



La Jolla Community Planning Association

Regular Meetings: 1st Thursdays La Jolla Recreation Center, 615 Prospect Street

Contact Us

Mail: PO Box 889, La Jolla, CA 92038

Web: <http://www.LaJollaCPA.org>

Voicemail: 858.456.7900

Email: info@LaJollaCPA.org

President: Joe LaCava

Vice President: Bob Steck

2nd Vice President: Patrick Ahern

Secretary: Helen Boyden

Treasurer: Nancy Manno

Final Minutes

Regular Meeting | Thursday, 4 September 2014, 6:00 pm

Held at Cuvier Club, 7776 Eads Avenue, La Jolla, CA

Trustees present: Patrick Ahern, Cynthia Bond, Helen Boyden, Bob Collins, Mike Costello, Dan Courtney, Janie Emerson, Cindy Greatrex, Joe LaCava, Robert Mapes, Phil Merten, Jim Ragsdale, Bob Steck, Ray Weiss, Rob Whittemore, Fran Zimmerman

Trustees absent: Nancy Manno, Alex Outwater

1.0 Welcome and Call To Order: Joe LaCava, President at 6:02 PM

He asked that cell phones be turned off and announced that the meeting was being recorded. He thanked Zapher Dajani for letting the LJCPA use this space while the Rec Center flooring was being replaced. Water and coffee had been provided. He also stated that according to the City Attorney's new direction any materials sent to him had been distributed to the other trustees and hard copies were in the three- ring binder on the sign-in table.

2.0 Adopt the Agenda

In reference to the failed motion below, **Members Michael Morton and Kimberly and Bob Whitney and Trustee Steck** spoke against the delay. In response to comments by **Trustees Whittemore and Weiss** that much material had been received too late for thorough review, **President LaCava** said that he was following the direction of the **City Attorney** issued on or about July 23rd, and in any event prior to the August 7th meeting, and that it was not a requirement to include late submitted material in the agenda packet. In response to several queries, he stated that he was not going to retroactively post material submitted prior to July 23rd, but such material is kept in the Secretary files.

Trustee Costello and Members Odile Costello and Peggy Davis also commented.

Failed Motion: To modify the agenda by continuing items 14, 15 and 16 to the October meeting. (Whittemore, Weiss: 7-8-0) (The chair voted to break a tie.)

In favor: Bond, Collins, Costello, Emerson, Greatrex, Weiss, Whittemore

Opposed: Ahern, Boyden, LaCava, Mapes, Merten, Ragsdale, Steck, Zimmerman

Approved Motion: To adopt the agenda as published (Steck, Ahern: 9-5-1)

In favor: Ahern, Boyden, Mapes, Merten, Ragsdale, Steck, Weiss, Whittemore, Zimmerman

Opposed: Bond, Collins, Costello, Emerson, Greatrex

Abstain: LaCava (Chair)

3.0 Meeting Minutes Review and Approval: 7 August 2014

Approved Motion: To accept the minutes of 7 August 2014 as corrected (Steck, Greatrex: 11-0-4)

In favor: Bond, Boyden, Collins, Costello, Emerson, Greatrex, Mapes, Steck, Weiss, Whittemore, Zimmerman

Abstain: LaCava (Chair), Ahern, Merten, Ragsdale (all absent)

4.0 Elected Officials – Information Only

4.1 Council District 1 – Council President Pro Tem Sherri Lightner

Rep: **Justin Garver**, 619-236-6611, JGarver@sandiego.gov reported that the City was working with the La Jolla Shores community on the scheduling of the work on Avenida de la Playa that will result in the street being closed for several months. Installation of Deco-Bikes in La Jolla will not be included in the first city-wide rollout this fall. The city is reevaluating the need for retreatment of the rocks off La Jolla Cove to alleviate the odor problem. He took under advisement the suggestion of **Trustee Whittemore** to have the La Jolla Shores street construction project apply for permits for night work.

