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## Barrio Logan Group Faces an Uphill Battle Trying to Stop Shipbuilder Scam

by [Doug Porter](#) on November 22, 2013 · [2 comments](#)

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*By Doug Porter*

Superior Court Jeffrey Barton will hear from the Environmental Health Coalition (EHC) seeking a temporary restraining order aimed at stopping a referendum overturning the Barrio Logan Community Plan. EHC and community supporters are saying signatures were fraudulently gathered on petitions submitted by the Protect Our Jobs Committee, a group created by shipyard repair companies.

The coalition has submitted affidavits from witnesses claiming petition gatherers were not truthful about the community plan's details. News media accounts and videos caught paid signature gatherers claiming the US Navy would leave San Diego should the community plan be implemented.

Posted around shopping centers in areas of the city where residents were likely to be unaware of the past history of callous disregard of health hazards by funders of the Protect Our Jobs group, voters were also told that 46,000 jobs were at stake and that the purpose of the plan was to allow developers to build condominiums in the area.

Today's story in [UT-San Diego](#) shows just how much the odds are stacked against the EHC:

*City Attorney Jan Goldsmith's office responded that the allegations are not strong enough to stop the referendum process and the shipyards' attorney said the campaign did not mislead voters.*

*"(Plan supporters) could have, and should have, dispatched representatives to stand near circulators and plead their case or otherwise campaigned against the referendum qualification effort," said Bradley W. Hertz, representing the shipyards.*

*He said the Environmental Health Coalition also could have complained to the district attorney or city attorney and sued individual petition circulators if they detected fraud.*

Photographer David Lundin [wrote in to the paper](#) to say he *did* complain to the City Attorney. (Emphasis mine)

*I am not affiliated with the EHC in any way, but as a voter I sent an E Mail to the City Attorney complaining of the fraud I observed by paid signature gatherers. I never received any reply from Mr. Goldsmith's office. He of course is a very high-profile Republican, allied with the shipyards and opponents of the Barrio Logan Community Plan.*

*Again, I think Mr. Hertz' argument is disingenuous at best.*

His suggested "remedy" of individual suits against individual signature gatherers is also absurd. The ones I confronted had no name tags, refused to identify themselves, and strongly objected when I tried to photograph them. Hundreds of individual suits against unnamed signature gatherers would impose an unreasonable burden on those trying to prevent fraud against the voting public.

*"(Plan supporters) could have, and should have, dispatched representatives to stand near circulators and plead their case or otherwise campaigned against the referendum qualification effort," said Bradley W. Hertz, representing the shipyards. "*

*Interesting argument. I personally tried to engage paid signature gatherers in a fact-based dialogue at the Trader Joe's in Hillcrest on University on 2 days. One of them repeatedly yelled at me, used foul language and gestures, and finally chased after me. Another said I had no legal right to talk to her, and she said she would call the police. I offered her my Mobile phone to make that call. She declined, but again raised her voice and physically threatened me.*

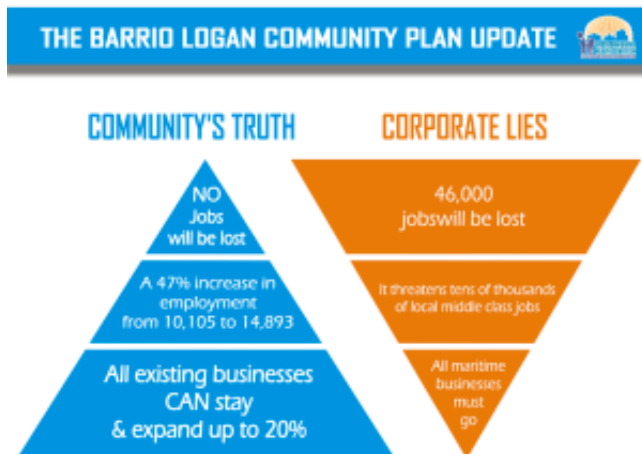
*It is neither legally required nor remotely reasonable to require those who oppose fraud by paid and coached signature gatherers to engage in public debate with those perpetrating the fraud against the public at the risk of physical injury to themselves or others.*

The City Clerk's office will report to the City Council in two weeks that the Registrar of Voters has determined enough valid signatures (in the sense that they're registered to vote) exist for the petitions to move forward.

