

**JAMUL DULZURA COMMUNITY PLANNING GROUP
FINAL MINUTES
JUNE 25, 2019
APPROVED JULY 9, 2019
Oak Grove Middle School Library
7:30 p.m.**

1. **Dan Neirinckx, Chair, called the meeting to order at 7:33 p.m.**

2. **ROLL CALL:**

Present: Michael Casinelli, Janet Mulder, Dan Neirinckx, Eve Nasby, Kevin May, Preston Brown, Darren Greenhalgh, Summer Piper, Steve Wragg, Streeter Parker, Joe Stuyvesant and Hannah Gbeh

Absent:

Excused: Hannah Gbeh, Richard Marzec,

Vacant Seat: 14.

3. **APPROVAL** of the agenda for June 25, 2019 and approval of the Final Minutes for the meeting of June 11, 2019 as mailed, **Motion carried unanimously.**

Motion to Approve Final Minutes of June 18 Special Meeting with the additions made in Open Forum tonight, held by the Chair until the next meeting where the final vote of approval will be taken.

4. **OPEN FORUM: Opportunity for public comment on any item not on the agenda - 3-minute time limit.**

a. **Dan Neirinckx**, at the request of **Hannah Gbeh**, read an email from **Liz Jackson of Pendo Jackson** concerning the previous meeting's discussion on possible conflict of interest of **Hannah Gbeh**. **Liz Jackson's** email stated that their company had not done any recent business with **REC Consulting (Hannah's employer)** and **thus there was no conflict.**

b. **Hannah Gbeh**, who was unable to be at the meeting tonight, asked that we enter on the record from the June 18, 2019 meeting, "that she previously disclosed this 'ex-parte' communication voluntarily to the group" regarding the perceived conflict of interest which she feels does not exist. **Michael Casinelli** pointed out that he had no recollection of her conflict of interest statement nor could he find it in the minutes.

c. **Joe Stuyvesant** wishes to discuss "conflict of interest" looking at Policy I-1 which states, "No planning or sponsor group member shall make, participate in making, or in any way attempt to use his or her position on the planning or sponsor group to influence the making of any decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally as described in Article VII, Section II of the planning and sponsor group Bylaws contained in this Policy." It is based on benefit for you, and an appearance of such a conflict can occur. A gratuity of up to \$250 is ok, and property interest of more than \$2000 can occur. Therefore, **Joe** points out working for a company before it came to

our group, appears to have no conflict of interest. “ExParte communication” is not listed as prohibited. **Eric Lardy, SD County** was present and said the Brown Act prohibits some actions at that meeting. Conflict of Interest regulations governed by FPPC. **Joe** feels it is important to remember that PG members are not County decision makers, and he thinks some of the rules apply only to government officials that have a financial impact and does not apply to a non-decision making authority. Form 700 is a form that tells the financial facts of an office holder. **Dan Neirinckx** pointed out that in the PG training, the appearance of a conflict is important. It is the responsibility of the person who has the proposed conflict to take care of it. He pointed out that there was no conflict in the last meeting and it is important to note the information.

d. Summer Piper suggested if there is a question re conflict of interest, the person needs to be notified if someone considers a conflict of interest, but not brought up before the whole group.

e. Preston Brown says he is studying the **Brown Act** but wonders if people need to share their relationship with anything on our agenda according to **FPPC**. **Dan** asked Preston to look it up and report back.

f. Michael Casinelli pointed out the **FPPC** takes one step closer and includes immediate family and employers. Just because the Planning Group is not a decision maker does not exclude them from the appearance of a conflict according to a problem he had with FPPC. 90% of the ideas we recommend are passed, so the FPPC feels that a conflict can exist. If the ex parte conversation was initiated by the representative of the developer, it needs to be expressed that it occurred. He received a complaint from a member of the public that one of our members had a possible conflict of interest and he tried to follow through and was thwarted in his effort and he feels that when it is brought up, the member can then determine if it is worthy of note.

g. Kevin May points out that perception can be the problem and thinks it should be discussed and not shied away from.

h. Preston Brown reminded the Group that the Otay Ranch Village 14 and 16-18 would be before the Board of Supervisors tomorrow but not before 2:00 pm, so we don’t need to arrive until 1:20.

i. Darrin Greenbaugh announced the Jamul Fire Safe Council is being set up for Jamul and the meeting is July 20 at Deerhorn Fire Station 8 to 9a.m. Arrive at 7:30 for coffee. (Corrected by Preston on July 9, 2019 meeting.)

j. Eve Nasby thanked all for their comments on the Facebook page.

k. Streeter Parker will be absent from the July meetings. He asked about the protocol and how is it handled if there is a point of order he should follow. Having announced his scheduled absence in Open Forum will make them “excused” absences.

