

Notice of Public Meeting

San Diego River Conservancy

A public meeting of the Governing Board of
The San Diego River Conservancy
will be held Friday,

September 28, 2007
9:30 am – 11:30 am

Meeting Location

San Diego City Hall 202 "C" Street
Closed Session Meeting Room, 12th Floor
San Diego, California 92101

Tele-Conference Location: 1416 Ninth Street
Resources Agency Conference Room 1305 Sacramento, CA 95814
(888) 566-6134 / Passcode15309

Contact: Michael Nelson
(619) 645-3183

Meeting Agenda

1. Roll Call

2. Approval of Minutes

3. Public Comment

Any person may address the Governing Board at this time regarding any matter within the Board's authority. Presentations will be limited to three minutes for individuals and five minutes for representatives of organizations. Submission of information in writing is encouraged.

4. Chairperson's and Governing Board Members' Report

5. Executive Officer's Report

The following topics may be included in the Executive Officers Report. The Board may take action regarding any of them:

Legislative Status Report

- 2007/2008 Budget
- Senate Bill (Kehoe) No.419

2007 Work Plan Update

- Bike Path
- Eagle Peak
- Land Conservation Opportunity / Santee
- Hydrology Study
- Wetland Recovery Project

Strategic and Infrastructure Plan

- Senate and Assembly Staff Analysis
- Union Tribune Article

6. Deputy Attorney Generals Report

7. Introduction of Jim King –Discussion of a potential Tributary and Canyon Project

The Board may consider adoption of Resolution 07-04 authorizing the Executive Officer to develop the framework for a project that would involve a tributary and a canyon of the San Diego River, as well as a report and recommendations for the Board's review and approval.

8. Proposition 50 Grant / Mission Valley Greenway

The Board may consider adoption of Resolution 07-05 to authorize the Conservancy to apply to the Resources Agency for Proposition 50 funds for the development of a multi purpose trail from Fashion Valley to Qualcomm Stadium (Mission Valley Greenway).

9. 2008 Annual Work Planning Retreat/ Invitation to Partners

The Board may consider adoption of Resolution 07-06 directing the Executive Officer to develop an agenda for a one-day planning retreat to draft a 2008 Work Plan; an agenda that will include the invitation and participation of the Conservancy's partners.

10. San Diego River Park-City of San Diego Draft Master Plan/ Potential Economic Benefits / Integrated Planning/Partnerships with Private Sector

The Board may consider adoption of Resolution 07-07 directing the Executive Officer to prepare a summary report that explores restoration projects and signature parks in other urban jurisdictions and the methodology employed to engage the private sector and the philanthropic community in these endeavors.

11. Contracting Regulations

The Board may consider adoption of Resolution 07-08 directing the Conservancy to submit Draft regulations to the Office of Administrative Law for a SDRC selection process for Private

Architectural, Landscape architectural, Engineering, Environmental and Land Survey and Construction Project Management Firms.

12. Adjournment

Accessibility

In accordance with the Americans with Disabilities Act of 1990, if you require a disability related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call Michael Nelson at 619-645-3183

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S SUMMARY REPORT
Meeting of September 28, 2007

ITEM: 1

SUBJECT: **ROLL CALL AND INTRODUCTIONS**

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S SUMMARY REPORT
Meeting of September 28, 2007

ITEM: **2**

SUBJECT: **APPROVAL OF MINUTES**

The Board will consider adoption of the July 6, 2007
public meeting minutes.

PURPOSE: The minutes of the July 6, 2007 Board Meeting are
attached for your review.

RECOMMENDATION: Approve minutes

SAN DIEGO RIVER CONSERVANCY (SDRC)
Minutes of July 6, 2007 Public Meeting

(Draft Minutes for Approval September 28, 2007)

Chairperson Donna Frye called the July 6, 2007 meeting of the San Diego River Conservancy to order at approximately 9:30 a.m.

1. Roll Call

Members Present:

Donna Frye, Chair	Council Member, City of San Diego
Jerry Sanders	Mayor, City of San Diego
Andrew Poat	Public at Large
David King	San Diego Regional Water Quality Board
Anne Sheehan	Department of Finance
John Donnelly	Wildlife Conservation Board
Jim Peugh	Public at Large
Toni Atkins	Council Member, Public at Large

Staff Members Present:

Michael Nelson,	Executive Officer
Hayley Peterson,	Deputy Attorney General
Ann Van Leer,	Consultant, San Diego River Conservancy
Flenell Owens,	Administrative Services Manager, San Diego River Conservancy

Absent:

Karen Scarborough	Resources Agency
Anne Haddad	Public at Large

3. Public Comment

Any person may address the Governing Board at this time regarding any matter within the Board's authority. Presentations will be limited to three minutes for individuals and five minutes for representatives of organizations. Submission of information in writing is encouraged.

Rob Hutsel, Chair of the San Diego River Coalition and Executive Director of the San Diego River Park Foundation extended an invitation to the board for their anniversary celebration. This year's event will be in Mission Valley on September 18th, 2007 between 5:30-8:30 pm at the Riverwalk Golf Course Clubhouse.

4. Chairperson's and Governing Board Members' Report

Chairperson Frye called attention to her July,11 San Diego City Council's Agenda, which would include Item 100, an Invitation to Bid for the construction on the Ocean Beach/Hotel Circle North bike path project, the Conservancy had funded..

Mike Nelson reminded the Board that it had invested two million dollars in the Ocean Beach Bike Path and that at the last meeting; it was referenced as an opportunity to market our successes. So, he would work with the Mayor's staff to make sure the project gets the attention it deserves.

Chairperson Frye: stated that the pathway is along the north side of Interstate 8 between Ocean Beach and Pacific Highway to the western terminus of the Hotel Circle Place. This bikeway will provide non-vehicular traffic with a travel route between Ocean Beach and the Old Town area and then the retail centers in the Mission Valley area. She is hoping that in September bids will be received and funds may be awarded.

Andrew Poat asked what resources do we have to get the word out about this project?

Chairperson Frye: stated that when we have events like this, we will work with my office, the Executive Officer, the Mayor's office, and Council Member Atkins'. We all have staff that will assist, media lists, and the Mayor has the ability to bring in Channel 24. Brent Eidson and Rob Hutsel could also be helpful. I agree with you, Mr. Poat, we do need to step it up.

2. Approval of Minutes

Mike Nelson stated that he had underlined what he thought Andrew Poat wanted clarified and specifically referenced in Resolution 07-02. The Executive Officer referred to the statement in the resolution which stated that any future funding request of the Conservancy Board contain a total dollar amount.

Andrew Poat stated that his concern was primarily adequately framing the source of the dollars, because the Board would be held responsible, if funding promised, exceeded available revenues. So from a fiduciary responsibility stand point, I think it is important that the board know where the money is coming from if they are indeed available.

Chairperson Frye asked Mr. Poat if he was satisfied with the way the minutes were stated.

Andrew Poat made a motion to approve the March 2 and May 11, 2007 minutes, David King seconded the motion, and the minutes were adopted unanimously, with Jim Peugh abstaining from voting on the minutes of May 11, 2007.

5. Executive Officer's Report

The Executive Officer introduced Brent Eidson and thanked Mayor Sanders for assigning him as his liaison to the Conservancy. The Executive Officer expressed confidence that he would make a big difference and that they had discussed the possibility of establishing an informal working group of key officials from San Diego City government to respond to issues confronting the San Diego River.

Legislative Status Report

Proposed 2007/2008 Budget

Mike Nelson: stated that the Conservancy there were two important issues pending before the California Legislature. One was the 07/08 Budget and its three year Capital Outlay of Proposition 84, Urban Greening Program funds. He explained that the funds had been removed from the Urban Greening Program, but that Senator Kehoe was aggressively working to protect that level of funding

through budget language; in fact, that there was presently language that would protect, approximately \$2.9 million.

Anne Sheehan advised that the budget was coming along and that the necessary language gets integrated into the budget before it is sent to the Governor.

Senate Bill (Kehoe) No.419

Mike Nelson: stated that the second issue was Senate Bill 419 introduced by Senator Kehoe. One provision of the legislation would to add a new voting member to the Conservancy's Governing Board, the County of San Diego. This addition had created a voting imbalance on the Board that had caused opposition at both the Resources Agency and the Department Finance, unless the bill was amended. Senator Kehoe addressed there concerns by amended SB 419 to include an additional member from the Department of Parks and Recreation.

