

Minutes of a Regular Meeting of the La Mesa City Council,
 Special Meeting of the La Mesa Public Financing Authority and
 Special Meeting of the City of La Mesa Successor Agency
 Tuesday, June 11, 2019 at 6:00 p.m.
 City Council Chambers, 8130 Allison Avenue, La Mesa, California

The City Council minutes are prepared and ordered to correspond to the City Council Agenda. Agenda Items can be taken out of order during the meeting.

The Agenda Items were considered in the order presented.

Mayor Arapostathis called the meeting to order at 6:00 p.m.

ROLL CALL: CITY COUNCIL

PRESENT: Mayor Arapostathis; Vice Mayor Parent; Councilmembers Alessio, Baber and Weber.

ABSENT: None.

STAFF: City Manager Garrett; City Attorney Sabine; City Clerk Wiegelman; Assistant City Manager Humora.

ROLL CALL: LA MESA PUBLIC FINANCING AUTHORITY

PRESENT: Chairman Arapostathis; Authority Members Alessio, Baber, Parent and Weber.

ABSENT: None.

STAFF: Executive Director Garrett; General Counsel Sabine; Assistant City Manager Humora; Secretary Wiegelman.

ROLL CALL: CITY OF LA MESA SUCCESSOR AGENCY

PRESENT: Chairman Arapostathis; Agencymembers Alessio, Baber, Parent and Weber.

ABSENT: None.

STAFF: City Manager Garrett; City Attorney Sabine; Assistant City Manager Humora; City Clerk Wiegelman.

INVOCATION – COUNCILMEMBER ALESSIO

PLEDGE OF ALLEGIANCE

CITY MANAGER COMMENTS

There were no comments.

COMMUNITY BULLETIN REPORTS

The Mayor, Council and staff made announcements and reported on various events taking place in the City. No action was taken.

PRESENTATIONS

PRESENTATION BY MIG/MJE MARKETING – THE NEW LA MESA VIDEO PREMIER

City Manager Garrett introduced Marlee J. Ehrenfeld, Principal and Chief Creative Officer of MIG | MJE Marketing in San Diego, who presented the new La Mesa branding video.

RECOGNITION OF THE MAJOR DONORS TO THE FLAG DAY PARADE

Mayor Arapostathis presented a Certificate of Appreciation to Maggie Eggers, representing EDCO Disposal Corporation, for their generous contribution to the Parade. Mayor Arapostathis also recognized Bob Stall Chevrolet for their generous support of the Parade.

PRESENTATION FROM THE U.S. CENSUS BUREAU ON THE 2020 CENSUS

Alejandro Aguilar, U.S. Census Bureau provided a PowerPoint and short video on why the 2020 Census matters, goals for the 2020 Census, how the 2020 Census impacts the City of La Mesa, and how the City of La Mesa can help to ensure a complete count in 2020.

Following Council questions and comments, no action was taken.

ADDITIONS AND/OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda

PUBLIC COMMENTS – (TOTAL TIME – 15 MINUTES)

William Lorenz, resident, spoke about his qualifications and interests in being appointed to the Planning Commission and La Mesa Design Review Board.

Reneé Levine, Lamplighters Community Theater representative, announced that the Lamplighters Community Theater is opening its 82nd season with *The Sunshine Boys* and invited everyone to attend.

Steven Cornett, spoke regarding the La Mesa Village Farmers' Market.

CONFLICT DISCLOSURES

There were no conflict of interest disclosures.

CONSENT CALENDAR

(Items 1 through 9)

1. **APPROVAL OF MOTION TO WAIVE THE READING OF THE TEXT OF ALL ORDINANCES AND RESOLUTIONS AT THIS MEETING**

Approved.

2. **APPROVAL OF THE MINUTES FOR THE CITY COUNCIL REGULAR MEETING HELD TUESDAY, MAY 28, 2019**

Approved.

3. **RESOLUTION AMENDING RESOLUTION NO. 2018-060 WHICH SET THE FISCAL YEAR 2018-2019 APPROPRIATIONS LIMIT**

Resolution No. 2019-051 was adopted.

4. **RESOLUTION AWARING BID 19-19, TYPE B ASPHALT CONCRETE, TO SUPERIOR READY MIX CONCRETE AND CALIFORNIA COMMERCIAL ASPHALT**

Resolution No. 2019-052 was adopted.

5. **RESOLUTION EXTENDING THE ANNUAL CONTRACT FOR JANITORIAL AND CUSTODIAL SERVICES AT CITY FACILITIES WITH COMMERCIAL CLEANING SYSTEMS**

Resolution No. 2019-053 was adopted.

6. **RESOLUTION AMENDING SECTION 12.44.130 OF THE LA MESA MUNICIPAL CODE REMOVING A DISABLED PERSONS PARKING SPACE AT 8019 WINDSOR DRIVE**

Resolution No. 2019-054 was adopted.

7. **RESOLUTION AWARING A CONTRACT TO AMERICAN ASPHALT SOUTH, INC. FOR BID 19-21, 2019 SLURRY SEAL PROJECT (VARIOUS LOCATIONS)**

Resolution No. 2019-055 was adopted.

