

Community Planners Committee

City Planning & Community Investment • City of San Diego
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CPC MINUTES OF THE MEETING OF JANUARY 29, 2008

MEMBERS PRESENT:

Jim Haughey, Carmel Mountain Ranch
John Fiske, Carmel Valley
Brooke Peterson, Clairemont Mesa
Charles Maze, College Area
Laura Riebau, Eastern Area
Chris Blatt, Greater Golden Hill
Vicki Granowitz, Greater North Park
Tom Hebrank, Kensington/Talmadge
Tim Golba, La Jolla
Rick Bussell, Linda Vista
Bill Kenton, Midway
Jeff Stevens, Mira Mesa
Tracy Reed, Miramar Ranch North
Matthew Adams, Navajo

Landry Watson, Ocean Beach
Rocky Sgro, Otay Mesa/Nestor
Kathy Mateer, Pacific Beach
Ellen Willis, Rancho Bernardo
Charles Sellers, Rancho Penasquitos
Mike Freedman, San Ysidro
Tamar Silverstein, Scripps Ranch
Cindy Moore, Serra Mesa
Guy Preuss, Skyline/Paradise Hills
Reynaldo Pisano, Southeastern San Diego
Eric Germain, Tierrasanta
Dash Meeks, Torrey Hills
Morton Printz, Torrey Pines
Leo Wilson, Uptown

VOTING ELIGIBILITY/RECUSALS: None.

NON ELIGIBLE REPRESENTATIVE PRESENT: None.

OTHERS PRESENT: Lee Campbell, Rob Steppke, Mitch Younker, Rob Nelson and Darcy Ashley.

City Staff: Mary Wright, Jackie Dominguez, Alex Sachs, Marianne Greene, Bernard Turgeon and Cecilia Gallardo.

Guests: None.

NOTE: *The sign-in sheets provided at the entrance to the meeting are used to list CPC Representatives, guest speakers, and staff present at the meeting.*

1. **CALL TO ORDER:** Chair Leo Wilson called the meeting to order at 7:00 p.m. and proceeded with roll call.
2. **NON-AGENDA PUBLIC COMMENT:** Guy Preuss distributed a copy of the last Compact meeting agenda and minutes and urged anyone interested in transportation matters to attend the meetings.

Eric Germain said the Grantville Steering Committee was created by the CPCI Department to look at the master plan for the Grantville area. Mr. Germain expressed concern that the overlap of responsibilities between the Grantville Steering Committee and the Navajo and

Tierrasanta planning groups may cut the CPGs out of the process. Matthew Adams, Chairman of the Grantville Steering Committee, responded that he will ensure input from the CPGs will be part of the deliberations.

Brooke Peterson reported that the San Diego section of the American Planning Association will sponsor a Planning Commissioners Lunch Workshop on February 15, 2008, to discuss various planning topics. Interested parties can visit www.sdapa.org for more information.

Eric Germain commented that although the CPC members voted previously to support the General Plan as it was amended by the CPC, the committee should follow up with another motion that clarifies non-support of the General Plan if the CPCs amendments are not made. Discussion ensued. The consensus of the committee was to wait to see which amendments are actually incorporated before determining if this item should be revisited.

3. MODIFICATION TO AGENDA:

Matthew Adams moved to hear Item #5, Requests for Items to be Placed on the Agenda, after Item #7, CPC Bylaw Amendment discussion, so that members can discuss the policy on requests for items to be placed on the agenda. The motion was seconded by Eric Germain. The motion was approved 26-0-2. Leo Wilson and Mike Freedman abstained.

4. APPROVAL OF THE MINUTES OF NOVEMBER 7, 2007: It was moved, seconded and unanimously approved to accept the Minutes of November 7, 2007 as written.

