

# FINAL MINUTES

County of San Diego - Alpine Community Planning Group

**Regular Meeting Minutes**

**Thursday, May 23, 2013, 6:00 P.M.**

Alpine Community Center

1830 Alpine Boulevard, Alpine, California 91901

## A. Call to Order

Jim Easterling read a statement regarding accusations and conduct of ACPG members.  
(See attachment A)

## B. Roll Call of Members

Jim Archer	P	Travis Lyon	T	Lou Russo	P
George Barnett	E	Nicole McDonough	P	Richard Saldano	T
Aaron Dabbs	P	Mike Milligan	P	Sharmin Self	P
Jim Easterling	P	Tom Myers	E	Kippy Thomas	E
Roger Garay	P	Leslie Perricone	P	John Whalen	P
<b>P=Present</b>		<b>E=Excused</b>		<b>A = Absent</b>	
		<b>T=Tardy</b>			

**PRESENT: Jim Archer, Aaron Dabbs, Jim Easterling, Roger Garay, Nicole McDonough, Mike Milligan, Leslie Perricone, Lou Russo, Sharmin Self, John Whalen**

**TARDY: Travis Lyon, Richard Saldano**

**EXCUSED ABSENCE: George Barnett, Tom Myers, Kippy Thomas**

## C. Approval of Minutes / Correspondence / Announcements

- Approval of Minutes:** The Minutes for the Meeting, April 28th, 2013, were unanimously approved by the members present.
- Correspondence:** Letter from Kristal Feilen reminding of Revitalization Meeting on June 14<sup>th</sup>, 2013 (See attachment B)
- Correspondence:** Letter from Kenton Jones regarding speed limit on South Grade Road(See attachment C)

## D. Open Discussion

Any member of the public may address the group on topics pertaining to planning, zoning, and land use, which does not appear elsewhere on this agenda. Upon recognition by the Chairman, each speaker will be allowed up to three minutes to speak (organized/special presentations up to fifteen minutes). There can be limited discussion with no vote on any issue(s) so presented until such time as proper public notice is given prior to such discussion and vote.

Diane Haworth, representative for the Farmers Market, stated that the Farmers Market will open in the Alpine Town Center on June 4<sup>th</sup>, 2013.

Joseph Perricone spoke regarding roadway safety in front of Alpine Elementary School (AES) and Joan MacQueen Middle School (JMMS). He is concerned that there are no flashing yellow lights in front of AES, especially in the afternoon when all of the children are let out of school. He also concerned that there is no sidewalk along the piece of land between Arnold and JMMS. Jim Archer stated that the Circulations Subcommittee is working on those issues. Mr. Perricone feels that these issues need to be a priority where the residents of Alpine need to get together and fund and build it themselves. He believes the private sector needs to get involved.

Roger Garay spoke as a private citizen (submitted speaker slip). Read Lou Russo's complaint filed with Fair Political Practices Commission, as well as his response. Mr. Blain Phipps, Mr. Garay's attorney is present for this meeting. Jim Easterling stated that he will research about pending litigation circumstances, to see if it is within our purview to be involved in those situations. (see attachments #D and #E)

**E. Organized / Special Presentations:**

1. A representative from Sprint will be coming to discuss a modification to the cell site near 2522 Tavern Rd, Alpine, Minor Use Permit # ZAP02-047W1; APN: 520-280-24-00 **Presentation, Discussion and Action.**

This agenda item was voted on at a previous meeting. No action taken.

2. A representative or owner will be coming to discuss the proposed replacement proposal to O' Reilly Automotive Store on Alpine Blvd, Alpine, CA 91901 (APN 403-130-17), Administrative Permit# STP12-019. **Presentation, Discussion and Action.**

No representative is present. Jim Archer stated that he was at the Design Review Meeting, where O'Reilly's schematic was approved. The county has allowed O'Reilly's to cut two parking spots out of their plan because the Design Board hadn't allowed them the extra space between the sidewalk and the planters that they wanted. This is due to the landscaping, as required by the county.