Deanna Spehn stated the Senator Kehoe is delighted with how the bill has progressed and the strong support from the City of San Diego and other organizations throughout the region. She also stated that the Senator had addressed all the concerns that had been raised by the agency or members of the Legislature.

Anne Sheehan complimented both Senator Kehoe's staff and the Conservancy for addressing the issues with the legislation. She stated that the addition of Ruth Coleman's department is a very good one and that she undoubtedly would be a strong advocate for the Conservancy.

Chairperson Frye thanked Deanna and requested that she let the Senator know how much we appreciated her work on this bill.

2007 Work Plan

- Old Town San Diego State Historic Park (site of former Caltrans Building)

Mike Nelson stated that he met with Deanna Spehn and Ronie Clark, the District Superintendent for the South Coast for State Parks and Recreation, regarding the former Caltrans site, but also had a chance to discuss with her opportunities to connect the tremendous visitation at Old Town State Historic Park to the San Diego River. He mentioned that they discussed how the education and interpretation program for the state park could place greater emphasis on the river.

Andrew Poat stated that there are some very specific elements to facilities that were paid for with gas tax monies. Of which, this property is one, that restricts the way in which the property is disposed of. He stated that he has good relationships with Caltrans leadership and that this issue would have to be finessed because state law requires a certain type of compensation for properties like this.

Deanne Spehn stated that she had recently spoken with Pedro Delgado from Caltrans District 11 and that Senator Kehoe had spoken with Ruth Coleman and they were close to finalizing an arrangement to protect the property. It is complicated and potentially precedent setting for the State. It is an arrangement that would require State Parks on behalf of Caltrans to acquire mitigation sites for Caltrans' projects. She added that Caltrans is committed to State Parks getting the property.

- Work Plan Status Matrix

Mike Nelson stated that the matrix that was presented at the last meeting which shows the status of

Prop 40 projects, had been revised to include amount of funds leveraged as a result of SDRC's grants and endorsements, as requested by John Donnelly. He reported that he had simply called the sponsors and got an estimate from each of them.

- Hydrology Study

Jim Peugh stated that it was agonizing that we have not done anything in the "Water Quality/Natural Flood Conveyance category on the matrix.

Mike Nelson agreed, stating that in the 2007 Work Plan, the hydrology study was to be SDRC's principal project in this category .He stated his difficulty getting traction on the project and referenced a hydrology study that the City was undertaking under the direction of the Regional Water Quality Board. He said that he had hoped that the Conservancy's study and the City's study could achieve some level of integration. However, his attempts to get the parties together had been unsuccessful and wondered if David King might offer some assistance.

David King replied that he could follow up with the Regional Water Quality Board and encourage the parties to get together and attempt to develop a better strategy, if possible.

Jim Peugh stated that the reasons and purposes for the Regional Board's requirement that the City do a study were good ones and should present opportunities to restore and improve the hydrology of the River. He added that SDRC should definitely look for synergy between the Regional Board and the Conservancy.

Ann Van Leer stated that one of the reasons why there is a zero in the Water Quality section of the SDRC's matrix is because Proposition 40 funds tend to refer to projects that are capital intensive as opposed to planning.

6. Deputy Attorney Generals Report (No report)

7. 2007 Work Plan/Multi Use Path/Fashion Valley to Qualcomm

Mike Nelson: stated that he had a series of discussions with the San Diego River Coalition and business leaders in Mission Valley regarding fostering a project that exemplifies how the development of the San Diego River Park makes sense to the economic interests of Mission Valley. This resulted in the Bicycle Committee and the San Diego River Park Foundation and the Conservancy reviewing the City of San Diego's Draft Master Plan for San Diego River Park and identified that segment of the San Diego River Trail from Fashion Valley to Qualcomm Stadium. The project committee of the San Diego River Coalition endorsed the idea of attempting to accelerate this project.

He recommended that after listening to a presentation by representatives of the San Diego River Coalition, the Governing Board give consideration to adding this project to the Conservancy's Work Plan and temporarily deferring the trail connection to the YMCA. He mentioned that he had met with Brent Eidson, who agreed to circulate the concept to the appropriate agencies of San Diego City government.

He introduced Kathy Keehan, of the San Diego Bicycle Committee, and Rob Hutstel, Executive Director of the San Diego River Park Foundation, to present this component of the San Diego River Park Trail also known as "the Mission Valley Greenway Initiative.

Rob Hutsel and Kathy Keehan presented an overview of the Mission Valley Greenway Initiative.

Mike Nelson requested the authorization of the Governing Board to work with Brent Edison and the San Diego River Coalition to place an emphasis on this project and to add it to the 2007 Work Plan.

Chairperson Frye: stated that she thought pursuing the Mission Valley Greenway project is a wonderful idea.

Andrew Poat asked what do we have to take money from for this project, but added that he thought it would be a great investment.

Anne Sheehan stated that it would be absolutely great to finish a project like this and not just see the costs, but what other funds might be available from other sources.

Mike Nelson agreed and stated that one of the things he would present to the Board was a funding component and how it might be achieved. Once the funding gaps have been identified we could consider funding opportunities that exist at the State and local levels.

Rob Hutstel said one of the things this project represents is an opportunity to learn how to be better partners. How do we get through the planning phases to get to projects where we can actual submit a grant application. Those are the sort of things that the Coalition would love to learn with you, how to do it; and, what are the available pots of money to move these projects.

Andrew Poat stated that this is a great point. So much of our time is consumed in the project reports and so the more you can get cleared, even if you can't do it all, is a great concept.

8. Wetlands Recovery Project/Work Plan Proposals

Mike Nelson updated the board on potential funding sources for the Conservancy. He stated that the Wetlands Recovery Projects, administered by the Coastal Conservancy, is a source of funding that has potential for SDRC. SDRC had submitted two proposals to the Wetlands Recovery Project for inclusion in its Work Plan.

- *Land Conservation*

Mike Nelson stated that the Conservancy's proposal asked for programmatic inclusion of our land conservation priorities, but also isolated a couple of projects, recognizing the size of the SDRC program. He also stated that he felt the Wildlife Conservation Board will also be informed of the Conservancy's strategic objectives if SDRC is included in the Wetlands Recovery Project's Work Plan

Though inclusion within the Coastal Conservancy's Work Plan also improves SDRC's prospects of funding, John Donnelly, Executive Director of the Wildlife Conservation Board has encouraged SDRC to submit significant opportunity acquisitions directly to WCB.

Realizing that our statutory corridor and acquisition program connect habitat conservation planning areas, which will be an emphasis for Proposition 84 eligibility, he said that Ann Van Leer and he would put together a graphic representation of the Conservancy's land conservation priorities and review it with the Department of Fish and Game and staff at WCB.

- *Invasive Removal and Restoration*

Mike Nelson said a proposal was submitted for invasive removal and restoration, which builds on the Board's approval of a removal and restoration project at the base of El Capitan Dam. While, SDRC has designated some funding, it may prove insufficient for this project, and certainly would be inadequate for the program of invasive non native species removal and restoration that the Strategic Plan envisions. Consequently, we submitted a proposal to the Wetlands Recovery Project that established a watershed context to our efforts. SDRC subcontracted with an individual that has successfully worked with Coastal Conservancy to help put the proposal together

Jim Peugh mentioned that the Friends of Famosa Slough had applied for the Southern California Wetlands Recovery Project for grant for Famosa Slough. It proposes the acquisition of 10 lots that are adjacent to the slough. He stated that this project would fit within the Conservancy's plan, as well as the Wetlands Recovery Project. He expressed his hope that at some point the Conservancy can also help make this project happen.

9. Land Conservation/Acquisition Status

Mike Nelson stated that he would like to review with the Governing Board the status of two acquisition projects; He reviewed slides of the projects as he discussed them.

- *Vernon Jacobs LLC / Mission Valley*

Mike Nelson stated that he had spoken to the property owner recognizing the Board's previous interest in this 8(+/-) acre property. The property owner sought an aggressive 12 month timetable, advised that he had established a price, and was simultaneously negotiating with a hotel developer. In an effort to move quickly, the Executive Officer engaged the Trust for Public Land. Despite TPL's involvement, the time frame could not be met recognizing that appraisals had to be procured and that a review and approval by multiple fund sources would ultimately be required. We advised him that we were confident we could secure the funding, if negotiations were successfully, but we couldn't commit to his timetable. A proposal to develop a hotel is presently pending before the City of San Diego.

