

STEVEN P. DINKIN A Path Forward

FINDING RIGHT WORDS, TONE FOR STATE OF UNION ADDRESS

On Tuesday, President Joe Biden will deliver his first State of the Union address. I wonder: Which Biden will we see? The all-powerful wizard or a mere mortal — the man behind the curtain?

In “The Wonderful Wizard of Oz,” Dorothy and friends embark on a journey to find the wizard, who — as ruler of Oz — can solve all their problems. But disappointment awaits: When the group finally reaches their destination, it is revealed that the “wonderful Wizard of Oz” is nothing more than a man behind a curtain. Still, the apologetic man finds a way to help them all.

A political junkie friend of mine told me that Biden had better display his wizardry. He needs to project vigor, power and strength. If he doesn’t, my friend said, “the Republicans in the room will eat him alive.” I reminded him that the Republicans in the room aren’t Biden’s audience.

But we know this president well — and he’s more mortal than wizard. Biden oozes empathy and

relatability: the train-riding guy from working-class Scranton, Pa., who’s suffered immeasurable loss in his lifetime. Biden feels the pain of everyday Americans and speaks their language.

My friend argued that now is the not the time for Biden to show a side that we already know. After all, it hasn’t done much for his approval rating, which sits somewhere between 39 percent and 44 percent, according to five recent polls. And with Russia invading Ukraine, there is an urgent need for the president to demonstrate forcefulness and certainty.

To be sure, Biden has some notable wins to tout. In a letter to supporters on his one-year anniversary as president, Biden wrote, “Together, we passed the historic American Rescue Plan that’s helped us go from two million Americans fully vaccinated to nearly 210 million. More than 95% of our schools are open. We’ve seen record low unemployment and record high job creation — with 6.4 million jobs created in 2021, the most in any calendar year on record. And experts esti-

mate we’ve seen the largest drop in child poverty in U.S. history in a single year.”

The letter goes on: “Together, we passed the Bipartisan Infrastructure Law that will create better jobs for Americans and deliver clean water and high-speed internet for every American, and modernize our roads, bridges, ports, and airports.”

But it feels like the wrong time for Biden to trot out these successes, especially to an audience that largely believes our country is headed in the wrong direction. From lingering COVID concerns to skyrocketing gas prices, national pessimism is a very real thing. People are worried about their lives and untrusting that government has the answers. Their list of concerns has only grown with the Ukraine situation.

In a recent New York Times opinion piece, David Axelrod, a senior adviser to former President Barack Obama, said Biden should show humility in his State of the Union address and remember the country is “traumatized.” Axelrod wrote, “The state of

the union is stressed. To claim otherwise would seem off-key and out of touch. You simply cannot jawbone Americans into believing that things are better than they feel.”

He continued, “What Americans want to hear is genuine understanding of what we have been through together and a clear path forward — less about Biden’s accomplishments than about the heroic, unsung sacrifices so many have made.” It’s not about selling harder. Instead, Biden should talk about specific, practical steps the administration will recommend to address the concerns on Americans’ minds: reducing inflation, curbing violent crime and effectively confronting future waves of the virus.

If Biden is looking to emulate another president in this week’s address, he might consider Franklin D. Roosevelt. Roosevelt was masterful in the way he projected strength and empathy, all in the same speech.

By the time Roosevelt took office in March 1933, we were in the throes of the Great Depres-

sion. Our economy was in deep decline. The banks had failed. And more than 13 million people were unemployed.

In his inaugural address, Roosevelt sought to rebuild the country’s confidence, declaring that “the only thing we have to fear is fear itself.” He proposed a broad range of measures aimed at reigniting the American economy.

Roosevelt went on to deliver some 30 radio addresses between 1933 and 1944, speaking on a broad range of domestic and foreign issues. In his “fireside chats,” as they were called, Roosevelt used simple language to be clearly understood; he warmly greeted the audience by saying, “My friends.”

This should be easy enough for Biden to do. Now if only he can figure out how to grant all the wishes of a nation in pain.

Dinkin is president of the National Conflict Resolution Center, a San Diego-based group working to create solutions to challenging issues, including intolerance and incivility. To learn about NCRC’s programming, visit ncronline.com.

FIELDS Timed entry to become permanent

FROM B1
few sections in various stages of bloom.