5. INDEMNIFICATION ORDINANCE: Deputy City Attorney, Alex Sachs reported that the Indemnification Subcommittee met the first week in January to discuss the proposed, updated Indemnification Ordinance. The primary changes the City Attorney made to the Ordinance was the development of a new Section 3, crafted to mirror the standard of defense and indemnification the City Attorney abides by when defending a City employee, under the guidelines of California Government Code Section 995. The proposed Ordinance extends the same kind of protections to CPC and CPG members that is given to City employees. The proposal represents the most comprehensive level of enhanced defense and indemnification language that the City Attorney is willing to offer.

Chair of the Indemnification Subcommittee, John Fiske reported there were two basic issues left to decide. The first issue was whether conflict of interest applies or direct economic interest applies. This issue was resolved, with the City Attorney agreeing with the Subcommittee that conflict of interest was too high of a standard to apply to CPG members and that direct economic interest was the standard that should apply. The second issue, not yet resolved, questions how the City Attorney will react when a member of a CPG is sued. The CPG members are seeking a protection that is fair, reasonable and fiscally neutral to the City. The language that the City Attorney has proposed does not provide enough protection and therefore is not acceptable. Mr. Fiske said Government Code 995 is a good base to start from, but it exists to protect employees. Community planning group members are community volunteers and advisory only, not employees. The Indemnification Subcommittee's proposed version of Section 3 attempts to address these concerns.

John Fiske moved that the CPC accept the City Attorney's version of the draft language for the proposed Indemnification Ordinance, with the exception of Section 3, in which the Indemnification Subcommittee's version of Section 3 would be added, as summarized in the

Subcommittee's letter dated January 8, 2008, addressed to CPC Chair, Leo Wilson. Guy Preuss proposed an amendment to the motion, to add the phrase "Upon the request of a member or group" at the beginning of Section 3. Mr. Fiske accepted the amendment. The motion, as amended, was seconded by Mike Freedman. The motion was approved 26-1-1. Opposed: Rancho Penasquitos. Abstentions: Uptown.

Laura Riebeau suggested there is a need for a section in the indemnification ordinance that provides definitions for all the legal terms. Alex Sachs said its wise to keep the definitions out of the ordinance. Mr. Sachs recommended the definitions be incorporated into the discussion of the Administrative Guidelines.

By majority consent, the CPC resolved to forward the item to the City Council, with the CPCs recommendation that City Council adopt the ordinance with the substitution of the language in Section 3, as recommended by the Indemnification Subcommittee.

6. **CPC BYLAW AMENDMENT:** Eric Germain provided a PowerPoint presentation on proposed changes to the CPC Bylaws. There were proposed changes to simplify the elections process, revisions to the attendance requirement and general edits to bring the document into updated status.

There was debate concerning changing the 24 hours noticing requirement for special meetings to a stricter requirement. The consensus of the committee was that special meetings should not have special noticing requirements and should be noticed the same as regular meetings.

Laura Riebeau moved to restore the wording "forwarded in writing" to Article IV, Membership, Sections 1, 2 and 3. The motion was seconded by Tracy Reed. The motion was approved 18-7-2. Opposed: College Area, Kensington/Talmadge, Mira Mesa, San Ysidro, Skyline/Paradise Hills, Southeastern San Diego and Torrey Hills. Abstentions: Torrey Pines and Uptown.

There was discussion concerning the 9:00 p.m. adjournment time of the meeting. Jeff Stevens moved to strike the paragraph that reads: Meetings shall begin promptly at 7:00 PM and be adjourned no later than 9:00 PM, unless the time of adjournment is extended by a majority vote of the members present. The motion was seconded by Laura Riebeau. The motion was approved 14-10-1. Opposed: Carmel Mountain Ranch, Carmel Valley, Greater North Park, Kensington/Talmadge, Linda Vista, Otay Mesa/Nestor, Rancho Bernardo, Serra Mesa, Tierrasanta and Torrey Hills. Abstentions: Uptown.

Eric Germain moved that the CPC approve the Bylaws as prepared by the CPC Bylaws Subcommittee, with amendments and changes as revised by the CPC. The motion was seconded and approved by a vote of 27-0-1. Leo Wilson abstained.

