

San Diego River Conservancy (SDRC)
MINUTES of APRIL 8, 2005 PUBLIC MEETING
(Draft Minutes for Approval June 10, 2005)

Chairman Murphy called the April 8, 2005 meeting of San Diego River Conservancy to order at 9:10 AM.

1. Roll Call

Members Present:

Dick Murphy, Chairman (*Mayor of San Diego*)
Donna Frye, Vice-Chair (*City Council of San Diego*)
Jim Bartell (*Public at Large, Appointed by Governor*)
John “Jack” H. Minan (*Public at Large, Appointed by Governor*)
Jim Peugh (*Public at Large, Appointed by Senate*)
Sam Schuchat (*Secretary of Resources Agency Alternate Designee*)

Non-Voting Members Present:

Jennifer Kraus (*San Diego Regional Water Quality Control Board Designee*)

Others Present:

Deborah Jayne, Executive Officer
Jamee Jordan Patterson, Deputy Attorney General
Susan Huntington, staff

Absent:

Toni Atkins (*Public at Large, Appointed by Assembly*)
David Harper (*Director of Finance Designee*)
Dr. Susan Hector (*Public at Large, Appointed by Governor*)—Arrives at 10:05am
Mike McCann (*San Diego Regional Water Quality Control Board Alternate Designee*)
Karen Scarborough (*Secretary of Resources Agency Designee*)
Al Wright (*Executive Director, Wildlife Conservation Board*)

2. Approval of Minutes

Vice-Chair Frye moved approval of the minutes of the February 11, 2005 public meeting. The motion was seconded by Board Member Bartell and adopted by a voice vote of 6-0.

3. Public Comment

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.

Brent Eidson, Deputy Director of the City of San Diego's Governmental Relations Department, addressed the Board to let them know of an informal partnership between the City of San Diego's Governmental Relations Department and the Conservancy. His office is willing to advocate on behalf of the Conservancy in Sacramento and Washington D.C. He has a personal appreciation for the San Diego River and is excited to help the Conservancy reach its goals.

Mr. Eidson's comments were in response to a request by Chairman Murphy and Member Atkins (at the February 2005 Board meeting) that a single official contact person from the City's Governmental Relations Department be assigned to the Conservancy. They further indicated that the contact person's role will be to actively support the Conservancy, as a City priority, and to make sure that the City is actively looking out for and informing the Conservancy about potential opportunities.

The Executive Officer first met with Mr. Eidson and Mr. Andrew Poat, Director of Governmental Relations, on March 9, 2005 to discuss coordination and support. Mr. Eidson is currently supporting a Conservancy request for a 2006 federal appropriation.

4. Chairman's and Governing Board Members' Comments

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

Chairman Murphy welcomed Jennifer Kraus to the Governing Board of the San Diego River Conservancy. Member Kraus is the new San Diego Regional Water Quality Control Board designee. She spent a few minutes explaining her background and her interest in serving on the Conservancy board.

Chairman Murphy acknowledged that Member Hector will be joining the meeting a few minutes late. Items 13, 14 and 16 will be trailed until she arrives to allow her to join in the discussion and vote on these items.

5. Executive Officer's Report (Deborah Jayne) (5 minutes)

This item is for Board discussion only and the Board will take no formal action. The following topics *may* be included on the Executive Officer's Report:

- a) Executive Officer Activities
- b) Board Member Terms of Office
- c) Board Member Stipends
- d) Board Member Travel Reimbursements
- e) KPBS Special "River Roars Back"
- f) Dennis Machida
- g) Helix Water District Tour of Cedar Creek Falls

This item was deferred to the end of the meeting, time permitting.

6. Deputy Attorney General's Report (Jamee Patterson)

Jamee Patterson reported that Deputy Attorney General Hayley Peterson had her baby, Ben, on March 26th. The Board extended their congratulations to mother and son.

Consent Items 7, 8, 10, 11 (Consent Item 9 was pulled for discussion.)