The property owner then approached SDRC regarding his willingness to sell the remainder of the parcel (3+/- acres) for a specific price. Since the City was reviewing a preliminary plan for the site, we asked that we be allowed to review this report before an appraisal was conducted. He was unwilling to grant our request. Realizing that the property was encumbered with a proposed freeway ramp as well as considerable biological resources, we were uncomfortable proceeding.

Rob Hutsel pointed out that this is a very strategic property that it is important for us to do whatever we can to gain access to this site. He also stated that the archeological resources on the site may be significant. The Coalition has identified this site as a place that we would very much like to see something happen.

Chairperson Frye stated that one of the greatest challenges was the timing of the commitment that was being sought and the legally mandated actions the Conservancy must take before entering into an agreement.

Mike Nelson stated that the property owner was extremely supportive of the Conservancy's goals; but was committed to the timeframe he had established.

- *Hanlon Walker / Santee*

Mike Nelson discussed a land conservation opportunity in Santee. The project would comprise approximately 140 acres and include more than 2 miles of riverfront property on the San Diego River. The parcels are also known as the RCP ponds, since they contain two major sand mining ponds. Though the owners have had a relationship with a sand mining company for fifty years much of aggregate has been mined and they have begun to explore their options for the land. There are seven owners and they have all signed a "willing seller letter". The Conservancy has begun interviews with qualified appraisers.

Rob Hutzel stated that one of the issues that we run into along the river is that the reclamation plans for these properties are outstanding.

Mike Nelson stated that the Conservancy has a copy of their reclamation plan and that the company that is mining the site has reclaimed and restored much of it. Interestingly, one of the reasons the property owners are working with us is that they are impressed by the acquisition and restoration that is taking place in Lakeside at the old Calmat site.

10. Adjournment

The meeting was adjourned at 11:05. The next meeting of the Board of Directors is September 28, 2007.

Accessibility

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State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S SUMMARY REPORT
Meeting of September 28, 2007

ITEM: **3**

SUBJECT: **PUBLIC COMMENT**

PURPOSE: Any person may address the Governing Board at this time regarding any matter within the Board's authority which is not on the agenda. Submission of information in writing is encouraged. Presentations will be limited to three minutes for individuals and five minutes for representatives of organizations. Presentation times may be reduced depending on the number of speakers.

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S SUMMARY REPORT
Meeting of September 28, 2007

ITEM: **4**

SUBJECT: **CHAIRPERSON'S AND GOVERNING BOARD
MEMBER'S COMMENTS**

PURPOSE: These items are for Board discussion only and the Board
will take no formal action.

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S REPORT
Meeting of September 28, 2007

ITEM: 5

SUBJECT:

EXECUTIVE OFFICER'S REPORT

The following topics may be included in the Executive Officers Report. The Board may take action regarding any of them:

Legislative Status Report

- 2007/2008 Budget
- Senate Bill (Kehoe) No.419

2007 Work Plan Update

- Bike Path
- Eagle Peak
- Land Conservation Opportunity / Santee
- Hydrology Study
- Wetland Recovery Project

Strategic and Infrastructure Plan

- Senate and Assembly Staff Analysis
- Union Tribune Article

Chapter 171, pg 266, Sec 3760-490 SDRC

3760-301-6051--For capital outlay, State Coastal Conservancy, payable from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006..... 112,443,000

Schedule:

- (1) 80.07.070-Ocean Protection Council.... 28,800,000
- (2) 80.97.030-Conservancy Programs..... 85,443,000
- (3) Reimbursements..... -1,800,000

Provisions:

- 1. The amount appropriated in this item is available for encumbrance for either capital outlay or local assistance until June 30, 2010.
- 2. The funds appropriated in this item are conditioned upon all of the following:
 - (a) The State Coastal Conservancy may not enter into a grant contract with a nonprofit organization or local government for property acquisitions unless the grant contract provides a reversionary interest to the state that specifies that the property shall not revert to the state without review and approval by the State Coastal Conservancy and the State Public Works Board.
 - (b) The State Coastal Conservancy may not enter into a grant contract with a nonprofit organization or local government for property acquisitions that provides for a state leasehold interest in property acquired by a nonstate public agency with grant funds of the State Coastal Conservancy

unless the Director of General Services approves the lease terms.

- (c) Except for the above, the expenditure of funds for grants to nonstate public agencies and nonprofit organizations is exempt from State Public Works Board review.

3. Of the amount appropriated in this item, \$2,985,000 shall be allocated for projects authorized by the San Diego River Conservancy.

- 4. The funds appropriated in this item may not be expended on invasive species maintenance control.

AMENDED IN ASSEMBLY JULY 10, 2007

AMENDED IN SENATE JUNE 4, 2007

AMENDED IN SENATE MAY 15, 2007

AMENDED IN SENATE APRIL 18, 2007

SENATE BILL

No. 419

Introduced by Senator Kehoe
(Coauthor: Assembly Member Saldana)

February 21, 2007

An act to amend Sections 32631, 32632, 32633, 32634, 32639, 32645, 32646, and 32661 of the Public Resources Code, relating to the San Diego River Conservancy.

LEGISLATIVE COUNSEL'S DIGEST

SB 419, as amended, Kehoe. San Diego River Conservancy.

Existing law authorizes the San Diego River Conservancy to acquire and manage certain public lands in the San Diego River area. Existing law states that the San Diego River Parkway Coalition's Policy Committee and Citizen's Advisory Committee are developing a San Diego River Parkway Concept Plan.

This bill would revise those provisions to state that the conservancy has developed a Five Year Strategic and Infrastructure Plan that is consistent with the San Diego River Parkway Concept Plan.

The bill would revise the description of the San Diego River area to include tributaries of the San Diego River and historic flumes, as defined, emanating from the river, as well as certain other properties within the river's watershed. The bill would also increase the membership of the conservancy from 9 to 11 voting members, by adding the Director of Parks and Recreation and one member of the Board of

Supervisors of the County of San Diego, whose district includes the preponderance of the San Diego River watershed.

The bill would provide that the conservancy has no authority to levy a tax, regulate land use, or exercise the power of eminent domain. The bill would repeal language providing that an authorization to the conservancy to award grants would not become operative until the Legislature appropriates the necessary funds or until a bond act approved by the voters of the state includes an allocation for those purposes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 32631 of the Public Resources Code is
2 amended to read:

3 32631. (a) The San Diego River is a natural, historic, and
4 recreational resource in the heart of San Diego. From its headwaters
5 near the town of Julian in east San Diego County, it runs 52 miles
6 through Mission Valley and the first settlement in California at
7 Old Town San Diego before it empties into the Pacific Ocean at
8 Ocean Beach. The river has been subjected to intense development
9 in some parts; it runs through one of San Diego's most populated
10 neighborhoods and is in need of restoration, conservation, and
11 enhancement all along its length. The area presents excellent
12 opportunities for recreation, scientific research, historic
13 preservation of the first aqueduct in the United States, and
14 educational and cultural activities, of value to California and the
15 nation. Reestablishing the cultural and historic connections between
16 the San Diego River, Old Town San Diego State Historic Park,
17 the Military Presidio, and the Kumeyaay Nation will provide the
18 public with the opportunity to appreciate the state's historic
19 beginnings.

20 (b) Given the opportunities available, the state recognizes the
21 importance of holding this land in trust to be preserved and
22 enhanced for the enjoyment of present and future generations.

23 (c) The San Diego River Conservancy has developed a Five
24 Year Strategic and Infrastructure Plan which has been endorsed
25 by its board of directors, as well as by the San Diego River
26 Parkway Coalition, representing diverse state and local interests.
27 The strategic plan is consistent with the San Diego River Parkway

1 Concept Plan and outlines and establishes four programmatic areas:
2 land conservation; recreation and education; natural and cultural
3 resources preservation and restoration; and, water quality and
4 natural flood conveyance.

5 SEC. 2. Section 32632 of the Public Resources Code is
6 amended to read:

7 32632. For the purposes of this division, the following terms
8 have the following meanings:

9 (a) “Conservancy” means the San Diego River Conservancy
10 established by this division.

11 (b) “Fund” means the San Diego River Conservancy Fund
12 established pursuant to Section 32657.

13 (c) “Governing board” means the governing board of the
14 conservancy.