4.2 Mayor's Office – Mayor Kevin Faulconer

Rep: **Francis Barraza**, 619-533-6397, FBarraza@sandiego.gov was not present

4.3 39th Senate District – State Senator Marty Block

Rep: **Allison Don**, 619-645-3133, Allison.Don@sen.ca.gov reported that the state legislature finished its work for this session on August 31st. Bills passed had either been signed, vetoed by the Governor or were awaiting his action. **Senator Block** had successfully sponsored a bill to allow California Community Colleges to award BA degrees to meet workplace needs. His bills to improve oversight and regulation of residential care facilities are awaiting action by the Governor. She also mentioned legislature passage of a \$7 billion water bond which will be submitted to the voters as Proposition No. 1 on the November ballot. Ms. Don will be leaving Senator Block's office to take a position with Councilmember Sherri Lightner's office.

4.4 78th Assembly District – Speaker of the Assembly Toni Atkins

Rep: **Toni Duran**, 619-645-3090, Toni.Duran@asm.ca.gov was not present

5.0 Non-Agenda Comment

Opportunity for the public to speak on matters not on the agenda & within LJCPA jurisdiction, 2 minutes or less.

5.1 UCSD - Planner: Anu Delouri, adelouri@ucsd.edu, <http://commplan.ucsd.edu/> said the monthly update available at the website featured 13 projects in the plan and design phase and 14 other small projects. Most projects are in the east campus and she will be bringing more details on projects when they are coming up for environmental review.

5.2 – Member Tim Lucas announced the upcoming meeting of the LJSA (www.ljsa.org) on Wednesday September 10. On the agenda will be discussion of the upcoming RFP for 4-year kayak rental contracts. Police will be on hand to discuss problems at Kellogg Park. The North Comfort Station is now open. The Veterans' Association will be holding its annual sports clinic for disabled veterans at the park.

Member Sally Miller complained about breathing problems caused by tour buses in front of Laureate Park leaving their engines running all day. **President LaCava** noted that this was a violation of the vehicle code and should be reported to the police.

Member Peggy Davis was dissatisfied with President LaCava's response to her letter to him about the qualifications for election as a LJCPA trustee. He had cited the provisions in the bylaws. **President LaCava** noted that Member Davis did not reference his two subsequent emails clarifying his position. She also stated she had forwarded a complaint to Senior Planner Lesley Henegar that had not been forwarded on to President LaCava as expected.

Applicant Katherine Kennedy criticized the delays to her project at 604 Gravilla (approved on consent in August 2014) caused by some members of the DPR committee with personal positions not related to recognized community issues. She asked for changes in the process and offered several recommendations for committee training and methods of informing applicants of criteria used in project evaluation. President LaCava will take her comments under advisement.

Member Michael Morton stated that he has had a longstanding dispute with Peggy Davis with respect to the Gatto project; that several City agencies had verified conformance with regulations; and that he stands by his statements with respect to the project.

Member Kim Whitney stated that persons criticizing projects should verify their facts and that Ms. Davis had criticized the Whitney project inaccurately.

6.0 Trustee Comment

Opportunity for trustees to comment on matters not on the agenda and within LJCPA jurisdiction, two minutes or less.

Trustee Whittemore read from the City policy on indemnification of the CPGs, a hardworking group of volunteers.

Trustee Ahern inquired about the disposition of a letter Mr. Whitney had written to the LJCPA prior to the April meeting. **Trustee Boyden** stated that the letter had been included in the Public Document binder at the April 3, meeting and was a part of the permanent record of the LJCPA.

President LaCava stated that this was according to protocol.

Trustee Boyden noted that the changes to City Policy 600-24 reviewed at the March 2014 LJCPA meeting were expected to be heard at the City Council during the month of October and that individuals or the LJCPA might want to comment on it. If the LJCPA wanted to revisit the issue with respect to the current situation with our bylaws, the LJCPA would need to place it on the agenda in October.

Trustees Collins and Whittemore stated that newly elected trustees were not seated at the beginning of the August meeting as was done in April as provided in the Bylaws for regular elections. **President LaCava** stated that these were extraordinary circumstances due to the ongoing controversy over the March elections and the trustees are mistaken as the bylaws do not specify the timing to seat candidates in special elections. The trustees had no reply to this correction.