7. 2004 Accomplishments

Attached is a report highlighting the Conservancy's accomplishments for 2004. The Board may take an action. *(Deborah Jayne)*

8. FY 05/06 Proposed Budget

Consideration and possible adoption of a resolution *(tentative Resolution 05-01)* approving the Conservancy's proposed FY 05/06 budget and expenditure report. *(Deborah Jayne)*

10. Outreach to San Diego Legislative Delegation

Consideration and possible adoption of a resolution *(tentative Resolution 05-03)* authorizing the Executive Officer to send a letter to the members of the San Diego legislative delegation. The purpose of the letter is to introduce the Conservancy, invite each member to participate in Conservancy Board meetings and activities, and offer each member a "standing item" on Conservancy Board meeting agendas for regular updates. *(Deborah Jayne)*

11. Outreach to Key Partners / Major Land Owners, Planning Authorities, and Other Key Stakeholders

Consideration and possible adoption of a resolution *(tentative Resolution 05-04)* authorizing the Executive Officer to send a letter to key partners / major landowners, planning authorities, and other key stakeholders. The purpose of the letter is to introduce the Conservancy, invite participation in Conservancy Board meetings and activities, and request early notification of potential development plans. *(Deborah Jayne)*

Member Schuchat made a motion to accept Consent Items 7, 8, 10, and 11. The motion was seconded by Vice-Chair Frye and all passed unanimously by a voice vote of 6-0. (Item 7: the Board accepted the report. Items 8, 10 and 11: the Board adopted Resolutions 05-01, 05-03 and 05-04, respectively.)

Consent Item 9

9. Acceptance of \$240,000 from City of San Diego / State of California

Consideration and possible adoption of a resolution *(tentative Resolution 05-02)* authorizing the Executive Officer to accept \$240,000 from the City of San Diego. This amount represents partial fulfillment of a larger settlement agreement between the City of San Diego and the California Regional Water Quality Control Board, San Diego Region for sewage discharges. *(Deborah Jayne)*

Member Minan made a motion to adopt the resolution with additional language inserted so that the final sentence of Resolution 05-02 will read "The Agreement will settle the City's liability for unauthorized discharges from the sanitary sewer to waters of the State, including the San Diego River AS OF OCTOBER 1, 2004." The motion was seconded by Member Bartell and passed unanimously with a voice vote of 6-0.

*Discussion Items***12. Proposed Interagency Agreement with State Coastal Conservancy**

Consideration and possible adoption of a resolution (tentative Resolution 05-05) authorizing the Executive Officer to enter into an Interagency Agreement with the State Coastal Conservancy. (Deborah Jayne) (10 minutes)

Deborah Jayne provided a brief overview of tentative Resolution 05-05 and described the purposes for entering into an Interagency Agreement with the State Coastal Conservancy.

Board Members expressed their appreciation for the State Coastal Conservancy's guidance and free services provided to date by Member Schuchat and his staff. Board members questioned whether complimentary services could continue to be provided by the State Coastal Conservancy given the limited budget of the SDRC. Member Schuchat explained that it is generally normal business practice to have interagency agreements between state agencies for the provision of various goods and services, but acknowledged that this particular agreement is somewhat unusual. He expressed the State Coastal Conservancy's desire to formalize the arrangement between SCC and SDRC with the interagency agreement. Member Bartell requested that Deborah Jayne provide the Board with a breakdown of administrative and non-administrative costs to date and estimates for the future.

Member Minan made a motion to adopt Resolution 05-05. The motion was seconded by Vice-Chair Frye and passed unanimously with a voice vote of 6-0.

Member Hector arrives at 10:05am.

13. Cultural Resources: San Diego Mission Waterworks

Bill White (Director of the California History and Culture Conservancy) will present an overview of the cultural resources associated with the San Diego Mission Waterworks, especially recently discovered segments of the flume. (Bill White) (15 minutes)

Bill White (Director of the California History and Culture Conservancy) gave a presentation to the Board which included an inventory of the water system elements located in and around the Grantville Redevelopment Project Area.

Member Hector thanked Mr. White for his presentation and noted her interest in the preservation of Spanish San Diego and indicated that she has specifically worked on the Old Mission Dam, flume and waterworks for several years. She mentioned that she believes there is an existing requirement that Superior Ready Mix establish an easement to protect those segments of the flume located on its property. The City Attorney's Office does not have record of such an easement ever recorded. She suggested that the Conservancy could possibly intervene and help get the easement enacted.

Member Schuchat brought the Board's attention to the fact that the state has a pot of historical and cultural preservation and restoration money which came out of

Proposition 40. The money is housed at the state library and there may be quite a bit of the money left. This project would be an excellent candidate for funding due to its statewide significance. Chairman Murphy suggested that Deborah Jayne follow up on this information so that the Conservancy can begin to pursue the grant money. Member Hector added that both Adobe Falls and Mission Dam and Flume are registered City of San Diego historic sites, which is a prerequisite for that grant funding.

Vice-Chair Frye made a motion to accept the report. The motion was seconded by Member Minan and passed unanimously by a voice vote of 7-0.

