



Draft MINUTES for the Joint Meeting of the
Tierrasanta Community Council and Planning Group
Wednesday, August 3, 2021 • 6:30pm
Tierrasanta Recreation Center,
11220 Clairemont Mesa Blvd.
San Diego, CA 92124
www.tierrasantacc.org

Due to the Covid-19 pandemic, this meeting was held via videoconferencing. Information about meeting access was provided on the agenda and posted/ distributed according to civil code.

The Tierrasanta Community Council and Planning Group meets generally in the following months: January, February, March, April, June, July, September, and October. Additional meetings may be called on an as needed basis. In order to be eligible for election to the Planning Group, a member must have attended a minimum of one meeting prior to the last day of January of the prior year and his/her attendance noted either via sign-in sheet or referenced in the minutes for a specific meeting.

Attendance:

Directors:

1. Area 1: Mike Ogilvie	P	12. Area 4: Kathleen Mueller	P
2. Area 1: John Adair	P	13. Murphy Canyon: Kelly Kolterman-Brown	A
3. Area 1: Emily Whittemore	P	14. Murphy Canyon: Michael Ferrell	P
4. Area 2: Vince DelPidio	P	15. Murphy Canyon: (vacant)	-
5. Area 2: (vacant)	-	16. Commercial: Chris Shamoon	P
6. Area 2: Rich Thesing	P	17. Village @ MV: (vacant)	-
7. Area 3: Robert Lang	P		
8. Area 3: Don Chick	P		
9. Area 3: Jonathan Schwartz	P		
10. Area 4: (vacant)	-		
11. Area 4: (vacant)	-		

Non-Voting Positions:

Canyon Hills HS: Kate Chasin A

6:35pm *Pledge of Allegiance; Present members introduced themselves; Twelve members present and a quorum was determined. Acting President Chris Shamoon conducted the meeting and gave notice that the meeting was being recorded to ensure proper minutes.*

Convene a joint meeting of the Tierrasanta Community Council and Planning Group, a City of San Diego recognized planning group, and the Tierrasanta Community Council, a 501(c)4 community association.

President: (vacant)
Vice President: Vince DelPidio
Treasurer: Mike Ogilvie
Secretary: Chris Shamoon

Item A: Agenda Review/Requests for Continuance/Additions to the Agenda

There were no comments made with regard to the agenda.

Action Item 1: Approval of the Draft Minutes for the June 16, 2021 Joint Meeting of the Tierrasanta Community Council and Planning Group.

Motion to approve by Rich Thesing second by Jonathan Swartz and passed unanimously with the addition from Jonathan Schwartz that he abstained because he did not have enough information for to vote on the Serra High School renaming.

Info Item 1: Updates by Government Representatives (limited to 2 minutes each)

- Fire Station 39 (Tierrasanta/Murphy Canyon): <http://www.sandiego.gov/fire>
- Police Department (Eastern Division): Community Service Officer Dave Gibson, 858-495-7919 dkgibson@pd.sandiego.gov
- U.S. Congressman Scott Peters: 858-455-5550 Juan Hernandez Juan.Hernandez@mail.house.gov
- State Senator Toni Atkins: 619-645-3133 Diana Lara Diana.Lara@sen.ca.gov
- Assembly Member Brian Maienschein: 858-675-0077 Rik Hauptfeld Rikard.Hauptfeld@asm.ca.gov
 - Legislature is on recess until August 16
 - Grants were successfully secured.
- Assembly Member Dr. Akilah Weber: 619-462-7878 Ariel Gibbs
 - New in office.
 - Working on EDD unemployment benefits.
 - Back to School Forum was held to explain about Covid-19 changes.
 - Available on website and Facebook.
 - \$2.3M in Budget from CA for the district
 - August 14 from 10am – 9pm: 9th annual backpack giveaway
 - 1,000 backpacks!
 - Covid tests on site
 - Completely free
- County Supervisor Terra Lawson-Remer: 619-531-5533 Evelyn Andrade 858-289-9195 Evelyn.andrade@sdcounty.ca.gov
- Mayor Todd Gloria: Matthew Griffith GriffithM@sandiego.gov
- City Councilmember Raul Campillo: Vic Vettiyil 619-236-6749 vvettiyil@sandiego.gov
 - Libraries
 - After both Council and public input during the Budget Review Committee, the Mayor restored \$6 million and 54 full time staff members to the library's operating budget.
 - Branches will first operate on a Monday-Saturday schedule.
 - The Tierrasanta Library is now open, Mon/Tue: 11:30-8PM; Wed-Sat: 9:30-6PM Sun Closed.
 - Sunday hours will be phased during the year when more staff comes onboard.
 - Street Resurfacing
 - In June the Council approved \$27 million for slurry seal, including Santo from Aero to Tierrasanta Boulevard, Pavo Real Drive, Joyas Court, Cascada Way, and more.
 - Rueda Drive is slated for paving and construction next month and I know Amaro is slated for September.
 - The Councilmember has asked that thoroughfares that countless of District

