

KENSINGTON TALMADGE PLANNING GROUP
REGULAR MEETING
OCTOBER 14, 2009

A regular meeting of Kensington Talmadge Planning Group (KTPG) was called to order by Chair Tom Hebrank on October 14, 2009 at 6:35pm in the Kensington Community Church located at 4773 Marlborough Ave., San Diego, CA 92116.

Members present: Tom Adam, Shauna Pribyl, John Garrison, Tom Hebrank, David Moty, Fred Lindahl, Gail Greer, Kevin Kelly, Bob Coffin, Guy Hanford, Sherry Hopwood, Daniele Laman, Frank Doft, and Tom Hoyt.

Members absent: Jeri Dilno.

Also present: Dion Akers, Yoftahe Ghiliamichael, Beryl Forman, Racquel Vasquez, Lotous Lenguyen, Maggie McCann, Andy Field, and numerous members of the public.

MODIFICATIONS TO AND ADOPTION OF AGENDA

A motion was made by D. Moty and seconded by F. Lindahl to unanimously approve the proposed agenda with the addition of a water and sewer update as a Non-Subcommittee Information Items.

MINUTES

Upon a motion made by T. Hoyt and a second by J. Garrison the September 2009 minutes were approved with changes by a vote of 12-0-2. F. Doft and T. Hebrank abstained from the vote.

TREASURER'S REPORT

Treasurer S. Hopwood presented the Treasurer report for September 2009. As of September 1, 2009 there was \$794.06 in the KTPG bank account. During the month of September 2009, deposits consisted of \$20.00 in donations and disbursements consisted of a check to J. Garrison reimbursing him \$____ for the domain name, and a check to Kensington Community Church in the amount of \$_____ for the use of the church through December 2009. None of the reimbursements and disbursements cleared the account. The bank balance as of September 30, 2009 was \$794.06.

The Heart of Kensington received a thank you for donating the microphone set to the KTPG.

PUBLIC COMMUNICATIONS

Various members of the public were present and the following non-agenda comments were made:

R Reibli – Pass.

S. Harrison – Trash cans donated by HOK. If there is any chance to get a trash can at the park, then it would really be appreciated. Round of applause for the equipment going wide around the ken preschool.

M. Stauffer – Reminder that the opposition of the water increase are due on November 17. 2009.

C. Conover – Recognized the city has been installing new trees. She wants to know who is maintaining the new trees after they've been installed.

S. Hopwood – OB historical society is presenting a presentation on “How to write a historical designation report” by Kathryn Rhodes on October 15, 2009 at 7pm. Flyers are on the table.

CITY/GOVERNMENT INFORMATION ITEMS

- I. **Todd Gloria, City Councilmember District 3** – D. Akers made the following remarks on behalf of Councilmember Gloria.
- a. Handed out the October newsletter.
 - b. Maintenance for the palm trees or other trees planted by the city in the front of someone's home is the responsibility of the homeowner. Details about how to care for a specific tree can be found on the city website.
 - c. As announced in a prior meeting, the city will not be conducting annual tree trimming due to citywide cutbacks. The councilmember addresses tree trimming in the October newsletter. T. Gloria's office is willing to help neighbors come together and fund tree trimming.
 - d. D. Laman inquires about whether or not D. Akers was able to check on 1) why the median was added on El Cajon and Dawson St. and 2) the status of adding an ADA designated parking spot in front of the Talmadge Senior Village. Regarding the parking spot, D. Akers did follow up and he learned that the parking spot got lost in the system. Normally there is a fee for the addition of ADA parking but he will talk to the appropriate department about waiving the fee – no guarantees. The City Heights Planning Group approved prior the installation of the median on El Cajon and Dawson St.

- II. City Planning Office** – J. Oakley is the new liaison between KTPG and City Planning. He was not present to make comments on behalf of the City Planning office. J. Oakley can be reached at (619) 235-5204.

NON-SUBCOMMITTEE INFORMATION ITEMS

Kensington Sewer Project – Y. Ghiliamichael updated the group and community on the Kensington Sewer Project. The installation of sewer and water lines has been completed on Kensington & Sussex. The installation of sewer and water lines is partially completed on Canterbury. Next, the team will begin working on Rochester. Any rain will delay the project. Interested parties and residents may visit KTPG.org for further details. D. Kelly has been sending electronic updates to the KTPG, which posts the updates on the web and in the public book at the library. A question was asked about the sewer job that has begun on East Talmadge and Monroe. Y. Ghiliamichael stated that he didn't know anything about the Talmadge sewer project.

