

Minutes of a Regular Meeting of the La Mesa City Council
Tuesday, September 10, 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 6:01 p.m.

ROLL CALL

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

ABSENT: None.

STAFF: City Manager Garrett; City Attorney Sabine; Deputy City Clerk Richards-Crawford; Assistant City Manager Humora.

INVOCATION – COUNCILMEMBER WEBER

PLEDGE OF ALLEGIANCE

CITY MANAGER COMMENTS

City Manager Garrett provided the Mayor and Council with a handout depicting the placement of the new Civic Center parking signs. Copies were also made available to the public.

City Manager Garrett introduced the new Public Works Director, Leon Firsh.

COMMUNITY BULLETIN REPORTS

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

ADDITIONS AND/OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

CONFLICT DISCLOSURES

There were no conflict of interest disclosures.

PUBLIC COMMENTS – (TOTAL TIME – 15 MINUTES)

Jack Shu, resident, spoke regarding the Oath of Office, the California State Constitution, and the Bill of Rights.

CONSENT CALENDAR

(Items 1 through 10)

- 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, LA MESA PUBLIC FINANCING AUTHORITY SPECIAL MEETING, AND CITY OF LA MESA SUCCESSOR AGENCY SPECIAL MEETING HELD TUESDAY, AUGUST 13, 2019**

Approved.

- 3. RESOLUTION REJECTING ALL BIDS FOR BID 19-01 REBID, NORTH SPRING STREET PHASE II, SMART GROWTH CORRIDOR IMPROVEMENTS**

Resolution No. 2019-080 was adopted.

- 4. RESOLUTION AUTHORIZING A THREE-YEAR PURCHASE AGREEMENT WITH CARTEGRAPH SYSTEMS, LLC**

Resolution No. 2019-081 was adopted.

- 5. RESOLUTION APPROVING THE AMENDED CITY OF LA MESA COMPENSATION PLAN FOR FY 2019-2020 LISTING POSITIONS, SALARY RANGES/BANDS AND PAY STEPS**

Resolution No. 2019-082 was adopted.

- 6. RESOLUTION AUTHORIZING THE ACCEPTANCE AND APPROPRIATION OF A GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY TO CONDUCT A LOCAL TRAFFIC SAFETY, PEDESTRIAN AND BICYCLE SAFETY PROGRAM BY APPROVING THE ADDITION OF THE GRANT FUNDS TO THE FY 2019-2020 BUDGET**

Resolution No. 2019-083 was adopted.

7. **RESOLUTION AUTHORIZING THE ACCEPTANCE AND APPROPRIATION OF A GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY TO CONDUCT A LOCAL TRAFFIC SAFETY, DUI ENFORCEMENT AND AWARENESS PROGRAM BY APPROVING THE ADDITION OF THE GRANT FUNDS TO THE FY 2019-2020 BUDGET**

Resolution No. 2019-084 was adopted.

8. **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA AWARDING THE ANNUAL CONTRACT FOR JANITORIAL AND CUSTODIAL SERVICES AT THE POLICE DEPARTMENT FACILITY TO NMS MANAGEMENT, INC.**

Resolution No. 2019-085 was adopted.

9. **RESOLUTION AUTHORIZING A RE-APPROPRIATION FROM THE RISK LIABILITY RESERVE ACCOUNT FOR THE REMEDIATION OF WATER AND TERMITE DAMAGE AT THE LA MESA COMMUNITY CENTER AND AUTHORIZING AN EMERGENCY PURCHASE ORDER TO OTERO CONSTRUCTION, INC.**

Resolution No. 2019-086 was adopted.

10. **RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) FOR THE 2020 CENSUS COMPLETE COUNT REQUEST FOR APPLICATIONS FOR 2020 CENSUS MESSAGING AND OUTREACH ACTIVITIES, ACCEPTING SAID GRANT IF AWARDED AND APPROPRIATING FUNDS FOR THE PROJECT**

Resolution No. 2019-087 was adopted.

ACTION: Motioned by Vice Mayor Baber and seconded by Councilmember Alessio to approve Consent Calendar Items 1 through 10.

Vote: 5-0

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

No: None

Abstained: None

Absent: None

Motion passed.