7. **REQUESTS FOR ITEMS TO BE PLACED ON THE FEBRUARY AGENDA:**

1. Morton Printz discussed planning for north-south connectors between SR-56 and the planned widening of I-5 to accommodate four managed lanes and the lack of noise barriers on our freeways. Mr. Printz reported that Torrey Pines' board has voted strongly against it. The most recent account from the Steering Group, was that by widening the freeway and raising the roadways, it could potentially take 30 plus homes out of the area and impact

another 200-300. This issue crosses to the other planning groups neighboring Torrey Pines as well. Mr. Printz would like CPC to take this issue under consideration. It was moved and seconded to place the item on the February agenda for discussion. The motion was approved 16-2-1. Opposed: Greater North Park and Miramar Ranch North. Abstention: Uptown.

2. Reynaldo Pisano said that there is concern of the financial impact on the historical districts affected by the recent proposed Mills Act changes. Mary Wright said Historical Resources staff is prepared to come to the next CPC meeting to give an update on the proposed policy changes. The item will be placed on the February agenda as an action item.

The committee discussed policy as it relates to members placing items on the agenda. Leo Wilson said the current CPC Bylaws state that if a request is made 15 days prior to the meeting, it is placed on the agenda as a matter of right. At the actual meeting, the committee can then vote on whether it wants to hear the matter and when to hear the matter.

Chair Leo Wilson recommended the elimination of the 15-day, by-right rule. Mr. Wilson suggested that member requests be placed on the agenda so that they can be scheduled, during the meeting, for a future agenda. Mike Freedman and other CPC members were of the opinion that items should be placed on the agenda at the Chair's discretion.

Matthew Adams moved that we retain the rule, so that a member can request an item be placed on the agenda for discussion, if the item is presented 15 days prior to the meeting.

Rocky Sgro made a substitute motion that not only should the 15-day in advance provision be applied, but that the right to put a member request on the agenda should be left to the discretion of the Chair. The substitute motion failed by a vote of 7-19-2. Opposed: Carmel Mountain Ranch, Carmel Valley, Clairemont Mesa, Eastern Area, Greater Golden Hill, Greater North Park, Kensington/Talmadge, La Jolla, Midway, Mira Mesa, Miramar Ranch North, Navajo, Ocean Beach, Rancho Bernardo, Rancho Penasquitos, Serra Mesa, Skyline/Paradise Hills, Southeastern San Diego and Torrey Hills. Abstentions: Tierrasanta and Uptown

Tracey Reed moved to amend the original motion to state that requests that are to be placed on the agenda will be made at the discretion of the CPC executive board, and are appealable to the full CPC.

Matthew Adams stated that he did not expect his original motion to open up dialogue for creative solutions to solve a problem that doesn't really exist. Mr. Adams withdrew his motion.

Mr. Germain said he would like to bring forth a motion at the next meeting to reconsider the CPC approval of the General Plan. Mr. Germain moved to place this item on the February agenda as an action item. The motion was seconded and approved 12-11-0. Opposed: Carmel Valley, Greater Golden Hill, Kensington/Talmadge, La Jolla, Linda Vista, Midway, Mira Mesa, Miramar Ranch North, Ocean Beach, Otay Mesa/Nestor and Torrey Hills.

It was moved by Eric Germain, seconded by Mike Freedman and unanimously approved to extend the meeting until 9:15.

8. CPG BYLAW UPDATE PROCESS: Deputy City Attorney, Marianne Greene reported on where each CPG stands in the current Bylaws Update process. Those Bylaws with minor deviations may be administratively approved. Ms. Greene would like to meet with those CPGs that had obvious, intentional and substantial deviations throughout their document, in order to have a good understanding of the intention, prior to that group going to City Council. For those groups whose Bylaws are pending review, it is due to the document being received in the last week or two.

9. REPORTS TO CPC:

- Staff Report – Mary Wright reminded members to submit their annual reports by the end of March.
- Subcommittee Reports – No report.
- Chairperson’s Report – No report.
- CPC Member Comments – None.

It was moved and seconded to adjourn the meeting. The meeting was adjourned by Leo Wilson at 9:15 p.m.

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