- 7 residents use daily be prioritized for full overlay, which would rebuild the entire 2-3 inches of pavement, includes Clairemont Mesa Drive and the Via Dominique area.
 - The Councilmember was also able to advocate for \$700,000 for an updated street condition assessment that has not been updated since 2016.
 - This is extremely valuable since paving projects largely get prioritized based on what score a certain street has in the City's Overall Condition Index. A lot of wear and tear has taken place since 2016, so this will help us prioritize the streets that really need some extra love.
 - Wildfire Protection
 - Tierrasanta has a lot of open space and it is important for me that our neighborhoods are safe from wildfire hazards
 - The Councilmember requested, and secured the addition of \$350,000 for Fire-Rescue helicopter maintenance that will increase the Department's capacity in their response to wildfires.
 - The Council was also able to add \$900,000 to the proposed tree trimming budget specifically for shade tree trimming, and an additional \$328,000 for brush management to prevent reductions to service levels.
 - SDG&E Franchise Agreement
 - As part of the franchise agreement that the City negotiated with SDG&E that the Councilmember advocated for accelerated undergrounding in our District 7 communities, as well as wildfire safety provisions.
 - SDG&E has agreed to provide fire-fighting air resources and investigate the deployment of weather stations and other tools that help collect data that informs their fire risk index.
 - This real-time data that helps our Fire Rescue Department monitor canyons and create additional situational fire awareness is very valuable for District 7.
 - Mission Trails Regional Park
 - Our office has proudly stood with the Lenail family in their pursuit of a bridge at the Mission Trails Regional Park.
 - The family's fundraising efforts have been truly amazing and I admire the perseverance they are demonstrating to complete this project.
 - Our office wants to give a huge shout out to Senate President Pro Tem Toni Atkins, who was able to secure \$1.5 million in the just-signed State budget toward the Mission Trails Regional Park Foundation to close the funding gap needed to install a pedestrian and bicycle crossing Bridge for Max.
- Serra High School Principal Dr. Erica Renfree 858-496-8342 erenfree@sandi.net
- Board of Education: Board Member Kevin Beiser 619-838-5274 kbeiser@sandi.net
- City Attorney's Office: Ann Marie Council 619-533-6205 ACouncil@sandiego.gov
- MCAS Miramar: Kristin Camper 858-577-6603 kristin.camper@usmc.mil
- City Planning Department: Lesley Henegar. (619) 235-5208 LHenegar@sandiego.gov
- Tierrasanta Library: Librarian Judy Cunningham 858-573-1384
JCunningham@sandiego.gov 4985 La Cuenta Blvd

Info Item 2: Non-Agenda Public Comment: limited to 2-minutes each

Bob Lang commented that the Covid-19 variants are affecting both vaccinate and unvaccinated people of various ages.

Sharla Hank, Area 4 Resident, is curious how business locations are filled in Tierrasanta. She also

offered her services for ADA concerns in the community.

John Adair thanked Chris Shamoon for stepping into the President's role.

Action Item 2: Assigning new leadership after the resignation of President Steve Muckle

Rich Thesing moved and Vince DelPidio seconded that Chris Shamoon should be named President.

The Secretary will become vacant.

Action Item 3: Nominations for the vacancy in Area 4 after Steve Muckle's resignation

None

Action Item 4: Purchase Pro Zoom account for another year.

Emily Whittemore and Donald Chick offered their accounts in lieu of paying for a zoom account.

Vince DelPidio made a motion and Mike DelPidio seconded to purchase a Zoom account if necessary to hold the next meeting. Passed Unanimously.

Action Item 5: Request to join lawsuit: Cox, et al. v. Dr. Renfree, et al.

Emily Whittemore moved and Bob Lang seconded to NOT join the lawsuit after Emily Whittemore's following statement:

"I believe the lawsuit in question is political in nature and being a non-political body, the TCC should refrain from joining this lawsuit on the grounds that it would violate several sections of our Bylaws.

Article I, Section 5 states, "The official positions and opinions of the Tierrasanta Community Council shall not be established or determined by any organization other than the planning group..."

Article II of the Tierrasanta Community Council Bylaws, which outlines the Purpose of Community Planning Group and General Provisions, also states:

*Per Article II, Section 1 of the TCC Bylaws, "The Tierrasanta Community Council has been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies **on land use matters**, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to the Tierrasanta community boundaries."*

Per Article II, Section 3 of the TCC Bylaws, "All activities of the Tierrasanta Community Council shall be nonpartisan and nonsectarian..."

I have read the lawsuit in its entirety, all 175 pages of the complaint, and there are several items that illustrate it is both partisan and sectarian in nature.

In addition to the Bylaws issues, we must consider the fact that the TCC does not have D&O insurance. We are indemnified but the city, meaning we would be defended by the City Attorney's office should TCC ever get sued. But they will not

represent us in this lawsuit and they would not defend us in a countersuit that could arise from joining this one.

