

San Diego Association of Governments
BORDERS COMMITTEE

November 30, 2007

AGENDA ITEM NO.: **1**

Action Requested: APPROVE

**BORDERS COMMITTEE DISCUSSION AND ACTIONS
MEETING OF SEPTEMBER 28, 2007**

The meeting of the Borders Committee was called to order by Chair Pro Tempore Crystal Crawford (North County Coastal) at 12:31 p.m. See the attached attendance sheet for Borders Committee member attendance.

1. APPROVAL OF MEETING MINUTES

Action: Upon a motion by Mayor Jim Desmond (North County Inland) and a second by Councilmember Phil Monroe (South County), the Borders Committee approved the minutes from the June 22, 2007, meeting.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

Arnold San Miguel of the Southern California Association of Governments (SCAG) announced the development of the Long Range Transportation Plan, and invited the Committee to participate in the scheduled workshops. He informed that the workshops taking place in Los Angeles would be video-conferenced to the SCAG office in Riverside. Mr. San Miguel will notify the San Diego Port District and SANDAG of the meetings involving Goods Movement.

CONSENT ITEMS (#3 - #4)

3. STATUS REPORT ON INTERNATIONAL BORDER SEWAGE ISSUES (INFORMATION)

Ron Saenz, SANDAG, reported that the Bajagua project has been placed temporarily on hold as certain milestones were not met by May 2007. Senator Diane Feinstein intends to allocate \$66 million, originally dedicated to the Bajagua plant, to the existing South Bay International Wastewater Treatment Plant.

Councilmember Monroe asked if SANDAG has been working with the Senator's representatives.

Mr. Saenz responded that the Committee's direction was for SANDAG staff provide periodic status reports on border sewage issues; SANDAG has not engaged directly in addressing these issues with other public agencies.

Chair Pro Tempore Crawford said that as it is an informational item, the Committee could not take action at this time; however, it could be brought back to the Committee at a future date.

Councilmember Monroe stated he would discuss the issue with Chair McCoy.

Councilmember Debbie Cook (County of Orange) commented that, as a participant on the Orange County Sanitation District, only a small increase in cost was necessary to upgrade to tertiary treatment. As a result, Orange County was able to initiate a re-use program in conjunction with the Orange County Water District.

Supervisor Pam Slater-Price (County of San Diego) asked if it would be possible to go to tertiary easily upon having this infrastructure in place.

Ms. Cook replied that the most expensive step is secondary, and tertiary is approximately 10 percent more in cost. Through an agreement with the Orange County Water District, they will process water through their reverse osmosis filters and send the water on to be re-percolated into the aquifer. Ms. Cook added that energy consumption is less when treating tertiary fresh water. It is approximately 1,500 kilowatt hours per acre-foot for tertiary treated fresh water, 2,000 – 3,000 kilowatt hours per acre-foot for imported water, and 5,700 kilowatt hours per acre-foot for desalination.

Supervisor Slater-Price recommended a discussion take place regarding this subject, as water is a major challenge for the border area.

Chair Pro Tempore Crawford suggested Councilmember Monroe and Supervisor Slater-Price speak with Chair McCoy to determine when to place the item on the agenda.

Supervisor Slater-Price added that she would speak with Supervisor Cox also.

Action: This item was presented for information only.

4. CITY OF TIJUANA'S PROPOSAL FOR A FUTURE PORT OF ENTRY AT CAÑON MOCTEZUMA (INFORMATION)

Hector Vanegas, Borders Committee Coordinator, reported that City of Tijuana Mayor Kurt Honold presented his views on border issues and the need for more border infrastructure at the July SANDAG Board of Directors meeting. Mayor Honold stated that presently, the City has given priority to the current expansion project at San Ysidro and the East Otay Mesa Port of Entry. He also brought forth the proposal of a future Port of Entry in Cañon Moctezuma and stressed that, to his knowledge, this proposal would not affect the sensitive areas in and around the Tijuana River estuary nor was it the same proposal as "Las Playas."