Over the past quarter-century, The Flower Fields has become one of the region’s most-photographed tourist attractions. Clarke said in the early years he was thrilled to welcome 75,000 visitors each spring. But with the advent of Instagram and other social media platforms, business exploded.

In 2020, The Flower Fields attraction was two weeks into its visitor season when the pandemic hit. Most of the crop is pre-sold to flower wholesalers each year, but Clarke said all of his shipment orders were canceled within a week or two. With no income from wholesale buyers or visitors, Clarke was forced to mow down about half of the 2020 crop. Later, he sold what was left at a nearby flower stand with proceeds going to charity.

When the fields reopened for business last year, Clarke instituted a new online-only ticketing system that was so successful that it becomes a permanent fixture this year. In past years, visitors tended to clump up at midday, which made for crowding in the fields and long lines for wagon rides. Through timed-entry ticketing, visitors expanded into the usually slower morning and late afternoon hours, allowing for less crowding and more visitors overall.

Returning this spring after a two-year absence will be live concerts, yoga classes, flower arranging and photography workshops, wine-tasting events and tea parties, as well as food vendors selling kettle corn, lemonade, fresh strawberries and, new this year, pizza.

Clarke is most excited this season about a new five-acre sunflower garden that



HAYNE PALMOUR IV

Moises Morales (right) checks in a bundle of ranunculus flowers picked by Alberto Valencia at the Flower Fields at Carlsbad Ranch last week.

will come into bloom in late April or early May. Visitors will be able to walk among the rows of eye-height blooms for a unique photo opportunity. There will also be a small sunflower test garden where visitors can see a wide variety of sunflower plants.

Some of the other new attractions this year will be an illusion garden designed by Elfin Forest topiary artist Jennifer Coburn and new walk-through gardens created by local master gardeners. Also in the final stages are the annual sweet pea maze and heritage poinsettia collection.

Later in the season, Coburn will create a second topiary art piece, and a new crop of flowers known as stock will come into bloom. The spearlake scented blooms in violet, pink and white hues are growing along the perimeter of some of the ranunculus fields, Clarke said.

By late March, the all-petunia American Flag floral garden, located on a south-facing hillside along Palomar Airport Road, should come into full bloom and will last until the Fourth of July.

A few years ago, Clarke opened a one-acre pick-your-own blueberries garden with four varieties of the fruit on the vine. The blueberries, at \$5 a basket, have

The Flower Fields

Hours: Opens Tuesday and runs through May 8. Hours, 9 a.m. to 6 p.m. daily

Where: 5704 Paseo Del Norte, Carlsbad

Tickets (sold online by timed entry only): \$22, adults; \$20, seniors 60 and older; \$10, children ages 3 to 10; free, children 2 and younger.

Phone: (760) 431-0352

Online: theflowerfields.com

been very popular with guests, but Clarke said they’re not producing enough berries yet to be open for daily picking. He’ll put out signs when berries are available this season — likely just two days a week — and he’s doubling the size of the blueberry garden for next year to ensure more picking days.

One thing that will be in abundance all season will be the ranunculus flowers themselves. Thanks to heavy rains and sunshine, Clarke said this season’s flower crop has had a “spectacular germination.”

“A good germination puts a smile on a farmer’s face because that means more flowers for the guests to experience,” he said.

The long sloping hillside, which stretches from Cannon Road south to Palomar Airport Road, has been home to flowering plants since 1923, when the Paul Ecke family moved their poinsettia-growing operation south from Los Angeles.

When the Eckes transitioned from cut poinsettia flowers to potted poinsettia plants and moved their growing operations inside greenhouses, the fields were leased in 1965 to another local grower, Edwin Frazee.

His father, Frank, had begun growing ranunculus flowers in the 1930s after learning about them from his neighbor, Luther Gage. Riverside-raised Gage moved to Carlsbad in the early 1920s to grow flowers for the L.A. market. Among the first seeds he planted at his small Oceanside farm were ranunculus, which he’d ordered from a seed vendor in Europe.

Back in those days, ranunculus flowers had just a few petals, but over the years, Gage, and later the Frazees, developed a plant with stronger stems and bigger flowers with more petals. When Edwin Frazee retired in 1993, the Eckes brought in a new grower, Mellano & Co., which has farmed the property ever since.

pam.kragen@suniontribune.com
Twitter: @pamkragen

WATCHDOG

FROM B1
affairs firm who has raised thousands of dollars for Gloria, Elliott and council members, declined to comment on the conference call.