15 (d) “Historic flumes” means both of the following:

16 (1) The Padre Dam flume built by Native Americans along the
17 San Diego River to convey water from the Mission Dam to the
18 Mission San Diego de Alcalá in the early 1800s.

19 (2) The flume built by the San Diego Flume Company in the
20 late 1880s to convey water from a diverting dam on the upper San
21 Diego River to the eastern edge of the City of San Diego.

22 (e) “Local public agency” means a city, county, district, or joint
23 powers agency.

24 (f) “Nonprofit organization” means a private, nonprofit
25 organization that qualifies for exempt status under Section
26 501(c)(3) of the Internal Revenue Code, as amended, and that has
27 among its principal charitable purposes the preservation of land
28 for scientific, historic, educational, recreational, scenic, or
29 open-space opportunities, the protection of the natural environment,
30 or preservation or enhancement of wildlife.

31 (g) “San Diego River area” or “area” means those lands or other
32 areas that are donated to, or otherwise acquired by, or operated
33 by, the conservancy, which are located within one-half mile on
34 either side of the thread of the river and its tributaries including
35 the historic flumes emanating from the river, from its headwaters
36 near Julian to the Pacific Ocean at Dog Beach in San Diego, and
37 other properties within the watershed of the San Diego River that
38 meet the intent of this division as approved on a case-by-case basis
39 by a two-thirds majority vote of the governing board.

1 SEC. 3. Section 32633 of the Public Resources Code is
2 amended to read:

3 32633. There is in the Resources Agency, the San Diego River
4 Conservancy, which is created for the following purposes:

5 (a) To acquire and manage public lands within the San Diego
6 River area, and to provide recreational opportunities, open space,
7 wildlife habitat and species restoration and protection, wetland
8 protection and restoration, *protection of historical and cultural*
9 *resources*, and protection, maintenance and improvements of the
10 quality of the waters in the San Diego River and its watershed, its
11 tributaries and historic flumes emanating from the river for all
12 beneficial uses, lands for educational uses within the area, and
13 natural floodwater conveyance.

14 (b) To provide for the public's enjoyment, and to enhance the
15 recreational and educational experience and historic interpretation
16 on public lands in the territory in a manner consistent with the
17 protection of land and natural resources, as well as economic
18 resources, in the area.

19 SEC. 4. Section 32634 of the Public Resources Code is
20 amended to read:

21 32634. (a) The governing board of the conservancy shall
22 consist of 11 voting members and two nonvoting members.

23 (b) The voting members of the board shall consist of the
24 following:

25 (1) The Secretary of the Resources Agency, or his or her
26 designee.

27 (2) The Director of Finance, or his or her designee.

28 (3) The Director of Parks and Recreation, or his or her designee.

29 (4) Five members of the public at large, three of whom shall be
30 appointed by the Governor, one of whom shall be appointed by
31 the Senate Committee on Rules, and one of whom shall be
32 appointed by the Speaker of the Assembly.

33 (5) The Mayor of San Diego.

34 (6) One member of the City Council of San Diego, elected by
35 a majority of the membership of the council.

36 (7) One member of the Board of Supervisors of the County of
37 San Diego, whose district includes the preponderance of the San
38 Diego River watershed.

39 (c) The two nonvoting members shall consist of the following:

1 (1) The Executive Director of the Wildlife Conservation Board,
2 or his or her designee.

3 (2) A representative selected by the San Diego Regional Water
4 Quality Control Board.

5 (d) Two of the three initial appointments by the Governor
6 pursuant to paragraph (4) of subdivision (b) shall be for three-year
7 terms and the third appointment shall be for a two-year term. All
8 subsequent appointments shall be for four-year terms.

9 (e) No person shall continue as a member of the governing board
10 if that person ceases to hold the office that qualifies that person
11 for membership. Upon the occurrence of those events, the person's
12 membership on the governing board shall automatically terminate.

13 SEC. 5. Section 32639 of the Public Resources Code is
14 amended to read:

15 32639. The conservancy shall establish and maintain an office
16 within the area. The conservancy may rent or own real and personal
17 property and equipment pursuant to applicable statutes and
18 regulations. The conservancy may not levy a tax or regulate land
19 use.

20 SEC. 6. Section 32645 of the Public Resources Code is
21 amended to read:

22 32645. The conservancy may take any of the following actions
23 for the purposes of this division:

24 (a) Select and acquire real property or interests in real property
25 in the name of the state pursuant to the Property Acquisition Law
26 (Part 11 (commencing with Section 15850) of Division 3 of Title
27 2 of the Government Code).

28 (b) Acquire interests in land by various means, including, but
29 not limited to, land exchanges, easements, development rights, life
30 estates, leases, and leaseback agreements.

31 (c) Accept and hold real property or an interest in real property
32 that is acquired through gift, exchange, donation, or dedication.

33 (d) Local public agencies shall retain exclusive authority over
34 all zoning or land use regulations within their jurisdiction.

35 SEC. 7. Section 32646 of the Public Resources Code is
36 amended to read:

37 32646. Notwithstanding any other provision of law, the
38 conservancy has the first right of refusal to acquire any public
39 lands that are suitable for park and open space within the

1 conservancy's jurisdiction when those lands become available.

2 The conservancy may not exercise the power of eminent domain.

3 SEC. 8. Section 32661 of the Public Resources Code is

4 amended to read:

5 32661. This division shall remain in effect only until January

6 1, 2010, and as of that date is repealed, unless a later enacted

7 statute, that is enacted before January 1, 2010, deletes or extends

8 that date.

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S REPORT
Meeting of September 28, 2007

ITEM: **6**

SUBJECT: **DEPUTY ATTORNEY GENERAL'S REPORT**
This item is for Board discussion only and the Board will
take no formal action. (*Hayley Peterson*)

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S REPORT
Meeting of September 28, 2007

ITEM: 7

SUBJECT: **DISCUSSION ITEMS**
Authorizing the Executive Officer to develop the framework for a project that would involve a tributary and a canyon of the San Diego River, as well as a report and recommendations for the Board's review and approval.

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S SUMMARY REPORT
Meeting of September 28, 2007

ITEM: 7

SUBJECT: **AUTHORIZING THE DEVELOPMENT OF A SAN
DIEGO RIVER TRIBUTARY AND CANYONS
PROJECT FRAMEWORK.**

PURPOSE: The Board may consider adoption of Resolution 07-04 supporting the development of a project framework and scope for a tributary of the San Diego River.

STRATEGIC PLAN
CONSISTENCY: This item will help to implement Program 2, Recreation & Education and Program 3, Natural and Cultural Resources Preservation and Restoration.

BACKGROUND: Project Summary: The Board of Governor's may consider approval of the initiation and development of a project that addresses programmatic objectives of the Conservancy's Strategic Plan with an initiative to protect urban canyons within the City of San Diego. The project would focus on a reach of the river in Mission Valley and tributary canyon networks linking the valley and river to mesa communities both north and south. Assessments would be oriented toward achieving Conservancy statutory objectives within this most central urban reach of the river: to conserve natural and cultural resources, to protect and enhance habitat and open space and to provide public recreational venues and educational information. A comprehensive set of recommendations would be prepared that seeks to integrate these interests in a unified plan that includes a strategy for funding and implementation.

Project Discussion: The proposed initiative would bring the efforts of the Conservancy to bear on critical issues of public access, natural habitats, conservation education and interpretation in the heart of San Diego's Mission Valley and neighboring canyon communities. The work is proposed now in an attempt to respond to SDRC's Strategic Plan, the San Diego River Park Parkway Concept Plan, and the City of San Diego's San Diego River Park Master Plan. It also responds to SB 419, the new statute extending the Conservancy's area of interest to include tributary streams of the San Diego River. The project would address a key urban segment of the river system, including tributary canyons, with solutions that respond to unique local circumstances and at the same time provide useful protocols for similar situations elsewhere.

The Conservancy must engage the community with the organization needed to achieve the broad conservation vision embodied in its enabling legislation. The Conservancy's statutory interests can be pursued in an integrated watershed approach to assist the community in identifying actions needed to restore ecosystem integrity and achieve its public access, recreation and education goals in a coordinated manner.

The proposed work occurs within a complex planning context that befits its urban location. Initial steps would consist of compiling and summarizing information including elements of existing river planning documents, community plans for Mission Valley, Serra Mesa, and Normal Heights and other pertinent planning materials.