The council will then have ten days to either rescind the plan or place it on the June 3<sup>rd</sup> ballot. A similar process will be followed when a second referendum petition is submitted soon to challenge two implementing ordinances connected to the Community Plan.

The fraud involved in the collection of signatures was reported at KPBS (associated with a Kevin Faulconer

campaign event, no less) and Voice of San Diego. There are videos of petitioners (which were posted online by EHC) committing fraud and behaving aggressively towards people challenging them or trying to document their activities.



This is a David vs. Goliath struggle. The deck is clearly stacked against supporters of the Barrio Logan Plan. They spent five years talking to stakeholders in the community, worked with the city government at every step of the way and gained approval of the City Council.

Now a group with multinational corporate backing has blocked their efforts to create a nine block buffer zone protecting residential areas because grandfathered or new shipbuilding related businesses in that area would have to apply for a conditional use permit in order to expand by more than 20%. The underlined part in the previous sentence is their only objection to the plan.

Really.

## Happy Days Are Here Again for Hotel Hucksters



Haven't we see this movie before?

Now that the first round of elections has past, iMayor Todd Gloria has decided it's time to roll back another item unpopular with business interests from the Filner agenda.

Calling his proposal a "no-brainer", Gloria along with City Attorney Jan Goldsmith, sweet talked the City Council

yesterday into releasing up to \$10 million in funds frozen for legal reasons last spring.

The funds have been withheld due to the failure of hotel owners to sign on to an agreement that would have indemnified the city from liability should a lawsuit over the questionable method being used to raise those funds prevail in court. City taxpayers are now on the hook for millions of dollars in potential liabilities should the suit prevail. The hotel owners, meanwhile will have received the ‘benefit’ of those monies, which are supposed to be spent on advertising and marketing.

If the truth were to be told, a majority of hotel owners in San Diego were against the occupancy fee/tax added to room charges. Rather than risk losing on the issue, (which they did if a simple majority rule had been used) organizers of the effort weighted the voting based on the number of rooms.

As former Mayor Filner tried to hold the hoteliers’ hand to the fire on this issue, stories of doom and gloom, of jobs being lost, of a looming economic disaster were given credence by the local media.

Now the excuse being given for needing these monies immediately is that other cities are growing *faster* than San Diego.

From the [UT-San Diego](#) account:

*Data compiled by Smith Travel Research show that San Diego County hotel revenues grew just 3.7 percent through the end of September over the same period last year. By comparison, growth rates for Los Angeles, Anaheim and San Francisco ranged from 7 percent to 12 percent.*

*While the Independent Budget Analyst’s report pointed out that it’s very difficult to prove that the diminished spending on tourism marketing is to blame, Financial Management Director Jeff Sturak said he’s concerned about the city’s slower growth in hotel tax revenue that helps fund municipal services. He’s projecting a 5.7 percent increase in hotel room tax revenues for the current fiscal year, which is higher growth than the previous year but lower than what occurred during the 2011 and 2012 fiscal years.*

...

*City Attorney Jan Goldsmith sought to reassure the council that it retains the option at any time to hold back additional tourism assessment money in the event it fears the city’s general fund is at risk.*



By Louis Hock via [visarts.ucsd.edu](http://visarts.ucsd.edu)

Historically San Diego's growth rate in tourism has been slower than the other markets mentioned. While there were years back in the mid-2000's where growth approached or surpassed double digit figures that growth was tied to the national economy. Sequestration and military budget cuts have impacted San Diego's economy in ways that have also cut into travel.