NON-SUBCOMMITTEE ACTION ITEMS

- I. El Cajon Boulevard Public Right of Way (PROW)** – B. Forman is gathering support for a PROW district along El Cajon Blvd., which will allow people to set up sidewalk cafes. The NFHRS will review the project and make a recommendation to the KTPG.
- II. Sewer & Water Update** – R. Vasquez and L. Lenguyen presented a flyer regarding a proposed sewer & water project intended to replace the pipes in south Kensington. There was a general concern over the fact that the undergrounding projects are not happening in unison. One happens and then another happens within 3 years.
- III. Best Practices in Historic Preservation Seminar** –T. Hoyt attended the recent seminar and advised the group on 4 key points of the seminar. The 4 key points are 1) development of historic contexts, 2) proper allocation and understanding of the Secretary of the Interior's Standards, 3) education and support of the public, and 4) the role of the HRB community liaison. A written summary was provided.
- IV. HRB Liaison Report** – M. McCann gave a quick tutorial of the 45-year review process and her role as the KTPG appointed liaison. Anytime a permit is pulled for a building over 45-years old the Historic Resources Board (HRB) reviews the project to determine if the building is Historic and, if so, if the contemplated project compromises the historic building. The liaison role is part of the public review process. The liaison takes pictures of the building, notes certain characteristics of the building, and inquires about the general history of the building. All information is relayed to the HRB. The HRB holds a biannual meeting with its liaisons providing guidelines for the liaisons and citywide

statistics regarding the 45-year review process. In the Kensington Talmadge area approximately 2.6 percent of projects go before the HRB whereas the city average is 3 percent. Questions and comments include the affirmation that both businesses and private residences are subject to the 45-year process; whether or not the recently demolished Pearson Ford building was historic; a 1976 provides guidance to the liaison in the determination of whether or not a Kensington building is an individually significant or a contributor; the map doesn't go into Talmadge. R. Utt has 16 questions but will resubmit or address in subcommittee meeting.

V. **Kensington Maintenance Assessment District (MAD)** – Presented by A. Field of the City of San Diego Parks and Recreation Department. He provides administrative support to the MAD program. He provided two handouts to the KTPG and community. There are 56 MADs around the city of which 48 are administrated through the Parks and Recreation Department. The general concept of a MAD is that a community can self assess and use the funds to pay for services above and beyond those services that are included in their taxes. A. Field proceeded to describe the process for formation of a MAD and discussed the contents of the handouts. A. Field gave several examples of services that other communities choose to supplement with a MAD. The following general comments were discussed:

- a. M. Stauffer – Announced that he is in favor of a MAD in Kensington. Encouraged the need for a self-defined plan, equality for all areas, expanding the proposal to include undergrounding as well, and consolidating the business assessment district into the MAD so it's just one district.
- b. R. Riebli – The initial no-interest loan from the city must be repaid in the 1st year the MAD operates; a list of city services that are supposed to be provided now is determined by city council when the budget is approved each year.
- c. P. Berge – Supports a MAD in Kensington. Started by looking at the lights and that's what peaked her interest in suggesting a MAD in Kensington. Encouraged folks to face it that the city services are diminishing and neighbors need to take ownership of our community. Note that a lighting district already exists in Kensington and it is being billed to qualifying residents via their tax bills.
- d. C. Stebbins – State laws require that sidewalk and tree maintenance is the responsibility of the adjacent property owner. Interested in a list of basic city services compared to those proposed in a KMAD.
- e. T. Hebrank – The city, the adjacent property owner, and a MAD can share the cost of sidewalk maintenance or the MAD may accept full responsibility for repairs.
- f. D. Schofield – He doesn't believe that the city is a neutral party and is encouraging MADs to reduce their own responsibilities for providing

