

Minutes of a Regular Meeting of the La Mesa City Council
Tuesday, October 22, 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

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

ABSENT: None.

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

INVOCATION – MAYOR ARAPOSTATHIS

PLEDGE OF ALLEGIANCE

REPORT FROM CLOSED SESSION – CITY ATTORNEY

City Attorney Sabine announced that the Council unanimously directed City Manager Garrett to engage the Human Resources Manager to begin a state and nation wide recruitment to present qualified candidates for City Council consideration and appointment of the next City Manager and appointed Assistant City Manager Humora as the Interim City Manager upon City Manager Garrett's retirement, pending the recruitment and appointment of the new City Manager.

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 OCTOBER 20 – 26, 2019 AS NATIONAL FRIENDS OF LIBRARIES WEEK

Mayor Arapostathis presented the proclamation to Bonnie Baranoff, Friends of the La Mesa Library representative.

Bonnie Baranoff, Friends of the La Mesa Library representative, thanked the City Council for recognizing National Friends of Libraries Week.

ACADEMIC LEAGUE TROPHY PROPOSAL AND INTRODUCTION OF ACADEMIC LEAGUE COACHES

Steve Haiman, Grossmont Union High School District (GUHSD) Academic League Co-coordinator, provided an overview of the Academic League Program and introduced Kristen Loprell, Grossmont High School Academic League Coach. GUHSD Academic League Co-coordinator Haiman proposed that each year a City of La Mesa representative present the Academic League trophy to the winner of the dual match between Grossmont High School and Helix Charter High School and announced that this year's dual match would be held on Wednesday, December 4, 2019.

Mayor Arapostathis and Councilmember Parent stated they would attend the dual match on December 4, 2019 and present the trophy to the winner.

ADDITIONS AND/OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

PUBLIC COMMENTS – (TOTAL TIME – 15 MINUTES)

Craig Levenson spoke regarding the services provided by Hitchcock Bird Removal.

Bonnie Baranoff, resident, provided an update from the City of La Mesa's Citizen Task Force on Homelessness.

Gene Carpenter, resident, spoke regarding Domestic Violence Awareness Month.

Jean Costa, resident, requested the City Council adopt a resolution in support of the Green New Deal.

CONFLICT DISCLOSURES

At the beginning of Hearing Item 8, Councilmember Parent announced he had a potential conflict of interest due to the proximity of his home to the property located at 8465 Lemon Avenue.

CONSENT CALENDAR

(Items 1 through 4)

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 SPECIAL MEETING HELD TUESDAY, OCTOBER 8, 2019**

Approved.

3. **APPROVAL OF THE MINUTES FOR THE CITY COUNCIL REGULAR MEETING HELD TUESDAY, OCTOBER 8, 2019**

Approved.

4. **RESOLUTION AUTHORIZING CONTRACT CHANGE ORDER NO. 3 TO GEOCON INCORPORATED FOR GEOTECHNICAL SERVICES FOR THE WEST LA MESA STREET IMPROVEMENTS PROJECT**

Resolution No. 2019-100 was adopted.

ACTION: Motioned by Vice Mayor Baber and seconded by Councilmember Alessio to approve Consent Calendar Items 1 through 4.

Vote: 5-0

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

No: None

Abstained: None

Absent: None

Motion passed.

ORDINANCES: FIRST READING

5. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MESA ADOPTING BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, KNOWN AS TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, INCORPORATING THE INTERNATIONAL BUILDING CODE, 2018 EDITION, INTERNATIONAL EXISTING BUILDING CODE, 2018 EDITION, AND THE INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; THE UNIFORM PLUMBING CODE, 2018 EDITION, AND THE UNIFORM MECHANICAL CODE, 2018 EDITION, PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS; THE NATIONAL ELECTRICAL CODE, 2017 EDITION, PUBLISHED BY**

THE NATIONAL FIRE PROTECTION ASSOCIATION; AND AMENDING TITLE 14 OF THE LA MESA MUNICIPAL CODE AND ALL OTHER ORDINANCES IN CONFLICT THEREWITH

City Attorney Sabine read the title of the Ordinance.

ACTION: Motioned by Vice Mayor Baber and seconded by Councilmember Parent to approve the introduction and first reading of the Ordinance and schedule the required public hearing for Tuesday, November 12, 2019.

Vote: 5-0

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

Motion passed.

- 6. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MESA ADOPTING BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA FIRE CODE, KNOWN AS THE CALIFORNIA CODE OF REGULATIONS, TITLE 24 PART 9 (CCR, T-24, P-9) INCORPORATING: THE INTERNATIONAL FIRE CODE, 2018 EDITION, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, WITH CERTAIN AMENDMENTS, ADDITIONS AND DELETIONS, AND AMENDING TITLE 11 OF THE LA MESA MUNICIPAL CODE AND ALL OTHER ORDINANCES IN CONFLICT THEREWITH**

City Attorney Sabine read the title of the Ordinance.