This is just sheer stupidity.

Again from [UT-San Diego](#):

*Councilman David Alvarez, who is running against fellow Councilman Kevin Faulconer to be the city's next mayor, was the lone dissenting vote, saying he still is concerned about the potential liabilities the city faces.*

*"We could be in a position where any single hotel could make claims and expose to the city to millions in liability," Alvarez said. "The costs of taking this action are huge and the benefits are small initially."*

Finally, I refer readers to this most excellent opinion piece by George Mullen from last month in the [Voice of San Diego](#) challenging the effectiveness of the Tourism Authority. Referencing the numerous press accounts warning of impending disaster, he says:

*In fact, the numbers look great in light of the draconian cutbacks at the Authority – even more so in an economy growing at less than 2 percent. It begs the existential question: Why fund the Tourism Authority at all?*

*The Tourism Authority has spent more than \$100 million of taxpayer dollars promoting San Diego since TMD's 2008 formation, yet San Diego still lacks a compelling, long-term brand and message. The only thing San Diego has to show for all this time and money is a string of throwaway ad campaigns that have likely done more harm than good – all for the sake of filling hotel rooms in the short term.*

## **San Onofre Investigation Impeded?**

US Senator Barbara Boxer released a letter yesterday expressing concerns that federal regulators might be improperly concealing documents on a long-running investigation at the now-closed San Onofre nuclear power plant.

From the [Platts.com](#) financial newsletter:

*"Just this week, NRC personnel attempted to restrict my staff's review of records that I had requested related to the ongoing San Onofre investigation and even told my staff that they could be searched to ensure they had not taken any documents," she said.*

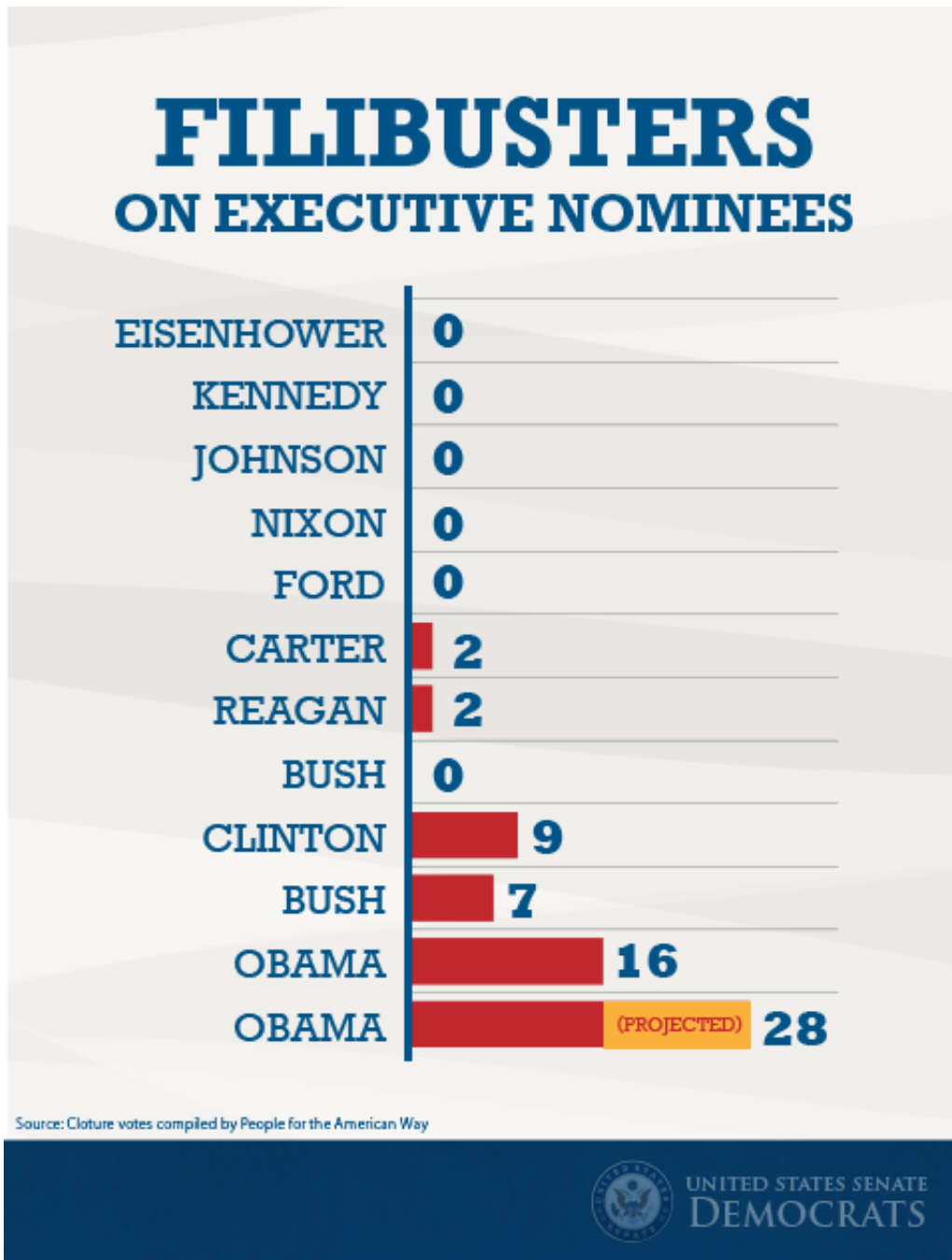
*"Let me be clear — no form of agency intimidation or obstruction will be tolerated in this committee's investigation or its constitutional oversight responsibilities," Boxer said.*

