



San Dieguito River Park  
 Joint Powers Authority  
 18372 Sycamore Creek Road  
 Escondido, CA 92025  
 (858) 674-2270 Fax (858) 674-2280  
 www.sdrp.org

**JOINT POWERS AUTHORITY  
 BOARD OF DIRECTORS**

- Chair Dave Grosch  
Poway City Council
- Vice-Chair Kristin Gaspar  
Supervisor, County of San Diego
- Dwight Worden  
Del Mar City Council
- Olga Diaz  
Escondido City Council
- Barbara Bry  
San Diego City Council
- Mark Kersey  
San Diego City Council
- Dianne Jacob  
Supervisor, County of San Diego
- Judy Hegenauer  
Solana Beach City Council
- Jeff Barnouw  
Citizens Advisory Committee
- Dustin Fuller, Ex Officio  
22nd District Agricultural Association
- Kevin McKernan  
Executive Director

**SAN DIEGUITO RIVER PARK  
 JOINT POWERS AUTHORITY  
 11:00 a.m. – 12:30 p.m.  
 Friday, January 18, 2019  
 County Administration Center  
 1600 Pacific Highway, Room 302/303  
 San Diego**

Speaker slips will be available. Please fill out a slip and give it to the Chair prior to the meeting if you wish to speak to an item on the agenda. The Board may act on any item listed on the Consent or Action Agenda.

Introductions and Announcements

Pledge of Allegiance

Approval of the Minutes of November 16, 2018 (Page 3)

Executive Director’s Report

Public Comment

This portion of the agenda provides an opportunity for members of the public to address the Board on items of interest within the jurisdiction of the Board and not appearing on today’s agenda. Comments relating to items on today’s agenda are to be taken at the time the item is heard. Pursuant to the Brown Act, no action shall be taken by the Board on public comment items.

DISCUSSION/ACTION

1. Election of JPA Board Officers for 2019 (Page 7)
2. Review Contract Options for Coast Maintenance Facility (Page 9)

## INFORMATION

3. Project Status Updates
  - a. Pamo Valley Trail
  - b. Ranger Maintenance Facility
  - c. San Dieguito River Park 30<sup>th</sup> Anniversary
  
4. Coordination Reports (oral)
  - a. San Dieguito River Valley Conservancy
  - b. Friends of the San Dieguito River Valley
  - c. Volcan Mountain Preserve Foundation
  - d. San Dieguito Lagoon Committee
  - e. Friends of Sikes Adobe

5. Jurisdictional Status Reports

An opportunity for the Board members to report on actions taken within their jurisdictions to further the park planning process.

6. Communications

The next JPA Board meeting will be held February 15, 2019

If you have any questions, please call Kevin McKernan at (858) 674-2270 Ext. 15

\*\*\*\*Due to the high cost of printing and mailing the JPA and CAC agendas, the JPA has converted to an email distribution of both agendas. Please advise the office at 858 674-2270 if you do not have an e-mail address and want other arrangements to be made. The agenda and minutes are available at no cost on the San Dieguito River Park web site at [www.sdrp.org](http://www.sdrp.org)

**SAN DIEGUITO RIVER PARK  
JOINT POWERS AUTHORITY  
Minutes of November 16, 2018**

**MEMBERS PRESENT**

Dave Grosch - Chair  
Dwight Worden  
Mark Kersey  
Judy Hegenauer  
Jeff Barnouw

**MEMBERS ABSENT**

Kristin Gaspar –Vice-Chair  
Olga Diaz  
Barbara Bry  
Dianne Jacob  
Dustin Fuller

**VISITORS/STAFF PRESENT**

Kevin McKernan  
Wayne Brechtel  
Shawna Anderson  
Brenda Miller  
Bill Michalsky  
Jacqueline Winterer  
Jeff Land  
Kim Smith  
Carol Kerrich  
Julie Klein  
Trish Boaz  
Bill Farrell  
Maggie Brown  
John Barone  
Brad Bartlett  
Kathryn Cartaino  
Dallas Pugh  
Karen Lake

**REPRESENTING**

City of Poway  
City of Del Mar  
City of San Diego  
City of Solana Beach  
Citizens Advisory Committee

