



The San Diego Union-Tribune

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SUNDAY

SHIP NAMED FOR EARL WARREN CHRISTENED BY U.S. NAVY

Supreme Court Justice Kagan praises his role in civil, individual rights

BY GARY ROBBINS

Earl Warren, the late Supreme Court chief justice who presided over society-shaking civil rights changes in the 1950s and '60s, including ending racial segregation in public schools, was honored Saturday in San Diego by the Navy, which christened a 746-foot fuel ship in his name.

The act was carried out with a hearty swing of a champagne bottle in front of a private audience of 300 people at General Dynamics-NASSCO, the ship's builder.

Acting on behalf of the Navy, Supreme Court Justice Elena Kagan slammed the bottle against the gunmetal gray hull of the USNS Earl Warren, causing a frothy explosion that left her covered in bubbly.

"If you ask, well, who is it that contributed so greatly to the civil rights struggle, and particularly to the struggle to ensure racial equality in our nation, Earl Warren has got to be among the top people on the list," Kagan said.

She said his greatness was particularly apparent in 1954 when the so-called "Warren Court" unanimously ruled in *Brown v. Board of Education* that state-sanctioned segregation in public schools violated the 14th Amendment.

SEE WARREN • A10

NATION + WORLD

BIDEN'S DELAWARE HOME SEARCHED

The FBI on Friday seized six documents containing classified markings after conducting a 13-hour search of President Joe Biden's Wilmington, Del., home. It was unclear Saturday the level of classification, or whether the documents dating to his time as a senator and vice president are still classified. **Story, A3**



ANA RAMIREZ U-T/PHOTOS

A feller buncher places cut trees into a pile as part of a forest-thinning project on Palomar Mountain in the Cleveland National Forest on Dec. 6. A rubber-tired skidder will haul out the logs, most likely to make pallets or firewood.

IN DEPTH

Fire-safety effort thinning trees from region's forests

\$10 million from federal government for culling and burning projects, but critic says 'it doesn't stop fires'

BY JOSHUA EMERSON SMITH

The whir of a disc-saw echoed across Palomar Mountain on a recent December afternoon as loggers cut down hundreds of white fir and incense cedar on a steep hillside dotted with rustic homes.

It's a fairly lucrative operation for Julian-based Cecil Logging, which can sell the timber to nearby pallet mills and boutique furniture makers. Smaller chunks usually get turned into firewood.

But this operation isn't ultimately about making money. It's a project — albeit a potentially controversial one — aimed at protecting a forest on the front lines of climate change.

Experts say a century of fire suppression has allowed thickets



Andrew Weinhart, a Cleveland National Forest forester, and Sarah Hennessy, with the U.S. Forest Service, walk through the Cleveland National Forest's Jeff Valley in December.

of younger trees to crowd old growth stands across the West, increasing the possibility that mega blazes will obliterate drought-stressed ecosystems. Blankets of recently fallen snow and rain will ease competition from thirsty saplings but could also make for a flammable summer.

That's why the Cleveland National Forest in San Diego County is paying crews about \$3,800 an acre to have swaths of this mountain terrain "thinned." The federal government has essentially ordered a woodland haircut, removing roughly 90 percent of the trees in target locations.

"This piece of land had a lot of dead and downed material," said District Ranger Amy Reid, watching freshly cut logs being hauled down the mountainside. "It was

SEE FORESTS • A12

THE REAL COSTS OF CHILD CARE

MANY MILLIONS IN CHILD CARE FUNDS GO UNUSED, AS SOME WAIT MONTHS FOR MONEY

BY KRISTEN TAKETA

Last June, the California Department of Social Services agreed to award \$1 million to the Buds and Blossoms Preschool in Fallbrook to open a new infant care program that would serve low-income children.

But seven months after the state promised the \$1 million, owner Nikki Boles has yet to see any of that money in her preschool's bank account.

Boles started serving infants last July. Because the state hasn't paid her any of the money yet, Boles said Buds and Blossoms and her business partner have together taken on about \$275,000 in debt to pay for the new teachers and equipment — from cribs to diaper-changing tables — it acquired to open the program.