7.0 Officers' Reports

7.1 Secretary

Trustee Boyden stated that if you want your attendance recorded today, you should sign in at the back of the room. There are two sign-in lists: one for LJCPA members and a yellow one for guests.

LJCPA is a membership organization open to La Jolla residents, property owners and local business owners at least 18 years of age. Eligible visitors wishing to join the LJCPA need to submit an application, copies of which are available at the sign-in table or on-line at the LJCPA website: www.lajollacpa.org/. We encourage you to join so that you can vote in the Trustee elections and at the Annual Meeting in March.

You are entitled to attend without signing in, but only by providing proof of attendance can you maintain membership or become eligible for election as a trustee. You may document your attendance by signing in at the back, providing the Secretary before the end of the meeting a piece of paper with your printed full name, signature and a statement that you want your attendance recorded, or providing independently verifiable proof of attendance.

You can become a Member after attending one meeting and must maintain your membership by attending one meeting per year. To qualify as a candidate in an election to become a Trustee, a Member must have documented attendance at three LJCPA meetings in the preceding 12-month period.

Please note that members who failed to attend a meeting between March of 2013 and February 2014 (and similar for all time periods) have let their membership lapse and will need to submit another application to be reinstated

7.2 Treasurer

President LaCava presented the treasurer’s report which had been prepared by **Treasurer Nancy Manno**. He reminded trustees and attendees that collections at the meetings are the only source of income for the LJCPA and that all contributions must be in cash. He thanked the members for their generosity in supporting the organization.

Beginning Balance as of 8/01/14	\$ 24.76	
Income		
Collections	\$ 239.00	
CD sales	5.00	
Total Income	\$ 244.00	\$268.76
Expenses,		
Agenda Printing	\$ 92.37	
Telephone	51.47	
Total Expenses	\$243.84	(243.84)
Ending Balance as of 8/31/14	\$ 24.92	\$ 24.92

8.0 President’s Report – Information only unless otherwise noted.

8.1 Planned District Ordinance Appointment – not as yet

8.2 Short-term Vacation Rentals - Committee recommendations will be considered at **Oct 2nd** LJCPA meeting

8.3 Boffo Cinemas La Jolla – They already had their permit and elected not to return to the LJCPA

8.4 Whale Watch Way Residence – Planning Commission Appeal Hearing, Sept 25, 9am- LJCPA will be represented by **Trustee Merten**.

8.5 City’s Bike Sharing Program will not include La Jolla in initial launch.

8.6 La Jolla Shores Sewer & Water – Working with City to resolve merchant concerns as discussed by CD1 rep Justin Garver and LJSA Chair Tim Lucas

8.7 New Community Planner starting Sep 8th: Karen Bucey, KBucey@saniego.gov, 619-533-6404. The chair expressed the LJCPA’s appreciation to outgoing LJ Planner Lesley Henegar for her years of service.

9.0 REPORTS FROM AD HOC and NON-LJCPA COMMITTEES - Information only

9.1 Community Planners Committee

<http://www.sandiego.gov/planning/community/cpc/index.shtml> did not meet.

9.2 Coastal Access & Parking Board <http://www.lajollacpa.org/cap.html> **Board Chair Deborah Marengo** stated that the Coastal Commission is never going to release the funds allocated in the MOU of 30-odd years ago for any purpose other than a parking shuttle. That money would only fund a shuttle for a year or two and there are no other sources of funds to continue it. A long shot would be to ask Councilmember Sherri Lightner’s office to expedite an update to the La Jolla Community Plan, but there would be no guarantee of a change in the Coastal Commission’s position.

10.0 CONSENT AGENDA – Ratify or Reconsider Committee Action

The Consent Agenda allows the Trustees to ratify actions of our joint committees and boards in a single vote with no presentation or debate. The public may comment on consent items.

- Anyone may request a consent item be pulled for full discussion by the LJCPA
- Items “pulled” from Consent Agenda are automatically trailed to the next LJCPA meeting.
- See committee minutes for description of projects, deliberations and vote.

PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2nd Mon, 4pm

DPR – Development Permit Review Committee, Chair Paul Benton, 2nd & 3rd Tues, 4pm

PRC – LJ Shores Permit Review Committee, Interim Chair Phil Merten, 4th Tues, 4pm

T&T – Traffic & Transportation Board, Chair Todd Lesser, 4th Thurs, 4pm.

T&T – No Meeting in August

10.1 COLDWELL BANKER, 848 Prospect

PDO Motion: **Approve** the replacement awnings and new signage on condition that the protruding flags are removed. 7-0-0.

10.2 ZAVARO RESIDENCE, 1994 Via Casa Alta

DPR Motion: Findings **CAN** be made for a Coastal Development Permit and SDP for construction of a new 4,843 square foot, two-story above basement, single family residence, with 2,491 square feet of exterior deck areas, including a pool and spa, on a vacant 22,291 square foot lot located at 1994 Via Casa Alta. 5-0-0.

10.3 BUCKINGHAM RESIDENCE CDP, 1545 Buckingham Drive

DPR Motion: Findings **CAN** be made for a Coastal Development Permit to demolish an existing single family residence and construct a 8,499 single family residence with a companion unit and accessory structures at 1545 Buckingham Drive. 6-0-1.

10.4 MCCLELLAND RESIDENCE, 8352 La Jolla Shores Drive (Pulled by Trustee Courtney)

PRC Motion: Findings **can** be made for a Coastal Development Permit and a Site Development Permit for project #355787, 8352 La Jolla Shores Drive. 4-3-0.

10.5 LAMBERT FELICE RESIDENCE, 2382 Via Capri Court

PRC Motion: Findings **can** be made for a Coastal Development Permit and a Site Development Permit for project No. 288444, 2382 Via Capri Court. 7-0-0.

10.6 STYLLI RESIDENCE, 2452 Paseo Dorado

PRC Motion: Findings **can** be made for a Coastal Development Permit and a Site Development Permit for the remodel of the property at 2452 Paseo Dorado, Project No. 374040. 7-0-0.

Item 10.4 McClelland Residence was pulled for a full hearing at the October meeting by Trustee Courtney, due to the closeness of the vote; the applicant had been advised that this was likely.

Approved Motion: To accept the recommendation of the PDO Committee for 10.1 Coldwell Banker, 848 Prospect to approve the replacement awnings and new signage on condition that the protruding flags are removed; to accept the recommendations of the DPR Committee for 10.2 Zavaro Residence, 1994 Via Casa Alta that the Findings **CAN be made for a Coastal Development Permit and SDP for construction of a new 4,843 square foot, two-story above basement, single family residence, with 2,491 square feet of exterior deck areas, including a pool and spa, on a vacant 22,291 square foot lot located at 1994 Via Casa Alta and 10.3 BUCKINGHAM RESIDENCE CDP, 1545 Buckingham Drive that the findings **CAN** be made for a Coastal Development Permit to demolish an existing single family residence and construct a 8,499 single family residence with a companion unit and accessory structures at 1545 Buckingham Drive; and to accept the recommendations of the PRC that for 10.5 LAMBERT FELICE RESIDENCE, 2382 Via Capri Court that the findings **can** be made for a Coastal Development Permit and a**

Site Development Permit for project No. 288444, 2382 Via Capri Court and 10.6 STYLLI RESIDENCE, 2452 Paseo Dorado that the findings can be made for a Coastal Development Permit and a Site Development Permit for the remodel of the property at 2452 Paseo Dorado, Project No. 374040 and forward the recommendations to the City. (Merten, Collins: 15-0-1)

In favor: Ahern, Bond, Boyden, Collins, Costello, Courtney, Emerson, Greatrex, Mapes, Merten, Ragsdale, Steck, Weiss, Whittemore, Zimmerman
Abstain: LaCava (Chair)

11.0 57TH ANNUAL LA JOLLA CHRISTMAS PARADE, STREET CLOSURES – Action Item

Proposed street closures and detour plans for 1st Saturday in December in support of parade. Closures, detour plans same as last year.

