

Minutes of a Regular Meeting of the La Mesa City Council
Tuesday, May 8, 2018 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 6:02 p.m.

ROLL CALL

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

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 there were no reportable actions, except the Council gave instructions to its negotiators to move forward with negotiations with the bargaining units.

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.

PRESENTATIONS

PROCLAIMING MAY AS *POPPY MONTH*

Mayor Arapostathis presented the proclamation to Julie Fox, President of the La Mesa

American Legion Auxiliary Unit 282.

Julie Fox, President of the La Mesa American Legion Auxiliary Unit 282, provided background on the American Legion Auxiliary, read the story of the poppy, and thanked the Mayor and Council for recognizing May as Poppy Month.

PROCLAIMING MAY AS OLDER AMERICAN MONTH

Mayor Arapostathis presented the proclamation to Recreation Supervisor Ashley Josephson and AARP Executive Councilmember Joe Garbanzos.

AARP Executive Councilmember Joe Garbanzos thanked the Mayor and Council for recognizing May as Older American Month and congratulated the City for recognizing the importance of older Americans. Mr. Garbanzos provided information on the efforts of AARP and stated that AARP is looking forward to working with the City on creating a more age-friendly community.

BUDGET MONITORING REPORT

Finance Director Waller-Bullock reported on the national, state and local economic outlook, state budget issues, the performance of the City's General Fund and Proposition L benchmarks for the quarter ending March 31, 2018.

CITY TREASURER'S QUARTERLY REPORT

City Treasurer Vogt made a presentation regarding the investment earnings for the quarter ending March 31, 2018. No action was taken.

ADDITIONS AND/OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

CONFLICT DISCLOSURES

Councilmember Parent announced he would be recusing himself for Item No. 3 because he has a potential conflict of interest under Government Code Section 87100.

Vice Mayor Alessio announced she would be recusing herself for Item No. 6 because she has a potential conflict of interest under Government Code Section 87100.

PUBLIC COMMENTS – (TOTAL TIME – 15 MINUTES)

Frank Baggett, resident, spoke regarding the need for a pedestrian cross walk on Sacramento Drive.

Brenda Hammond, resident, praised the La Mesa Police Department.

Jean Costa, San Diego 360 representative, spoke regarding offshore drilling and requested the City Council adopt a resolution opposing offshore drilling.

Polly Kanavel, resident, spoke regarding a notice she received from the Fire Department for weed and nuisance abatement.

CONSENT CALENDAR

(Items 1 through 5)

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, APRIL 24, 2018**

Approved.

3. **RESOLUTION AUTHORIZING THE APPLICATION FOR GRANT FUNDS FOR PARTICIPATION IN THE AGE FRIENDLY CITIES AND COMMUNITIES PROGRAM**

Resolution No. 2018-035 was adopted.

4. **RESOLUTION TEMPORARILY CLOSING A PORTION OF LA MESA CITY STREETS FOR A CITY SPONSORED EVENT ON JUNE 2, 2018**

Resolution No. 2018-036 was adopted.

5. **RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE FY17 STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP) GRANT OF \$47,485 FOR TERRORISM PREPAREDNESS**

Resolution No. 2018-037 was adopted.

ACTION: Motioned by Mayor Arapostathis and seconded by Councilmember Baber to approve Consent Calendar Items 1, 2, 4 and 5.

Vote: 5-0

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

No: None

Abstained: None

Absent: None

Motion passed.

ACTION: Motioned by Mayor Arapostathis and seconded by Councilmember Baber to approve Consent Calendar Item 3.

Vote: 4-0-1

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

No: None
Abstained: Councilmember Parent
Absent: None

Motion passed.

HEARINGS

6. CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF VARIANCE V 17-04 (SAUCEDO) – A REQUEST FOR A VARIANCE TO REDUCE BUILDING SETBACKS FOR AN ACCESSORY STRUCTURE AT 4054 PAYSON ROAD IN THE R1S / R1S-NP2 (SUBURBAN RESIDENTIAL / NEIGHBORHOOD PLAN 2 OVERLAY) 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.

Vice Mayor Alessio recused herself for Item No. 6 because she had a potential conflict of interest under Government Code Section 87100 due to her being the vice president of a company that resides 250 feet from the subject property. Vice Mayor Alessio left the dais at 6:47 p.m.

Associate Planner Kinnard explained the purpose of the hearing and described the subject property. Associate Planner Kinnard discussed the site development plan, the variance permit request for an accessory structure, and the Planning Commission's denial of the request. Ms. Kinnard explained the reason for the appeal and stated that staff recommends the Council uphold the Planning Commission's denial of Variance V 17-04 and deny the appeal based on the lack of evidence to support the findings as set forth in Planning Commission Resolution PC 2018-05.

A discussion ensued between Council and staff regarding how and when the City found out about the subject accessory structure and the code compliance process.

Mayor Arapostathis opened the hearing for Item No. 6 at 6:56 p.m.

