

Minutes of a Regular Meeting of the La Mesa City Council  
Tuesday, July 9, 2019 at 6:00 p.m.  
City Council Chambers, 8130 Allison Avenue, La Mesa, California

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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**

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.

**INVOCATION – COUNCILMEMBER BABER**

**PLEDGE OF ALLEGIANCE**

**REPORT FROM CLOSED SESSION – CITY ATTORNEY**

City Attorney Sabine announced that the City Council by a 4-0 vote, with Councilmember Baber absent, authorized the selection of USA Properties Fund for the purpose of entering into an Exclusive Negotiating Agreement to Possibly Lease Real Property to develop a mixed-rate, multi-family apartment project on a 1.27-acre parcel of City-owned land, located at the southeast corner of Allison Avenue and Date Avenue, commonly known as The Old Police Station Site.

**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**

### **PROCLAIMING JULY 2019 AS *PARKS AND RECREATION MONTH***

Vice Mayor Parent presented the proclamation to Community Services Director Richardson and La Mesa Park & Recreation Foundation President John Fonseca.

John Fonseca, La Mesa Park & Recreation Foundation President, announced that the La Mesa Rocks fundraiser event would be held on July 20, 2019 from 6:00 p.m. to 11:00 p.m. at the Marina Village Seaside Room.

### **PRESENTATION FROM THE LA MESA LIBRARY BRANCH MANAGER CHELSIE HARRIS**

Chelsie Harris, La Mesa Library Branch Manager, provided a PowerPoint presentation regarding the San Diego County Library's services, locations, mission statement, and guiding principles. Chelsie Harris, La Mesa Library Branch Manager, highlighted the programs, projects, and achievements of the La Mesa Library.

## **ADDITIONS AND/OR DELETIONS TO THE AGENDA**

There were no additions or deletions to the agenda.

## **PUBLIC COMMENTS – (TOTAL TIME – 15 MINUTES)**

Gene Carpenter, resident, spoke regarding the application and interview process for the City's boards and commissions.

Judy Schoolcraft, resident, spoke regarding the La Mesa Village Farmers' Market and how sewer rates are calculated.

Brian Beevers spoke regarding the La Mesa Village Farmers' Market.

## **CONFLICT DISCLOSURES**

Councilmember Baber announced that he recused himself from the 5:00 p.m. Special Meeting of July 9, 2019 because he had a potential conflict of interest due to him being a board member of the County of San Diego Countywide Redevelopment Successor Agency Oversight Board.

Councilmember Baber announced he had a potential conflict of interest on Item 5 due to the proximity of his home to Collier Park and would recuse himself for the vote on Item 5.

## **BOARD AND COMMISSION APPOINTMENTS**

### **1. RESOLUTION APPOINTING AND/OR REAPPOINTING MEMBERS TO CITY OF LA MESA BOARDS AND COMMISSIONS**

Mayor Arapostathis explained the nomination and voting process.

Mayor Arapostathis nominated Jeremy Pittman for appointment and Donald Long for reappointment to the Community Relations and Veterans Commission.

**ACTION:** Motioned by Mayor Arapostathis and seconded by Councilmember Baber to approve the appointment of Jeremy Pittman and the reappointment of Donald Long to the Community Relations and Veterans Commission and adopt the resolution confirming the appointments.

**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. 2019-068 was adopted.

Mayor Arapostathis nominated William C. Lorenz for appointment to the Design Review Board.

**ACTION:** Motioned by Mayor Arapostathis and seconded by Councilmember Alessio to approve the appointment of William C. Lorenz to the Design Review Board and adopt the resolution confirming the appointment.

**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. 2019-068 was adopted.

Mayor Arapostathis nominated Richard K. McDonald, III, Richard Williams, and Jean-Guillaume Lonjaret for appointment and Andrea Beth Damsky and Ashley Simmons for reappointment to the Environmental Sustainability Commission.

**ACTION:** Motioned by Mayor Arapostathis and seconded by Councilmember Baber to approve the appointment of Richard K. McDonald, III, Richard Williams, and Jean-Guillaume Lonjaret and the reappointment of Andrea Beth Damsky and Ashley Simmons to the Environmental Sustainability Commission and adopt the resolution confirming the appointments.

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. 2019-068 was adopted.

Mayor Arapostathis nominated Donald Cary and Tyler Rogers for appointment and Jan Wilcox for reappointment to the Historic Preservation Commission.

ACTION: Motioned by Mayor Arapostathis and seconded by Councilmember Baber to approve the appointment of Donald Cary and Tyler Rogers and the reappointment of Jan Wilcox to the Historic Preservation Commission and adopt the resolution confirming the appointments.

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. 2019-068 was adopted.

Mayor Arapostathis nominated Jonathan Baron for reappointment to the La Mesa Community Parking Commission.

ACTION: Motioned by Mayor Arapostathis and seconded by Councilmember Alessio to approve the reappointment of Jonathan Baron to the La Mesa Community Parking Commission and adopt the resolution confirming the appointment.