*Previous Action by LJCPA (Aug '14): Pulled from Consent Agenda by Trustee Zimmerman
Previous Action by T&T (Jul '14): Motion to approve. 7-0*

Presented by **Warren Heenan, Equestrian Coordinator** for the LJ Christmas parade and also of the subcommittee that deals with the City agencies. His map diagrammed the parade route and the projected street closures—the same locations for the past six years or so. Closure times begin at 10 AM and 12 noon and all streets will be cleaned and reopened by 5 PM.

Member Tom Brady of the T&T Committee said some parties wished to emphasize inclusiveness and diversity, but the San Diego Human Relations Committee has been quoted as saying the only issues for special events were public safety and health.

Member Tim Lucas stated that the only issues was street closures and anything else was off-topic.

In response to a query from **Keith Wahl**, it was established that this was sponsored by a private organization and no City funds were used. There was possibly a donation from County Supervisor Ron Roberts. Later a query from **Trustee Merten** established that the parade organizers did not discriminate against any potential parade participants.

Howard Singer felt that a private organization was doing this without consulting others; it was not appropriate to close the streets.

SDUSD Superintendent Cindy Marten stated the SDUSD encouraged inclusiveness and diversity. She noted the participation of public school children in the parade and suggested that students could participate in choosing a new name for the parade. If the name was not changed SDUSD might reevaluate the participation of its students in the parade.

Trustee Zimmerman stated that she pulled the item because it was for a street closure for an event that had a contentious name and it was an opportunity to delay street closure approval until the parties can get together to change the name and endorsed the position of Supt. Marten.

Trustee Weiss had been opposed to the name because it represented the town and some in the town do not celebrate Christmas and spoke to the intransigence of the people organizing the parade on this question.

Trustee Greatrex explained that the separation from the LJTC was for tax reasons.

Trustees Boyden and Whittemore spoke against the street closures.

Trustees Weiss and Courtney referred to street closures for Mary Star of the Sea and Car Shows, respectively.

Trustees Ahern, Bond, Courtney and Emerson stated that as agendaized this should be considered solely as a traffic and transportation matter.

Failed Motion: To not approve the street closures in the hope and expectation that there will be collaboration with the sponsors of the event to change the name. (Zimmerman, Whittemore: 5-9-2)

In favor: Boyden, Mapes, Weiss, Whittemore, Zimmerman

Opposed: Ahern, Bond, Collins, Courtney, Emerson, Greatrex, Merten, Ragsdale, Steck

Abstain: LaCava (Chair), Costello (doesn't want to make emotional decisions for the public)

Approved Motion: To approve the street closures for the Annual La Jolla Christmas Parade. (Steck, Collins: 10-5-1)

In favor: Ahern, Bond, Collins, Costello, Courtney, Emerson, Greatrex, Merten, Ragsdale, Steck
Opposed: Boyden, Mapes, Weiss, Whittemore, Zimmerman
Abstain: LaCava (Chair)

12.0 AMENDMENT TO EXISTING VALET PARKING PERMIT LOCATED NEAR EDDY V'S TO EXTEND SATURDAY AND SUNDAY HOURS, 10:30 AM TO 11:30 PM – Action Item

Proposed amendment which would extend operation hours to start at 10:30 am on Saturdays and Sundays. T&T action based on applicant agreeing to additional requirements.

Previous Action by LJCPA (Aug '14): Pulled from Consent Agenda

Previous Action by T&T (Jul '14): Motion to approve, 7-0

Presented by **Deborah Marengo** who stated that Eddie V's had returned to T&T, having agreed to include on their signs "Public Welcome" and have all Ace employees sign an affidavit that they would agree to all provisions of the SDMC. Marengo-Morton offered to process the permit renewal for the applicant. In response to various questions, it was stated that the reason for the increase in Saturday and Sunday hours was that the restaurant was now open for lunch on those days; that even when the valet parking was not in effect, parking by the white-painted curb was time limited for passenger loading; valet parkers used to pay garages; permits are renewed by the City on an annual basis without community review, only constrained by public complaints against the valet parkers.; George's has given up the two spaces required by the initial permission for Eddie V's to get the spots.