Buds and Blossoms is one of

SEE FUNDS • A16



NELVIN C. CEPEDA U-T

Lydia looks through a book at Buds and Blossoms Preschool in Fallbrook, a child care operation that's been waiting seven months for a promised \$1 million from the state.

CITY: FEE COULD ALLOW MORE SAFE, CLEAN PUBLIC RESTROOMS

Officials say homeless access would improve, but advocates unsure

BY DAVID GARRICK

San Diego city leaders want the state to lift a nearly 50-year-old ban on pay toilets, which they say could solve a shortage of clean and safe downtown restrooms that repels tourists and puts homeless people's health at risk.

City leaders say San Diego could afford to install and operate many more secure and well-lit restrooms across downtown and in other pedestrian-oriented neighborhoods if it could cover some of its costs by charging each user a nominal fee.

Some critics say it would be cruel and inhumane to charge homeless people for the right to use a restroom, but city officials say homeless people would be

better off, because there would be so many more clean and safe public restrooms.

"This is not meant to be a barrier to access, but to actually increase the number of restrooms that we have out there," City Council President Sean Elo-Rivera said. "We've heard from multiple people in the community that they would gladly pay a quarter or 50 cents for access to a clean restroom."

Reactions to Elo-Rivera's proposal from local homeless advocates and downtown leaders have been mixed.

Many say they see the logic behind charging fees so that the city can afford to open more restrooms, but some expressed concern that people might urinate and defecate on the streets more often if restrooms cost money.

Elo-Rivera's proposal was unanimously endorsed last month by the City Council, which added overturning the state ban

SEE FEE • A15

DIGITAL ACTIVATION

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FROZEN

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STEVEN P. DINKIN A Path Forward

HIGHER THAN EXPECTED CALL VOLUME? GIVE US A BREAK

Groundhog Day is just around the corner, and if you’ve seen the movie by the same name, you likely remember the plot: A TV weatherman goes on location to report whether or not Punxsutawney Phil, the “official” groundhog, saw his shadow. The weatherman finds himself living the same day over and over again.

Recently, I had a “groundhog moment.” It happened when I went to get blood work done as part of my annual physical. When I entered the facility, a man was yelling at the receptionist. He was unhappy because his doctor’s order (approving the blood work) wasn’t in the system. The receptionist was apologetic — but it seemed there was nothing she could do.

My blood drawn, I headed back to the lobby, where the frustrated man was still berating the receptionist. Somehow, I wasn’t surprised. I didn’t say anything (out loud, that is).

You’ve probably witnessed similar groundhog moments in your daily life, playing out repeatedly. Maybe you’ve been more

than an observer, becoming angry with someone who really can’t help you. Or maybe you’ve been on the receiving end.

For passengers traveling on Southwest Airlines during the holidays (or trying to), it was lived reality. Some took to social media to air their grievances — and there were many, including unraveled holiday plans due to canceled flights, lost bags, and excessive wait times or busy signals when calling customer service. One passenger told CNN her family was on the phone with the airline for 10 hours.

I’d be angry, too.

But more than once during those torturous days, passengers crossed the line — attacking whichever poor soul happened to be nearby. At the Austin, Texas, airport, video captured a woman screaming uncontrollably at two Southwest agents, wanting her “stuff.” Apparently, she missed her connecting flight and was attempting to reclaim her checked luggage.

The agents were calmly trying to defuse the situation, which

seemed to anger the woman even more. She jumped up and down in frustration.

I can only imagine the tenor of the phone conversations between passengers and customer service representatives, once they were reached.

Our behavior has only gotten worse. In a January 2022 column, New York Times reporter Sarah Lyall pointed to the growing disconnect between expectations and reality. Lyall shared this observation from a business leader: “Before the pandemic, consumers had been seduced into the idea of the ‘frictionless economy’ — the notion that you could get whatever you wanted, the moment you wanted it.” Those days are over.

