

Minutes of a Regular Meeting of the La Mesa City Council
Tuesday, February 28, 2017 at 6:00 p.m.
City Council Chambers, 8130 Allison Avenue, La Mesa, California

Mayor Arapostathis called the meeting to order at 6:01 p.m.

ROLL CALL: CITY COUNCIL

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

ABSENT: None.

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

INVOCATION – COUNCILMEMBER BABER

PLEDGE OF ALLEGIANCE

CITY MANAGER COMMENTS

There were no comments.

COMMUNITY BULLETIN REPORTS

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

PRESENTATION

PROCLAIMING MARCH 7 – 14, 2017 AS ARBOR WEEK

Mayor Arapostathis presented the proclamation to Acting Public Works Director Firsh.

ADDITIONS AND/OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

PUBLIC COMMENTS

Ms. Anna Noah, La Mesa, complained about commercial trucks parked along Jackson Drive and requested the City enforce two existing zoning codes regulating the parking of large, commercial trucks in residentially zoned areas.

Mr. John Schmitz, President, Friends of the La Mesa Library, invited everyone to attend the library's annual Food for Thought program on Saturday, March 4th with demonstrations on healthy food and cooking techniques. Mr. Schmitz also invited everyone to the Second Saturday concert series at the library on March 11th.

CONSENT CALENDAR

(Items 1 through 3)

Councilmember Alessio requested item 2 be pulled for separate consideration.

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

Approved.

3. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA, CALIFORNIA, AUTHORIZING TRANSFER AND APPROPRIATION OF FUNDS FROM THE RISK LIABILITY FUND RESERVES ACCOUNT TO THE CITY ATTORNEY'S PROFESSIONAL AND SPECIALIZED SERVICES ACCOUNT FOR UNEXPECTED LEGAL FEES

Resolution No. 2017-013 was adopted.

ACTION: Motioned by Councilmember Alessio and seconded by Vice Mayor McWhirter to approve Consent Calendar items 1 and 3.

Vote: 5-0

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

No: None

Abstained: None

Absent: None

Motion passed.

2. RESOLUTION TO INCREASE THE BUILDING DIVISION BUDGET AND AMEND THE CONTRACT WITH BUREAU VERITAS NORTH AMERICA, INC. TO HANDLE INCREASED PRIVATE DEVELOPMENT ACTIVITY

Councilmember Alessio said she wanted to point out that the City brings in additional staffing when needed in order to avoid a backlog of projects because of increased development activity, and to provide continued good service to its residents and businesses.

ACTION: Motioned by Councilmember Alessio and seconded by Vice Mayor McWhirter to approve Consent Calendar item 2.

Vote: 5-0

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

No: None

Abstained: None

Absent: None

Motion passed. Resolution No. 2017-012 was adopted.

STAFF REPORTS

4. MACARTHUR PARK SUBCOMMITTEE STATUS REPORT ON THE SUN VALLEY GOLF, LLC LEASE AGREEMENT

Assistant City Manager Humora provided a brief update on the Sun Valley Golf Course. Mr. Humora explained the lessee's request for early termination of the agreement due to financial hardship, citing increased water and staffing costs, and the general decline of the golfing industry. Mr. Humora said staff would conduct some community outreach regarding the closure of the golf course. Assistant City Manager Humora also said the Subcommittee discussed several ideas for repurposing the golf course and said the goal was to keep the park open to the public and provide additional recreational uses.

In addition, Assistant City Manager Humora said at last year's Strategic Planning Workshop, the Council directed staff to look at the revitalization of MacArthur Park. He indicated a Request for Proposal was being drafted to look at the entire 22 acre facility. Mr. Humora said staff would keep the Subcommittee and the Council apprised of the timeline of the park transition.

Councilmember Alessio said the Subcommittee had some good ideas for the use of the golf course and would continue to promote low cost, public fitness centered uses. Councilmember Alessio also said the Subcommittee would be working to determine what the final end product would be down the road for MacArthur Park.

Vice Mayor McWhirter said most people did not know the golf course was open to the public or had even heard of MacArthur Park. Vice Mayor McWhirter said one of the Subcommittee's goals was to make the area accessible to everyone and spoke about the various recreational options.

Following Council discussion and questions, no action was taken.

5. PROPOSITION 64 – THE CONTROL, REGULATE, AND TAX ADULT USE OF MARIJUANA ACT (AUMA); THE MEDICAL MARIJUANA REGULATION AND SAFETY ACT (AB 266, AB 243 AND SB 643) (MMRSA); THE CONSIDERATION OF LOCAL REGULATION AND TAXATION OPTIONS RELATED TO THE SAME; AND, POSSIBLE DIRECTION TO STAFF

City Attorney Sabine gave an overview of Proposition 64, the Adult Use of Marijuana Act (AUMA), the Medical Marijuana Regulation and Safety Act (MMRSA), and Federal law pertaining to the Controlled Substances Act, Title 21. City Attorney Sabine also discussed the previous actions taken by the Council regarding marijuana and the Measure U citizen initiative. Mr. Sabine explained the key differences and similarities between AUMA and MMRSA, and provided an overview of AUMA in the areas of personal use, personal cultivation, state licensing of commercial operations, local regulation/prohibition of commercial operations, taxation of nonmedical marijuana and the allocation of state tax revenues. City Attorney Sabine presented 10 local policy issues and questions for Council's consideration and discussion. City Attorney Sabine said staff recommended the Council receive the report and provide direction as appropriate.