- 5. Small Cell Site Ordinance Proposed. Tara Lieberman, San Diego PDS reporting. Eric Lardy and Tara Lieberman gave a report. FCC gave an order regulating cell sites to the County.** The small cell site can’t be larger than 3 cubic feet for the antenna. You will still see regular cell sites at varying sizes. These cell sites will go into streetlights and they are putting additional requirements for small cell sites in the County of San Diego. Rules include: the maximum size of the equipment is 28 cubic feet – about

the size of a phone booth. The Board of Supervisors asked them to come back with more regulations including encouraging co-locations and separating locations from each other and not blocking sidewalks or pathways and undergrounding of facilities. Two documents were given to the PG, which separated the small cell information from the regular cell sites. They looked at 50 other small cell installations and they have a list of recommended options for the County. Location Preferences – PDS recommends that J/D the majority of which is least preferred for small cell site. There are very few purple that indicate “most preferred” small cell site. Avoidance of certain sites was recommended by BOS and so they have tried to avoid hospitals, schools, churches, childcare centers but ruled they could not be located within 1,000 feet of schools, childcare centers, hospitals or churches. **Kevin May** suggested giving an option to schools and hospitals that might have a use for the co-location. Co-location is encouraged to be used for a maximum of two. Separation of poles runs from 500 to 1000 feet apart. Undergrounding is required for the supporting equipment of up to 28 cubic feet. Public noticing should occur to Planning Group and neighbors within 500 feet. **Ed Mollon** asked if this augments the existing technology, and **Tara** said yes it also increases the capacity. **Joe Stuyvesant** suggested that we might want to look at 5G as important for us here. **Preston Brown** asked about the emergency alert systems and asked them to talk with some experts to avoid a problem like occurred in Paradise. Anything added here would help to get the communication between our valleys in Jamul-Dulzura.

Michael Casinelli asked about the input from the owner to make sure the owner has some input so problems are not made to view sheds, for example.

Steve Wragg asked about the permit requirements – Tara said the existing tiers will remain the same and would need ministerial permits, as they will be mostly in right of way and camouflaged.

Summer Piper asked why rural was lower in their priority and **Tara** said that it came from the feedback they had received. Concerned that the County would discourage building in the rural areas, as it is important in all areas for rural services.

Ed Mollon asked if there are different requirements in areas where the utilities are undergrounded and **Tara** said these do have to be above ground. They would need to be consistent.

Michael Casinelli asked about the 28 cubic feet and **Tara** said that is undergrounded if possible.

Summer Piper suggested that the encouragement to utilize the sites to be on County properties would tend to discourage private funding of the sites for the carriers. **Eric Lardy** pointed out that it is less expensive to go through the County’s right of way.

We would support the installation of the small cell sites but would like to be more affirmative about the importance of having them in the rural areas, as it would enhance communication especially in emergency situations such as an emergency alert system.

Steve Wragg disclosed that his firm does have contracts with the County but none that are related to this issue or this project.

Dan Neirinckx moved we support the County's small cell site ordinance with the concerns as listed in our discussion found in the JDCPG Minutes. Motion passed unanimously.

- 6. JAMUL CASINO UPDATE – On Saturday, June 22, they planned a large promotion and expected a huge crowd with Caltrans posting signs warning of the crowds and seemingly, there were no crowds...**

- 7. JDCPG OFFICER'S ANNOUNCEMENTS AND REPORTS.**
Dan Neirinckx announced two new projects and asked for volunteers to do them.
 - a. SPDS 2019 Variance - 19-008 – Right of way Calle de Sol – Kevin May took the project and Steve Wragg will send him the Zoning Ordinance Regulations.**

 - b. Special Events Ordinance Update – Regulate permits for road closures, etc. Ordinance established in 1965 and updated 1988 – Preston Brown and Eve Nasby will work together on this project.**

Adjournment: Dan Neirinckx adjourned the meeting at 9:12 p.m.

Respectfully submitted,

Janet Mulder, Secretary

NOTICE OF NEXT REGULAR MEETING:

7:30 P.M. TUESDAY, July 9, 2019

OAK GROVE MIDDLE SCHOOL LIBRARY

Meeting minutes and agendas can be accessed at

<http://www.sdcounty.ca.gov/pds/CommunityGroups.html>

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