

**SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK
JOINT POWERS AUTHORITY
Minutes of May 17, 2013**

MEMBERS PRESENT

Jim Cunningham- Chair
Lesa Heebner -Vice Chair
Don Mosier
Olga Diaz
Dave Roberts
Dianne Jacob
Tom Golich
Becky Bartling

REPRESENTING

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

VISITORS/STAFF PRESENT

Wayne Brechtel
Dick Bobertz
Susan Carter
Shawna Anderson
Jan Lines
Anne Cooper
Phil Pryde
Geoff Kipps Bolton
Konrad Bouffard
Jonathan Jefferson
Cheryl Goddard
Alice Brown

JPA Counsel
San Dieguito River Park JPA
Audubon Society
Beekeeper
Round Rock Honey Academy
San Diego Beekeeping Society
County Parks and Recreation
Del Mar Lagoon Committee

Introduction and Announcements

Chair Cunningham convened the meeting at 9:33 a.m. in the County Administration Building, 1600 Pacific Highway, Room 302/303, San Diego, CA 92101

Chair Cunningham announced that the item requesting County Enhancement Program grant funds was being pulled from the agenda. Staff is going to try to find other funding for the project.

Approval of Minutes of February 15, 2013

Boardmember Heebner made a motion to approve the minutes of February 15th. Boardmember Golich seconded the motion. All in favor

Executive Director's Report- Director Bobertz said that our annual volunteer appreciation lunch will be held on June 1 at the Sikes Adobe Historic Farmstead. Mr. Bobertz said that we have many wonderful volunteers who help us accomplish our projects throughout the year. Director Bobertz reported on an issue that staff has been working through for the last 6 months which pertained to the funding for the Boudreau property. Because of our arrangements with Caltrans and SANDAG the Coastal Conservancy took the

position that we owed a refund of \$600K to the Coastal Conservancy for the property they funded. He reported that we were able to work out a solution where the Coastal Conservancy gave us credit for other projects that would qualify under the same funding as the Boudreau property. Those credits amounted to \$250K and the balance was funded by SANDAG agreeing to purchase additional property in the lagoon area that would qualify under the Prop 40 funding.

Public Comment- Jacqueline Winterer requested that in our talks with member agencies that we refer to the San Dieguito River Valley Open Space JPA as the San Dieguito River Park. She feels that the shorter name is easier and not so confusing for the public. Boardmember Golich said that the CAC was not able to vote on this matter at their last meeting because they lacked a quorum. It was the consensus of the Board that this item did not need to be agendaized, but that staff could take actions to implement it as appropriate, including formalizing it in the revised JPA agreement.

ACTION

2. **Budget Committee Report and Recommendation:**

Recommendation: Approve attached FY13/14 Budget and Staffing Salary Schedule

Director Bobertz was pleased to announce that the City of San Diego's proposed budget has restored our funding after 4 years. The City Council will be voting on the budget in June and we will know if we will be receiving our funding for next year. Because we did not have the City of San Diego's funding for the last 4 years we have not been able to increase our budget. With the new funding we are recommending to hire 1 additional ranger this year along with reinstatement of our merit step increases. Deputy Director Carter explained that Senior Ranger Borchardt will receive a salary increase consistent with her promotion to Senior Ranger that occurred last year. Ms. Carter discussed the fuel expenses, repairs to our road, educational funds for inland projects, computer replacement along with bridge lighting expenses. Ms. Carter explained that there have been decreased revenues like the Off-Track Betting funds and the \$15,000 funding from Boardmember Lightner's office that had been included in the FY 12/13 budget that will not be received. This year the money from SANDAG for water quality that we have been receiving each year for the last four years per the W19 MOU will no longer be received. Boardmember Jacob asked why our OTB funding is so low. Becky Bartling from the 22nd District Agricultural Association said that their attendance has been very low and the OTB funds coincide with attendance. It was suggested that the education programs be extended to the Julian area. Deputy Director Carter said that we can work with the Volcan Mountain Foundation to provide educational opportunities in Julian. The Board asked about using solar to light our Lake Hodges Bridge. Deputy Director Carter said that we had two attempts to use solar and both solar arrays were stolen.