Chair Pro Tempore Crawford stated she appreciated Mayor Honold's forward thinking as he indicated the planning process for a new Port of Entry usually takes 15 years or more.

Councilmember Monroe suggested that should SANDAG further explore this proposal, work should begin with Mayor Honold.

Councilmember Hueso concurred with Councilmember Monroe and recommended the commencement of dialogue in order to arrive at a concept.

Action: This item was presented for information only.

Councilmember Ben Hueso (City of San Diego) requested to provide comment on Item #3 in order to relay his personal experience and observations of the outfall of raw sewage from Tijuana while kayaking from San Diego to Rosarito. He explained that his goal was to create serious discussion and address water quality along the border thus initiating both short- and long-term solutions. He also asked that the Borders Committee make this item a priority and possibly develop public policy to address the situation.

Chair Pro Tempore Crawford recommended he confer with Chair McCoy, Councilmember Monroe, and Supervisor Slater-Price when they meet to discuss this issue.

Councilmember Monroe suggested also inviting Assembly member Lori Saldaña and Mayor Honold to the proposed meeting.

Chair Pro Tempore Crawford said that the issue was very complex and not directly within SANDAG's jurisdiction; however, possibly a forum could be provided and a meeting convened with interested stakeholders to discuss the issue.

Supervisor Slater-Price concurred and stated that the real line of demarcation was in taking a position. She advised the addition of the report on water treatment from Orange County and individuals representing environmental issues be invited to speak at the meeting also.

Chairman Victor Carrillo (County of Imperial) informed that he attended meetings related to a similar situation in Imperial County, the New River, involving national working groups from Mexico City and that more meetings are scheduled for October 5-7. He added that one of the controversial issues with Bajagua was Mexico's public/private partnership. He said it was important to understand the level of governance in Mexico and reminded the Committee of the changes that will soon be taking place. He concurred on the importance of making this an agenda item and a priority for discussion with the new Mayor of Tijuana.

Chair Pro Tempore Crawford agreed that the change in administration was an important factor and recommended the coordination of a meeting.

REPORTS ITEMS (#5 – #8)

5. SOUTHERN CALIFORNIA TRIBAL CHAIRMEN'S ASSOCIATION (SCTCA) POLICY ISSUES FOR CONSIDERATION (DISCUSSION/ACCEPT)

Chairman Chris Devers (Pauma) began his presentation by noting that this was "California Indian Day". On this day tribes showcase their cultures and activities throughout the State. He then reported that the SCTCA reviewed the FY 08 agenda schedule for Borders and held

a brainstorming session among SCTCA representatives to SANDAG to identify policy issues they would like to work through SANDAG's Policy Advisory Committees, including Borders. The issues identified in the report included:

- Native American Communities of San Diego
- Visit to Indigenous Communities in Baja California
- Collaboration on the Transportation Reauthorization Bill
- Information Sharing Protocols/Agreements
- Tribal Transit Program
- Tribal TDM Outreach Project
- IRR Inventory
- Crime on Reservations
- Tribal Participation in the Adam Walsh Act
- Public Law 280
- Emergency Preparedness Interoperability
- Homeland Security
- Regional Energy Strategy
- Environmental Mitigation Program
- Water Rights/Groundwater Issues/Sustainable Yield

Councilmember Ed Gallo (North County Inland) commended the SCTCA on the report and said this is similar to another collaborative opportunity that is attempting to bring in the tribal court system into Southern California.

Chairman Devers stated that although currently there is limited use of the tribal court system, they continue to develop it.

Chairman Carrillo suggested that regarding Environmental Mitigation (SB18), ancestral significance is also an important factor from an anthropological standpoint as it has a significant impact on the history of the culture.

Chairman Devers said that the SCTCA may be meeting more frequently in the future in order to ensure that issues are addressed and there is a continuing dialogue between the SCTCA and SANDAG. He also mentioned that the SCTCA accepted a proposal to have UCSD planning students assist the SCTCA representatives on SANDAG Committees as Tribal Policy Interns.