Motion made by Jim Archer  
2<sup>nd</sup> by Mike Milligan

Motion: Postpone this agenda item until the next meeting.

Discussion: O'Reilly's needs to be at next meeting. Jim Easterling will contact them.

Vote: Unanimously approved by all members present.

Jim Archer	Y	Travis Lyon	Y	Lou Russo	Y
George Barnett	E	Nicole McDonough	Y	Richard Saldano	Y
Aaron Dabbs	Y	Mike Milligan	Y	Sharmin Self	Y
Jim Easterling	Y	Tom Myers	E	Kippy Thomas	E
Roger Garay	Y	Leslie Perricone	Y	John Whalen	Y
<b>Y=Yes N=NO</b>		<b>E=Excused</b>		<b>A = Absent</b>	
		<b>T=Tardy</b>		<b>Ab=Abstain</b>	

3. A representative from Sprint will be coming to discuss a modification to the cell site near 1088 Alpine Heights Rd, Alpine, Minor Use Permit # ZAP02-085W1; **Presentation, Discussion and Action.**

**This agenda item was voted on at a previous meeting. No action taken.**

4. **Request from property owner Len Nielsen** on behalf of himself and other property owners in his area (to include but not limited to APNs’ 406-012-13, 406-014-05, 406-014-25, 406-014-24, 406-014-22, 406-014-14, 406-014-15, 406-014-16, and 406-014-17); That the ACPG take a position of “no opposition” to their request to the County for change from the proposed classification SR-4 to the preferred classification SR-1. **Presentation, Discussion and Action.**

Sharon Haven spoke for Gail Mazzola and for Len Nielsen (who is present to answer any questions). This area of east Alpine Blvd is directly adjacent to the freeway and poses no real impact to East Alpine Blvd and there is direct access. Gail Mazzola works at Scripps La Jolla and can’t get off until 7pm, so Sharon is speaking on her behalf. Gail is concerned because she states that the group chose SR-1 during the Public Actions Subcommittee meetings on the FCI, when the map was being discussed, but someone went back and changed the map after she left the meeting. Sharon states that the wish of the people in this area are requesting that the ACPG takes the position of “no opposition” to the residents request for SR-1 in this area.

Motion made by Jim Archer

2<sup>nd</sup> by Roger Garay

Motion: The ACPG takes the position of “No Opposition” to the residents request for SR-1 in the East Alpine Blvd area.

Discussion: None.

Vote: Ayes: 10, Nos: 2, Excused Absence: 3

Motion passes

Jim Archer	Y	Travis Lyon	Y	Lou Russo	N
George Barnett	E	Nicole McDonough	N	Richard Saldano	Y
Aaron Dabbs	Y	Mike Milligan	Y	Sharmin Self	Y
Jim Easterling	Y	Tom Myers	E	Kippy Thomas	E
Roger Garay	Y	Leslie Perricone	Y	John Whalen	Y
<b>Y=Yes N=NO</b>		<b>E=Excused absence</b>		<b>A = Absent</b>	
		<b>T=Tardy</b>		<b>Ab=Abstain</b>	

5. The County of San Diego is requesting comments regarding the Draft 2013 General Plan Clean-Up General Plan Amendment (GPA 12-007). The 2013 Clean-Up is the first to be processed since the adoption of the updated General Plan. The Draft Clean-Up Plan proposes changes to the land use map, policy documents, Mobility Element network, and certain community and sub regional plans. Also, for convenience, four very low complexity General Plan property specific requests are

being processed concurrently as GPA 12-012. The Clean-Up process is only meant to be used for minor changes or additions to the General Plan that do not result in additional significant environmental impacts. The Draft 2013 General Plan Clean-Up GPA is available at:

<http://www.sdcountry.ca.gov/pds/advance/2013GPBiAnnualClnUp.html>. Public comments are due by the close of business Monday, May 20<sup>th</sup>, 2013.