ORDINANCE: FIRST READING

- 11.A. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MESA AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM; AND**

11.B. RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE JOINT EXERCISE OF POWERS AGREEMENT CREATING THE SAN DIEGO REGIONAL COMMUNITY CHOICE ENERGY AUTHORITY

Sustainability Analyst Lybeck provided a PowerPoint presentation regarding the Community Choice Aggregation (CCA) program, the results of the CCA Feasibility Study, the timeline and deadlines for jurisdictions to pass the CCA Ordinance and Joint Powers Authority (JPA) Agreement (JPA) Resolution, and appoint JPA Board Members. Sustainability Analyst Lybeck stated Lee Friedman from the San Diego Mayor's Office and Shawn Marshall, consultant to the City of San Diego and Executive Director of LEAN Energy, were available to answer any questions the Council may have.

Council questions and comments ensued.

The following members of the public spoke in support of a Regional CCA JPA:

Sophie Wolfram
Megan Lacy
David Harris
Wendy Mahalic
Jean Costa
Riley Lewis
Andrea Beth Damsky

The following members of the public spoke in support of an amended Regional CCA JPA that includes language regarding nuclear energy, labor, and community oversight:

Kyle Rentschler
Micha Mitrosky

Jack Shu, resident, spoke regarding the hard work involved in developing a Regional CCA JPA.

Council questions and comments ensued.

City Manager Garrett read aloud the written statement card submitted by Maleeka Marsden, Climate Action Campaign representative, in support of a Regional CCA JPA.

Council questions and comments continued.

City Attorney Sabine read the title of the Ordinance.

ACTION: Motioned by Vice Mayor Baber and seconded by Councilmember Alessio to approve the introduction and first reading of the Ordinance authorizing the implementation of a Community Choice Aggregation program.

Vote: 5-0

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

No: None

Abstained: None

Absent: None

Motion passed.

ACTION: Substitute motion – Motioned by Councilmember Parent and seconded by Councilmember Weber to adopt the JPA Agreement with the following amendments: (a) add the following sentence to Section 4.6.7, *'The Strategic Plan shall include specific language detailing community benefits, equity employment, and labor standards that relate to the execution of the CCA program as referenced in this Agreement, the Strategic Plan shall be completed by the Authority in no more than one year after the seating of the Authority's Board of Directors, and to progress on the implementation of the Strategic Plan, and any subsequent plans shall be subject to annual public review'*; and (b) amend the last sentence of Section 5.10.3 to read, *'The Board shall publicize the opportunity to serve on the Community Advisory Committee and shall appoint members to the Community Advisory Committee from those individuals who express an interest in serving and who represent a diverse cross-section of interests, skill sets, and geographic regions'*.

Vote: 2-3

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

Motion failed.

Following Council questions and comments, Mayor Arapostathis called the vote on the original motion.

ACTION: Motioned by Councilmember Alessio and seconded by Vice Mayor Baber to (1) adopt the Resolution approving and authorizing the execution of the Joint Exercise of Powers Agreement creating the San Diego Regional Community Choice Energy Authority; (2) appoint Vice Mayor Baber as the primary representative and Assistant City Manager Humora as the alternate representative to the Board of Directors for the Regional Community Choice Energy Authority and if two Councilmembers must be appointed to the Board of Directors, to appoint Vice Mayor Baber as the primary representative and Councilmember Weber as the alternate representative; and (3) direct the appointed City of La Mesa representatives on the Board of Directors of the Regional Community Choice Energy Authority to advocate for the following amendments to the JPA Agreement: (a) add the following sentence to Section 4.6.7, *'The Strategic Plan shall include specific language detailing community benefits, equity employment, and labor standards that relate to the execution of the CCA program as referenced in this Agreement, the Strategic Plan shall be completed by the Authority in no more than one year after the seating of the Authority's Board of Directors, and to progress on the implementation of the Strategic Plan, and any subsequent plans shall be subject to annual public review'*; and (b) amend the last sentence of Section 5.10.3 to read, *'The Board shall publicize the opportunity to serve on the Community Advisory Committee and shall appoint members to the Community Advisory Committee from those individuals who express an interest in serving and who represent a diverse cross-section of interests, skill sets, and geographic regions'*.