The massive movement toward e-commerce hasn’t helped matters. As Lyall wrote, many consumers are “rightly aggrieved” at the poor service they’re getting from companies doing business online, which seem “gleefully interested in preventing customers from talking to actual people.”

Yet that’s precisely what we

want: human interaction. Amy Balliett, a contributor to Inc., wrote in an article last year that “sacrificing humanity for the sake of efficiency” isn’t a way to keep customers. In fact, 76 percent of us would prefer to connect with a customer service professional via a phone call, rather than online chat — and 66 percent of us expect our issues to be resolved in 10 minutes or less.

Seems aspirational, doesn’t it? Staffing shortages and problematic technology regularly cause disappointment and frustration. Hearing a recorded apology for higher than expected call volume leaves us wanting to — well, jump up and down.

Companies know they have to do better. On Monday, Southwest President and CEO Bob Jordan sent a letter to the airline’s loyalty program members, outlining steps that have been taken to stabilize operations and take care of inconvenienced customers.

Jordan also pointed to immediate and longer-term actions that Southwest will be taking to reduce the risk of future operational

disruptions. While many of them are systems-focused, there’s bound to be a refresher course or two for employees on conflict resolution.

As for the angry masses, it’s time to be less mean. There’s a big difference between saying to someone, “I’m frustrated — this really inconvenienced me,” and attacking them as incompetent or uncaring, or both. At the National Conflict Resolution Center, we teach the importance of using “I” statements, rather than “you” statements in difficult conversations, saying how a problem is affecting us (rather than blaming or shaming).

It’s a simple switch that makes it more likely your message will be heard. And it’s a skill worth practicing, because the gap between expectations and reality won’t be shrinking any time soon.

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

CREATE Students hands-on with whole process

FROM B1

at the front of the school allows students and the community to take hawk-like photos. Hawks also adorn the second-story classrooms. And mosaic benches — complete with a hawk sculpture — sit under shady trees in the school’s reading nook.

“The students are so proud of the work that they did and the story behind it,” Alabanza-de la Cruz said. “The great part is they’re leaving something at Normal Heights that they contributed, that’s everlasting and that can be shared with the community.”

And students are still at



K.C. ALFRED U-T

Normal Heights Elementary fourth-grader Valentin Camargo shapes a tile for the mosaic mural he and other students are making.

it. In Normal Heights’ “mosaic lab” classroom, about a dozen third-, fourth- and fifth-graders are in an after-school program that’s work-

ing on the school’s sixth art installation: a sign to mark the entrance of the library.

As the program has progressed through the years,

students have gotten more hands-on with the projects, now learning how to score and cut each tile themselves, then grind them into the

perfect shape to fit and glue them into place on the mural with the help of professional mosaic artists.

“My favorite part is cutting it,” said third-grader Eliana Trinidad, who said it wasn’t hard to learn.

Fourth-grader Valentin Camargo agreed, as he carefully sliced the tile and used pliers to break off the excess before heading to the grinder to smooth it out.

Not only does lead mosaic artist Vanessa Machin say she gets to do what she loves, but she also gets to empower kids to be creative.

“Whether they excel at art or just want an outlet to express themselves, I think working with your hands really reinforces the idea that you have power and are capable,” Machin said.

Maria Titova, Rainforest’s executive director, says the program’s goal is to not only inspire students but also teachers by equipping them with in-class curriculum packets, complete with all the supplies needed to complete an art project and

video instructions.

Normal Heights fifth-grader Arely Gil Deniz has been working on Rainforest’s art projects for three years now. And each year, she says her artwork has become more intricate.

Her most recent creation — also her favorite — combined methods she’d learned over the years to create a watercolor hand tracing filled in with numerous doodles and hidden gems, she said.

“I hid my name in and little cats,” Arely added. “I took a little bit from a book, then added more stuff and I just kept going with it.”

Titova says these simple projects allow Rainforest to create a continuous culture of art and creativity that affects even students who say they “aren’t artists.”