Boardmember Jacob said that she is reluctant to approve a budget that funding has not been secured so she made a motion to provisionally approve the FY13/14 budget pending the approval of the City of San Diego's budget. Boardmember Heebner seconded. All in favor.

Boardmember Diaz suggested that the stolen solar panels might have been removed by someone who was knowledgeable about solar panel installation. She suggested that in the future if solar is installed, it should have an alarm system and the rangers work with neighbors in the area to report suspicious activity. Chair Cunningham said that in February, Boardmember Roberts suggested that the JPA consider the notion to amend our JPA Agreement to add other agencies to our Joint Powers

Authority. Counsel Brechtel said that he has added language into our agreement that provides for the current JPA member agencies to include other agencies if they wish to. Mr. Cunningham observed that the road to the SDRP office needs to be fixed and maybe we could have a board reception at the JPA office to show everyone how beautiful it is. Chair Cunningham would like to find a way to get the representatives for the City of San Diego back into our boardroom to participate in the meetings. Director Bobertz said that he gave Councilman Kersey a tour of the park and hosted a lunch at the office when he was first elected and he seemed very impressed with the park.

3. Comment on Public Works Plan (Double-Tracking and I-5 Corridor Widening):
Recommendation: Approve three recommended actions: 1) send follow-up letter confirming 4(f) impacts from the I-5 Project, 2) send follow-up letter confirming comments on Draft North Coast Corridor Public Works Plan, and 3) provide concurrence to SANDAG for use of 4 (f) property (san Dieguito River Park) for a trail connection to proposed I-5 bike trail.

Shawna Anderson said that this is a very complicated subject. This is a vast public works project that has been discussed at the JPA meetings in the past. Today, staff has three issues for the Board's consideration, 1) send letter concurring that there are 4(f) impacts from the I-5 Project, 2) send follow-up letter confirming staff's comments on Draft North Coast Corridor Public Works Plan, and 3) provide concurrence to SANDAG for use of 4 (f) property (San Dieguito River Park) for a bike trail connection to proposed I-5 bike trail.

Ms. Anderson said that in 2010 and 2012 Caltrans released an EIR on the widening of I-5 at which time our board submitted a comment letter along with many other agencies that caused Caltrans to adopt a much smaller footprint for their project. Ms. Anderson reported that there are still issues that have not been resolved including the 4f impacts (4f means Caltrans requires any Federal project to address properties with historic resources or public parks, recreational areas or water fowl be protected from project impacts). Staff does not think that Caltrans' analysis stating that the impacts from the I-5 widening are "de minimis" are correct. JPA staff disagrees with this finding, believing that although the widening is in Caltrans existing right of way it will come 40 feet closer to the existing trail and will utilize a substantial retaining wall, thereby significantly diminishing the trail user's experience. However, Executive Director Bobertz met with Caltrans and was assured that they would add the features we suggested to improve the trail user's experience into the project design. Ms. Anderson said that staff is asking for a liaison to work with us during the construction phase to minimize impacts.

Regarding the double-tracking project on the railroad corridor, Ms. Anderson reported that she and Susan Carter attend the San Dieguito Double Track Technical Working Group meetings. The draft Public Works Plan has been released, and it includes language indicating that the double-tracking project will provide a crossing for the Coast to Crest Trail and describes it as a critical link. However, there are no details in the PWP that describe how that crossing would occur. The second letter before the Board deals with this issue.

Lastly, Ms. Andersons said that Caltrans needs concurrence from the JPA for use of 4f properties to connect the proposed lengthwise bike path in the I-5 corridor to the JPA's existing Coast to Crest Trail on the west side of I-5. Staff recommends sending a letter of concurrence.

Boardmember Roberts made a motion to approve the letters and Boardmember Golich seconded.
All in favor

4. Beekeeping- **A proposal to have beekeeping hives and classes at the Sikes Adobe Historic Farmstead.**

Recommendation: Deny proposal

Director Bobertz reported that the Round Rock Beekeeping Academy has proposed to locate 5 bee hives on the Sikes Adobe property and conduct classes targeted for beginning beekeepers June through December. Round Rock proposes to pay \$2 per person to the JPA along with their publicity for the beekeeping at Sikes Adobe. Mr. Bobertz stated that having bees on a site that we are trying to promote for children's educational programs, public assembly and weddings does not seem advisable. Mr. Bobertz said that marketing weddings where there are flowers being held by the participants might be a problem and the liability of bee stings to the public some of which are allergic. Counsel Brechtel said that there is an assumption of risk which is defined as "creating or knowing of a dangerous condition on the property". If the bees were being used solely for an agricultural operation there would be a different kind of liability but having weddings and children's programs near the bees should be addressed. Mr. Bobertz said that the Round Rock Beekeeping Academy would need to indemnify the River Park from any liability. Counsel Brechtel said that insurance could cover the liability issue.

