

Mira Mesa Town Council
General Meeting Minutes
September 8, 2008

Meeting was called to order at 7:00 pm by Town Council President Jeff Stevens
John Daley called for and led the Pledge of Allegiance.

The forum featuring the candidates for the office of City Attorney for the City of San Diego, Jan Goldsmith and Mike Aguirre, followed immediately.

Opening Statements (5 minutes):

Mike Aguirre:

We have, in the City of San Diego, a City Government that doesn't have roads repaired, doesn't keep the libraries open, doesn't repair the bridges, doesn't maintain the essential services, we do not have a secure water supply, we don't have the ability to prevent wild fires. What you see is a City Government that's in shambles. At the same time, over the last ten to twelve years we have not been functioning to serve your needs.

We have been extremely effective in one other area and that is in building one of the most elaborate pension systems in western civilization. 6.8 billion dollars. Every police officer, firefighter, lifeguard retires a millionaire. The higher echelons – millionaires. The council members can retire age 30. It's a disaster! Our city government is a disaster. The largest municipal securities fraud in American History and that is where we are today. You know these facts because of this City Attorney, because when I took office I made that information available. Now, my opponent, Mr. Goldsmith, has cut a deal with the unions, the ones that are getting all the money. We are challenging 800 million dollars in their fund today. We have an appellate case - it was written up in the Wall Street Journal over the weekend – the work of your city attorney was acknowledged by the Wall Street Journal as something that all the other states should be doing. And what my opponent did is he went to the unions and he said – I'll drop the lawsuit if you give me your support, and that's the deal he got. And that is what this race is all about. And then he has adopted, you'll hear him, everything he says is a regurgitation of what's in the Union Tribune editorial page, which is filled and riddled with misinformation.

One of the reasons that that paper is dying is because its not a reliable source of information, and they have been in the center of the difficulties and the problems that we have in San Diego and they have fought me every step of the way.

Every day I go to work and I think about you, not all of his supporters that he brought out here today, you know the p[er]ople that give him their support I am not talking about them, they support him, I respect that. But those of you who do not have or have not made a commitment or maybe support me or may have a complete other idea in mind. I think about you every single day when I do my job.

The city government should function to serve your interests. I was selected as one of the 100 best trial lawyers in the State of California. I make decisions every single day. I make decisions every single day. Ten times a day I make legal decisions. I've been actively involved in our cases and we have rebuilt the city attorney's office onto a powerful public interest team of lawyers dedicated to your interests. You'll hear my opponent run through statistics and I'll wait until he says them but they are not true!

What he wants to do. He was put up by the developers. He was put up by the very, very conservative group that had control of our city for very many years and he was put up by those people because they want him back. They cannot stand to have a city attorney who represents your interests, who stands up for you, who you have, you can pick up the phone and call me and I will be as responsive to your call as anybody else. There is no special interest money in any of the decisions that I make.

So, what they did is they got this judge, who should be sitting on the bench doing his job, they got him to step off the bench and embrace all their ideas and promises that they made to all the special interest to put them back in control. And he has all this talk that he puts out that he wants to be established as a professional and a resident but that's not really what's at stake.

So, during the course of this debate I am looking forward to examining in depth what I laid out to you and answering your questions and hopefully win you over to my side.

Jan Goldsmith:

Good evening and thanks for coming

My name is Judge Jan Goldsmith. I have currently been on the bench for the past ten years.

I haven't cut a deal with any interests or anyone else. My focus is in a city attorney's office which is based in the law and not politics. That's all I am promising here today. To go to a union or anyone else and say you cut a deal, if you support me I'll drop this lawsuit would be illegal and would be a felony, and I am sure that Mr. Aguirre is not accusing me of that I'll leave that alone now.

I have strong support from republicans and democrats including Senator Dede Alpert and Senator Waddeh Deddah two democrats also including your new councilmember Carl DeMaio and your prior councilmember Brian Maienschein.

What this race is about is not about politics, is about managing laws. The skills needed to run the City Attorney's office are lawyers skills, and I am working hard to keep it from the throwing of the mud and all that.

The City Attorney needs to be independent. The kind of independence I am talking about, and I'll do, is what I do as a judge. I've done for the last 10 years. That is based on the law and not on politics. Not what the Mayor wants, not what the labor unions want, not what the public wants. Based on the law!