**REPRESENTING**

County of San Diego  
City of Escondido  
City of San Diego  
County of San Diego  
22<sup>nd</sup> District Agricultural Association

**REPRESENTING**

San Dieguito River Park JPA  
JPA Counsel  
San Dieguito River Park JPA  
San Dieguito River Park JPA  
Sierra Club  
Friends of the San Dieguito River Valley  
Brandis Tallman  
SANDAG  
San Dieguito Lagoon Committee  
San Diego Trails Alliance  
San Dieguito River Valley Conservancy  
Friends of the San Dieguito River Valley  
Friends of the San Dieguito River Valley  
City of San Diego Public Utilities  
San Dieguito River Valley Conservancy  
AECOM  
San Diego County Parks  
Del Mar resident

**Introduction and Announcements**

Chair Grosch convened the meeting at 11:00 a.m. in the City of Del Mar Town Hall building, 1050 Camino del Mar, Del Mar, CA 92014.

**Pledge of Allegiance**

Chair Grosch invited all to stand and recite the Pledge of Allegiance.

**Approval of Minutes of October 19, 2018**

Boardmember Worden made the motion to approve the minutes of October 19, 2018 and Boardmember Barnouw seconded the motion.

Yes votes: Grosch, Worden, Hegenauer, Barnouw, Kersey

Absent: Gaspar, Diaz, Jacob, Bry

**Executive Directors Report** – No report

**Public Comment** – No public comment

**DISCUSSION/ACTION AGENDA**

1. Citizens Advisory Committee Recommendations

- a. Approve Membership of San Diego Trail Alliance with Julie Klein as the Representative
- b. Support W-19 Wetland Restoration Project and Approval of Final EIR
- c. Support Ranger Maintenance Facility and Financing

Boardmember Worden moved approval of the Citizens Advisory Committee recommendations. Boardmember Kersey seconded the motion.

Yes votes: Grosch, Worden, Hegenauer, Barnouw, Kersey

Absent: Gaspar, Diaz, Jacob, Bry

2. Approve Final EIR for the San Dieguito Lagoon W-19 Restoration Project

**Recommendation:** *Adopt resolution certifying the Final Environmental Impact Report, approving CEQA Findings, Statement of Overriding Considerations, and MMRP for the San Dieguito Lagoon W-19 Restoration Project and approving the project as described in the Final EIR.*

Principal Planner Shawna Anderson presented the Board with four documents; Resolution Certifying the Final EIR, Findings of Fact, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program Report. The project was presented in detail at the October 19, 2018 meeting. Fourteen comment letters were received. The Final EIR includes the responses to the letters. Ms. Anderson reported that responses to the letters have been sent to the public agencies. A second letter was received from the California Coastal Commission praising the collaboration with SCE and SANDAG with the comment that any impacts will have to be mitigated through the Coastal Development Permit process. JPA staff will work with CCC staff during the process. Ms. Anderson reported that agreements between all stakeholders (SCE, SANDAG, and City of San Diego) will be presented to this Board in the future. SANDAG is financially responsible for the project. Ms. Anderson explained the Findings and the Statement of Overriding Considerations. Counsel Wayne Brechtel read the title of Resolution R18-3 adding that the Park Master Plan will be amended to add the W-19 project area. There was brief discussion regarding CCC letter dated November 15, 2018. Boardmember Worden stated that the project is important and that the document is well written and compelling, and asked that the future stakeholder agreements be made very clear. There was no public comment. Boardmember Worden made the motion

to adopt the resolution certifying the Final EIR for the San Dieguito Lagoon W-19 Restoration Project. Boardmember Barnouw seconded the motion.

Yes votes: Grosch, Worden, Hegenauer, Barnouw, Kersey  
Absent: Gaspar, Diaz, Jacob, Bry

3. Coast Maintenance Facility Loan Approval

**Recommendation: Board approval of Resolution R18-4 APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AND SUBLEASE AGREEMENT AND AUTHORIZING CERTAIN ADDITIOANL ACTIONS**

**AND**

**Recommendation: Board approval of Resolution R18-5 ADOPTING THE SAN DIEGUTIO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY DEBT MANAGEMENT POLICY**

Executive Director Kevin McKernan presented the agenda item to the Board and introduced Jeff Land with the Brandis Tallman Company. Director McKernan reported that portions of the building permit have been signed. The Board discussed the plan for paying the loan off. Jeff Land answered a question regarding the requirement that public agencies must adopt the debt policy.