8. RESOLUTION AWARDING THE SECOND RENEWAL OPTION OF ANNUAL CONTRACT FOR 2019 ANNUAL CONCRETE MAINTENANCE PROJECT TO MIRAMAR GENERAL ENGINEERING

Resolution No. 2019-056 was adopted.

9. RESOLUTION AWARDING FIRST RENEWAL OPTION OF ANNUAL CONTRACT FOR STREET LIGHT MAINTENANCE AND EMERGENCY REPAIRS TO CLARK TELECOM & ELECTRIC, INC.

Resolution No. 2019-057 was adopted.

ACTION: Motioned by Councilmember Baber and seconded by Councilmember Alessio to approve Consent Calendar Items 1 through 9.

Vote: 5-0

Yes: Mayor Arapostathis, Vice Mayor Parent, Councilmember Alessio, Councilmember Baber, and Councilmember Weber
No: None
Abstained: None
Absent: None

Motion passed.

STAFF REPORT – CITY COUNCIL – FINANCING AUTHORITY – SUCCESSOR AGENCY

10. A. CONSIDERATION OF THE BIENNIAL BUDGET FOR 2019-2021; AND

B. ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA ADOPTING (1) THE APPROPRIATIONS LIMIT FOR FISCAL YEAR ENDING JUNE 30, 2020, AND (2) THE ANNUAL ADJUSTMENT FACTORS USED TO CALCULATE THE APPROPRIATIONS LIMIT

City Manager Garrett made a few opening comments and discussed the correlation between the strategic planning process and the development of the budget for Fiscal Years 2019-2020 and 2020-2021. Ms. Garrett announced that the City's revenues remained strong throughout this last Fiscal Year which ends on June 30, 2019, but in recent months, the City has experienced some softening in sales tax growth. City Manager Garrett stated that the property tax growth remains vibrant and is expected to remain so for the foreseeable future. City Manager Garrett said the City is projected to have a structural deficit of about 3.4 million dollars per year over the next two years primarily due to increased pension obligations. Ms. Garrett reviewed the different actions the City has taken to offset the increased pension costs. City Manager Garrett summarized the new initiatives for this budget biennium which includes a Vision Zero Policy, Livable La Mesa initiative, and a Community Choice Aggregation Program. Ms. Garrett stated that staff continues to look for creative ways to accomplish major projects without using limited General Fund resources and reviewed the grants the City has been awarded in the recent months that will allow continued progress on several special projects. City Manager Garrett also provided an overview of the current and future projects and programs that are incorporated in the biennial

budget. City Manager Garrett stated that this budget highlights the continued mission to provide high quality government services in an efficient manner.

City Manager Garrett said it was necessary for the Council to adopt the 2019-2021 Preliminary Budget prior to the end of the fiscal year and that staff would bring back the Final Budget in August with any adjustments from the Council.

Finance Director Waller-Bullock gave an overview of the 2019-2021 Preliminary Budget, highlighting the budget process, the financial forecast study session, the Citywide revenue and expenditure funds, the Capital Improvements Program (CIP), the Successor Agency fund, the General Fund revenues and expenditures, the General Fund inter-fund transfers, the staffing changes reflected in the Preliminary Budget, the Council's General Fund Reserve Policy, the General Fund reserves, the ten-year General Fund financial forecast, and the Proposition L benchmarks.

Finance Director Waller-Bullock also provided background on the Appropriations Limit and discussed the various adjustment factors used in the computations.

Assistant City Manager Humora presented the staffing update and the proposed staffing changes reflected in the Preliminary Budget.

Council questions and comments ensued.

Kathleen Brand, resident, spoke regarding the Capital Improvements Program funds for park projects.

ACTION: Motioned by Councilmember Baber and seconded by Vice Mayor Parent to adopt the 2019-2021 Preliminary Budget as proposed and direct staff to return in August with the 2019-2021 Final Budget.

Vote: 5-0

Yes: Mayor Arapostathis, Vice Mayor Parent, Councilmember Alessio, Councilmember Baber, and Councilmember Weber

No: None

Abstained: None

Absent: None

Motion passed.

ACTION: Motioned by Mayor Arapostathis and seconded by Councilmember Baber to (1) adopt the Resolution pursuant to Propositions 4 and 111, establishing the Appropriations Limit for Fiscal Year 2019-2020 and selecting the growth in the new Non-Residential Construction in the City of La Mesa, and the population growth in the County of San Diego as the annual adjustment factors used to compute the Appropriations Limit; and (2) to establish an ad hoc subcommittee comprising of Councilmember Alessio and Councilmember Baber for the purpose of negotiating a contract adjustment for the City Attorney for full-time status.

Vote: 5-0

Yes: Mayor Arapostathis, Vice Mayor Parent, Councilmember Alessio, Councilmember Baber, and Councilmember Weber

No: None

Abstained: None

Absent: None

Motion passed. Resolution No. 2019-058 was adopted.