“They suddenly understand that they are capable of producing something that is appreciated by others as well,” she added.

emily.alvarenga
@sduniontribune.com

SMOLENS

FROM B1

argument big cities had made in supporting the change, maintaining the previous system gave outsized power to small cities.

Before the weighted vote took precedence, both the simple tally *and* a weighted vote were required for items to pass the SANDAG board.

“This is about proportional representation, and I do not believe that the residents of Del Mar are 350 times more important than the residents of San Diego,” Elo-Rivera said during the Jan. 13 meeting.

This is not a perfect analogy, but consider the SANDAG board as a combination of the U.S. House of Representatives and the Senate. Delaware (population 1 million) has two senators. So does California

(population 39 million plus). Delaware has one representative; California has 52.

Now, imagine that however the Senate votes, the House vote is the final word. Granted, a given state’s House delegation doesn’t always vote the same way, but you get the picture.

In any case, there are competing views of what is a majority at SANDAG. As an aside, majority rule is anything but absolute in government. It takes a two-thirds vote in the California Legislature to approve taxes, as it does with many tax ballot measures. Super majorities are often required for veto overrides at various levels of government.

And then there’s the filibuster in the U.S. Senate.

The SANDAG voting change was made in 2017 through Assembly Bill 805, carried by then-Assembly member Lorena Gonzalez

Fletcher and signed by Gov. Jerry Brown. The measure was introduced after the Voice of San Diego revealed that SANDAG, which was proposing a tax increase, had overstated previous transportation revenues and understated project costs.

The weighted vote was the centerpiece of the bill, enhancing the potential for the SANDAG board to put more emphasis on transit projects. But Gonzalez Fletcher, now the head of the California Labor Federation, included other notable provisions.

AB 805 created a new auditor and audit committee to oversee SANDAG. The bill also pushed SANDAG to give preference to union workers in hiring for large construction projects and allowed the Metropolitan Transit System and the North County Transit Dis-

trict the power to propose tax increases within their service areas, rather than having to go countywide.

The division on the SANDAG board is often viewed through a partisan lens, for good reason. GOP members tend to oppose new taxes, or at the very least are more cautious about pursuing them, than Democrats. Republicans often chafe at contract preferences for unions.

But that only goes so far. The board members who sent the letter to SANDAG requesting the weighted vote not be used were from Coronado, Del Mar, Escondido, El Cajon, Imperial Beach, Oceanside, Poway, San Marcos, Santee and Vista.

In seven of those cities, Democrats have a voter registration advantage over Republicans, to varying degrees (Del Mar, El Cajon,

Escondido, Imperial Beach, Oceanside, San Marcos, Vista). Some of those cities — El Cajon, Escondido, San Marcos and Vista — have Republican leadership.

Del Mar Councilmember Terry Gaasterland, a Democrat, led the effort and noted in a release the bipartisan nature of the coalition.

Partisanship and the weighted vote did not play into one of the board’s most recent high-profile decisions: to oppose a per-mile road charge on automobiles that would help fund a long-range, \$160 billion transportation plan and, in theory, persuade more people to take mass transit.

Democrats including San Diego Mayor Todd Gloria and then-Encinitas Mayor Catherine Blakespear, now a state senator, urged the fee be dropped.

Assessing such a fee can be a political liability under

the best of circumstances, but it became a particular flashpoint as gas prices skyrocketed.

Still, representatives of the protesting cities want further discussions about an agreement not to invoke the weighted vote in future matters.

Good luck. There are a lot of long shots in this world and the notion of politicians giving up power voluntarily is one of them.

Tweet of the week

Goes to George Varga (@georgevarga), Union-Tribune music critic.

R.I.P., David Crosby: “It feels like I’m at the end of my life and am running out of time. That’s one of the reasons I’m working as hard as I am; I don’t have a lot of time.”

michael.smolens
@sduniontribune.com

ASH ST.

FROM B1

take the arguments under submission,” Wohlfeil said. “I’m going to reflect on the arguments, and I’ll get a minute order out as quickly as possible.”