Among the first steps taken would be an assessment of existing property and infrastructure data for the delineated river reach and tributary sub-watersheds and an inventory of natural and cultural resources. This information would be carefully analyzed and correlated with existing plans and any other planning now underway. Well-established principles and design concepts from existing plans would inform an opportunities and constraints analysis that, in turn, would result in a collection of recommendations and alternative management and design solutions that, in aggregate,

meet the Conservancy's and the communities multiple objectives.

Plans would be organized with a phasing scheme aimed at illustrating practical, cost-effective solutions suitable for replication elsewhere in the river and canyon system where similar circumstances exist. Early attention would be given to areas of regulatory sensitivity, particularly relating to protected species, historic and prehistoric cultural sites, wetlands and other areas with established local, state or federal regulatory interest. A particular emphasis would be given to the assessments and procedural requirements of CEQA and NEPA.

Likely elements for study include: plans for enhancing hydrological connections of tributaries to the river; measures for enhancing lateral open space and habitat connectivity between the river corridor and uplands, including ways to integrate "infrastructure" with "eco-structure"; strategies for installing non-point source pollution control and invasive plant control measures; plans for a lateral network of paths, urban walkways and signage suitable for establishing pedestrian community connections via open space networks, and plans for providing linkages and public information through the MTS Mission Valley rail system. Large, complex, and costly proposals such as reconfiguring the river channel to improve hydraulics, habitat development and flood conveyance would be pursued under a separate Board authorization.

SUPPORTING
DOCUMENTS:

Resolution 07-04

RECOMMENDATION: Adopt Resolution 07-04

RESOLUTION 07-04

RESOLUTION OF THE GOVERNING BOARD OF THE SAN DIEGO RIVER CONSERVANCY

**Authorizing the Development of a Framework for a San Diego River
Tributary and Canyons Project**

WHEREAS, the initiation and development of a San Diego River Tributary and Canyons Project is consistent With Program 2, Recreation & Education and Program 3, Natural and Cultural Resources Preservation and Restoration of the Conservancy's Strategic Plan.

WHEREAS, a Tributary and Canyons Project also responds to the San Diego River Park Parkway Concept Plan and the City of San Diego's San Diego River Park Master Plan

NOW, THEREFORE, BE IT RESOLVED that the San Diego River Conservancy's Governing Board:

1. Approves and authorizes the Executive Officer and staff to develop a framework for a San Diego River Tributary and Canyons Project for the review of the Governing Board.
2. The project would address key urban segments of the river system, including tributary canyons, with solutions that respond to unique local circumstances and at the same time provide useful protocols for similar situations elsewhere.
3. Initial steps would consist of compiling and summarizing information including elements of existing river planning documents, community plans for Mission Valley, Serra Mesa, and Normal Heights and other pertinent planning materials.
4. A comprehensive set of recommendations would be prepared that seeks to integrate these interests in a unified plan that includes a strategy for funding and implementation.

Approved and adopted September 28, 2007. I, the undersigned, hereby certify that the foregoing Resolution Number 07-04 was duly adopted by the San Diego River Conservancy's Governing Board.

Following Roll Call Vote:

Ayes: _____

Nos: _____

Absent: _____

Michael J. Nelson, Executive Officer
San Diego River Conservancy

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S REPORT
Meeting of September 28, 2007

ITEM: **8**

SUBJECT: **DISCUSSION ITEMS**

Authorize the Conservancy to apply to the Resources Agency for Proposition 50 funds for the development of a multi purpose trail from Fashion Valley to Qualcomm Stadium (Mission Valley Greenway).

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S SUMMARY REPORT
Meeting of September 28, 2007

ITEM: 8

SUBJECT: **AUTHORIZING A PROPOSITION 50, RIVER
PARKWAYS GRANT APPLICATION FOR THE
MISSION VALLEY GREEN WAY**

PURPOSE: The Board may consider adoption of Resolution 07-05 authorizing the City of San Diego, the San Diego River Park Foundation, the San Diego County Bicycle Committee and the San Diego River Coalition in partnership with the Conservancy, to apply to the Resources Agency for River Parkways Funds for funding to develop the Mission Valley Greenway.

STRATEGIC PLAN
CONSISTENCY

This item will help to implement Program 2, Project 1, *Complete the San Diego River Park Trail*

BACKGROUND:

The Conservancy's enabling statute includes a statement directing the Conservancy: **"to provide recreation opportunities, open space,...and lands for educational uses within the area."** **"To provide for the public's enjoyment and to enhance the recreational and educational experience on public lands in the territory in a manner consistent with the protection of land and natural resources, as well as economic resources, in the area."**

The Conservancy's Strategic Plan includes in Program 2: Project 1.9, Complete at least 3.5 miles of trail through the City of San Diego reaches and recommended a strategy that the Conservancy: a) Work with the City of San Diego, San Diego River Park Foundation and other partners to define roles and responsibilities to complete the trail within the City of San Diego reaches, and b) designate

priority sections to accomplish greatest net gain in continuous trail.

At the Conservancy Meeting of July 6, 2007, the San Diego River Coalition and specifically the San Diego River Park Foundation and the San Diego County Bicycle Coalition made a presentation entitled Mission Valley Greenway Initiative which proposed to complete the San Diego River Trail from Fashion Valley to Qualcomm Stadium. They encouraged the San Diego River Conservancy's Governing Board to endorse and develop a partnership with the Coalition and the City of San Diego to construct the project.

THIS ACTION:

The action is for the Governing Board to approve resolution 07-05 authorizing the Executive Officer in partnership with the San Diego River Coalition and the City of San Diego to apply to the Resources Agency for Proposition 50 funds for this project.

SUPPORTING DOCUMENTS:

Resolution 07-5.

RECOMMENDATION:

Adopt Resolutions 07-5.

Resolution No: 07-05

RESOLUTION OF THE GOVERNING BOARD OF THE SAN DIEGO RIVER CONSERVANCY

**Application for Grant Funds for
The California River Parkway Grant Program Under the
Water Security, Clean Drinking Water, Coastal and Beach Protection Act of
2002 (Proposition 50)**

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and

WHEREAS, the State Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the State Resources Agency require a resolution certifying the approval of application by the applicant's governing board before submission of said application to the State; and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the project

WHEREAS, the Governing Board of the San Diego River Conservancy finds the application for grant funds for Proposition 50 consistent with enabling statute which directs the Conservancy: "to provide recreation opportunities, open space,...and lands for educational uses within the area."

WHEREAS, The Conservancy's Strategic Plan endorses the completion of the San Diego River Park Trail from the headwaters to the ocean, which includes in Program 2: Project 1.9, the completion of at least 3.5 miles of trail through the City of San Diego reaches, and recommends a strategy that the Conservancy: a) Work with the City of San Diego, San Diego River Park Foundation and other partners to define roles and responsibilities to complete the trail within the City of San Diego reaches, and b) designate priority sections to accomplish greatest net gain in continuous trail.

WHEREAS, The Mission Valley Greenway is a component of the San Diego River Park Trail

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the San Diego River Conservancy:

1. Authorizes the Executive Officer in partnership with the San Diego River Coalition and the City of San Diego to apply to the Resources Agency for Proposition 50 funds for the Mission Valley Greenway.
2. Certifies that Applicant understands the assurances and certification in the application, and

3. Certifies that Applicant or title holder will have sufficient funds to operate and maintain the Project(s) consistent with the land tenure requirements; or will secure the resources to do so, and
4. Certifies that it will comply with the provisions of Section 1771.8 of the State Labor Code regarding payment of prevailing wages on Projects awarded Proposition 50 Funds, and
5. If applicable, certifies that the Project will comply with any laws and regulations including, but not limited to, legal requirements for building codes, health and safety codes, disabled access laws, and, that prior to commencement of construction, all applicable permits will have been obtained, and
6. Appoints the Executive Officer, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, and payment requests and so on, which may be necessary for the completion of the aforementioned Project(s).
7. Appoints the Executive Officer as agent for San Diego River Conservancy to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, and payment requests and so on, which may be necessary for the completion of the aforementioned project.

Approved and adopted the 28th day of September. I, the undersigned, hereby certify that the foregoing Resolution Number 07-05 was duly adopted by the San Diego River Conservancy's Governing Board.