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. 2019-068 was adopted.

Mayor Arapostathis nominated Tatiana Popescu for appointment to the Personnel Appeals Board.

ACTION: Motioned by Mayor Arapostathis and seconded by Councilmember Baber to approve the appointment of Tatiana Popescu to the Personnel Appeals Board and adopt the resolution confirming the appointment.

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. 2019-068 was adopted.

City Clerk Wiegelman explained the nomination process for the Planning Commission and Community Services Commission.

City Clerk Wiegelman stated that there was one opening on the Community Services Commission for the La Mesa-Spring Valley School District representative. City Clerk Wiegelman said Bob Duff had been nominated by the La Mesa-Spring Valley School District for appointment to the Community Services Commission and the appointment required ratification by the Council.

ACTION: Motioned by Councilmember Baber and seconded by Vice Mayor Parent to approve the appointment of Bob Duff to the Community Services Commission and adopt the resolution confirming the appointment.

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. 2019-068 was adopted.

The Council began the open nomination process for one position on the Planning Commission.

City Clerk Wiegelman announced the nominations as follows:

Round 1:

Mayor Arapostathis nominated Christopher Kelly.

Vice Mayor Parent nominated Christopher Kelly.

Councilmember Alessio nominated Christopher Kelly.

Councilmember Baber nominated Christopher Kelly.

Councilmember Weber nominated Christopher Kelly.

City Clerk Wiegelman announced that Christopher Kelly had been nominated.

**ACTION:** Motioned by Councilmember Baber and seconded by Councilmember Alessio to approve the appointment of Christopher Kelly to the Planning Commission and adopt the resolution confirming the appointment.

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. 2019-068 was adopted.

### **CONSENT CALENDAR**

(Items 2 through 5)

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

Approved.

#### **3. RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE ALL AGREEMENTS AND ANY AMENDMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE SPRING STREET AND AMAYA DRIVE LIGHT RAIL TRANSIT STATIONS TRANSIT-ORIENTED DEVELOPMENT FEASIBILITY STUDY, AND ACCEPTING AND APPROPRIATING SUSTAINABLE COMMUNITIES GRANT FUNDS**

Resolution No. 2019-069 was adopted.

#### **4. RESOLUTION APPROVING A TASK ORDER TO COMPASS ROSE GIS FOR AS-NEEDED MAPPING AND GEOGRAPHICAL INFORMATION SYSTEM SERVICES FOR FISCAL YEAR 2020**

Resolution No. 2019-070 was adopted.

#### **5. REMOVED.**

**ACTION:** Motioned by Councilmember Baber and seconded by Mayor Arapostathis to approve Consent Calendar Items 2 through 4.

Vote: 5-0

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

No: None

Abstained: None

Absent: None

Motion passed.

**5. RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION THROUGH THE STATE DEPARTMENT OF PARKS AND RECREATION FOR STATEWIDE DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS FOR THE COLLIER PARK RENOVATION PROJECT; ACCEPTING AND APPROPRIATING FUNDS IF AWARDED; AND APPOINTING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE ALL AGREEMENTS AND ANY AMENDMENTS**

Councilmember Baber recused himself for Item 5 because he had a potential conflict of interest under Government Code Section 87100 due to the proximity of his home to Collier Park. Councilmember Baber left the dais at 6:36 p.m.

ACTION: Motioned by Councilmember Alessio and seconded by Mayor Arapostathis to adopt the Resolution authorizing the filing of a grant application through the State Department of Parks and Recreation for Statewide Development and Community Revitalization Program Grant funds for the Collier Park Renovation Project; accepting and appropriating funds if awarded; and appointing the City Manager, or designee, to execute all agreements and any amendments.

Vote: 4-0-1

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

Motion passed. Resolution No. 2019-071 was adopted.

Councilmember Baber returned to the dais at 6:37 p.m.

**ORDINANCE**

**6. A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MESA, CALIFORNIA AMENDING CHAPTER 6.10 (CANNABIS BUSINESS TAX) OF THE CITY'S MUNICIPAL CODE TO EXEMPT MEDICINAL CANNABIS SALES MADE TO A QUALIFIED PATIENT OR PRIMARY CAREGIVER IN POSSESSION OF A MEDICAL MARIJUANA IDENTIFICATION CARD (MMIC) PURSUANT TO SECTION 11362.71 OF THE HEALTH AND SAFETY CODE; AND**

**B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA, CALIFORNIA ADJUSTING THE RATE OF THE CANNABIS BUSINESS TAX FOR MEDICINAL RETAIL SALES OF CANNABIS OR CANNABIS PRODUCTS AS A RETAILER, NON-STORE FRONT RETAILER OR MICROBUSINESS**

Finance Director Waller-Bullock stated that the Ordinance amends the Cannabis Business Tax Ordinance by adding the definition of a "qualified patient" for purchasing medicinal cannabis and adding the section that sets different tax rates on retail sales of medicinal cannabis for customers with a valid California Department of Public Health Medical Marijuana Identification

Card and for customers without this card. Finance Director Waller-Bullock said the Resolution establishes the two tax rates for retail sales of medicinal cannabis.