The city has gotten in trouble when city attorneys over the last four years and over the last eight years have given legal advice and done the legal work to please somebody else. Whether it be the public, the press or the Mayor or the City Council. We are in desperate need of a truly independent city attorney. Someone who gives legal advice and makes legal decisions regardless of what people want to hear or want. I have done that every day as a judge for the past ten years. A hundred times a day I have told someone "no, you can't do that" A hundred times a day I make decisions that somebody may not like and I say it pleasantly, I don't call people corrupt and I don't call them names. I just tell them this is what the law requires.

An effective city is not measured by the number of press conferences, it's measured by the wins in court and we could use a few wins in court. But, I happen to have some experience that tells you, what it tells me, what is a good case and what is not a good case. The pension case was a judge's decision lost on the basis of two basic principles. My opponent ran on the platform in 2004 to solve the pension plan and he's running on it again but has made no strides towards solving it. That's not what this election is about. The election is about effectiveness, the election is about a truly independent city Attorney.

Before I served as a judge for the last ten years I was in the State Legislature, I represented you as a legislator. I bring unique lawyering skills to this office. I have practiced law, I have written the law, I have taught the law and, for the past ten years, I have enforced the law. I have been an attorney for the most part for 32 years now. I had my own law firm, I've run a law firm, I know how to hire and fire and supervise lawyers. That's what you need in the City Attorney's office. There are 135 lawyers making it the largest law office in San Diego. I have written law for both the criminal sector and the civil sector. I have been a judge and made decisions on the law and I have a pretty good idea on how to make the City Attorney's office one of the best law firms. The city is in desperate need of a good lawyer.

Thank you.

Debate:

Q: What is the most important change you would make, if any, in the City Attorney's office?

A: Goldsmith:

I believe the City Attorney's office should focus on the law and not politics. It is not a political operation, it is a law office. We need to earn credibility so that the people will listen to us. We lost a lot of credibility when the City Attorney called everyone from the Fire Chief to the Police Chief to the Mayor and the newspaper corrupt or part of some conspiracy and never followed through. Every time you do that you lose credibility.

We need to show San Diego what a truly independent City Attorney's law firm is like. The city needs it because it needs good legal advice.

Aguirre:

Well, when you talk about credibility, how many city attorneys have been acknowledged by the Wall Street Journal as a national leader in pension reform?

I negotiated the largest securities law settlement in the history of this municipality in the history of the U.S.

The city attorney's office is the most effective it has been right now

There hasn't been a 125 lawyer turn over out of 135. We replaced 55 out of 75 civil attorneys in city attorney's office.

When I said there is illegal behavior, they were charged with felonies in the federal court and charged with felonies in the civil court. The FCC is charging all the previous officials with fraud the federal court, I am not making it up.

Q: What is your position of the Mayor's proposal to place the Family Justice Center under the control of the YMCA?

A: Aguirre:

I think that the Family Justice Center should be with the City Attorney's office, that's where it started. It was transferred by Casey Gwynn just as I started. There is a major domestic violence problem in San Diego.

The Family Justice Center provides services for victims of domestic violence & works in conjunction with the City Attorney's Office. We go to court to help put pressure on domestic violators. We use the Domestic Violence Center to help with support, jobs, money, etc.

The City wants to take Family Justice Center to YWCA and use it to make money for the YWCA. We are opposed to that.

We are fighting hard to keep it with the City Attorney's office or as a department of the city.

I have strengthened our commitment to do something about domestic abuse.

Goldsmith:

Let me respond to the pension question – I have never said that I am going to drop the lawsuit. What I said is that I would like to see a global settlement for the pension lawsuit. We have lost the ball, we have spent millions of dollars reimbursing the many parties' lawsuits. I believe that it's in the best interest of the city to count our losses only as part of the settlement. It is up to the City Council to decide - not up to me. The lawsuit was lost.

The Family Justice Center services the City of San Diego. The proposal is to broaden it to have it serve the County and the other cities. I like the regional because domestic violence doesn't stop at the borders of the City of San Diego. Whether it is run by the YWCA or another group, it needs to be broadened and based upon different options and the best resources. I agree with Mr. Aguirre that domestic violence is a huge problem and a mounting problem but I take issue with his commitment to address domestic violence. Policy is out there, but dealing with things such as foreclosure sanctuary has weakened the nuts and bolts practice to prosecute domestic violence has suffered.