Initially filed in 2020, the Gordon lawsuit alleges that city officials violated the state constitution when they approved a 20-year lease-to-own deal for the former Semptra Energy headquarters just north of City Hall at 101 Ash St.

Aguirre said the city is legally barred from agreeing to a 20-year lease-to-own arrangement without a public vote.

He also said Wohlfeil overlooked critical documents submitted to the court from 101 Ash LLC, the legal entity Cisterra created to close the lease in 2017.

Among those records were documents showing the transaction was more like a mortgage, indebting the city no matter the building’s condition, Aguirre said. They also included a promissory note ensuring that the city would make the \$535,000 monthly payments, he said.

“As learned and as much effort that has gone into the tentative decision, the fact is it did not discuss a single one of the documents I am talking about,” Aguirre told the judge.

But Riney said the case was clear-cut and should be closed — especially because

the settlement that was recommended by Mayor Todd Gloria and approved by the council last summer called for the city to pay Cisterra’s and CGA Capital’s legal fees.

“It’s perfectly acceptable for the city to lease something and then decide ‘We are not going to use it, we are going to remodel,’ and that’s what they did,” Riney said. “They messed up the remodel.”

The case had been scheduled for trial early this year. The city, CGA Capital and Cisterra all filed motions to dismiss the claims before trial.

The Gordon legal team, however, argued that the question over how the building came to be unsafe to occupy should be decided by a jury.

Aguirre reminded Wohlfeil that a Semptra executive had submitted sworn testimony to state utility regulators in 2014 that the building needed tens of millions of dollars in upgrades — more than it would have cost the company to move to a new building.

“He (Riney) says they (the city) screwed up the renovation. That’s a question of fact,” Aguirre said, meaning the dispute should be settled by a jury.

“The former building owner determined that the building was functionally obsolete,” he said.

In a 2016 report to the council, city real estate officials said the building was in good condition and needed only a \$10,000 power wash

before hundreds of employees could move in.

Constructed in the mid-1960s, the 19-story office tower has been uninhabitable due to repeated asbestos contamination and years of deferred maintenance.

A city consultant said the building needed more than \$115 million in repairs before it could be safely occupied. The Mayor’s Office said the building is now worth “virtually zero” because the renovation costs exceed the property value.

Nonetheless, Gloria and the City Council agreed in July to buy out the lease for \$86 million — far more than the \$67 million an appraiser said it was worth in 2016.

The settlement also was approved after Gloria and other city officials learned that broker and former informal mayoral adviser Jason Hughes collected \$4.4 million in fees from Cisterra when the Ash Street lease was formally signed in early 2017.

Both Cisterra and Hughes have said they did nothing improper and defended the lease as a good deal for San Diego taxpayers. Hughes said he informed at least six city officials that he planned to seek payment for his work, citing a letter he sent the city’s real estate director that she accepted and signed.

But District Attorney Summer Stephan has opened a criminal investigation into the transaction.

jeff.mcdonald@sduniontribune.com



LUCKY DUCK FOUNDATION

From left, Lucas Dunn, Nick Vogt, Yendry Rojas, Alain Camou, Juan Murillo and Cole Cummings making cards at the food and water outreach initiative.

SCENE

Lucky Duck Foundation teams with Padres

Food and water outreach initiative helps those who are homeless

BY U-T STAFF

About 20 of the Padres’ top prospects gave of their time last month to support the Lucky Duck Foundation’s food and water outreach initiative for unsheltered homeless San Diegans. The event was held at Feeding San Diego.

The foundation’s food and water outreach pro-

gram has distributed more than 1.5 million meals since launching in 2020. The Padres’ prospects helped assemble approximately 1,000 meals. They also made handwritten cards with words of encouragement, which were included with the meals.

If your organization has held a philanthropic event or gala, you’re welcome to

email a high-resolution photo along with information on the event to society@sduniontribune.com. Please clearly identify those in the photo, make them aware their image might appear in print and online, include the photographer’s name for credit and be sure to include the who, what, where, when and why information on the event.