HEARING

11. CONSIDERATION OF TWO APPEALS OF THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT CUP 17-85 (PRIME HARVEST LLC) – A REQUEST FOR A MEDICAL MARIJUANA DISPENSARY PROPOSED AT 8110 COMMERCIAL STREET, IN THE M (INDUSTRIAL SERVICE AND MANUFACTURING) ZONE

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Mayor Arapostathis opened the hearing for Item 11 at 7:30 p.m.

Community Development Director Kusiak provided a PowerPoint presentation regarding the Measure U dispensary requirements, the property of the proposed medical marijuana dispensary, and the proposed project's compliance with Measure U. Mr. Kusiak reviewed the approval process and explained the reasons for the appeals. Community Development Director Kusiak said staff recommended the Council deny the appeals and uphold the Planning Commission's approval of Conditional Use Permit CUP 17-85, subject to conditions set forth in Planning Commission Resolution No. PC-2019-05.

Council questions and comments ensued.

The following members of the audience spoke in opposition to the proposed project and in support of the appeal submitted by Prevolos Lewin & Hezlep, ALC on behalf of 8108 Commercial Street property owners, Richard Kasitz and Karen Behnke:

Mark Raftery, appellant representative
William Fischbeck
Randall Atkins

The following members of the audience spoke in opposition to the proposed project and in support of the appeal submitted by Purdy & Bailey, LLP on behalf of The Grove La Mesa, Inc.:

Ambrose Wong, appellant representative
Micah Bailey, appellant representative
Sean McDermott, appellant

The following members of the audience spoke in support of the proposed project and in opposition to the appeals:

Abhay Schweitzer, applicant representative

Michael Morton, applicant representative

Council questions and comments continued.

ACTION: Motioned by Mayor Arapostathis and seconded by Vice Mayor Parent to close the hearing since there was no one else in the audience who wished to speak.

Vote: 4-1

Yes: Mayor Arapostathis, Vice Mayor Parent, Councilmember Alessio, and Councilmember Weber

No: Councilmember Baber

Abstained: None

Absent: None

Motion passed.

ACTION: Motioned by Councilmember Baber and seconded by Councilmember Weber to reopen the hearing.

Vote: 4-1

Yes: Mayor Arapostathis, Vice Mayor Parent, Councilmember Baber and Councilmember Weber

No: Councilmember Alessio

Abstained: None

Absent: None

Motion passed.

The appellant, Purdy & Bailey, LLP on behalf of The Grove La Mesa, Inc., concluded their rebuttal.

Council questions and comments continued.

City Attorney Sabine read the definition of “path of travel” as it is defined in the Medical Marijuana Activity Zoning Ordinance of the City of La Mesa (Measure U).

ACTION: Motioned by Councilmember Baber and seconded by Vice Mayor Parent to close the hearing since there was no one else in the audience who wished to speak.

Vote: 5-0

Yes: Mayor Arapostathis, Vice Mayor Parent, Councilmember Alessio, Councilmember Baber, and Councilmember Weber

No: None

Abstained: None

Absent: None

Motion passed.

ACTION: Motioned by Councilmember Alessio and seconded by Vice Mayor Parent to uphold the Planning Commission's approval of Conditional Use Permit CUP 17-85 based on the findings and subject to conditions set forth in Planning Commission Resolution PC-2019-05, thus denying the appeals.

Vote: 5-0

Yes: Mayor Arapostathis, Vice Mayor Parent, Councilmember Alessio, Councilmember Baber, and Councilmember Weber

No: None

Abstained: None

Absent: None

Motion passed.

COUNCIL COMMITTEE REPORTS (3 MINUTE LIMIT)

The Mayor and Council reported on various outside boards, commissions and committee meetings they attended. No action was taken.

AB 1234 REPORTS (GC 53232.3(d))

Councilmember Baber stated he would be traveling to Sacramento on June 13 – 14, 2019 for the League of California Cities Policy Committee meetings.

COUNCIL INITIATED

12. CONSIDERATION OF AMENDING CHAPTER 24.05 OF THE LA MESA MUNICIPAL CODE TO ALLOW FOR BACKYARD CHICKENS FOR SINGLE FAMILY DWELLINGS IN THE R2 AND R3 ZONES – COUNCILMEMBER ALESSIO AND COUNCILMEMBER BABER

Councilmember Alessio and Councilmember Baber provided a brief overview of the concern raised by a resident in the R2 Zone who would like to have backyard chickens, and they explained the intent of the 2014 amendment to Chapter 24.05.

ACTION: Motioned by Vice Mayor Parent and seconded by Mayor Arapostathis to direct staff to bring back for introduction and first reading an ordinance amending Chapter 24.05 of the La Mesa Municipal Code to allow for backyard chickens for single family dwellings in the R2 and R3 Zones.

Vote: 5-0

Yes: Mayor Arapostathis, Vice Mayor Parent, Councilmember Alessio, Councilmember Baber, and Councilmember Weber

No: None

Abstained: None

Absent: None

Motion passed.

CITY ATTORNEY REMARKS

There were no remarks.

ADJOURNMENT

Mayor Arapostathis adjourned the meeting at 9:17 p.m.

Megan Wiegelman, CMC
City Clerk

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