Chair Pro Tempore Crawford inquired how issues would be brought before the other committees.

Diane Eidam, Chief Deputy Executive Director, replied that the items will formally be brought directly to the Policy Advisory Committee Chairs, as is the process with the Borders Committee.

Councilmember Monroe thanked Chairman Devers for his report and suggested representation from the SCTCA on the Energy Working Group and the Environmental Mitigation Working Group. He also requested the integration of the San Diego County's transportation priorities along with the Reservation Transportation Authority's priorities in

order to present them to the federal government for the purpose of seeking additional funding.

Supervisor Slater-Price stated that the tribes have been extremely cooperative and commended them for the contribution of \$30 million toward the Highway 76 corridor. She remarked that the County looks forward to working in partnership with the SCTCA.

Councilmember Ed Gallo (North County Inland) commented that one of the missions of the Borders Committee was to involve the tribes as everyone benefits from their presence.

Councilmember Jack Feller (North County Coastal) suggested that groundwater and water rights issues would be a good subject for review by the Borders Committee.

Howard Williams (San Diego County Water Authority) cautioned the Committee as the dispute regarding the All American Canal lining has lasted 38 years.

Chairman Devers remarked that issues pertaining to surface and groundwater can be controversial; however, it is important that dialogue remain open.

Councilmember Monroe relayed his experience with the archaeological digs on the Silver Strand.

Chairman Devers offered his assistance in relaying information and messages to the SCTCA and thanked Jane Clough-Riquelme, Tribal Liaison, for her assistance in promoting the process.

Chair Pro Tempore Crawford thanked the SCTCA for their work and reiterated the importance of communication and their participation in the various SANDAG policy committees. She assured Chairman Devers that staff would return with information regarding the development of a mechanism for receiving recommendations and providing feedback on future items.

Action: Chair Pro Tempore Crawford stated that a formal motion to accept was not necessary as on the basis of the discussion the Committee accepts the item by consensus.

6. CALENDAR OF MEETINGS FOR FISCAL YEAR 2008 (DISCUSSION/ACCEPT)

Hector Vanegas, Borders Committee Coordinator, stated that the Committee requested a calendar of meetings organized by themes; binational, tribal, and interregional for Fiscal Year 2008. He informed that the calendar of items also includes recommendations for tribal policy issues to be considered by the various SANDAG policy advisory committees.

Councilmember Hueso requested that an update be provided to his office on items listed without dates and that the Committee take into consideration the dates he would be participating on the Coastal Commission.

Councilmember Monroe remarked on the items involving Orange County and asked that further information be provided regarding transportation before the meeting in March with the Orange County Transportation Agency (OCTA).

Bob Leiter, Director of Land Use and Transportation Planning, commented that SANDAG staff has been attending meetings with the Orange County Transportation Agency (OCTA), and offered bringing a number of topics to the Borders Committee in advance. Of special interest, the South I-5 Major Investment Study, a corridor analysis of the I-5 South Corridor in Orange County. The study raises some interesting issues regarding the relationship between San Diego's I-5 North Coast Corridor and Orange County's South Coast Corridor. He added that staff will return with a list of possible topics for the Committee's review.

Mayor Desmond inquired about the October meeting.

Chair Pro Tempore Crawford responded that the October 26 meeting would not take place. A joint briefing between the Borders Committee, the Board of Directors, and the Tijuana City Council would most likely take place on October 31st with a tour of a maquiladora plant in Tijuana and other activities yet to be determined.

Action: Upon a motion by Councilmember Hueso and a second by Mayor Desmond, the Borders Committee accepted the Fiscal Year 2008 Calendar of Meetings.