**Presentation, Discussion and Action.**

Travis Lyon stated that at the last meeting we voted to reaffirm our position on the land use elements on the clean up. The only other portion is the mobility element. They had to clean up to three road sections. Nicole spoke to Kevin Johnston at the county, because he's in charge of the clean up. The page by page recommendation the ACPG sent to Bob Citrano has not been received by Kevin. Kevin assured Nicole that he would try and get what we recommended from Bob, not sure if that has happened yet. Travis, stated that the differences in the clean up look to be the specification in naming of the road sections, there are no real differences.

Motion – Jim Archer

2<sup>nd</sup> by Mike Milligan

Motion: Approve the clean up as presented.

Discussion: None

Vote: Unanimously approved by all members present.

Jim Archer	Y	Travis Lyon	Y	Lou Russo	y
George Barnett	E	Nicole McDonough	y	Richard Saldano	Y
Aaron Dabbs	Y	Mike Milligan	Y	Sharmin Self	Y
Jim Easterling	Y	Tom Myers	E	Kippy Thomas	E
Roger Garay	Y	Leslie Perricone	Y	John Whalen	Y
<b>Y=Yes N=NO</b>		<b>E=Excused</b>		<b>A = Absent</b>	
		<b>T=Tardy</b>		<b>Ab=Abstain</b>	

**F. Group Business**

1. Consider any request for members to Sub-Committees **Discussion and Action.**  
None

**G. Subcommittee Reports (Including Alpine Design Review Board**

1. Communications – Louis Russo stated that he wasn't able to get the meeting scheduled. Mr. Whalen went up to San Francisco and Lou wasn't able to conduct a meeting before that time. Handed out a flyer as to his communications subcommittee process. Will do a survey via survey monkey on what the community would like from the ACPG, i.e. newsletter, town cryer, etc. Will do a needs assessment first. (see attachment #F)

**H. Officers Reports**

1. Chairman – Jim Easterling - Stated that there is a new section in the Policy I-1 regarding reimbursements that are allowed.

**I. Open Discussion 2 (Only if Necessary)**

Any member of the public may address the group on topics pertaining to planning, zoning, and land use, which does not appear elsewhere on this agenda. Upon recognition by the Chairman, each speaker will be allowed up to three minutes to speak (organized/special presentations up to fifteen minutes). There can be limited discussion with no vote on any issue(s) so presented until such time as proper public notice is given prior to such discussion and vote.

Agenda items needed by 2<sup>nd</sup> Thursday of each month.

**J. Announcement of Sub-Committee Meetings**

None announced

**K. Announcement of Next Meeting: June 27, 2013 at 6:00 PM**

**L. Adjournment of Meeting @ 6:52pm**

Statement read by Chairman, Jim Easterling, at the beginning of the May 23, 2013 meeting:

"At the March meeting 2 editorials were handed out that did not reflect the thoughts of the group. The group would like to apologize to Greg Fox and Scott Tuchman for any statements in those editorials regarding these gentlemen. The group also owes Mr. & Mrs. Williams an apology. At our April meeting there were discussions that took place regarding your property and business. Those discussions did not fall under the purview of our group business and our public meeting was an inappropriate venue for those discussions. The county has reviewed the issue and has given instruction that they see no reason to disqualify the Williams from service on ACPG subcommittees. Mr. & Mrs. Williams - we are sorry. We will do our best to improve our conduct at meetings in the future."

**Jim Easterling**

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**From:** Feilen, Kristal [Kristal.Feilen@sdcounty.ca.gov]  
**Sent:** Wednesday, May 01, 2013 11:49 AM  
**Subject:** Alpine Revitalization Meeting - June 14, 2013  
**Attachments:** MATRIX Alpine - 6-27-2013 - Working.doc

Good Morning:

This is a reminder of the upcoming Alpine Revitalization meeting to be held on **Friday, June 14, 2013**. It is time to schedule subcommittee meetings and prepare your updates and changes to the meeting matrix. The committee chair person should make updates and changes directly on the attached matrix by using the "**Track Changes**" option on your computer "**Tools Menu**."