- services. Asks that the MAD vote be very well supervised as to not “trick” anyone.
- g. R. Utt – Wants to know if F. Lindahl has any questions about the MAD based on what the Talmadge MAD wishes it could have changed about the process.
 - h. S. McKisic – The city’s MAD pool decreases if the community votes against a MAD (in lieu of paying the initial loan back); votes are weighted by size of the property; all city owned property automatically gets a vote in favor of the MAD; every single property who receives benefits will be assessed regardless of whether it is a school, businesses, library, etc.; law says that there must be an equal value of assessment for benefits received; a feasibility report is prepared to determine which property owner benefits from which service after a scope of services are developed.
 - i. S. Harrison – Assessments can decrease if the financial status of the general fund improves; in case of a dispute the city makes the determination about any property owner appeals; all services are bid out and performed by third party contractors; the community has an involvement in the setting the scope of work; monies are held in trust by the city and all returns from investment remain in the fund.
 - j. D. Blake – The agenda shows a web link to a body of literature on MAD. Alternatively interested parties can go to the City website and type “Maintenance Assessment District” into the keyword search.
 - k. R Riebli – The contractors performing services for the MAD must be properly insured.
 - l. S. Hopwood – It’s possible for property owners to be in more than one assessment district; if the city declares bankruptcy MAD money remains in tact because it is held in trust.
 - m. D. Laman –There are about 7-8 MADs that are attached to planning groups others are attached to town councils and/or stand alone advisory groups. If the boundary lines of a MAD are similar to the planning group boundary lines then it is recommended that the MAD attach to the planning group.
 - n. T. Adam – Believes that the community is interested in a Kensington MAD and determining if it is right for Kensington. The Parks and Recreation department provides little if any guidance in establishing the proposed KMAD since the department is not funded for those services. Any aid provided by the Parks and Recreation Department is pro-bono.
 - o. B. Coffin – TSS tried to get their hands around this issue at the last meeting and understand how much money the community would need for certain services. The city may match funds depending on the scope of services. In lieu of asking the city to manage the services a 501C3 can be formed to manage services. The MAD acts as an advisory in carrying out the services. The city may withdraw from the projects taken upon by the MAD. A. Field has a request into the city attorney to determine what level

- of indemnification is provided to mad advisory committees. Since the proposed boundary will not be substantially similar to the KTPG boundary lines Kensington has the opportunity to separate the advisory group.
- p. J. Garrison – The TMAD can be expanded to include Kensington; however, in A. Field’s experience with MADs communities like to have the monies be separate because services may be different. Additionally, the TMAD has building its funds for years so it may not be open to expanding the use of those funds. Warned the community to be careful about raising a tax like this upon ourselves. Agrees with the citizen that the city encourages MADs to cover its own financial pitfalls. Thinks that we should work with city council person to get the services that we need rather than creating a self-tax.
 - q. S. Pribyl – Confirmed that all property owners are subject to the tax if the majority of the community passes the vote.
 - r. D. Moty – All parcels get a weight vote. Encouraged folks to vote.
 - s. F. Lindahl – Thinks that a MAD is the greatest thing that every happened in Talmadge
 - t. G. Hanford – This process is very well handed versus the business MAD. Expressed that the Adams Avenue Business MAD charges \$450 per year and business owners have very little control over the services. Business owners struggle to get tree trimming done once a year.
 - u. K. Kelly – A dedicated staff member will be given to the MAD to address the concern of residents and the priorities of services. Trust money goes into the city investment pool versus held in a simple money market. He doesn’t share A. Field’s confidence in the city’s financial future.
 - v. F. Doft. – Supports a MAD in Kensington and he is excited to hear the specifics.
 - w. T. Hoyt – To select the assessment engineer a specific list of assessment engineers are put together and city bids out the service similar to other services. The qualified engineer will do a combination of field work and office work to determine which property owners benefit from which services. The engineer will attend 2-3 of the MAD advisory meetings per year. The city helps create a budget for MAD.
 - x. G. Greer – If a property owner does not agree with the outcome of the engineer’s report there is an appeal mechanism. There is no cap on assessments. Only city council can disband a MAD. The disbanding process begins with a petition from the community. When creating the assessment district the community should create a very specific list of services. The assessment engineer has the sole authority to set the boundaries for a MAD.
 - y. D. Moty – A master plan is needed of Kensington to put together a MAD. He encouraged attendees to survey their neighbors for a master plan.

NON-SUBCOMMITTEE ACTION ITEMS

- I. **KMAD AD HOC Subcommittee** – A motion is made by D. Moty and seconded by T. Hoyt to establish a subcommittee to evaluate the recommendation of a formation of the KMAD including: T. Hebrank, D. Moty, A request is made to elaborate what each proposed committee member brings to the group. There is an intense discussion about concern over the suggested members’ predisposition of groupthink and a bias toward the formation of a MAD. A call for the vote is made and the motion passes by a vote of 10-4-0 with D. Laman, S. Hopwood, J. Garrison, and S. Pribyl voting against the motion.

The KTPG takes a 5-minute break.