Counsel Brechtel read the title of resolution R18-4. Boardmember Worden made the motion to approve the Coast Maintenance Facility Loan and Resolution R18-4. Boardmember Barnouw seconded the motion.

Yes votes: Grosch, Worden, Hegenauer, Barnouw, Kersey  
Absent: Gaspar, Diaz, Jacob, Bry

Executive Director Kevin McKernan read the title of resolution R18-5. Boardmember Worden made the motion to approve Resolution R18-5. Boardmember Barnouw seconded the motion.

Yes votes: Grosch, Worden, Hegenauer, Barnouw, Kersey  
Absent: Gaspar, Diaz, Jacob, Bry

4. Report from Nominating Committee of 2019 Chair, Vice-Chair, and Committee Members

Boardmember Worden reported that the nominating committee will meet soon.

The meeting was adjourned at 11:24 a.m.

These minutes approved by Board Action

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

JPA Meeting of January 18, 2019

ITEM: 1

SUBJECT: Election of JPA Board Officers 2019

SAN DIEGUITO RIVER PARK JPA  
PROPOSED OFFICER AND COMMITTEE NOMINATIONS FOR 2019

As the JPA nominating committee, we propose the following serve as chair and vice chair for 2019:

Chair: Kristen Gaspar

Vice Chair: Barbara Bry

We propose the following, who served last year, be reappointed to serve on the Budget/Admin committee:

Kristen Gaspar

Dwight Worden

Olga Diaz

Dave Grosch

Respectfully,

Dwight Worden

Dianne Jacob

**POLICY NO. P95 - 1**  
**ADOPTION DATE: 3/17/95**  
**POLICY OF THE BOARD OF DIRECTORS OF THE SAN DIEGUITO RIVER**  
**VALLEY REGIONAL OPEN SPACE PARK**  
**JOINT POWERS AUTHORITY**  
**ELECTION OF JPA BOARD OFFICERS**

**PURPOSE**

The San Dieguito River Park Joint Powers Authority (JPA) was formed to create, preserve and enhance the San Dieguito River Valley Regional Open Space Park (Park). The Joint Powers Agreement provides for the Board to select its officers from among the members. The purpose of this policy is to provide direction on the selection of officers.

**POLICY**

The success of the JPA in fulfilling its functions as authorized by its member agencies and in carrying out its programs to serve the people of San Diego County is in the hands of its Boardmembers and most importantly its officers. Therefore, it is the policy of this Board to select officers who are enthusiastically supportive, willing and able to promote the San Dieguito River Park and its goals and objectives, and to implement the will of the Board.

**OFFICERS/TERMS**

The Joint Powers Authority officers shall consist of a Chair and a Vice-Chair who will serve one year terms. In January of each year, customarily the Vice-Chair from the previous year will assume the Chair's office. At any time during the year should the Chair resign or be unable to serve in the function of Chair, the Vice-Chair will assume the Chairmanship. An effort shall be made to rotate the Chair and Vice-Chair positions among the various jurisdictions.

**NOMINATING COMMITTEE**

A nominating committee will be appointed by the Chair in October of each calendar year. The nominating committee shall present to the Board of Directors for their consideration at the next JPA meeting a proposed slate which includes nominations for the two officers and membership on the Land Use Committee, Acquisition and Financing Strategies Committee and the Budget/Administration/Policy Committee. These committees will meet as needed to accomplish the business of the JPA. The Board may accept the recommendations of the nominating committee or amend them by a majority vote.

**REMOVAL FROM OFFICE**

An officer of the San Dieguito River Park JPA may be removed by a majority vote of the Board of Directors.



**DATE:** January 18, 2018  
**TO:** JPA Board of Directors  
**FROM:** Staff  
**SUBJECT:** Contract Options for Coast Maintenance Facility

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**BACKGROUND:**

This report follows up on discussions from the three prior board meetings in 2018 regarding the Coast Maintenance Facility project.