We asked and the Family Justice Center doesn't even have a brochure to hand out to the people who may need its help.

Q: What in your background, Mr. Goldsmith, most qualifies you to be City Attorney and for Mr. Aguirre, What is your biggest accomplishment during your first term?

Goldsmith:

A more varied, broader background

I see trial lawyers every day in my courtroom

I've supervised, trained, hired and fired lawyers

I've seen business cases and been involved in large cases and in small cases.

Served in the Legislature making laws

Enforced law as a judge and interpreted the law

Taught law as an instructor

Made decisions on hundreds, if not thousands of trials

I've seen the impact of solving cases before they go to the court and will try to keep us out of court.

Served as a mediator

As a judge I have settled hundreds of cases before going to court which in the end saves money.

Aguirre:

The judge is misrepresenting the case. Remember his statement that he wasn't going to drop the case before the retirees.

We have an appeal.

Rocque de la Fuente case which we lost in trial but we won on appeal, which saved the city 300 million dollars.

Our case set aside 800 million dollars in illegal pension debt before the appellate court.

I have tried to get the other side to settle but the council is still dominated by unions.

I like unions and I have nothing against unions but these unions have a strangle hold on the city

They dominate city councils so the city has not been supportive to get these cases settled.

I was selected as one of the top 100 lawyers in California

I have a masters degree in public administration from Harvard

I taught history at USC

I was assistant to the U.S. Attorney

I was a lawyer for Senators

I know the law, I am humbled by the law

I am challenging the judge to stand up and tell us that he did not tell the retirees that he was going to drop the mitigation on the primary at the Voice of San Diego...

Q: In hindsight, regarding the Sunroad Building, what was be the best way to handle that issue of the building being twenty feet higher than required by FAA?

Aguirre

One of the most powerful developers visited the mayor's office after I had already filed the lawsuit to take down the building as FAA ordered. The state of California ordered us.

The Mayor met behind my back and allowed that building to go up.

One of my proudest achievements is that we brought that building down to 160 feet.

By doing so we said that everyone in San Diego no matter who you are has to live by the law.

Jerry Brown wrote a letter to the editor criticizing me at the request of the Mayor

Political system is convoluted. I don't think everyone is corrupt.

Dishonesty has been a major problem

You can drive by the building and see a case where the law won

Mr. Story was left off the hook.

Goldsmith:

State law requires that FAA recommendations be placed into the city's general plan around airports.

The City of San Diego did not comply with that law.

The person at the counter did not check it off because it is not part of the law.

It was a lack of communication between the staff and the City Attorney's office.

It got to the point where we had to get them to knock off two stories and I agree with that.

Idea that calling the Mayor corrupt is somehow justified is ridiculous.

Attorney General Jerry Brown went through the report and came to the conclusion that there was no corruption against the Mayor. A criminal prosecutor should not stand in a press conference and call the mayor corrupt.

Calling people names and accusing them of wrongdoing without evidence is ridiculous and a waste of the taxpayers money.

Q: With the large number of attorneys in the City Attorney's office, why is responsible "code enforcement" still a big problem in the City of San Diego?

A: Goldsmith

There is a need to have some priorities established.

As a judge, I heard many code enforcement cases. They require a lot of work-up. Need the personnel to support lawyers in court. Needs a team.

It takes time to identify a violation, to monitor it, to try and extract compliance.

Non effectiveness is due to a combination of factors.

City Attorneys cases should remain with the City Attorney's office and not transferred to the District Attorney.

Aguirre:

That question is unfair and people are misinformed

We have the best code enforcement of any City Attorney's office in the country

San Antonio police officers and city attorneys came to San Diego to study code enforcement office.

Foreclosures are part of the code enforcement. Foreclosures are destroying neighborhoods and communities.

Office is a National Model of code enforcement

Go to sandiegocityattorney.org to look up code enforcement cases.

Q: What, if anything, will you do about the Chargers leaving San Diego?

Aguirre:

I pray that they do not leave San Diego during my watch because everyone will blame me.

There are only 36 teams and it is a monopoly and they want to make as much money as they can, but its out of control.

I am a native San Diegan and been a Chargers fan since the days of Murphy and Lance Alworth.

Need to make the cities work together to renovate the stadium just like the team works together to play the game.