Michael Riney, an attorney for Cisterra, which sold the midcentury office tower that cannot be safely occupied to the city through an “as-is” lease-purchase deal, said there was nothing improper about the discussion; it was the latest attempt to resolve the litigation out of court.

“What Mr. Goldstone testified to was that his conversation with Mr. Black and Mr. Wahl was part of the ongoing and judicially supervised mediation that has been pending before the Hon. Jan Adler for more than a year,” he said by email.

“It is not at all uncommon for sophisticated parties engaged in mediation to agree that the client representative can meet outside the presence of counsel to continue the confidential mediation discussion,” he wrote. “That is what happened here, and all of the lawyers for all of the parties have approved it.”

But not all parties to the Ash Street litigation knew about or approved of the meeting.

In addition to Cisterra, the other defendants in the city’s lawsuits are real estate broker Jason Hughes and CGA Capital, Cisterra’s lender.

The lawyer for Hughes, who earned millions from the Ash Street deal, said his client was unaware of the conversation.

“Mr. Hughes is not involved in settlement discussions of any kind, so he was not aware of any meeting,” attorney Michael Attanasio said by email. “He is focused solely on exposing the city’s misguided attempts to scapegoat him for the city’s own failures.”

Hughes and Cisterra are also the subjects of an ongoing criminal investigation launched by District Attorney Summer Stephan. Her office executed at least five search warrants in the case last fall.

CGA Capital, which acted as Cisterra’s lender in the Ash Street transaction, said it had no comment on the call last Monday between Goldstone, Black and his lobbyist.

Experts in legal ethics say litigation can get complicated when plaintiffs and defendants discuss their cases without lawyers — or co-defendants — present.

Ethics rules prohibit attorneys from speaking to people who are represented by counsel without their lawyers. However, California State Bar court rulings allow civil litigants, a husband and wife going through a divorce, for example, to meet privately to help resolve a dispute.

“There is freedom of speech, and maybe they can settle it cleaner and cheaper” than attorneys, said Carol M. Langford, a lawyer and University of San Francisco law professor who specializes in ethics and State Bar disciplinary cases. “That’s allowed as long as the lawyers know.”

Conversations like the one between Goldstone, Black and Wahl also can be problematic, Langford said, because not all of the defendants were involved in the discussion.

More importantly, one side’s case could be compromised if someone discloses information or represents

positions that do not align with those of their attorneys, the law professor said.

“If the lawyers weren’t notified and it somehow hurt their clients, that’s bad,” Langford said. “They’re talking to each other so nothing they say is privileged or confidential. They could be making statements that could be admissions.”

“Nobody should be intervening in a matter without telling their lawyer.”

Maria Severson, one of the lawyers who deposed Goldstone, said she was surprised to learn about the phone call that Cisterra’s attorney characterized as a mediation session.

“They are taking an expanded view of the mediation privilege,” said Severson, a former San Diego city attorney who is now representing taxpayer John Gordon in a separate lawsuit against the city challenging the Ash Street lease. “I don’t believe the law extends that far.”

City Council President Sean Elo-Rivera, who presided over a four-hour closed-session council meeting last Tuesday to consider possible settlements in the Ash Street claims, also declined to say if he was informed of the call.

The council reported taking no action following its closed-door meeting, and the three separate lawsuits remain pending in San Diego Superior Court.

Former Mayor Kevin Faulconer recommended the city acquire the longtime Semptra Energy headquarters just north of city hall in 2016, a year after the Fortune 500 company relocated to a gleaming new complex built by Cisterra.

He said the deal would save the city \$44 million by consolidating downtown workers in the 19-story high rise. But the city did not perform its own evaluation of the building condition before agreeing to pay \$128 million over 20 years for the property that appraised for \$67 million.

Under the complicated transaction, Cisterra acquired the building from former owners Sandor Shapery and Douglas Manchester, then turned it over to San Diego in a 20-year lease-to-own arrangement.

CGA Capital loaned \$92 million to Cisterra, which then paid off the former owners and Hughes. The lender stood to collect the city’s monthly lease payments.

After the “as-is” deal was signed, county regulators declared the building unsafe to occupy due to asbestos contamination. A consultant later said the cost of needed repairs and renovations would exceed \$115 million.