14. Grantville Redevelopment Project Draft EIR / Preservation of San Diego Mission Waterworks

Consideration and possible adoption of a resolution (*tentative Resolution 05-06*) (1) requesting adequate time for the Conservancy to complete its review of the Grantville Redevelopment Project Draft EIR; (2) recommending the conduct of an area-wide hydrology assessment prior to redevelopment activities; and (3) authorizing the Executive Officer to work with appropriate parties to take immediate actions to preserve the remaining segments of the San Diego Mission flume and waterworks. (*Deborah Jayne*) (20 minutes)

Deborah Jayne gave an update on the status of the Grantville Redevelopment Project and the Conservancy's efforts to focus strictly on the adequacy of the environmental analyses contained in the Environmental Impact Report rather than on the merits of the project itself. Ms. Jayne indicated that she found several portions of the EIR to be inadequate and summarized her preliminary comments which were submitted to the City of San Diego Redevelopment Agency on March 14, 2005. Ms. Jayne reported that the EIR's analysis of potential project impacts on River hydrology, water quality and cumulative impacts were particularly incomplete and inadequate. She indicated that the Agency has provided very brief responses to each comment but that she considered many of the responses to be "unresponsive". Ms. Jayne described for the Board specific development plans which are being considered for the Grantville area and nearby vicinity, but were not evaluated or even mentioned in the EIR. She also described the outcome of her first meeting with Councilmember Madaffer, whose city council district contains the Grantville Redevelopment Project Area, and his willingness to work to protect the River after the EIR is certified.

Mr. Bill White gave public comment on this item. He urged the Board to pass the resolution and said that rushing through a project of this magnitude, which has potentially enormous impacts on the River Area, is not prudent.

Member Peugh commented that he has concerns about the lack of analysis of cumulative impacts, and in particular the lack of a cumulative look at buffers and hydrology in the EIR. He suggested that both of those concerns should be addressed before approving this plan.

Vice-Chair Frye thanked Deborah Jayne for doing the EIR analysis. Vice-Chair Frye supported the resolution and acknowledged the importance of doing an adequate analysis before moving forward on a project.

Member Minan made a motion to adopt the resolution with additional language inserted so that the first sentence of Resolution 05-06 will read "The Governing Board of the San Diego River Conservancy hereby (1) requests adequate time for the Conservancy to complete its review and comment of the Grantville Redevelopment Project Draft EIR BECAUSE THE CONSERVANCY'S PRELIMINARY ASSESSMENT RAISES IMPORTANT QUESTIONS AS TO THE ADEQUACY OF THE EIR TO ACCURATELY INFORM PUBLIC DECISION MAKERS". The motion was seconded by Vic-Chair Frye and passed unanimously by a voice vote of 7-0.

15. Helix Water District Presentation

Mark Weston (General Manager of the Helix Water District) will present an overview of the San Diego River lands owned by the Helix Water District. The Board may take an action. *(Mark Weston) (20 minutes)*

Jim Lewanski, Director, Helix Water District Board of Directors, welcomed the Board members to the Cedar Creek Falls tour planned for April 9, 2005. Following this brief introduction, Mark Weston, General Manager of the Helix Water District, provided a presentation to Board members on the Helix Water District, its land, and priorities for the future.

Chairman Murphy thanked Mr. Weston for the presentation and for putting together the tour for the Board. Board Members asked Mr. Weston about the development of a golf course on Helix Water District land and expressed concern about water quality issues related to the application of fertilizers, etc. as well as concerns about providing public access in addition to the access provided to golfers. Mr. Weston assured Member Peugh that there are no plans to build Fletcher Dam.

Vice-Chair Frye made a motion to accept the report. The motion was seconded by Member Minan and passed by a voice vote of 6-0. (Member Hector did not vote on this item.)

Member Bartell departs 11:15am.

16. SDSU 2005 Campus Master Plan Revision, Draft Environmental Impact Report / Proposed Adobe Falls Development

Consideration and possible adoption of a resolution (*tentative Resolution 05-07*) authorizing the Executive Officer to prepare comprehensive comments on the Draft Environmental Impact Report (EIR). Mr. W. Anthony Fulton (Director, Office of Facilities Planning and Management, SDSU) will provide an overview of SDSU's proposed 2005 Campus Master Plan Revision and Draft EIR, including the proposed residential development on the north side of Highway 8, surrounding the Adobe Falls portion of Alvarado Creek near its confluence with the San Diego River. *(W. Anthony Fulton) (15 minutes)*

Mr. W. Anthony Fulton (Director, Office of Facilities Planning and Management, SDSU) provided an overview of SDSU's proposed 2005 Campus Master Plan Revision and Draft EIR. The Master Plan Revision will enable SDSU to meet projected

increases in student enrollment, particularly graduate students. SDSU is seeking to provide affordable housing for graduate students, faculty and staff. In particular, Mr. Fulton explained the University's plans for faculty housing to be built on its 33 acres of undeveloped land, located north of Interstate 8, at the top and base of Adobe Falls. Mr. Fulton explained the University's intention to have this item heard at the California State University Board of Trustees' meeting on July 19-20, 2005.