Roll Call Vote:
Ayes: _____
Nos: _____
Absent: _____

Michael J. Nelson, Executive Officer
San Diego River Conservancy

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S REPORT
Meeting of September 28, 2007

ITEM: **9**

SUBJECT: **DISCUSSION ITEMS**
Authorizing the Executive Officer to develop an agenda for a one-day planning retreat to draft a 2008 Work Plan; an agenda that will include the invitation and participation of the Conservancy's partners.

RESOLUTION 07-06
RESOLUTION OF THE GOVERNING BOARD OF THE SAN DIEGO RIVER
CONSERVANCY

2008 Annual Work Plan / 1-Day Retreat

The Governing Board of the San Diego River Conservancy hereby authorizes the Executive Officer to develop an agenda for a one-day planning retreat to draft a 2008 Work Plan for the Conservancy. This agenda shall include an invitation to the Conservancy's partners. Moreover it should be structured to insure their direct participation in these deliberations and assure that their comments and observations are incorporated in the work product of the retreat.

Roll Call Vote:

Ayes: _____

Nos: _____

Absent: _____

Michael J. Nelson, Executive Officer
San Diego River Conservancy

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S REPORT
Meeting of September 28, 2007

ITEM: **10**

SUBJECT: **DISCUSSION ITEMS**

Authorizing the Executive Officer to prepare a summary report that explores restoration projects and signature parks in other urban jurisdictions and the methodology employed to engage the private sector and the philanthropic community in these endeavors.

The Focus-Grouped Park

Cities are building new parks at a rate not seen for 100 years. Jon Weinbach on the increasingly heated debate about what to put in them.

By JON WEINBACH

June 29, 2007; Page W1

There's a new status symbol for American cities and it's not a soaring office tower or retro stadium. To many civic leaders, nothing says progressiveness and prosperity like an elaborate urban park.



Luca Vignelli

Hudson River Park, New York; 550 acres; Opened 2003

Construction, partly on top of old piers, is continuing along Manhattan's West Side. It's the largest open-space development in New York since Central Park, with green spaces, trails for bikers and Rollerbladers, and free wireless Internet.

On a scale not seen since the "City Beautiful" movement of the late 19th century, public green spaces are proliferating. In Irvine, Calif., work has begun on a \$1.1 billion recreational area that will be 60% larger than New York's Central Park. Private donors in Houston financed the bulk of a \$93 million downtown greensward, while the mayor of Louisville, Ky., wants to ring the city's borders with 100 miles of trails. In all, 29 of the nation's biggest cities have added nearly 14,000 acres of new parkland in two years -- the equivalent of about 11,000 football fields.

But even grass and trees can be complicated. Citizens and planners across the country are getting tied up in a larger debate about what a park should be -- one that often pits people who believe in peace and quiet and the soulful contemplation of nature against those who prefer zip lines, Frisbee golf and hang-gliding.

In the Twin Cities, some residents don't agree with the decision to build a public sports field with artificial turf. Park builders in Dallas are trying to find room in one new project for a backgammon area. And an effort to rehabilitate Manhattan's Washington Square Park has been met by three lawsuits so far -- including an attempt by preservationists to keep the city from moving the central fountain about 15 feet to the east. "You'd think we were proposing to build a nuclear waste dump," says Adrian Benepe, the city's commissioner of parks and recreation.



Ben Garvin

Gold Medal Park, Minneapolis; 7.5 acres; Opened 2007 Built

At a public meeting earlier this month in Louisville, about 150 people came to weigh in on Floyd's Fork Greenway, a 27-mile stretch of parks, bike paths and canoe launches to be built along a scenic creek. After the presentation, residents furiously scribbled suggestions on project maps that hung around the room. Among them: "A nature trail can't run along a highway!"; "Leave an area large enough for a hot air balloon launch"; and from one particularly agitated person, "Many people were not notified of this meeting." Ralph Stanton, a goateed tile contractor in his mid-50s, was concerned that the park plans didn't include a trail wide enough to accommodate all three of his horses. "Kentucky is the home of the Derby, but we've got to go to Indiana to ride," said Mr. Stanton, clutching his cowboy hat. "They ought to get the horse people more involved."

like picnics and strolls rather than sports. It was financed by a \$5 million donation from former United Health Care chief executive William McGuire.

Symbols of Democracy

For decades, local and federal governments had cut back on park budgets as funding needs grew for education, health care and safety. That marked a change from the late 19th and early 20th centuries, when urban parks were held up as symbols of democracy, public health and progressive social planning -- and received generous government support. There was another surge of park building during the "Great Society" era of President Lyndon Johnson, but as more city residents fled for the suburbs, many urban parks were not properly maintained -- and green spaces deteriorated or disappeared.

Federal money is still hard to come by. The Land and Water Conservation Fund, a program that provides grants for state and national parks, will receive about \$28 million this fiscal year, down nearly 80% from 2002. Another initiative, the Urban Park and Recreation Recovery Program, has not been funded in five years.



The Trust for Public Land Archives

BeltLine, Atlanta; Over 1,200 acres; Opening unknown The initiative, which awaits funding, would double Atlanta's park acreage. It calls for converting this former quarry into the city's largest park.

A number of factors are spurring the current parks boom, from research about the health benefits of green space to interest from private donors and corporate sponsors. Developers who once fought with conservationists are now pushing the idea, after discovering that successful parks -- such as Manhattan's Bryant Park and Atlanta's Piedmont Park -- can dramatically increase property values.

City leaders are also using parks as a marketing tool. In an effort to draw young professionals and graying suburbanites, a number of cities including Denver, Philadelphia and San Diego have gentrified their downtowns recently. But politicians are finding that most of the new residents grew up with access to running trails, sports fields and the like -- and expect to have the same access in the city.

park space over the last two years took place in sprawling municipalities like Houston and Jacksonville, Fla., but other cities such as Cleveland (with 187 new acres) and Philadelphia (22 acres) are finding ways to create new open space on former military bases or industrial sites. Seattle's nine-acre Olympic Sculpture Park, opened earlier this year, was built on a former industrial site. Other cities have focused on building parks on reclaimed brownfields -- industrial or commercial sites tainted by years of use. Pittsburgh, the long-time hub of the U.S. steel industry, is converting a former slag dump along the Monongahela River a few years ago, converting it into a residential complex and 200 acres of

New York is in the midst of "the biggest period of park construction and redevelopment since the 1930s," says Mr.

Benepe, the parks commissioner. Mayor Michael Bloomberg, who sat on the boards of two local park foundations before taking office, recently increased the parks department's operating annual budget to about \$355 million -- double the total in 2000. The city's most ambitious projects are building a park on top of an abandoned elevated railway line in Manhattan and converting the Fresh Kills landfill in Staten Island to a 2,315-acre recreation area.

As cities increasingly rely on corporate donors, real-estate developers and private, not-for-profit entities for park funding, they're facing some criticism. When Chicago's Millennium Park, opened in 2004, named prominent areas after corporate sponsors such as SBC, Boeing and British Petroleum, some traditionalists cried foul. Several cities have recently devised guidelines for sponsorship and naming rights -- in Denver, a company has to contribute 50% of all capital costs to get its name or logo on a new park.

But in most cases, the arguments revolve around one issue: the purpose of a park. In Chico, Calif., work on the city's new master plan for Bidwell Park has been hamstrung by a fight between preservationists and disc golfers who have been using a remote part of the park to play the Frisbee-inspired sport. Environmental advocates say the golfers are damaging trees and compacting the soil. At a meeting earlier this month, two golfers said their course should not be treated any differently than bike or hiking trails.

Planners for downtown Houston's 12-acre, \$93 million Discovery Green park, which is set to open next year, wanted to create a "critical mass of activities" to generate buzz in a long-forgotten area of town, says Philip Myrick, vice president of Project for Public Space, a New York nonprofit that helped conceive the park's programs. Throughout 2005, the group conducted about a dozen small meetings with different "stakeholders" -- ranging from Hispanic community leaders to downtown employees to elementary-school students -- and held workshops for anyone interested in contributing ideas. The Hispanic community wanted open space for events, while the students proposed adding a "zip line" ride, a pulley suspended from a cable wire that allows thrill seekers to fly through the air.

The final park plans included a dog area, a jogging trail, a puppet theater and a "birthday veranda" for parties -- but no zip line.