Please return the matrix with all your updates and changes to [Kristal.Feilen@sdcounty.ca.gov](mailto:Kristal.Feilen@sdcounty.ca.gov), **no later than Monday, June 3, 2013**. If you have no changes or updates, notification of that would be greatly appreciated also.

The meeting time and location is:

**Crown Hills Club House**  
**1821 Victoria Park Terrace, Alpine, CA**  
**9:30 a.m. to 11:30 a.m.**

Thanks,  
Kristal Feilen, Office Assistant  
Department of Housing and Community Development  
County of San Diego  
3989 Ruffin Road  
San Diego, CA 92123  
☎: 858-694-4881  
☎: 858-514-6521  
[www.sdhcd.org](http://www.sdhcd.org)  
[Kristal.Feilen@sdcounty.ca.gov](mailto:Kristal.Feilen@sdcounty.ca.gov)





## San Diego County Traffic Advisory Committee

**Committee Secretary**  
5469 Kearny Villa Road #201, M.S. 0-338  
San Diego, California 92123-1159  
(858) 874-4030

**Represented Agencies**  
Automobile Club of Southern  
California  
California Department of  
Transportation  
California Highway Patrol  
Independent Insurance Agents  
& Brokers of San Diego  
San Diego County Bicycle Coalition  
San Diego County Department of  
Public Works  
San Diego County Office of Education  
San Diego County Safety Council  
San Diego County  
Sheriff's Department

May 2, 2013

Jim Easterling  
Alpine Community Planning Group  
[alpjim@cox.net](mailto:alpjim@cox.net)

**TAC 01-25-13 Item 2-A**

Dear Mr. Easterling,

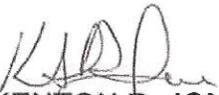
On March 20, 2013, the Board of Supervisors considered a request to recertify the existing 45 MPH speed limit on South Grade Road, from Tavern Road southeasterly to a point 2,000 feet south of Via Viejas, for continued radar speed enforcement.

After considering this request, the Board directed continued radar certification.

The radar certification package will be submitted to the California Highway Patrol El-Cajon Office as soon as work scheduling permits.

If you have any questions, please contact Maria Rubio-Lopez at (858) 694-3845.

Very truly yours,

  
KENTON R. JONES, Secretary  
San Diego County  
Traffic Advisory Committee

KRJ:mrl





**Complaint**

**Person or Persons who Allegedly Violated the Political Reform Act:** (If there are multiple parties involved, attach additional pages as necessary.)

Last Name: Garay

First Name: Roger

Street Address:  
2065 Arnold Way, Suite 103

City: Alpine State: CA

Zip: 91901 - 3850

Telephone: ( 619 ) 445 - 5123

Fax: ( 619 ) 445 - 1421

E-mail: roger.garay@alpine-plan.org

**Provision or Provisions of the Political Reform Act Allegedly Violated:** (If specific sections are not known, please provide a brief summary of the nature of the violation(s), and when it (they) occurred.) **You must state the suspected violation(s) on this form.**

"No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest." Gov. Code Section 87100

Multiple horizontal lines for providing details of the violation(s).

**Description, With as Much Particularity as Possible, of Facts Constituting Alleged Violation and how you have personal knowledge that it occurred\*\***