City Attorney answered the Council's questions.

STAFF REPORTS – Continued

Mr. Edward Newman, San Diego, spoke regarding the difficulties in operating a business and said there was too much regulation on small businesses.

Mr. Jon Rezack spoke in opposition to regulating marijuana use and said marijuana had a positive economic impact.

Council comments and questions continued.

Mr. John Bliss, President, SCI Consulting Group, answered the Council's questions regarding the regulation of personal indoor cultivation of marijuana.

ACTION: Item one – it was the consensus of the Council to direct the City Attorney and staff to consult with Councilmember Parent and Councilmember Alessio and bring back a regulation that was appropriate in response to the question of whether the possession, smoking and ingesting of marijuana be prohibited in buildings owned, leased or occupied by the City, to the extent permitted by law.

Council discussion continued.

ACTION: Item two – it was the consensus of a majority of the Council that personal indoor cultivation should not be regulated. Councilmember Alessio stated she was in favor of permitting personal indoor cultivation as a safeguard for children and animals. Councilmember Alessio said marijuana plants should be as regulated as dogs, cats and chickens.

ACTION: Item three – it was the consensus of the Council to prohibit personal outdoor cultivation.

ACTION: Item four – Motioned by Councilmember Baber and seconded by Mayor Arapostathis to direct staff to come back with the appropriate ordinance to prohibit any and all recreational marijuana related businesses that may be authorized under AUMA.

Vote: 5-0

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

No: None

Abstained: None

Absent: None

Motion passed.

Council discussion continued.

ACTION: Item eight – it was the consensus of the Council that conditional taxes be considered (i.e., taxing schedules enacted but not effective unless and until a marijuana business qualifying for such a tax is authorized), and directed the City Attorney and staff to do further research on the issue, see if it made sense for La Mesa, and report back to the Council.

Council discussion continued.

STAFF REPORTS – Continued

ACTION: Item nine – it was the consensus of the Council that all of the businesses authorized and regulated pursuant to Measure “U” be subject to additional City excise taxation and directed the City Attorney and staff to bring back options related to all the uses (i.e. dispensaries, cultivation and manufacturing)

Council discussion continued.

ACTION: Item 10 – it was the consensus of the Council that considering the implementation of Measure U, Ordinance No. 2016-2844, expressly prohibiting mobile dispensing and “delivery” of marijuana or marijuana products (subject to exceptions related to primary caregivers delivering to qualified patients and qualified patients transporting for personal use), should be modified to allow deliveries from a licensed dispensary.

Mayor Arapostathis brought forward item 7 for discussion at this time.

7:00 P.M.

HEARING

7. CONSIDERATION OF HPC 16-13 (CRAIG) – A REQUEST TO DESIGNATE THE PROPERTY LOCATED AT 8459 LEMON AVENUE IN THE R2 (MEDIUM LOW DENSITY RESIDENTIAL) ZONE AS A HISTORIC LANDMARK AND TO ESTABLISH A PROPERTY PRESERVATION (MILLS ACT) AGREEMENT FOR THE SITE

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.

Associate Planner Kinnard provided historical background about the property and briefly explained the criteria for historic landmark designation and the Mills Act Preservation Agreement. Ms. Kinnard said staff recommended the Council adopt the resolutions to designate the property as a historic landmark and enter into a Mills Act Preservation Agreement.

Following Council questions, Mayor Arapostathis opened the hearing and asked if anyone from the audience wished to speak.

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

Vote: 5-0

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

No: None

Abstained: None

Absent: None

Motion passed.

HEARING – Continued

ACTION: Motioned by Councilmember Baber and seconded by Vice Mayor McWhirter to adopt the resolutions to designate the property as a historic landmark and to enter into a Mills Act Preservation Agreement.

Vote: 5-0

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

No: None

Abstained: None

Absent: None

Motion passed. Resolution Nos. 2017-014 and 2017-015 were adopted.

COUNCIL COMMITTEE REPORTS

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

6. MISSION, DUTIES AND FUNCTIONS OF VARIOUS CITY BOARDS AND COMMISSIONS – COUNCILMEMBER ALESSIO AND COUNCILMEMBER BABER

Councilmember Alessio said she recently spoke with two commission members from two different commissions who asked about the authority of the commissions to do various activities. Councilmember Alessio suggested the boards and commissions submit their work plans to the Council for approval as a way to manage the limited resources and staff time, provide direction to the groups, and to make sure their ideas were consistent with the Council's policy goals.

Councilmember Baber also spoke in support of the submittal of work plans at the beginning of each year and said the plans would help the boards and commissions focus on their missions and priorities, provide them with the authority to carry out their plans, and would give the Council the opportunity to amend the work plans, if needed. Councilmember Baber also suggested the City Manager work with the staff to balance the competing pressures of doing what needs to be done for the Council, while allowing and encouraging creative thought from the boards and commissions.

ACTION: It was the consensus of the Council to direct the City Manager to work with staff and the boards and commissions to draft an annual work plan and have each board and commission submit the work plans to the Council in February of each year; and direct that special projects would require Council approval.

CITY ATTORNEY REMARKS

There were no remarks.

ADJOURNMENT

Mayor Arapostathis adjourned the meeting at 8:17 p.m.

A handwritten signature in black ink, appearing to read "Megan Wiegelman", written over a horizontal line.

Megan Wiegelman, CMC
City Clerk