Council questions and comments ensued.

City Attorney Sabine read the title of the Ordinance.

**ACTION:** Motioned by Mayor Arapostathis and seconded by Councilmember Baber to adopt the Ordinance amending Chapter 6.10 (Cannabis Business Tax) of the City's Municipal Code to exempt medicinal cannabis sales made to a qualified patient or primary caregiver in possession of a Medical Marijuana Identification Card (MMIC) pursuant to Section 11362.71 of the Health and Safety Code.

**Vote:** 5-0

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

No: None

Abstained: None

Absent: None

Motion passed. Ordinance No. 2019-2870 was adopted.

**ACTION:** Motioned by Mayor Arapostathis and seconded by Councilmember Baber to adopt the Resolution adjusting the rate of the Cannabis Business Tax for medicinal retail sales of cannabis or cannabis products as a retailer, non-store front retailer or microbusiness.

**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. 2019-072 was adopted.

## **STAFF REPORT**

### **7. APPROVAL OF SUBCOMMITTEE RECOMMENDATION REGARDING THE EMPLOYMENT AGREEMENT FOR THE CITY ATTORNEY FOR FULL-TIME STATUS, AND ADOPTION OF A RESOLUTION AUTHORIZING THE SAME**

Councilmember Alessio and Councilmember Baber spoke regarding the subcommittee's discussions with the City Attorney and their recommendations for approval by the Council.

Council questions and comments ensued.



**ACTION:** Motioned by Councilmember Alessio and seconded by Councilmember Baber to (1) approve the 3-year Employment Agreement for the City Attorney for full-time status with a base annual salary of two hundred and twenty-three thousand dollars (\$223,000), maximum annual City contribution into deferred compensation (International City Management Retirement Corporation) and a monthly auto allowance of four hundred dollars; and (2) adopt the resolution authorizing the execution of the Employment Agreement 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. 2019-073 was adopted.

## **HEARING**

### **8. ADOPTION OF A RESOLUTION CONFIRMING THE REPORT WITH THE FINAL DETERMINATION OF SEWER SERVICE CHARGES FOR FISCAL YEAR 2020 TO BE COLLECTED ON THE COUNTY PROPERTY TAX ROLL AND DIRECTING THE CITY CLERK TO FORWARD A CERTIFIED COPY OF THIS RESOLUTION, TOGETHER WITH A COPY OF THE REPORT TO THE OFFICE OF THE SAN DIEGO COUNTY AUDITOR**

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 8 at 6:44 p.m.

Senior Management Analyst Huth explained the process to place sewer service charges on the property tax bills and staff efforts to inform residents of their estimated Fiscal Year 2020 sewer charges and the process for requesting an adjustment on their sewer bill.

Council questions and comments ensued.

**ACTION:** Motioned by Mayor Arapostathis and seconded by Councilmember Baber to close the hearing since there was no one 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 Baber and seconded by Mayor Arapostathis to adopt the Resolution approving the sewer charge amount for each parcel as described in the Fiscal Year 2020 sewer charge report and authorize the City Clerk to submit the sewer charge for each parcel to the County Auditor for collection on the 2019-2020 property tax bills.

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. 2019-074 was adopted.

### **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))**

There were no reports.

### **COUNCIL INITIATED**

#### **9. PROPOSAL TO CREATE LA MESA VILLAGE ENHANCEMENT FUND – COUNCILMEMBER BABER AND VICE MAYOR PARENT**

Vice Mayor Parent and Councilmember Baber explained the purpose for the proposal to create a La Mesa Village Enhancement Fund. Vice Mayor Parent stated that the recommended proposal includes: (1) after ordinary operation expenses, allocate fifty percent of budgeted surplus parking district revenues into a Village Enhancement Fund. The new fund would be allowed to finance events, programs, advertising, and physical improvements to benefit the Downtown Commercial Zone; (2) direct the La Mesa Community Parking Commission to work with City staff to propose an annual application process for nonprofit entities to apply for Village Enhancement Funds, for ratification by the City Council; (3) once the Village Enhancement Fund program application process is established, direct the La Mesa Community Parking Commission to annually review funding applications and to recommend allocations to the City Council; (4) direct staff to modify Section 12.56.120 of the Municipal Code to include “events, programs, and advertising” as allowable uses of parking meter money related to the parking district; and (5) direct City staff to annually docket recommendations for fund allocations to the City Council for approval.

Council questions and comments ensued.

Lori Kern, resident, spoke in support of creating a La Mesa Village Enhancement Fund.

**ACTION:** Motioned by Councilmember Baber and seconded by Mayor Arapostathis to adopt the recommended La Mesa Village Enhancement Fund proposal, as amended, to permit nonprofit entities and individual businesses to submit applications.

**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 7:21 p.m.

Megan Wiegelman, CMC  
City Clerk