7. PROGRESS REPORT ON THE SAN YSIDRO PORT OF ENTRY EXPANSION (DISCUSSION)

Chair Pro Tempore Crawford welcomed Mr. Steve Baker of the U.S. General Services Administration (GSA) and acknowledged the attendance of Bruce Ward, Andy Britton and Oscar Preciado of U.S. Customs and Border Protection (CBP).

Mr. Baker updated the Committee on the progress and status of the San Ysidro Port of Entry Reconfiguration and Expansion Project. He explained that the Port of Entry is being designed to be a more efficient port, while incorporating the input from the outside stakeholders. The project's Master Plan has just been completed, with the "Island Scheme" most preferred by CBP as it best achieves the needs for operating the Port in the most efficient and effective manner. In response to community and local requests to condense the site, southward repositioning of the triangular-shaped site will leave as much property in private hands as possible.

Mr. Baker stated it is important to note that during renovation, each piece has to operate both with the existing facility and with the new facility, once it has designed and built. Each phase exists separately and is not a construction phase, but is in fact an independent project. Phases I and II must take place in sequence and coordination with Mexico can actually expedite the installation of Phase III. Mexico is still in the planning phase and ongoing binational meetings are taking place.

Councilmember Monroe expressed concern about pedestrians riding the trolley.

Mr. Baker responded that presently, there are security issues with the current pedestrian bridge, as the bridge is located directly adjacent to the CBP Administration Building. The

new pedestrian bridge will be constructed further to the north, with pedestrians walking on the western side of the freeway into Mexico.

Chair Pro Tempore Crawford asked if the new pedestrian access would be dedicated for pedestrians only.

Mr. Baker stated that it would be a public pedestrian bridge and located away from the Port of Entry.

Councilmember Monroe asked how much added distance a pedestrian would have to travel from the trolley to the Border today.

Mr. Baker responded that the Design Team and Traffic Engineers are presently in the process of performing walking and travel studies.

Councilmember Monroe asked if they were also coordinating with MTS.

Mr. Baker answered that they have been in contact with regional stakeholders and will work with MTS representatives, property owners, the City of San Diego, and Caltrans, among others.

Executive Director Gary Gallegos stated that concerns regarding complementing investment on both sides of the border and challenges regarding the improvement to the area binationally exist.

Chairman Carrillo asked if the Mexican government was planning to fund the project through a public private partnership. He said that in the past, the Mexican government charged user fees, or tolls.

Mr. Baker stated he did not know about Mexico's funding plans for the project.

Consul Lydia Antonio (Republic of Mexico) stated that the project is a priority with the federal government and that the government has already allocated funds. The project will not be as expensive in Mexico as engineering and construction costs are lower; and they are aware of the concern with making improvements at the border.

Chairman Carrillo recommended a focus should be placed on improvement to the arterial system that simplifies the effort and the process of getting through Tijuana to the border, on the Mexican side.

Chair Pro Tempore Crawford suggested that this item be placed on the agenda of the meeting with the new authorities of the State of Baja California and the city of Tijuana.

Supervisor Slater-Price said that this project could lend itself to a type of toll arrangement on both sides of the border and then sunset once the cost of the project was covered.

Councilmember Monroe suggested that the sewage issue and the Port of Entry issue be discussed at the meeting on October 31st in Tijuana.

Chair Pro Tempore Crawford inquired about the timing of the meetings and asked why they were to meet with the current administration and not with the new administration.

Executive Director Gallegos stated that the plan is to close out work that is being done with the current administration and hopefully begin the institutional framework to start working with the new administration.

Mr. Vanegas said there will be an opportunity to meet with the new administration in the future.

Executive Director Gallegos added that this is not the first time that SANDAG has worked with the different changing administrations in Mexico.

Chairman Carrillo said that communication is the key to success. It is important that the Borders Committee make it a priority to keep the Mayor and his staff apprised on committee meetings and any other information.

Executive Director Gallegos stated that even though administrations have changed, a lot of institutional relationships remain. SANDAG is presently trying to open dialogues with the new Mexican leadership in both the City of Tijuana and the State of Baja California.