Trustee Zimmerman, who pulled the item, stated that she wished for more uniformity in the signs for aesthetic reasons.

Trustee Courtney stated that there had been previous interest at T&T in reviewing the whole subject of valet parking; that there were now more valet spaces on Prospect than public parking and these pay spaces took away from free parking spaces.

Members Tom Brady and **CA Marengo** also spoke to the issue.

President LaCava obtained confirmation that the valet sign did not block sightlines down the scenic view corridor.

Approved Motion: To approve the extension of the Valet Parking hours at Eddy V's on Saturdays and Sundays to 10:30 AM to 11:30 PM. (Weiss, Mapes: 13-2-1)

In favor: Ahern, Bond, Boyden, Collins, Costello, Emerson, Greatrex, Mapes, Merten, Ragsdale, Steck, Weiss, Whittemore
Opposed: Courtney, Zimmerman
Abstain: LaCava (Chair)

13.0 GEORGE'S AT THE COVE CDP, 1250 Prospect Street – Action Item

(Process 3) Coastal Development Permit to increase a roof dining terrace by 550 square feet by converting other roof area to dining terrace at 1250 Prospect Street located in the La Jolla Planned District-1A zone of the La Jolla Community Plan area and Coastal (appealable and non-appealable) Overlay Zone.

*Previous Action by DPR (Aug '14): Findings **CAN** be made for a Coastal Development Permit to increase a roof dining terrace by 800 square feet by converting other roof area to dining terrace at 1250 Prospect Street, and with the annotation on the plan dated August 19, 2014 ["George Hauer, the applicant, agrees to either install or cause to have installed mechanical equipment screening to conceal from view the existing and new mechanical equipment on the roof of the building"]. 5-1-1.*

Presented by architect **Mark Steele** and owner **George Hauer**. They propose to expand the dining area on the roof terrace by about 800 sf to add seating and improve traffic flow. The

height limit envelope and valet parking coverage has been approved by the City. In response to a last minute complaint by a member of the public they have made an agreement with the landlord to provide screening for rooftop equipment. It is not yet designed but it will not exceed the 30' height limit.

Gail Forbes spoke in favor of the project.

Trustees Merten and **Courtney** stated they felt that the canopies over the tables were structures that violated the 30' height limit.

Others commenting were **Trustees Ahern, Emerson** and **Collins**.

In response **Mr. Steele** stated that canopies protected from the sun; other canopies had been there for the 24-year life of the building; there was a gap between the main structure and the umbrella/canopies; nearby buildings had similar bulk/scale configurations.

Approved Motion: To accept the recommendation of the DPR Committee that the findings CAN be made for a Coastal Development Permit to increase a roof dining terrace by 800 square feet by converting other roof area to dining terrace at 1250 Prospect Street, and with the annotation on the plan dated August 19, 2014 [“George Hauer, the applicant, agrees to either install or cause to have installed mechanical equipment screening to conceal from view the existing and new mechanical equipment on the roof of the building”] (Collins, Zimmerman: 10-4-2)

In favor: Ahern, Bond, Boyden, Collins, Costello, Greatrex, Mapes, Ragsdale, Steck, Zimmerman

Opposed: Courtney, Emerson, Merten, Whittemore

Abstain: LaCava (Chair), Weiss (noted conflict between precedent 30' ht limit)

14.0 CITY'S RESPONSE TO ALLEGED VIOLATIONS OF THE LJCPA – Action Item

Consideration of the City's recommendations of “curing and correcting operations” as detailed in their letter of August 27, 2014. See attached. Also posted at

http://www.lajollacpa.org/projects/2ndCityResponseToLJCPA-Fulton%2014_0827.pdf

Previous City Action (August 27, 2014): City issues new letter

Previous LJCPA Action (Aug 7, 2014): Trustees rejected the findings of the City's Jun 26th letter, 7-5-1

Previous LJCPA Action (July 9, 2014): Continued to August 7th LJCPA meeting

Previous City Action (June 26, 2014): City of San Diego response to complaint

Previous Private Action (May 16, 2014): Complaint against LJCPA filed with City of San Diego

Previous LJCPA Action (Mar 25, 2014): LJCPA Response to Election Challenge

Previous Private Action (Mar 11, 2014): Election Challenge filed with LJCPA

Background Material including material submitted by trustees:

<http://www.lajollacpa.org/projects.html>

In response to statements that they might be affected by the outcome of any vote **Trustee Costello** said he would abstain and **President LaCava** said he would likewise and step down from the Chair. **First Vice President Steck** acted as chair for the remainder of the meeting.