Furthermore, if the TCC joined the lawsuit we would be subject to discovery, depositions, and other motions that would require us to retain an attorney to respond. We don't have any guarantees from the plaintiffs' attorneys doing pro bono work and we don't have any funding to retain counsel."

Michael Ferrell, as a former attorney, advised that it is a liability to joining the lawsuit and vote after hearing public comment. Vince DelPidio also mentioned that because of the way we are organized as a Community Planning Group, it is a bad idea to join the lawsuit. Mike Ogilvie agreed that the lawsuit can go along without the TCC and we should not be involved.

Bob Lang made the following statement: "

Thank you for your interest. I have received requests to vote both "for" and "against." I'll explain my position for tonight's discussion.

We have been residents (homeowners) here since 1977, except for some time when the Navy sent me elsewhere. All FIVE of our children are graduates of Serra H.S.

I signed the petition to halt the renaming. I made the TCC motion in June to send the letter to the SDUSD Board to re-do the proceeding. I hope the lawsuit produces action by the Board.

That said, I am against the TCC joining the lawsuit because:

- It's inappropriate
- It may be illegal for the TCC to join any lawsuit. We should delay if we are unsure about legal standing.
- Even if legal, the TCC should not join any lawsuit that does not directly involve the TCC.

The TCC should not join this particular lawsuit because:

- The TCC already sent a letter to the SDUSD board requesting the same action as the lawsuit - redo the process.
- The TCC vote and letter was about the community being left out and re-doing the process. The lawsuit adds significant info about Father Serra and puts great emphasis on keeping the name unchanged.
- The community is not unanimous in opposing the name change. The TCC vote was not unanimous. The TCC, representing the entire neighborhood, should not be seen taking sides in a divisive issue.
- The lawsuit contains some untoward language and accusations regarding certain individuals that will likely cause long term resentment. The TCC should not be associated with that.

This is my personal opinion after reading the lawsuit.

John Adair has concerns about it being legal to join the lawsuit and that is what is prohibiting him from joining the lawsuit. Otherwise he, Bob Lang, Rich Thesing, and Chris Shamoon agree that the school board was wrong in doing what they did and are hopeful for a successful lawsuit. Jonathan Schwartz and Don Chick commented that our personal opinions are not at play here and that it is not the role of the TCC to join a lawsuit as a co-plaintiff.

In Favor: Mike Ogilvie, Emily Whittemore, Vince DelPidio, Robert Lang, Donald Chick, Jonathan Schwartz, Kathleen Mueller, and Michael Ferrell

Against: John Adair, Rich Thesing, and Chris Shamoan

Residents spoke requesting the TCC to join the lawsuit: 5

Residents spoke requesting the TCC to refrain from joining the lawsuit: 4

Info Item 3: Reports from Committee and Community Liaisons

- *Tierrasanta Community Development Committee: **Wayne Holtan**, Bill Reschke, John Hopper, Mary Saxton, Mike Ogilvie, John Adair, Rich Thesing,*
- *Elections: **Emily Whittemore**, Jonathan Schwartz, Kelly Kolterman-Brown, Hani Shatila*
- *Annual Recognition: **Chris Shamoan**, Emily Whittemore, Dawn Nielsen-Lostritto*
- *Bylaws Committee: John Denune, Deanna Spehn, Mike Ogilvie, Mary Saxton, Emily Whittemore*
- *Communications Committee: **Bob Lang**, Don Chick, John Denune*
 - *Website needs to be redone.*
- *Concerts in the Park Committee: **Dawn Nielsen-Lostritto, Jan Whitacre**, John Farmer, Cathay Newcomb*
- *Vision & Goals Committee: **Bob Lang**, Don Chick*
 - *Website needs to reflect the Vision & Goals*
- *Canyon Hills High School: Kate Chasin*
- *Community Planners Committee: **Emily Whittemore**, Vince DelPidio*
 - *Updates to on pedestals in a public right of way*
 - *Airport overlay process update*
 - *Neighbors for a better San Diego presented information.*
 - *Parks Master Plan*
 - *Meetings must be in person starting in October*
- *Miramar Community Leaders Forum: **Mike Ogilvie**, Don Chick*
 - *Quarterly meeting not yet scheduled.*
- *Tierrasanta Recreation Council Liaison: Rich Thesing*
 - *Rec. center open*
 - *Pool open*
 - *Parking in red zone is a problem*
- *Mission Trails Regional Park Liaison: Rich Thesing and Betty Ogilvie*
 - *Bridge is almost funded*
- *San Diego River Coalition: Rich Thesing and Dawn Nielsen-Lostritto*
- *Rock Quarry Conditional Use Permit: Rich Thesing and Kathleen Mueller*

Adjournment:

Motion to adjourn by Chris Shamoan seconded by Rich Thesing and, there being no further business the meeting adjourned at 8:25pm.

The next regular meeting will be 6:30 pm Wednesday, October 20, 2021.

Attachments can be found associated with the August 3, 2021 Agenda on TCC website.

<http://www.tierrasantacc.org/2021-tcc-agendas-and-minutes>