be willing to meet with the Band and with the City to identify solutions to this problem.

Chair Roberts made the motion to approve draft letter with the following changes: "You may not be aware of it, but we do have regular ranger and mountain bike patrols." , " The JPA had ranger patrols here daily when the JPA was responsible for management at the site under the terms of the CRMP." And "Again, we are deeply concerned that this defacement has occurred and would be willing to meet with you and representatives of the City of San Diego to attempt to identify solutions to this ongoing problem." Boardmember Mosier seconded the motion. The motion passed unanimously.

Chair Roberts accepted a check for the JPA, in the amount of \$20,000.00, from Becky Bartling on behalf of the 22nd Agriculture District.

### **INFORMATION**

8. Lagoon Ranger Station – Update and Schedule (oral)

Shawna Anderson presented ranger & maintenance building pictures and update. Funding will be through SCE. We are working with architect Rinehart Herbst. Access to site will be from San Andres. It will have a solar powered gate, the main building, fenced workyard and greenhouse. The main one story building will have a porch, public restroom, small conference room, ranger office



and garage. She explained that we want the fenced area and structure to blend well with native vegetation in area. At this time, staff is working with architects on details, need a building permit from the City of San Diego, and a coastal development permit. She said we will be going to Carmel Valley planning group and will ask for their comments and support.

9. Park Project Status (oral)

a. "Birdwing" Open Air Classrooms

Deputy Director Carter announced the Grand Opening that is planned for May 13th. The Rangers are working very hard to have everything done (planting, DG, bridges) before the Grand Opening. Former Boardmember Pam Slater Price will be a speaker at the program. Parking will be in the parking area and along San Andres.

The Grand Opening for the Sikes Adobe Creamery will be June 4<sup>th</sup> 4:00 p.m. Museum Manager Anne Cooper will be serving cornbread with home churned butter.

The annual Volunteer Appreciation party is planned for Sunday June 1<sup>st</sup> 3:00 pm-6:00 pm at the Birdwing.

10. Coordination Reports (oral)

a. San Dieguito River Valley Conservancy - Trish Boaz reported that the Plein Air Arts Gala raised \$130,000 of which 35% goes to the Conservancy. The Plein Air Art exhibit will continue through April 27 at the Center for the Arts, Escondido. A painting of Sikes Adobe is still available for \$1200.00. She thanked Boardmember Mosier for attending the Gala. She announced that the Conservancy had received \$20,000 from the Del Mar Foundation for the Birdwing. The Solana Beach Historical Society has been very supportive.

b. Friends of the San Dieguito River Valley - none

c. Volcan Mountain Preserve Foundation - none

d. San Dieguito Lagoon Committee - none

11. Jurisdictional Status Reports

Chair Roberts said that he would be calling a meeting of the JPA's Acquisition Committee to review acquisition priorities because when funding becomes available periodically, we should be prepared by knowing what is available and what our priorities are. He thanked everyone for their dedication and hard work under the trying circumstances.

12. Communications

None

Chair Roberts adjourned the meeting at 12:07.

These minutes approved by Board Action

\_\_\_\_\_  
Date

\_\_\_\_\_  
Executive Director

DRAFT