Vote: 5-0

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

Motion passed. Resolution No. 2019-088 was adopted.

STAFF REPORT

12. REPORT ON CITIZEN POLICE OVERSIGHT PRACTICES, AND CONSIDERATION OF ADOPTION OF A RESOLUTION ESTABLISHING A CITIZEN PUBLIC SAFETY PANEL TO EXCHANGE INFORMATION FOR THE BETTERMENT OF PUBLIC SAFETY IN THE CITY OF LA MESA

City Manager Garrett stated that at the Council meeting of January 8, 2019 Council directed staff to research the practices of other cities in regards to a Citizen Oversight Commission and options available to the City and report back to Council with their findings. City Manager Garrett said Scott Tiedemann, Special Counsel and Managing Partner of Liebert Cassidy Whitmore, was present to answer any questions the Council may have following Chief Vasquez's presentation.

Chief Vasquez provided a PowerPoint presentation on the background of civilian oversight commissions in the City, County, and State, the four different civilian oversight models, the four agencies in San Diego County with some form of civilian police oversight, the City of Los Angeles' Office of the Inspector General, and the composition and goals of the proposed La Mesa Citizen Public Safety Panel.

Council questions and comments ensued.

The following members of the public spoke in opposition of the Resolution as written:

Jack Shu
Janet Castanos
Jamal McRae
Leroy Johnson
Darwin Fishman
Jessica Roach
Gene Carpenter

Colin Atwood, President of the La Mesa Police Officers Association, spoke in support of the Resolution, and invited residents to participate in the Police Department's community programs and events.

City Manager Garrett read aloud the written statement cards submitted by members of the public.

The following members of the public submitted written statement cards in opposition of the Resolution as written:

Yahairah Aristy
Christie Hill

Council questions and comments ensued.

Scott Tiedemann, Special Counsel and Managing Partner of Liebert Cassidy Whitmore, explained the investigative powers and legalities of civilian oversight commissions of General Law cities and Charter cities.

Council questions and comments ensued.

Jack Shu, resident, spoke on the purpose and intent of the residents' research into a citizen oversight commission for the La Mesa Police Department.

Council questions and comments continued.

City Attorney Sabine explained the regulations and structure of ad hoc committees and recommended that a temporary citizen advisory body be referred to as a task force.

ACTION: Motioned by Councilmember Weber and seconded by Mayor Arapostathis to direct staff to return to Council with a Resolution for adoption to establish a Citizen Public Safety Oversight Task Force to: (a) research what a citizen police oversight committee would look like in La Mesa, what other cities of similar size are doing in regards to citizen police oversight commissions, the difference of citizen police oversight commissions in General Law cities and Charter cities, and solutions that can be achieved under each type of government; (b) perform community sensing and education to determine whether or not La Mesa needs a citizen police oversight commission; and (c) if the community sensing shows that there is a need for a citizen police oversight commission in La Mesa, draft a policy for Council consideration. The Citizen Public Safety Oversight Task Force shall be composed of 11 members: one member shall be recommended and employed by the La Mesa-Spring Valley School District; one member shall be recommended and employed by Helix Charter High School; one member shall be appointed from the La Mesa Police Officers' Association; four citizens at large who represent each of the four police beats shall be appointed; and one member shall be appointed from each of the following 4 communities: La Mesa business community, La Mesa faith based community, youth community (9th-12th grade student), and senior community (over 55 years of age). All members of the Citizen Public Safety Oversight Task Force shall be nominated by Mayor Arapostathis and Councilmember Weber and approved by the entire City Council. The La Mesa Police Department staff will act as the staff liaison to the Citizen Public Safety Oversight Task Force.

Vote: 5-0

Yes: Mayor Arapostathis, Vice Mayor Baber, Councilmember Alessio, Councilmember Parent, 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))

There were no reports.

CITY ATTORNEY REMARKS

There were no remarks.

ADJOURNMENT

Mayor Arapostathis adjourned the meeting at 9:02 p.m.

Megan Wiegelman
City Clerk

Prepared by:
Piper Richards-Crawford, Deputy City Clerk