Speaker Konrad Bouffard from Round Rock Honey Beekeeping Academy explained that their company has 12 beekeeping schools in the country which have a 98% approval rating. Mr. Bouffard addressed the wedding flower issue stating that the flowers are treated with chemicals and the bees are not attracted to the flowers. They have never had a bee incident happen at their sites unless someone was to aggravate the hive. Mr. Bouffard explained that they are very cautious and never had issues with bee attacks since all the class participants wear protective suits. Mr. Bouffard said that they have very specialized insurance that covers any issues. Boardmember Diaz said that she is excited about this project and said that if the Sikes Adobe does not work out for the classes then the City of Escondido has property for the Round Rock Honey Beekeeping Academy to use. Boardmember Jacob said that she has a large territory to supervise and thinks there are other areas that would work for this type of organization.

Speaker Geoff Kipps-Bolton, beekeeper, said that not only are bee colonies in danger but that beekeeping is in danger because people are not educated on the proper cultivation of bees. If bees are kept properly there is no problems for people coming into contact with them.

Boardmember Heebner said that this is a great project and with precautions taken it is an excellent program. Boardmember Diaz said that the board usually sides with the staff recommendation and asked if staff has changed their minds about this issue after hearing the speakers. Director Bobertz said that he has not heard any argument that has changed his mind on this issue. Mr. Bobertz stated that we also have a Farmers Market at the site and that food would be an attraction to the bees. Boardmember Roberts asked Museum Manager, Anne Cooper, for her opinion. Ms. Cooper said that she felt that the source of income would be good for Sikes along with advertising for the site will help raise awareness and bring more visitors there. Boardmember Roberts wanted to make sure that Round Rock would be paying for a 6' wooden fence around the bees and if this does not work

out for us at the site, would Round Rock take the fence down. Mr. Buffard said that he did not suggest having a 6' wooden fence around the bees but that he would pay for a different type of fence to surround the beehives.

Boardmember Golich suggested that if we go ahead with this program, is there a way to get out of the contract if we do not feel that it is working out. Counsel Brechtel said that it would all be stated in an agreement as to the conditions and allow for us to cancel. Mr. Buffard said that due to the nature of the business it would be very difficult to set up the bee operation and sell tickets to the site and have us cancel in a month's time.

Boardmember Jacob made a motion to enter into a one-year contract provided that we can negotiate a better financial deal for Sikes, and then be able to review it in 6 months and cancel if it is not working out as desired. The contract would state that Round Rock would clean up the property if the arrangement did not work out. The liability issue would be addressed with an indemnity by Round Rock to cover all activities and keep the River Park free of any lawsuits. Boardmember Roberts requested that the maker of the motion address the fence issue around the site, and that it should be paid for by Round Rock. Ms. Jacob agreed. Boardmember Roberts seconded Ms. Jacob's motion.

Vote 6 Yes 1 No (D.Mosier)

Boardmember Roberts suggested that we appoint a subcommittee to work out the language and address the issues for contract language for this project. Boardmembers Heebner, Diaz and Cunningham were appointed to the subcommittee with Boardmember Jacob as alternate.

Counsel Brechtel asked for clarification on the motion that the Board is approving the contract with acceptable financial terms and indemnification terms for 1 year with a review in 6 months. This approval would not need further action as long as it was approved by members of the subcommittee. The contract will be provided by Round Rock and be revised by the subcommittee.