City does not have money to repair the city and keep up things like libraries and recreation centers open, cannot subsidize the Chargers. Taxpayers need to have the same representation that the players have when working on their deals, no more ticket guarantees.

I will do everything I can to have the Chargers stay in San Diego but the Chargers cannot dictate who will be representing the City's side.

I have been involved since 1996 so I can be a lot more helpful with new ideas and in making plans and making decisions.

Goldsmith:

Would be willing to sit down and talk and bring some new options to the table.

Chargers will not deal with the City of San Diego as long as the current city attorney is in office. Maybe it is because he tends to not want to talk, calls press conferences to attack people and brings lawsuits when things go wrong.

Chargers are talking to City of Chula Vista now, if that does not work we will need to see if there are some options.

Could come up with an option to be presented to all cities in the county. We all benefit by the Chargers remaining in the area. This is not just the City of San Diego or the City of Chula Vista we are all in this together and we all should participate in the process.

Should sit down with the Chargers and talk about options. The city does not have the money to support the Chargers.

As Attorney I will sit down with them and talk with them and see what options can be created. Come up with ideas, it doesn't have to be a win-win situation but it has to be presented to the voters.

Need to get beyond all the personal accusations and all the walls that have been built up between us.

Closing Statements:

Aguirre:

I am going to make an unusual closing statement tonight. Judge Goldsmith I'll ask you one question sir: Did you or did you not, tell the retirees during the debate sponsored by the Voice of San Diego that you are not going to proceed with the lawsuit, the pension lawsuit?

Goldsmith:

I will answer this question. I said, from day one, that we need to settle the pension lawsuit. Settling involves dropping the lawsuit. Yes, that is part of the settlement that means that there are conditions attached and needs to be approved by the City Council. I've said it publicly in March and in May in every debate. We have already lost the lawsuit, there isn't much to drop other than an appeal.

As I stated in the beginning, this office is about practicing law it is not a political office.

The idea of creating a foreclosure sanctuary in the City of San Diego so that we don't have any foreclosures and people can default on their loans may be benign, but that is not what we want the City Attorneys' office to do when we have code enforcement issues, criminal prosecutions, police officers issue citations for criminal conduct, that keep piling up on a desk because there is no one to prosecute them and no one to investigate them because they are working on foreclosure sanctuary. We need to get them to focus on the nuts and bolts and practice law and win some civil lawsuits.

Need to clean up the mess that has been created by the current City Attorney.

Need to reestablish a legitimate criminal prosecution that doesn't let cases pile up.

Thank You.

Police Report

- Captain Rosario has been transferred, Mark Jones took over for him in the division.
- Staffing has come up we have three new officers, the academy is full and remains full and we have three brand new sergeants.
- Combination of officers, detectives, volunteers and you reflected in the reduction of crime in the area.
- Questions:
 1. What is happening on Johnny Lane?
 - A. It's a DEA investigation. We do not know what is official
 2. Ewatch states that the Maya Linda area is a hot bed of car prowls and car thefts, one or two every day?
 - A. Biggest problem in the area are property thefts. Crimes of opportunity where people are leaving property in plain view in their cars. Need to educate the public to lock up their valuables.
Car thefts are still happening – Toyotas and Hondas are preferred for taking.
Arrested four guys today for residential burglary, they were probably responsible for other things.
 3. Any update on the vandalism along Camino Ruiz and Mira Mesa Blvd.?
 - A. No new information and no specific tie ins. The muggings haven't happened in over three weeks and we believe that some individuals we are looking at currently were responsible for those also. The police presence helped to curtail the problem.

Fire Report

None

Elected Representatives Reports:

Brian M (Gabrielle Alves)

- Helped to get \$4,000.00 check finally delivered to MMTC
- Farewell gettogether for Brian at Bernardo Winery on September 18, 5:30 to 7:30.
- Helicopter 2 now in place for firefighting
- On September 3 at 10:00 am Ted Brengel and Joe Frichtel will get a proclamation from City Council. Robin Stutsman will receive one on September 23 at 10:00 am.

Open Forum

None

Old Business:

- Proposal for more money for paint for the walls along Mira Mesa Blvd.. The Community Pride account was phased out last year with \$1,070.00 going into the MMTC account. Also recommended to put \$3,000.00 a year from the MMTC to

continue the project. We will transfer the \$1070.00 to the paint account and we will put \$3,000.00 for next years account but cannot make the obligation for future boards. Need to come back every year for a decision.