SUBCOMMITTEE ACTION ITEMS

- I. **Neighborhood Facilities & Historical Resources Subcommittee (NFHRS)** – On behalf of the NFHRS, the subcommittee Chair, T. Hoyt made the following presentation:
 - a. **Action items** – none.
 - b. **Information items** –
 - i. Utility boxes – Cynthia Gaddes will be in contact with additional Kensington/Talmadge based artists for further utility box paintings in time for the 2010 centennial. No boxes will be painted without the sketches being provided to the KTPG.
 - ii. Pearson ford – Historical elements should be preserved in a future building design.
 - iii. Demolition permits – The subcommittee discussed the pending issue related to demolition permits and historical preservation. The discussion also entailed a discussion about the role of the HRB liaison.
- II. **Project Review Subcommittee (PRS)** – On behalf of the PRS, the subcommittee Chair, T. Adam, made the following presentation.
 - a. **Action Items** –
 - i. **Land Use Workshops** – The PRS recommends putting a copy of the Land Use Workshop materials and summary write-up in the library, the city website, the KTPG website, and with the city planners office. A request was made to save the notes and use them in conjunction with the development of a Kensington master plan.
 - b. **Information Items** – none.
- III. **Transportation and Safety Subcommittee (TSS)** –
 - a. **Action Items**
 - i. **Crosswalk** – A motion was made by the subcommittee to approach the city about studying the feasibility of placing a crosswalk at the intersection of Kensington Drive and Adams

Avenue. Discussion ensues about the pros and cons of a crosswalk at that intersection and upon a call for the vote the motion passes by a vote of 13-1-0 with J. Garrison voting against the motion.

b. **Information Items** – none.

IV. **Membership & Communication Subcommittee (MCS)** – On behalf of the MCS, the subcommittee Chair, J. Garrison

a. **Action Items** – none.

b. **Information items**

i. **Recent Website Postings** – Don Kelly construction’s water and sewer project update and the 2009 minutes have been posted on www.ktpg.org.

V. **By-Laws Ad Hoc Subcommittee (BLS)** – On behalf of the BLS, the subcommittee Chair, D. Moty, made the following presentation:

a. **Action Items**

i. **Adopt Proposed By-Law Changes** – Ten amendments to the Bylaws were presented to the board –

1. Authorizing or prohibiting the chair to make motions – A motion is made by D. Moty and seconded by F. Lindahl to accept Option A which allows the chair to make motions. A discussion ensues and J. Garrison presents the pros and cons of Option B, which is consistent with Roberts Rules of Order. A call for the vote is made and the motion passes by a vote of 8-6-0 with D. Laman, T. Adam, G. Garrison, K. Kelly, F. Doft, and S. Hopwood voting against the motion.
2. Clarifying or eliminating a term-limited member’s ability to serve as an officer – After explaining the pros and cons of Option A a motion is made by D. Moty and seconded by F. Lindahl to accept Option A. J. Garrison presents the pros and cons of Option B. A call for a vote is made and the motion passes by a vote of 8-6-0 with S. Hopwood, B. Coffin, J. Garrison, S. Pribyl, K. Kelly, and F. Doft voting against the motion.
3. Transferring agenda setting from the chair to the subcommittees – A motion is made by J. Garrison and seconded by F. Doft with a friendly amendment from T. Adam accept the verbiage as proposed with the exception of deleting the parenthesis deleting the last sentence. A call for the vote is made and the motion passes by a vote of 10-4-0 with T. Hoyt, G. Hanford, F. Lindahl, and D. Moty against the motion.

A motion is made by D. Laman and seconded by J. Garrison to extend the meeting time by 15 minutes. A call for the vote is made and the motion passes by a vote of 8-6-0. S. Pribyl, D. Moty, F. Lindahl, G. Hanford, B. Coffin and K. Kelly vote against the motion.

4. Further definition of the payment authority of the treasurer – A discussion ensues about the purpose of the amendment. A motion is made by J garrison to amend Option A so that it reads “....direct the Treasurer to pay recurring bills up to \$100 per month provided that the KTPG balance is \$200.” There is no second in favor of the motion; thus, the motion fails.
5. Expanding the purview of the planning group – A motion was made by J. Garrison and seconded by B. Coffin to vote in favor of the proposed amendment with the addition of the “upon the planning group’s evaluation of the matters and their consistency with the planning group role.” A call for the vote is made and the motion fails by a vote of 5-9-0 with T. Hoyt, F. Doft, G. Hanford, T. Hebrank, D. Moty, F. Lindahl, S. Hopwood, and T. Adam voting against the motion.

A motion is made by J. Garrison to extend the meeting time by an additional 15 minutes. The motion does not receive a second thus the meeting moves to immediate adjournment.

ADJOURNMENT

- I. **Agenda for an upcoming KTPG meeting –**
 - a. Capital improvement projects.
- II. **The KTPG meeting adjourned at 9:47pm. The next meeting will be held at 6:30pm on Wednesday, December 9, 2009 at the Kensington Community Church.**

Submitted by, Shauna Pribyl, on December 9, 2009.

I, Shauna Pribyl, am the Secretary of the Kensington Talmadge Planning Group and I hereby certify that that these minutes were approved by the Kensington Talmadge Planning Group on _____, 2009.

Shauna Pribyl, Secretary

Date _____

DRAFT