Members and **members of the public** commented:

Michael Morton stated he hoped any decision would be based on the LJCPA bylaws and not on an individual person and that 600-24 and Guidelines were umbrella provisions that the LJCPA ought to adhere to.

Odile Costello referred to statements in the April 2014 minutes with respect to City's communications with then-President Crisafi. She also cited various provisions of RRONR (11th) that actions once taken cannot be undone in reference to approved motions with respect to the March and July elections.

Annaliese Kapteina agreed with Ms. Costello and felt City actions to interpret the LJCPA bylaws were improper.

Jim Fitzgerald said he resigned because although he received 2/3 of the vote, he understood the

Bylaws favored any other candidates who received votes, write-in or not and that should have been noted at the March meeting when the results were announced.

Kim Whitney said she did not know prior to the election of any write-in candidates.

Gail Forbes stated that the Bylaws do not provide for anyone not receiving a majority of the votes to be elected. She understood that the City wished for uniformity, but that there were other instances in the LJCPA Bylaws that did not conform to 600-24 guidelines and they had never been a problem before.

Bob Whitney referred to the City's August 27th letter with respect to Article V, Section 3 of the LJCPA Bylaws.

Senior City Planner Lesley Henegar stated that her presence at any meeting or election of the LJCPA should not be construed as approval of anything taking place. She stated the 2007 LJCPA bylaws as amended in 2008, 2010 and 2013 were in conformance with Policy 600-24. Her office did not get officially involved with the Election Challenge until the complaint received by the Mayor in May. The previous President, Tony Crisafi, chose to take a different path from her recommendations.

Trustee Boyden stated that the record will show that Mr. Morton's perception that there were candidate resignations at the time of the election results report at the March meeting was mistaken; and in response to Ms. Costello's citation of RRONR (11th), the LJCPA does not rely on RRONR unless the LJCPA Bylaws and City regulations do not cover the issue, but RRONR (11th) does state that if there was a previously valid election for a position, a subsequent election was not valid. An action taken today might call that provision into effect. She cited the role of City staff with respect to the challenge as perceived by the officers; stated that the ballot had everything on it that the LJCPA Bylaws prescribed and no one voting was informed that voting for write-in candidates might invalidate the candidacy of the termed-out candidates.

In response to a query from **Trustee Merten**, **President La Cava** stated that with respect to **Trustee Whitemore's** distributed letter that the City agreed with the statement that if candidates resigned then one did not pick from the remaining candidates, but, in disagreement, that City policy was that a single vote could invalidate the election of a termed-out candidate who received 2/3 of the votes cast.

Trustee Costello stated that the LJCPA should have started two years ago to recruit new candidates; the Bylaws do not provide for write-in candidates trumping termed-out candidates and that our Bylaws only refer to Section 3, not Section 4, of Article III of 600-24; holding the July election affirmed the March election. (**President LaCava** later stated that the City had advised him against going ahead with the July election, but he had, feeling that it could be unwound later if the LJCPA reversed its decision on the March election.)

Ms. Henegar stated that the CPGs are self-governing and the City does not get involved with their activities. She had not reviewed or affirmed the March 2014 ballot, but only attended briefly to see that electioneering was not taking place and it was not.

Trustee Whitemore addressed the issue of the language from the Administrative Guidelines that was not on the ballot and while Trustees needed to read these in preparation for attending the Community Orientation Workshop (COW), the voters did not and therefore were not aware. We need to respect the voters. We should require that no one who did not speak up to register as a candidate by the end of the February meeting should not be able to trump a termed-out candidate and he would propose a Bylaw amendment that would so specify.