Mr. Garay is a member of the Alpine Community Planning Group, an advisory body of the Dept. of Planning and Land Use of San Diego County. See [alpine-plan.org](http://alpine-plan.org). The County of San Diego has certain monies called PLDO, Park Lands Dedication Ordinance. See [http://www.sdcounty.ca.gov/pds/bldgforms/pldo\\_fees](http://www.sdcounty.ca.gov/pds/bldgforms/pldo_fees). In order for the County to dedicate these funds, the local plan-group MUST vote to approve their dispersal within their boundaries. See <http://www.sdcounty.ca.gov/cob.docs/policy/I-44/pdf>. One of the sites in Alpine is the park currently owned by a 501C3, The Alpine Community Center. See <http://alpinecommunitycenter.com/>. Mr. Garay owns a bookkeeping and tax service in Alpine called On Line Bookkeeping and Tax Service. See <http://www.olbts.com/>. One of Mr. Garay's clients is the Alpine Community Center. The last form 990 I can find, 2010, shows that Mr. Garay prepared the form for the Community Center and there is a line for booking services for over \$13,000. See <http://dynamodat.fdncenter.org/990s/990search/eseach/php>. At no time did Mr. Garay disclose that the Community Center is a client and in fact, uses the provision in IRS circulator 230 to avoid revealing his clients on his form 700. See [http://sdvote.net/CampaignDocs\\_Web\\_Public\\_Access/default.asp](http://sdvote.net/CampaignDocs_Web_Public_Access/default.asp). The Conflict of Interest here is that Mr. Garay, in addition to NOT disclosing that the Community Center is one of his clients, he voted to approve the Community Center Park as one of the priorities for PLDO funds (and now the only one because the other fell out). See <http://www.sdcounty.ca.gov/pds/docs/PG/AL120726MI.pdf>

**\*\*Please attach copies of any available documentation that is evidence of the violation, (for example, checks, campaign materials, etc., if applicable to the complaint). Note that a newspaper article is NOT considered evidence of a violation.**

**Name and Addresses of Potential Witnesses, in addition to yourself, if Known:**

Last Name: \_\_\_\_\_

First Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: \_\_\_\_\_-\_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_-\_\_\_\_\_

Fax: (\_\_\_\_) \_\_\_\_\_-\_\_\_\_\_

E-mail: \_\_\_\_\_

Last Name: \_\_\_\_\_

First Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: \_\_\_\_\_ - \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Fax: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

E-mail: \_\_\_\_\_

Last Name: \_\_\_\_\_

First Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

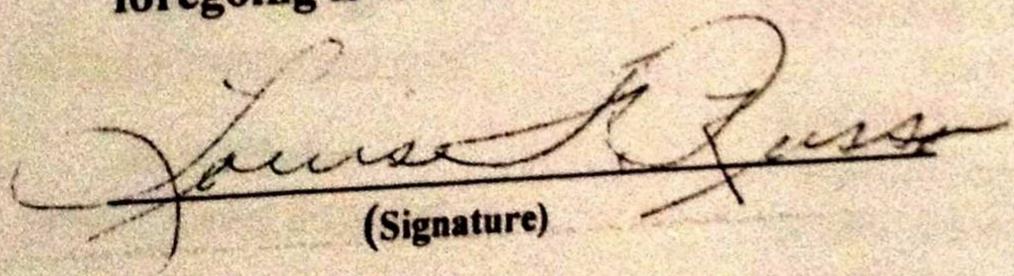
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Telephone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Fax: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

E-mail: \_\_\_\_\_

**I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.**

  
(Signature)

5/5/2013  
\_\_\_\_\_  
(Date)

Louis F. Russo  
\_\_\_\_\_  
(Please print your name)

**Roger Garay, E.A.**  
**Member, Alpine Community Planning Group**  
**2065 Arnold Way, Suite 103, Alpine, CA 91901**  
**(619) 445-5523 \* Fax (619) 445-1421**

May 20, 2013

Fair Political Practices Commission

Gary S. Winuk, Chief, Enforcement Division

Sent via FAX (916) 322-0886

428 J Street, Suite 620

Sacramento, CA 95814-2329

RE: Gov. Code Section 87100 ALLEGED Violation Propounded by Louis F. Russo

In the allegation Mr. Russo claims that I received or benefited from approximately \$13,000 of bookkeeping fees allegedly paid by the Alpine Community Center (hereafter "ACC") in 2010, and that I did not recuse myself and in 2012 voted on a motion favoring the ACC as a park site. I did in fact cast the vote in question along with the majority. However, as to the rest of the allegation, I can neither confirm nor deny the specifics (see recitals under "Description"); else I would be in violation of Federal laws regarding disclosure of taxpayer information (including their identity).