Mr. Baker informed that the federal government does not have the authority to assess tolls to pay for construction projects.

Executive Director Gallegos asked if they are obligated to follow the Federal Uniform Right-of-Way Act.

Mr. Baker was unsure what it was, and offered to review it.

Executive Director Gallegos explained that when building roads, contractors must follow the federal government process outlined in this Act as there is a responsibility not only to acquire the land through eminent domain but also a responsibility to make reasonable accommodations for relocating businesses and making sure they stay viable. The community in San Ysidro is concerned about this.

Mr. Baker replied that the GSA has very strict guidelines to follow and he will provide the Committee with copies of the guidelines should they be needed.

Councilmember Monroe commented that he understood the next border crossing would be a public private partnership and asked for clarification if it would have a toll.

Mr. Baker informed that the federal government cannot toll ports of entry.

Executive Director Gallegos said that a legal assessment will be presented at a later date that will show what changes need to be made to the laws at both the federal and state levels in order to allow tolls.

Councilmember Monroe suggested that this be added to this item also.

Supervisor Slater-Price offered that this might be an opportunity for the two governments to make this into a demonstration project. They can construct a border crossing with the high capacity needed, have it implemented all at once instead of in phases, help alleviate environmental problems in the process, and have it paid with a toll that sunsets.

Chair Pro Tempore Crawford commented that, when changing the whole configuration to make this a challenge for pedestrians or trolley users, thought is necessary regarding how to move the people in a way that is not a negative impact.

Mr. Baker then presented the San Ysidro Concept Aerial view of the area.

Executive Director Gallegos reiterated his concern that the large grey area in Mexico did not show the flow of traffic from the U.S. into Mexico.

Jason Wells, of San Ysidro Smart Border Coalition, explained that the Coalition is comprised of the Border Transportation Council, several committees from the Chamber of Commerce, Casa Familiar, Hearts and Hands Working Together, the San Ysidro Business Association, the San Ysidro Planning Group, and the San Ysidro Transportation Collaborative. The Coalition is in favor of the reconfiguration of the Port of Entry, happy that site acquisition is less than initially planned and has minimal impact to the community, and the GSA has responded well to community concerns. One serious concern remains, however, over the relocation of pre-existing businesses.

Lisa Dye, Federal Highway Administration, responded to inquiries regarding funding for infrastructure in Tijuana. She said that the counterpart agency in Mexico, the Secretaria de Comunicaciones y Transportes (SCT) is working with the State of Baja California and developed a cost estimate for infrastructure in the City of Tijuana. The infrastructure that they will need, in addition to the cost of Port of Entry renovation, is \$25 million. The SCT will present information on this item on October 9, 2007 as part of the U.S. and Mexican Consulate's Border Liaison Mechanism meeting at the Caltrans District Office, in the Gallegos Room, at 10:00 A.M. She added that the Port of Entry Working Group, has a Technical Commission for the San Ysidro-Puerta Mexico port of entry. Information regarding the meeting will be provided to staff so it will be available for the Borders Committee

Mr. Baker clarified that in order for the Port to work in a public fashion, it doesn't just work in a north/south direction. It needs to work in an east/west direction also. The design team does not see the boundaries; they see a major public works project; a transit hub that needs to operate in the entire realm. He assured the Committee that the design team's focus is also on how the project will work in the realm of San Ysidro; how it will work for the people that travel through and across it in both directions; and, how it will work for CBP's operations. He added that they are aware of the concerns about the pedestrian bridge.

Councilmember Hueso asked if a staff report on this item would be presented, as there are outstanding concerns regarding design and mobility.

Chair Pro Tempore Crawford responded that the item was agendaized as a discussion item, so no action would be taken at this time. However, through the discussion, the Committee can make its' concerns and perspectives known. The Committee will be advocating for this project when they meet with leaders in Washington D.C. in a few weeks.