Trustee Weiss felt that the City feels that the Trustees misinterpreted City policy, that the voters were not aware of this policy, but that the policy was flawed and leads to the absurd result of a person with one or no votes trumping a termed-out trustee who received 2/3 of the vote. He also was of the opinion that it was too late to unwind what has been done, possibly invalidating intervening LJCPA actions. We should accept the current roster of trustees and work with the City to see that it does not happen again.

Trustee Ragsdale agreed with this analysis.

Trustee Emerson stated that during the time she served with Mr. Morton on the PRC she had learned a lot from him and that she was basing her vote only on the process. She had not

prepared the ballot and that write-in candidates had contacted her a few days before the election and had prepared bios. She presented these to Ms. Henegar at the opening of the polls who said that bios of all candidates were allowed to be offered to voters as long as there was no election. Ms. Henegar was given a copy of the ballot. Two other persons present tonight had observed the conversation. Ms. Henegar left soon thereafter and is believed not to have returned.

Trustee Courtney felt that we did our best to hold an election according to our bylaws and that he agreed with Trustee Weiss that it was too late to throw out the election; that we should not base our vote on the fear of what the City might do.

President LaCava stated that everything he does is done in good faith; after considering the sequence of events between the March Election and the April Meeting, he determined he had been properly elected in conformance to the bylaws. There were several complaints filed against the LJCPA and the City of San Diego dismissed all of them except this one. Further, the City made no complaints about the mechanics of the elections/polls. The trustee comments have been on every topic except the agenda item. Noting it was near 10pm: that if the Trustees have made a decision on the city's letter, then there should be a motion so we can finish this discussion tonight.

Trustee Ahern felt that Mr. Morton should be seated and others pointed out that you just can't add someone, another would have to be unseated.

The following persons submitted written material for consideration of the trustees at the meeting: **Members Peggy Davis and Odile Costello, Trustees Costello, Emerson, Weiss and Whittemore.**

Approved Motion: Having considered the City's recommendations as detailed in their letter of August 27, 2014, we affirm the elections of March and July 2014 and respectfully reject the City's advice. (Whittemore, Weiss: 10-1-4)

In favor: Bond, Courtney, Emerson, Greatrex, Mapes, Merten, Ragsdale, Weiss, Whittemore, Zimmerman

Opposed: Ahern

Abstain: Steck (Chair), Costello (potentially affected candidate) LaCava (respecting the will of the trustees, Boyden (would have preferred additional wording in motion)

Approved Motion: To ask President LaCava to appoint an ad hoc committee to recommend bylaw changes to deal with the issue raised in the City's letter of August 27, 2014 about candidates possibly trumping termed-out candidates. (Merten, Zimmerman: 13-0-2)

In favor: Ahern, Bond, Boyden, Costello, Courtney, Emerson, Greatrex, Mapes, Merten, Ragsdale, Weiss, Whittemore, Zimmerman

Abstain: Steck (Chair); LaCava (doesn't think motion necessary)

15.0 Annual Election, March 6th - Possible Action to Rescind or Modify Motion of April 4th.

Depending on action of Item 14.0 it may be appropriate for the good of the order to rescind or modify the motion of Agenda Item 3.C. of the April 4th meeting.

16.0 Special Election, July 3rd – Possible Action to Rescind or Modify Motion of August 7th.

Depending on action of Item 14.0 it may be appropriate for the good of the order to rescind or modify the motion of Agenda Item 6 of the August 7th meeting.

Approved Motion: That items 15.0 and 16.0 with respect to the elections held March 6th and July 3rd were rendered moot by the first motion under item 14.0. (Courtney, Emerson: 13-0-2)

In favor: Ahern, Bond, Boyden, Costello, Courtney, Emerson, Greatrex, Mapes, Merten, Ragsdale, Weiss, Whittemore, Zimmerman

Abstain: Steck (Chair); LaCava (respecting the will of the trustees)

17.0 Adjourn at 10:01 PM to the next Regular Monthly Meeting, 2 October 2014, 6:00 pm