I can however correct an error in Mr. Russo's allegation.

Mr. Russo alleges as follows: "... *Mr. Garay owns a bookkeeping and tax service in Alpine called On Line Bookkeeping and Tax Service.*" **This is not true.** These are the facts:

1. On Line Bookkeeping and Tax Service, Inc. (hereafter "OLBTS"), is a California Corporation, legally separate and distinct from its shareholders, officers and employees.
2. I am one of several employees of OLBTS, and am paid on a Form W-2.
3. My wages are fixed and not variable hence not in any way affected by whatever fees the Corporation may or may not collect from any of its Clients.
4. I am also a 50% shareholder of (and hence do not have control over) that corporation. This has been disclosed on my Forms 700 over the years.
5. I do not perform bookkeeping services for any Clients of OLBTS or for OLBTS itself – other employees perform such tasks as publicized on the company website [[www.olbts.com](http://www.olbts.com)] – the corporation owns the Client List as a Trade Secret such that if my employment ceased I could not continue to service those accounts.
6. I do prepare tax returns for Individuals and Entities, Represent them as Attorney-in-Fact before the IRS and State Tax Agencies, and provide them (privileged) Tax Planning Advice.
7. I and other tax preparers employed by OLBTS routinely prepare tax returns for OLBTS Clients who have their bookkeeping done somewhere else or who do their own.
8. OLBTS has not had any single Client pay it \$10,000 or more for bookkeeping services.
9. I am (and have been since 1979) licensed by the IRS as an Enrolled Agent to Represent Taxpayers before the IRS, and as such have no licensing requirement imposed, nor am I subject to any oversight for performing such licensed activity, by any agency of any State – Enrolled Agents are explicitly exempt from such State oversight.

10. Under Federal Law (US Code Title 31, Circular 230 and IRS Reg. Sec. 301.7216-3), as an Enrolled Agent, I am prohibited from disclosing any information about any Taxpayers whom I serve unless I first secure written authorization from said Taxpayer, that specifies what information I am allowed to disclose, to whom, and for what specific purpose.
11. Absent such authorization in writing from a Taxpayer, I am prohibited from complying with any subpoena requiring me to reveal any Taxpayer information (I may not even disclose their identity), unless the subpoena is issued by a Federal Court and providing that subpoena is limited to areas not covered under Privileged Communication statutes.

None of this is newsworthy. This is my 5<sup>th</sup> year of service on the ACPG, having first been elected in 2008 and then re-elected in 2012. In each year for which I filed a Form 700, I have articulated the facts stated above (as Mr. Russo alludes in his allegation).

I am saddened but not surprised at Mr. Russo's filing, it is consistent with his observed behavior in ACPG meetings.

Just recently Mr. Russo raised objections to having a member of the general public (whose views are antithetical to his) serve on a sub-committee. He stated that he based his objection on some alleged code/permit violations relating to her home, actually naming the person and dragging her name through the mud in an open meeting, in her absence – it would have required testicular fortitude to do so to her face. I said to him then, in the same open forum, that his tactics were reminiscent of Nazi propaganda tactics. This complaint of his confirms for me that impression.

Our next ACPG meeting is on Thursday May 23<sup>rd</sup> at 6:00 pm. It is my intention to leave the dais during the "Public Comment Period" and use my 3 minutes as a private citizen to read his complaint and this rebuttal letter to the assembled ACPG Members and the public. I plan to invite members of the media. I will then explore my legal options.

Respectfully,

Roger Garay, EA  
Member ACPG

Cc: Thomas Montgomery, San Diego County Counsel (by Fax)  
Blaine Phipps, Attorney-at-Law (by Fax)

# A Systems View of Instructional Systems Design