- Q: Do you have any idea of how much it costs per foot?

A: About .70 to \$1.00 per foot

- Motion was made to transfer \$1070.00 immediately into the fund and to put \$3,000.00 in next year's budget. Motion passed.

Proposition S (Michael Kreizenbeck)

- School bond campaign.
- 2.1 billion dollars school bond for San Diego Unified District for all schools and students.
- 500 million dollar technology upgrades. Every school will get a wireless computer network.
- 450 million dollars for reconstruction and major repairs.
- Son of MM (1998) will carry on and cover critical projects left over once MM diminishes.
- No tax rate increase. Will take over as prop MM bonds are paid off so tax will remain stable. Has multi layer tax safeguards.
- Need 55% of the vote to pass.

Q: Budget for California not yet done. What will happen with left over money from MM and S?

A: There will be no money left over because the spending is already planned and it is illegal to use the money for anything else. It is a completely separate entity.

Q: How does the public feel about it. The Country is in bad shape, people loosing their houses?

A: School identified 7 billion in need and prop MM was for 1.5 million, the 2.1 million for S just continued the plan. There is 63 to 65% positive reaction to prop S. Not as good as MM in 1998

Q: Salk Elementary School was supposed to be built down the street but because of various issues was not yet built. Is the money for Salk still there in MM?

A: You can find out by going to the school board website at www.sandi.net

Q: If prop S passes and the projects are completed, what happens to the money left over because it cannot be redirected.

A: I doubt that any money will not be spent the need is tremendous.

Q: We don't have a state budget. What happens to the school system when we do not have money to pay our teachers – it closes. What are they going to do about it?

A: This is separate from that.

Comment: Yes, but it will affect the bond issue!

- Thank you and we would like to ask for the endorsement of the Town Council for this.

Thank you to Pam O'Donohoe for setting up the debate and getting this facility for today's meeting. It took going over many hurdles to do that.

Community Group Reports

Maintenance District – Tom Derr

- Going into bid for the replacement of the blacktop with stamped concrete in the medians. The design will coincide with Calle Cristobal. Try to get someone to do the job throughout San Diego so that the cost can be cheaper. Color code already selected.
- Next meeting first Tuesday in December.

RSVP

- Eight new members in new class – it's the biggest ever.

Street Fair

- 100+ booths scheduled
- Entertainment schedules is now final
- Vulcan and Hansen trucks and the military are in.
- Construction at Tio Leos will pose a bit of a problem
- New Carnival vendor with better rides
- Dogs may be there we will not know until the week before.

Planning Group – Ted Brengel

- Group dark in August
- Meeting one week from tonight at the Library
- Bev-Mo looking for liquor license
- Presentation on why beach booze van is a good idea. Why in MM since we have no beaches? It will be interesting.
- County water authority will talk about back-up water supply

Recreation Council – Joe Frichtel

- Meeting tomorrow night at Lopez Ridge at 7:00 pm
- Air Show coming up next month
- Monster Manor is out there getting ready.

Penasquitos Canyon – Pam Stevens

- Special Meeting on Thursday, September 18, 6-8:00 pm at Canyonside Park Rec. Center
- Reviewing management proposals for the area north of Penasquitos Canyon.

Mira Mesa Library – Pam Stevens

- Starting a chess club in little conference room.

- Increased involvement with teens for community service hours.
- Training class for databases for teen use.

Banned Book Club – Pam Stevens

- Meet September 29 at 7:00 pm at library
- Bring names of books you would like to read in coming months. Books that have been banned or challenged for one reason or another.

4th of July Committee – Sandy Smith

- Meet September 7 at 7:00 pm at Senior Center
- Bank of America will not match funds for 4th of July fireworks
- Need ideas for fundraisers and need money

Theater Guild – Courtland

- Walls for Monster Manor are up.
- Need help in building the inside, will be there on the weekends.
- Share the wealth: Will donate all or part of the entrance cost to organizations that hold a 501C3 permit. Organizations need to apply to become part of share the wealth.
- We hope to scare you guys

Halloween- Chuck

- Halloween Carnival on October 31.
- Senior Center has had broken windows. Called the City for repairs have asked them to use plexi instead of glass.

Next Meeting:

October 6, 2008 at Mira Mesa Library at 7:00 pm. Schools Meeting.

Respectfully submitted:

Maria Pankau