*"Action will be taken if you do not reverse your policy," she said without elaborating.*



## About Another Nuclear Option...

Just in case your were wondering why Sen. Harry Reid's actions yesterday were significant:



## Mayoral Debates Limited to Six

The sprint campaign towards this weeks special election say nearly two dozen debates and/or forums. In one instance, two events were scheduled for the same date and time at locations in Southeast and Hillcrest.

The candidates developed "Debate Fatigue". Those of us that try to follow these events even got jaded about their frequency. (Still, I'll take a debate over so-called fact filled flyers and robo-calls any day.)

A spokesman for the Faulconer campaign announced via [Twitter](#) yesterday that an agreement between the

candidates has been reached; debates during the next round of electioneering will be limited to just six.

Can we not have any moderated by Roger Hedfecock? Please?

## What the F\*\*\* Happened to Humility?



The I'm Not a Geezer Yet Set flocked to SDSU's Viejas Arena last night to see Pearl Jam. By all accounts it was an epic show. (Having achieved geezer status, I was excused from attending.)

Lead singer Eddie Vedder has San Diego roots and a proclivity towards socially conscious rants between songs. So it wasn't too much of a surprise last night when he paused for the cause to toss a barb about our local Daily Fishwrap.

Here's one interpretation of what he said:

*'I saw the UT tagline- greatest country, finest city. What the F happened to humility?'*

The twitterati at *UT-SanDiego* took it in stride, according to this morning's feed.

**On This Day: 1718** - English pirate Edward Teach (a.k.a. "Blackbeard") was killed during a battle off the coast of North Carolina. British soldiers cornered him aboard his ship and killed him. He was shot and stabbed more than 25 times. **1963** - President Kennedy was assassinated while riding in a motorcade in Dallas, TX. Texas Governor John B. Connally was also seriously wounded. Vice-President Lyndon B. Johnson was inaugurated as the 36th President. **1967** - Arlo Guthrie's "Alice's Restaurant" was released

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### Doug Porter

Doug Porter was active in the early days of the alternative press in San Diego, contributing to the OB Liberator, the print version of the OB Rag, the San Diego Door, and the San Diego