Executive Director Gallegos stated that in terms of the priorities highlighted by the Committee, SANDAG will be part of a group that will be going with the San Diego Regional Chamber of Commerce to discuss this project, a crossborder terminal, and the Otay Mesa East port of entry.

Councilmember Hueso reiterated the importance of this project and a design that will facilitate pedestrian traffic. He commended GSA, Mr. Baker, and the design team for working with the community.

Executive Director Gallegos stated that as the federal government moves forward with this, it is necessary to ensure an overall commitment to the whole project.

Chairman Carrillo said that at the Calexico Port of Entry, southbound and northbound pedestrian traffic run parallel together on the eastside. . This successful model could be incorporated into the reconfiguration project at the San Ysidro Port of Entry.

Mr. Baker responded that presently, Mexico prefers the northbound pedestrian traffic on the east side, and southbound pedestrian traffic on the west side. However, from a design planning standpoint, it is incumbent upon GSA to plan for the future; therefore, it may become a possibility and the design should be left open enough to accommodate future changes.

Councilmember Monroe personally objected to pedestrians remaining as a low priority.

Chair Pro Tempore Crawford explained that it is important to acknowledge and speak with the Mexican counterparts regarding the pedestrian issue.

Action: This item was presented for discussion only.

8. PERSPECTIVE ON BORDER ISSUES FROM EL COLEGIO DE LA FRONTERA NORTE (COLEF) (INFORMATION)

Action: This item was continued to a future date.

9. UPCOMING MEETINGS

The meeting scheduled on October 26, 2007, is cancelled. The Borders Committee will join the SANDAG Board of Directors and the Tijuana City Council's Joint Briefing on Wednesday, October 31, 2007.

The next regular meeting of the Borders Committee will be on November 30, 2007, at 12:30 p.m.

10. ADJOURNMENT

Chair Pro Tempore Crawford adjourned the meeting at 2:30 p.m.

Attachment: Attendance Sheet

**CONFIRMED ATTENDANCE
BORDERS COMMITTEE MEETING
September 28, 2007
12:30 p.m. to 2:30 p.m.**

GEOGRAPHICAL AREA	JURISDICTION	NAME	MEMBER/ ALTERNATE	ATTENDING	
				Yes	No
South County	City of Imperial Beach	Patricia McCoy (Chair)	Member		✓
	City of Coronado	Phil Monroe	Alternate	✓	
Imperial County	County of Imperial	Victor Carrillo	Member	✓	
	City of Calexico	David Ouzan	Alternate		✓
North County Coastal	City of Oceanside	Jack Feller	Member	✓	
	City of Del Mar	Crystal Crawford	Alternate	✓	
North County Inland	City of San Marcos	Jim Desmond	Member	✓	
	City of Escondido	Ed Gallo	Alternate	✓	
East County	City of La Mesa	David Allan	Member		✓
	City of Santee	John Minto	Alternate		✓
City of San Diego	----	Ben Hueso	Member	✓	
	----	Brian Maienschein	Alternate		✓
County of San Diego	----	Greg Cox (Vice Chair)	Member		✓
	----	Pam Slater-Price	Alternate	✓	

**ADVISORY/LIAISON
MEMBERS**

COBRO	----	Dr. Paul Ganster	Member		✓
	----	Cindy Gompers-Graves	Alternate		✓
	—	Angelika Villagrana	Alternate	✓	
County of Riverside	City of Lake Elsinore	Thomas Buckley	Member		✓
Republic of Mexico	Acting Consul General of Mexico	Ricardo Pineda	Member		✓
	Consul	Lydia Antonio	Alternate	✓	
Southern California Tribal Chairmen's Association	Pauma	Christopher Devers	Member	✓	
	Mesa Grande	Mark Romero	Alternate		✓
Caltrans	----	Pedro Orso-Delgado	Member		✓
	----	Bill Figge	Alternate	✓	
San Diego County Water Authority	----	Howard Williams	Member	✓	
County of Orange	----	Debbie Cook	Member	✓	