The following members of the audience spoke in support of the proposed project and in support of the appeal:

Carlos Saucedo, appellant/applicant
Maribelle Saucedo, appellant/applicant
Rick Turner

Council comments and questions ensued.

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

Vote: 4-0-1

Yes: Mayor Arapostathis, Councilmember Baber, Councilmember McWhirter and Councilmember Parent.

No: None
Abstained: Vice Mayor Alessio
Absent: None.

Motion passed.

A discussion ensued between Council and staff regarding the City's discretion on the decision making process for variance permits, the purpose of the City's setback policies, the location of the subject property, and the actions the property owners would need to take if the variance permit was denied.

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

Vote: 4-0-1

Yes: Mayor Arapostathis, Councilmember Baber, Councilmember McWhirter and Councilmember Parent.

No: None
Abstained: Vice Mayor Alessio
Absent: None.

Motion passed.

A discussion ensued between Council and applicant regarding the options available to the applicant if the variance permit was denied.

ACTION: Motioned by Mayor Arapostathis and seconded by Councilmember McWhirter to close the hearing.

Vote: 4-0-1

Yes: Mayor Arapostathis, Councilmember Baber, Councilmember McWhirter and Councilmember Parent.

No: None
Abstained: Vice Mayor Alessio
Absent: None.

Motion passed.

A discussion ensued between Council and staff regarding the approval of the variance permit being used as an argument in future variance permit appeals and the opinions of the applicant's neighbors.

ACTION: Motioned by Councilmember Baber and seconded by Mayor Arapostathis to grant the appeal based upon the arguments made by the appellants to support their appeal of the Planning Commission's denial of Variance V 17-04 (Saucedo) – a request for a variance to reduce building setbacks for an accessory structure at 4054 Payson Road and the points that were made by the Council during the public hearing that favor the granting of Variance V 17-04 (Saucedo).

Vote: 4-0-1

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

Motion passed.

7. CONSIDERATION OF AN APPEAL OF THE DETERMINATION THAT PUBLIC CONVENIENCE OR NECESSITY WOULD NOT BE SERVED BY ISSUANCE OF A TYPE 40 ON-SALE BEER LICENSE BY THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL FOR VANISH LOUNGE, 7520 EL CAJON BOULEVARD, SUITES 103-105

Vice Mayor Alessio returned to the dais at 7:58 pm.

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 explained the purpose of the hearing and described the subject business. Associate Planner Kinnard discussed the type of ABC license being requested, the City Manager's denial, and the reason for the appeal. Associate Planner Kinnard stated that staff recommends the Council uphold the City Manager's determination that the type 40 license requested by Vanish Lounge does not serve the public convenience or necessity, and deny the appeal.

A discussion ensued between Council and staff regarding the ABC permitting process and the calls for service at the property.

Mayor Arapostathis opened the hearing for Item No. 7 at 8:07 p.m.

The following members of the audience spoke in support of the proposed license and in support of the appeal:

John James, appellant/applicant representative
Jack Lequel, appellant/applicant representative

Council comments and questions ensued.

ACTION: Motioned by Mayor Arapostathis and seconded by Councilmember McWhirter 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 Alessio, Councilmember Baber, Councilmember McWhirter and Councilmember Parent
No: None
Abstained: None
Absent: None.

Motion passed.

A discussion ensued between Council and staff regarding the findings of the Police Department.

Councilmember Baber stated he would be voting against the denial of the appeal because he is reluctant to restrict a business from conducting a legal activity within the confines of their property.

ACTION: Motioned by Vice Mayor Alessio and seconded by Mayor Arapostathis to uphold the City Manager's determination that the type 40 license requested by Vanish Lounge does not serve the public convenience or necessity, and deny the appeal.

Vote: 4-1

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

Motion passed.

STAFF REPORT

8. CONSIDERATION OF THE APPLICATION FOR A SPECIAL EVENT PERMIT FOR THE 2018 LA MESA CLASSIC CAR SHOW AND RESOLUTION TEMPORARILY CLOSING A PORTION OF LA MESA CITY STREETS FOR THE 2018 LA MESA CLASSIC CAR SHOW

City Clerk Wiegelman provided a detailed overview of the proposed City sponsored event and explained the enhancements for this year's Car Show.

A discussion ensued between Council and an LMVA representative regarding the promotion of the event, parking concerns, and the concerns of the businesses in the Downtown Village.

ACTION: Motioned by Mayor Arapostathis and seconded by Councilmember McWhirter to authorize the issuance of a special event permit with conditions and approve the resolution temporarily closing a portion of La Mesa City streets for the 2018 La Mesa Classic Car Show.

Vote: 5-0

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

Motion passed. Resolution No. 2018-038 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))

Councilmember Baber reported on his trip to Pomona on April 12, 2018 for the League of California Cities Government Transparency and Labor Relations Commission meeting.

CITY ATTORNEY REMARKS

There were no remarks.

ADJOURNMENT

Mayor Arapostathis adjourned the meeting at 8:39 p.m.

Megan Wiegelman, CMC
City Clerk