Bocce Ball and Dogs

"Just having a baseball diamond, a grove of trees and a couple soccer fields is really the old model," says landscape architect James Burnett, whose firm is designing a \$80 million park in downtown Dallas that will cover a sunken eight-lane freeway. The current plans for the site, tentatively called Woodall Rodgers Park, include a bocce ball court, a backgammon area, spaces for leashed and unleashed dogs and a botanical garden. "The program list can get very long," he says. "The discussion is always heated."



Millennium Park, Chicago; 24.5 acres; Opened 2004 Some have criticized the park for naming prominent areas -- including the Frank Gehry-designed BP Bridge, pictured here -- after corporate sponsors.



Great Park of Orange County, Orange County, Calif.; 1,347 acres; Opening 2009 (projected) Plans for the \$1.1 billion project, on a former military base, include a 2.5-mile man-made canyon and a massive wildlife corridor. Most visitors will need to drive there, since it's far from residential neighborhoods.

In some ways, the skirmishes over space mirror previous controversies over park land. After Central Park opened in the 1800s, New York City commissioners were overwhelmed by public requests for boat rides and more activities, even though landscape architect Frederick Law Olmsted imagined the park as "purely passive space," says Witold Rybczynski, a professor of urbanism at the University of Pennsylvania and author of a 1999 biography of Mr. Olmsted.

But now that prime urban real estate is much more scarce and expensive, "it's much more challenging to satisfy everyone's notion of what a park should be," he says. As a result, many of the new projects share a theme-park quality, with neatly organized areas catering to different groups. "You

want to please as many people as possible, but we've become so different," he says.

Few parks today match the cost or scope of the Great Park of Orange County in Southern California, on the site of the former El Toro Marine Corps Air Station. The decision to build the park came after years of battles over the fate of the base, which closed eight years ago. In 1994, county voters narrowly approved a plan to convert the base into an airport, but opponents stalled the effort until 2002, when voters approved a measure overturning the airport plan in favor of a park.

The Navy handled the sale of the base, dividing it into four parcels. In 2005, Lennar Corp., the nation's second-largest home builder, bought all four lots for about \$650 million. In order to build on the site, Lennar had to turn over a chunk of the land to the public for park development, contribute \$200 million toward the creation of the park, and spend another \$201 million on infrastructure. For its part, Lennar plans to create a sprawling, 3,400-unit residential development around the park, as well as a 750-acre "Lifelong Learning" area that's slated to include a college campus and senior housing.

The park won't begin to open until 2009, though its first attraction, a balloon ride that will take riders 500 feet in the air, is scheduled to debut on July 14. (The balloon will be orange, naturally.) Last March, the park's designers announced a projected cost of about \$1.1 billion -- not including the funds needed to construct a planned set of museums or a botanical garden.

No to Advertising

To generate revenue, the park is exploring sponsorship, naming rights and sublease options, as well as charging fees for parking and certain events and activities, like evening softball games. However, earlier this month the park's board of directors voted not to put advertising on the new balloon ride, despite estimates that it could bring in as much as \$250,000. (Visitors may be charged for parking though.)

Like most park projects, this one has youth sports organizations and enthusiasts of every stripe angling for prime turf. Last year, the board asked for suggestions how to develop the park's 165-acre sports area -- and got an avalanche of proposals. The list includes a "casting pond" to teach aspiring fly fishermen, a research center to study children's exercise habits, and a "California Sports Hall of Fame" honoring local athletes. Mike Meier, a 56-year-old hang-gliding manufacturer from Orange, Calif., concedes his request for hang-gliding space probably won't get top priority. Nonetheless, he spent "about 30 or 40 hours" putting together a 12-page proposal, which included sketches of a bowl-shaped hill where beginner-level pilots could learn how to take off. "It wasn't a Madison Avenue-like production," he says. "I'm not holding my breath."

In contrast to most urban green spaces, which are centered around pedestrian access, few people will be able to walk to the Great Park -- aside from residents in Lennar's new homes. (The site is in a remote area a few miles northeast of Interstate 5, far from anything resembling a neighborhood.) There are plans to create a light-rail service that will connect an enlarged train station in Irvine with stops at the park and a nearby shopping center, but even Roy Cooper, the park's operations director, admits that transportation is a major obstacle. "If we provide alternative, convenient transportation, we might have a shot at getting people out of their cars -- but this is Orange County," he says.



Craig Hartley

Discovery Green, Houston; 12 acres; Opening 2008 The park -- located between the city's two recently built sports venues, the Toyota Center and Minute Maid Field -- is expected to cost \$93 million.

Resolution No: 07-7
RESOLUTION OF THE GOVERNING BOARD OF THE SAN DIEGO RIVER
CONSERVANCY

Summary Report of Urban River Restorations and Signature Parks

The Governing Board of the San Diego River Conservancy hereby authorizes and directs the Executive Officer to prepare a summary report that explores river restoration projects and signature parks in other urban jurisdictions. This report should examine methodologies used to engage the private sector and the philanthropic community, as well as the integration of economic benefits in restoration plan development and implementation.

Roll Call Vote:

Ayes: _____

Nos: _____

Absent: _____

Michael J. Nelson, Executive Officer
San Diego River Conservancy

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S REPORT
Meeting of September 28, 2007

ITEM: 11

SUBJECT: **DISCUSSION ITEMS**
Authorizing the Conservancy to submit Draft regulations to the Office of Administrative Law for a SDRC selection process for Private Architectural, Landscape architectural, Engineering, Environmental and Land Survey and Construction Project Management Firms.

EXECUTIVE OFFICER'S SUMMARY REPORT
Meeting of September 28, 2007

ITEM: 11

SUBJECT: **ADOPTING A DRAFT PROPOSED SELECTION
PROCESS FOR PRIVATE ARCHITECTURAL,
LANDSCAPE ARCHITECTURAL, ENGINEERING,
ENVIRONMENTAL, LAND SURVEYING AND
CONSTRUCTION PROJECT MANAGEMENT FIRMS**

BACKGROUND: The San Diego River Conservancy Act (Public Resources Code, section 32630 et seq.) provides for the creation of the San Diego River Conservancy (Public Resources Code, section 32633 et seq.) with duties related to acquiring and managing public lands; providing recreational opportunities, open space, wildlife habitat and species restoration and protection, and wetland protection and restoration in the San Diego River Area (which area is defined in Public Resources Code, section 32632, subdivision (f)); and protecting and maintaining the quality of the waters in the San Diego River. (Public Resources Code, section 32633, subdivision (a).) The Conservancy is authorized to adopt rules and procedures governing its activities. (Public Resources Code, section 32638.)

California Constitution, Article XXII, sections 1 and 2 authorize the State and other governmental entities to contract with qualified private entities for architectural and engineering services for all public works of improvement. The choice and authority to contract extends to all phases of project development including permitting and environmental studies, rights-of-way services, design phase services and construction phase services. (Cal. Const., art. XXII, § 1.) Government Code, section 4526 requires that selection of professional services be based on demonstrated competence and on

the professional qualifications necessary for the satisfactory performance of the services required. In order to implement this method of selection, state agency heads contracting for private architectural, landscape architectural, professional engineering, environmental, land surveying, and construction project management services shall adopt by regulation procedures that assure that these services are engaged on the basis of demonstrated competence and qualifications for the types of services to be performed and at fair and reasonable prices to the public agency and to assure maximum participation of small business firms as defined by the Director of General Services pursuant to Government Code section 14837.

The California Coastal Conservancy currently contracts for such services on behalf of the Conservancy. The purpose of the proposed regulations is to establish a selection process for the Conservancy to contract for such services directly that complies with section 4255 et seq. of the Government Code.

THIS ACTION:

The action is for the Governing Board to adopt the attached draft Selection Process and directs staff to submit the draft Selection Process to the Office of Administrative Law and to comply with that Office's procedures for adoption of the Selection Process as a regulation.

SUPPORTING DOCUMENTS:

Resolution 07-8.

RECOMMENDATION:

Adopt Resolution 07-8.

DIVISION 13: SAN DIEGO RIVER CONSERVANCY

CHAPTER 2: Selection Process for Private Architectural, Landscape Architectural, Engineering, Environmental, Land Surveying and Construction Project Management Firms.

§ _____. Definitions.