The city paid more than \$23 million to lease the vacant building before suspending its \$535,000 monthly payments in September 2020. The city also spent more than \$40 million on upgrades, maintenance, operating costs and legal expenses.

Gordon sued to void the lease in August 2020, alleging the deal was illegal because it indebted the city without a public vote. City Attorney Mara Elliott first sued in October 2020, asking a judge to uphold the city’s decision to suspend lease payments.

After learning that Hughes made \$9.4 million in fees on the Ash Street deal and another lease, Elliott amended her complaint last June. The new complaints accuse Hughes and Cisterra of defrauding the city.

jeff.mcdonald@suniontribune.com

SHIFT

FROM B1
resented by one of two conservative Republicans vying to represent the new 75th District — Marie Waldron of Valley Center or Randy Voepel ofantee.

Bob Ilko, head of the Scripps Ranch Civic Association and often called the community’s honorary mayor, said it is particularly upsetting to lose Malenschein, who previously represented Scripps on the City Council.

Ilko said he’s less troubled by the shift in state senator from Republican Brian Jones to whoever wins the open seat in the new 40th District, because community leaders haven’t really forged a strong relationship with Jones since he was elected in 2018.

The shift in Congress from Rep. Scott Peters in the 52nd District to Rep. Sara Jacobs in the new 53rd District won’t come with much of an ideological shift because both are Democrats, but it still might make a difference.

“What’s unfortunate is that we had built pretty good relationships with Peters,” said Wally Wulfreck, chairman of the Scripps Ranch Community Planning Group.

Wulfreck said the overall amount of chaos is upsetting, but the changes were made by panels of volunteers weighing factors as complex as demographic shifts and the political power of ethnic groups.

“It’s frustrating, but I guess it’s the way things are supposed to happen,” he said. “Some decisions were more political than others.”

For example, the shift in school board voting from sub-district B to sub-district A was based on a San Diego Unified School District goal of having more sub-districts where people of color are the largest ethnic group.

Scripps Ranch now will have to wait more than two years to vote for a school board representative instead of voting this year.

The community’s former trustee, sub-district B’s Kevin Beiser, is termed out. But the community’s new trustee after redistricting, sub-district A’s Sabrina Bazzo, isn’t up for re-election until 2024.

Marlon Gardinera, Scripps Ranch High School’s head football coach, had announced plans to run for Beiser’s seat before the lines were redrawn.

Wulfreck said some may have conspiracy theories about what happened to

Scripps Ranch during this round of redistricting, which is done every 10 years based on demographic changes found by the U.S. Census.

“I don’t know if unseen hands were pulling strings, but I doubt it,” he said.

Ilko said one theory about why there was so much redistricting upheaval in Scripps Ranch is the community’s location on the eastern edge of San Diego’s densely populated areas.

“I think part of the problem is our geographic location on the end of the island,” he said.

Ilko said he’s most concerned about Scripps being divided into two City Council districts, estimating that more than 90 percent of the things he fights for are handled at the city level.

Ilko said he considered lobbying the city’s Redistricting Commission against dividing the community, but he decided against it mostly because the decision to divide Scripps was part of efforts to create a powerful Asian voting district.

“There wasn’t a heck of a lot I could do to go down and argue against that,” he said. “I would have been the stereotypical old White guy from Scripps Ranch.”

Ilko said the change is frustrating in multiple ways,

noting that the only way to reach the eastern edge of Scripps Ranch and Stone-Bridge in District 6 is to travel through District 5.

Von Wilpert, the neighborhood’s representative on the council, said she plans to move the few blocks east required to be living once again in District 5 so that she can run for re-election in 2024.

“It’s unfortunate the sliver where I live was drawn out,” she said. “It’s just the way it goes.”

Von Wilpert often complains that she rents because she can’t afford to buy a home in Scripps Ranch, but she said one benefit of being a renter is that it will be easier for her to make the necessary move into District 5.

Ilko said it would be absurd to characterize von Wilpert as a carpetbagger for her plans to move back into District 5, stressing that she is a longtime resident of Scripps Ranch whose parents live in the community and the district.

He said community leaders should prioritize having a Scripps Ranch resident on the city’s next Redistricting Commission, which is scheduled to begin meeting in 2031.

david.garrick@suniontribune.com