The Coast Maintenance Facility (Ranger Station) has been in the planning and permitting phase for over four years. Several presentations to the Board have shown that the original design and the associated bids received for that design all significantly exceeded the JPA's reasonable expectations on budget. Two rounds of bids and attempts to phase the building all resulted in excessive bid results with figures ranging from over \$1M for phase I only (garage) to over \$2M for the entire project.

In September, 2018, the Board approved staff's recommendation to pursue a new design working with a Design/Build contractor ("Baker Design Build") that would fall within a construction budget of \$850,000. The contract with Baker Design Build had two tasks: 1) redesign the project, and 2) provide a price to construct the project. The contract does not obligate the JPA to hire Baker Design Build, but it provides that option. The new design is complete, and staff recently received its long-awaited building permit from the City of San Diego. Staff also projected that the new design and final permitting would cost approximately \$50,000 and with permits now in hand, staff has stayed under that projected amount. Baker Design Build provided staff with a proposal for the design (now completed) and construction that is within \$850,000 budget (construction phase).

The Board also approved a construction loan at its November, 2018 meeting which has since been issued. The loan has required milestones for progress on the project and drawdowns of the funds. The JPA now has all funds on hand to start construction *if* it can proceed with a contract for the budgeted amount of \$850,000.

At this point, the Board has two options:

1. Direct staff to negotiate a contract with Baker Design Build to complete the project as proposed based upon a finding that there would be no competitive advantage to a third bid process pursuant to Procurement Policy Section 11.2, or
2. Direct Staff to proceed with a third competitive bid process.

Set forth below is a brief overview of each option.

FINDING OF NO COMPETITIVE ADVANTAGE:

Section 11.2 of the JPA's Procurement Policy provides the following exception to the public bidding requirement:

Competitive bidding can be waived if the Executive Director, for work within his or her authority, or Board of Directors, for all other work, make written findings that bidding would not be in the public interest and that no competitive advantage would be gained by soliciting bids.

This exception has been upheld by several California courts as explained in *Graydon v. Pasadena Redevelopment Agency* (1980) 104 Cal.App.3<sup>rd</sup> 631, 636.

[T]here are certain well recognized exceptions to said rule [the bidding requirement]. One exception is where the nature of the subject of the contract is such that competitive proposals would be unavailing or would not produce an advantage, and the advertisement for competitive bids would thus be undesirable, impractical or impossible. . . . .

. . . . .

The principle has been held applicable in California decisions in a variety of situations involving both the purchase of series and products and the construction of public improvements and building where it has appeared that competitive bidding would be incongruous or would not result in any advantage to the public entity in efforts to contract for the greatest public benefit.

Staff believes facts to support a finding of no competitive advantage exist in this instance, for among other reasons, the following:

1. The project has been subjected to two competitive bid processes that had minimal response and bids that far exceeded the estimated construction cost and budget for the project.
2. The second bid process divided the project in half, and the prices proposed by responsive bidders for one half of the project were higher than Baker Design Build is proposing for the entire project.
3. The project has been redesigned to be less expensive, but given the prior bid responses, staff believes the prices that would be obtained with a third bid process would still be higher than the price proposed by Baker Design Build.
4. Baker Design Build developed the new project design, and as such, is uniquely qualified to complete the project with minimal risk of misunderstanding, change orders etc.

Staff recommends the Board consider the facts outlined above, along with any others that may be presented during the hearing on this item and make an independent determination of whether facts sufficient to support a finding of no competitive advantage exist in this instance.

PROCEED WITH A THIRD COMPETITIVE BID PROCESS:

The presumptive procedure for public projects such as the ranger station is a competitive bid process. Thus, the Board has full authority to direct that this project undergo a third competitive bid process. It is possible that a new competitive bid process would result in lower, more competitive pricing than anticipated. Staff is prepared to proceed with a third bid process if directed.

**RECOMMENDED ACTION:**

Consider all information presented and either:

- 1 Direct Staff to negotiate a final contract with Baker Design Build for construction of the Coast Maintenance Facility project based upon a finding that there would be no competitive advantage to a third bid process; or
- 2 Direct staff to initiate a third competitive bid process for the Coast Maintenance Facility.

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Respectfully submitted,

Kevin McKernan  
Executive Director