INFORMATION

5. Presentation on City of San Diego Bicycle Initiatives Program- Ed Clancy, Bicycle Program Manager

Mr. Clancy thanked Boardmember Roberts for biking to work today. May is National Bike Month and today is National Bike To Work Day and Mayor Filner is initiating a program to educate the public to think about biking whenever they can as a quality of life incentive as well as being alternative transportation. We will be having an event (CicloSDias) in August to celebrate neighborhoods and show the public how they can bike to restaurants and shopping instead of driving. Mr. Clancy spoke of the vision to have tourist bike stations so that the visitors could bike around the city and the possibility of having kiosks so that at anytime someone could rent a bike and then drop it off at the next kiosk. It is an overall vision to connect with the entire region to find routes for cyclists to travel from one part of the county to another and work with cycle groups for additional input into the implementation of this vast project. Boardmember Diaz said that she is interested in helping to find funding to get more trails and signs.

6. Status Reports

a. River Park Projects

Deputy Director Carter said that we have completed phase one of the Open Air Classroom and are now working on completing all the construction documents for our permit from the City of San Diego. The phase II will hopefully begin in September 2013. Ms. Carter reported that she, Director Bobertz and Shawna Anderson have been working on a pathway along San Dieguito Road and have enlisted the help of Brian Albright who is the Director of County Parks and Recreation and may be able to help with obtaining grant funding. This section of the trail is on the San Dieguito Community Plan and is in the Public Works Department jurisdiction. Ms. Carter said that she and Shawna attended the San Dieguito Community Planning Group meeting and felt quite positive about their view of the trail but the Fairbanks Ranch Association has said that the road is unsafe and do not support the pathway concept along San Dieguito Road. On May 23rd the San Dieguito Community Planning Group will be taking a vote on this issue and they have invited the Fairbanks Ranch Association to attend and give their comments. Boardmember Roberts recommended that staff meet with Fairbanks Ranch Association because they have approached him with strong evidence as to why the trail segment is not a good idea along San Dieguito Road. Ms. Carter explained that the only alternative is to go along the river which would have to cross many private property ownerships who would have to approve the trail easement on their property. Ms. Carter reported on the planned purchase of Bandy Canyon Ranch which went into escrow last fall and we have been trying to identify funding for the purchase since then. We received the appraisal a week ago that supports the purchase price of \$2,230,000 but it will have to be certified by the State. The funding sources that we are looking at are Wildlife Conservation Board funding, County MSCP funding and Transnet Economic Benefit funding from SANDAG.

7. Coordination Reports (Oral)

- a. San Dieguito River Valley Conservancy- None
- b. Friends of the San Dieguito River Valley- None
- c. Volcan Mountain Preserve Foundation- None
- d. San Dieguito Lagoon Committee- None

8. Jurisdictional Status Reports-

Becky Bartling reported that on June 8th the San Diego County Fair starts. On June 22 they will be starting the Envirofair which will be highlighting sustainable living and farming. Boardmember Mosier said that NCTD is offering a ticket reduction to get to the fair. Boardmember Diaz reported that the City of Escondido hosted the AMGEN Bike Racing event and received worldwide attention to the city. Ms. Diaz is in hopes that this will inspire a standing interest in cycling. Ms. Diaz stated that they had a meeting of ECWA (Escondido Creek Watershed Alliance) and was updated on the MS4 Storm Water Permit document that is very complicated.

Boardmember Roberts stated that this storm water permit will be so expensive to implement that it will cause a hardship to finance. Boardmember Jacob said that every jurisdiction needs to know the details of this permit because the permit calls for no bacteria in any runoff which is impossible to achieve besides the enormous cost to each jurisdiction. Boardmember Diaz requested that a presentation about the new stormwater permit requirements be on a future agenda. Boardmember Heebner said that the Highway 101 renovation project will be done by the end of summer. Chair Cunningham said that he, Bill Simmons and Director Bobertz hiked a segment of the Crest to Coast trail starting in Julian which took 6 hours to complete. It was a wonderful adventure and they have hopes that this hike of the backcountry will inspire others to see this lush area in the future. Mr. Cunningham said the next segment of their journey will start on June 9th near Mesa Grande. Mr. Cunningham spoke of a trip to the Santa Ysabel Store and how nicely it has been restored.

9. Communications-

Chair Cunningham adjourned the meeting at 12:00 p.m. It was announced that the next meeting would be on July 19th.

These minutes approved by Board Action

Date

Executive Director

DRAFT