Chairman Murphy questioned the jurisdictional issues of such a project. Mr. Fulton explained that the City of San Diego does not have veto power over a state project, nor will this item be coming for a vote of the San Diego City Council. Vice-Chair Frye urged Mr. Fulton to allow significant time for the Executive Officer to complete comprehensive comments on the Draft Environmental Impact Report. Mr. Fulton said that he will do his best to respond to comments which come in after the deadline, but urged the Conservancy to submit comments as soon as possible so that he will have a chance to respond. Member Minan suggested that if the Conservancy's comments can not be addressed due to timeline constraints, the comments should then be sent directly to the Board of Trustees so they have the information before them in order to make their decisions.

Member Peugh commented that "edge effects" as well as other issues were not handled well in the EIR and that he is very concerned about the impacts of such a project.

Ms. Jayne again expressed concerns regarding impacts to hydrology, water quality and especially cumulative impacts. She noted that the Grantville Redevelopment Project, which is less than one mile downstream, was not evaluated or even mentioned in the EIR.

Vice-Chair Frye made a motion to adopt the resolution, including the same three provisions contained in Grantville Resolution 05-06 (that was just adopted), and with the addition that "should the Conservancy's comments not be addressed in the Final Environmental Impact Report and Response to Comments due to timeline constraints, the Executive Officer is directed to forward the Conservancy's comments directly to the Board of Trustees." The motion was seconded by Member Minan and passed unanimously by a voice vote of 6-0.

17. Proposition 50: Integrated Regional Water Management Program

Consideration and possible adoption of a resolution (*tentative Resolution 05-08*) authorizing the Conservancy's participation in the joint San Diego County application for Proposition 50, Integrated Regional Water Management Program funds. (*Deborah Jayne*) (10 minutes)

Vice-Chair Frye made a motion to adopt the resolution. The motion was seconded by Member Schuchat and passed unanimously by a voice vote of 6-0.

18. FY 06 Federal Appropriation Request

Consideration and possible adoption of a resolution (*tentative Resolution 05-09*) authorizing the Conservancy to partner with Cleveland National Forest and the City of

San Diego in a joint request for a FY 06 federal appropriation. (*Deborah Jayne*) (10 minutes)

Member Schuchat made a motion to adopt the resolution. The motion was seconded by Member Peugh and passed unanimously by a voice vote of 6-0.

19. San Diego River Watershed Management Plan, Final Draft

Mark Carpenter (KTU&A) and Trish Boaz (Department of Planning and Land Use, County of San Diego) will present an overview of the San Diego River Watershed Management Plan, Final Draft. The Board may take an action. (*Mark Carpenter, Trish Boaz*) (20 minutes)

Having run out of time, Chairman Murphy trailed this item to a future meeting.

20. TransNet Mitigation Funds: Process and Availability

Craig Scott (TransNet Project Manager, SANDAG) will present an overview of the process, priorities, and availability of TransNet Mitigation Funds. The Board may take an action. (*Craig Scott*) (20 minutes)

Having run out of time, Chairman Murphy trailed this item to a future meeting.

21. Administrative Matters

This item is for minor administrative matters only and the Board will take no formal action.

22. Executive Session

Following or any time during the meeting, the Governing Board may recess or adjourn to closed session to consider pending or potential litigation; property negotiations; or personnel-related matters. Authority: Government Code Section 11126(a), (c) (7), or (e).

23. Upcoming Events

- a. Cedar Creek Falls, Helix Water District Tour: April 9, 2005
- b. Earth Day: May 1, 2005. Balboa Park
- c. San Diego Riverfest: May 21, 2005. Various sites along the San Diego River.

24. Arrangements for Next Meeting and Adjournment

Friday, June 10, 2005

9:00 am to 11:30 am

Location: San Diego Regional Water Quality Control Board Office

9174 Sky Park Court, Suite 100

San Diego, California

(858) 467-2733

Chairman Murphy adjourned the meeting at approximately 11:45am.