- (a) “Firm” means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture, landscape architecture, engineering, environmental services, land surveying or construction project management.
- (b) “Small Business” means a firm that complies with the provisions of Government Code Section 14837.
- (c) “Executive Officer” means the Executive Officer of the San Diego River Conservancy.
- (d) “Conservancy” means the San Diego River Conservancy, established pursuant to the provisions of the Public Resources Code, commencing with Section 32630.
- (e) “Architectural, landscape architectural, engineering, environmental, land surveying services” and “construction project management” means those services, as defined in Section 4525 of the Government Code.
- (f) The term “Disabled Veteran Business Enterprise” shall have the meaning set forth in Section 999 of the Military and Veterans Code.

§ _____. Selection Criteria.

With respect to architecture, landscape architecture, engineering, environmental services, land surveying or construction project management contracts, the Executive Officer shall utilize selection criteria for each proposed project which will comprise the basis for the selection of eligible firms to perform the required services. The criteria shall include such factors as:

- (a) Professional experience of the firm in performing services of similar nature.
- (b) Quality and relevance of recently completed or ongoing work.
- (c) Reliability, continuity, and location of firm to the project site.
- (d) Staffing capability.
- (e) Education and experience of key personnel to be assigned.
- (f) Knowledge of applicable regulations and technology associated with the services required.
- (g) Specialized experience of the firm in the services to be performed.
- (h) Status as a certified small business firm.
- (i) Status as a disabled veteran business enterprise (DVBE) and good faith effort of the contractor to contract with DVBEs to assist the Conservancy in its efforts to meet statewide participation goals for DVBEs as set forth in Public Contract Code section 10115.
- (j) Other factors the Executive Officer deems relevant to the specific task to be performed.

These factors shall be weighted by the Executive Officer according to the nature of the proposed project, the complexity and special requirements of the specific services or project, and the needs of the Conservancy.

§ _____. Announcement of Project.

(a) An annual statewide announcement of expected needs for architecture, landscape architecture, engineering, environmental services, land surveying or construction project management services shall be published in the California State Contracts Register, in accordance with the Government Code (commencing with Section 14825), and through the publications of the respective professional societies. Failure of any professional society to publish the announcement shall not invalidate any contract.

(b) The announcement for each proposed project shall include, as a minimum, a brief description of the services required, location, duration, eligibility and preferences, submittal requirements, contact person for the Conservancy, and the final response date for receipt of statements from firms of their demonstrated competence and professional qualifications.

(c) The Executive Officer shall identify potentially qualified small business firms interested in contracting with the Conservancy, and provide copies of project announcements to those small business firms that have indicated an interest in receiving the announcements. Failure of the Executive Officer to send a copy of an announcement to any firm shall not invalidate any contract.

§ _____. Selection of Qualified Firms.

(a) After the expiration of the final response date in the published project announcement, the Executive Officer shall review and evaluate the written statements of demonstrated competence and professional qualifications using the selection criteria contained in Section ____ of these regulations, and rank, in order of preference, the firms determined to be eligible to perform the required services.

(b) The Executive Officer shall conduct discussions with at least the three most eligible firms, about anticipated concepts and the benefit of alternative methods for furnishing the required services. From the firms with which discussions are held, the Executive Officer shall select, in order of preference, not less than three firms deemed to be the most highly qualified to perform the required services.

§ _____. Statewide Participation Goals.

Contracts awarded under this chapter shall have statewide participation goals of not less than three percent for DVBEs as specified in Public Contract Code section 10115.

§ _____. Negotiation.

(a) From among the firms selected through the procedure described in section ____ of these regulations, as those most highly qualified to perform the services required, the Executive Officer shall attempt to negotiate a satisfactory contract with the best qualified firm at a compensation which the Conservancy determines is fair and reasonable.

(b) If the Executive Officer is unable to negotiate a satisfactory contract with the best qualified firm at a compensation which the Conservancy determines is fair and reasonable, negotiations with that firm shall be terminated and negotiations undertaken with the second best qualified firm. If the Executive Officer is unable to negotiate a satisfactory contract with the second best qualified firm at a compensation which the Conservancy determines is fair and reasonable, then

negotiations with that firm shall be terminated and negotiations undertaken with the third best qualified firm. If the Executive Officer is unable to negotiate a satisfactory contract with the third best qualified firm at a compensation which the Conservancy determines is fair and reasonable, negotiations with that firm shall be terminated.

(c) If the Executive Officer is unable to negotiate a satisfactory contract in accordance with subsections (a) and (b) immediately above, the Executive Officer shall continue the negotiations process with the remaining qualified firms, if any, in order of preference, until a satisfactory contract is reached. If unable to negotiate a satisfactory contract with any of the qualified firms, the Executive Officer shall abandon the negotiation process for the requested services.

§_____. Amendments.

If the Executive Officer determines that a change in the contract is necessary during the performance of the services being provided, then the contracting parties may, by mutual consent, in writing, agree to modifications, additions or deletions in the contract terms, conditions and specifications for the services involved, with a reasonable adjustment also in the compensation provided for the services.

§_____. Contracting in Phases.

If the Executive Officer determines it is necessary or desirable for the project to be performed in separate phases, the Executive Officer may negotiate a partial compensation for the initial phase of the services required; provided, however, that the Executive Officer first determines that the firm selected is best qualified to perform the entire project. The contract shall include a provision that the Conservancy may, at its option, utilize the firm to perform other phases of the services at a compensation which the Conservancy determines is fair and reasonable, to be later negotiated and included in a mutually acceptable written agreement. In the event that the Conservancy exercises its option under the contract to utilize the firm to perform other phases of the project, the procedures of this Chapter with regard to estimates of value of services and negotiation shall similarly be followed.

§_____. Executive Officer's Power to Require Bids.

If the Executive Officer determines that the services are technical in nature and involve little professional judgement and that requiring bids would be in the public interest, a contract shall be awarded on the basis of competitive bids and not the procedures of this Chapter.

§_____. Unlawful Consideration.

Each contract shall include a provision by which the contracting firm warrants to the state that the contract was not obtained or secured through rebates, kickbacks or other unlawful consideration either promised or paid to any Conservancy officer or employee. Failure to adhere to this warranty may be cause for contract termination and recovery of damages under the rights and remedies due the Conservancy under the default provisions of the contract.

§_____. Prohibited Relationships.

No Conservancy employee, officer or Board member who participates in the evaluation or selection process leading to award of a contract shall have a relationship with any of the firms seeking that contract, if that relationship is subject to the prohibition of Government Code Section 87100.

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Resolution No: 07-08

RESOLUTION OF THE GOVERNING BOARD OF THE SAN DIEGO RIVER CONSERVANCY

**RESOLUTION OF THE GOVERNING BOARD OF THE SAN DIEGO RIVER
CONSERVANCY ADOPTING A DRAFT PROPOSED SELECTION PROCESS FOR
PRIVATE ARCHITECTURAL, LANDSCAPE ARCHITECTURAL, ENGINEERING,
ENVIRONMENTAL, LAND SURVEYING AND CONSTRUCTION PROJECT
MANAGEMENT FIRMS**

WHEREAS, the San Diego River Conservancy (Conservancy) is authorized to adopt rules and procedures governing its activities (Public Resources Code, section 32638);

WHEREAS, the California State Coastal Conservancy currently contracts with private architectural, landscape architectural, engineering, environmental, land surveying and construction project management firms on behalf of the Conservancy;

WHEREAS, the Conservancy desires to increase its flexibility and ability to obtain necessary contracting services and desires to decrease the burdens on the Coastal Conservancy by adopting its own selection process for private architectural, landscape architectural, engineering, environmental, land surveying and construction project management firms;

WHEREAS, state agencies contracting for private architectural, landscape architectural, engineering, environmental, land surveying and construction project management services must adopt regulations that assure such services are engaged on the basis of demonstrated competence and qualifications for the types of services to be performed and at fair and reasonable prices to the public agencies (Government Code, section 4526);

WHEREAS, because adoption of a selection process for these services is subject to the Administrative Procedures Act (Government Code, section 11340 et seq.), the Conservancy must first submit a draft Selection Process to the Office Administrative Law and comply with that Office's procedures for adoption of regulations before adopting a final Selection Process; and

WHEREAS, Conservancy staff has prepared a draft Selection Process, which is attached to this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the San Diego River Conservancy adopts the attached draft Selection Process and directs staff to submit the draft Selection Process to the Office of Administrative Law and to comply with that Office's procedures for adoption of the Selection Process as a regulation.

Following Roll Call Vote:

Ayes: _____

Nos: _____

Absent: _____

Michael J. Nelson, Executive Officer
San Diego River Conservancy