ACTION: Motioned by Mayor Arapostathis and seconded by Councilmember Parent to approve the introduction and first reading of the Ordinance and schedule the required public hearing for Tuesday, November 12, 2019.

Vote: 5-0

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

Motion passed.

STAFF REPORT

- 7. REPORT REGARDING THE FEDERAL COMMUNICATIONS COMMISSION'S (FCC) REGULATION OF SMALL CELL WIRELESS COMMUNICATION FACILITIES (5G); AND, CONSIDERATION AND POSSIBLE ADOPTION OF A 1) RESOLUTION ESTABLISHING AN INTERIM POLICY FOR THE REGULATION OF SMALL**

WIRELESS FACILITIES AND OTHER INFRASTRUCTURE DEPLOYMENTS IN THE PUBLIC RIGHTS-OF-WAY AND 2) RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A PROCESS TO REVIEW AND ISSUE ENCROACHMENT PERMITS FOR REGULATION OF SMALL WIRELESS FACILITIES AND OTHER INFRASTRUCTURE DEPLOYMENTS IN THE PUBLIC RIGHTS-OF-WAY AND ESTABLISHING APPROPRIATE FEES RELATED TO THE SAME

Public Works Director Firsho introduced Tripp May, Managing Partner of Telecom Law Firm, who provided a PowerPoint presentation regarding small cell wireless communication facilities, State and Federal Communications Commission (FCC) regulations on small cell wireless communication facilities, the proposed City policy on small cell wireless communication facilities, and the proposed update to the City's Fee Schedule.

Council questions and comments ensued.

The following members of the public spoke in opposition of the proposed Resolutions:

Kevin McGee, AT&T representative
Adrian Salas, Crown Castle representative
Michael Farragher, Verizon Wireless representative
Carol Ann Drastal, resident
Wayne Webster
Stephen Chan, resident
Kathy Carroll, EMF Solutions representative
Lisa Marie Rowell, resident
Susan Brinchman, resident

The following members submitted written public comment cards in opposition of the proposed Resolutions:

Linda McDonald, resident
Patricia Gracian

The following companies and members of the public submitted letters in opposition of the proposed Resolutions:

Kenneth Steele
Thomas Henning
Larry Henning
Robert Riddle
Emily Lieber
John Lieber
Morgan Smail
Teresa Smail
Melissa Henning
Mary Marston
S. Jett
Verizon Wireless
New Cingular Wireless PCS, LLC dba AT&T Mobility (AT&T)

Jerry Jones, resident, spoke in support of the proposed resolutions.

Council questions and comments continued.

City Attorney Sabine explained the adoption and implementation process for resolutions and ordinances.

ACTION: Motioned by Councilmember Parent and seconded by Councilmember Alessio to (1) adopt a Resolution adopting an interim policy for the regulation of small cell wireless facilities and other infrastructure deployments in the public rights-of-way; (2) adopt a Resolution authorizing the establishment of a process to review and issue encroachment permits for regulation of small cell wireless facilities and other infrastructure deployments in the public rights-of-way and establishing appropriate fees related to the same; and (3) direct staff to continue to work with and obtain feedback from community members and stakeholders on how to improve and implement policies related to small cell wireless facilities.

Vote: 4-1

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

Motion passed. Resolution No. 2019-101 and Resolution No. 2019-102 were adopted.

HEARING

8. CONSIDERATION OF PROJECT NO. 2019-20 (ULLAH-ABRIANI) – A REQUEST TO DESIGNATE THE PROPERTY LOCATED AT 8465 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

Councilmember Parent recused himself for Item 8 because he had a potential conflict of interest under Government Code Section 87100 due to the proximity of his home to the property located at 8465 Lemon Avenue. Councilmember Parent left the dais at 7:44 p.m.

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.

City Attorney Sabine explained the potential conflicts of interest associated with the designation of a property as a historic landmark.

Senior Planner Kinnard provided historical background about the property, briefly explained the criteria for historic landmark designation and the Mills Act Preservation Agreement, and listed the planned exterior and interior improvements. Senior Planner 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 for Item 8 at 7:49 p.m., and asked if anyone from the audience wished to speak.

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

Vote: 4-0-1

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

No: None

Abstained: Councilmember Parent

Absent: None

Motion passed.

ACTION: Motioned by Mayor Arapostathis and seconded by Vice Mayor Baber to adopt the (1) Resolution designating the Alfred Cook House located at 8465 Lemon Avenue as a Historic Landmark; and (2) Resolution authorizing execution of a Historic Landmark Property Preservation Agreement with the owners of the Historic Landmark known as the Alfred Cook House located at 8465 Lemon Avenue.

Vote: 4-0-1

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

No: None

Abstained: Councilmember Parent

Absent: None

Motion passed. Resolution No. 2019-103 and Resolution No. 2019-104 were adopted.

Councilmember Parent returned to the dais at 7:50 p.m.

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. UPDATE TO THE SPECIAL EVENT PROCESS – VICE MAYOR BABER AND COUNCILMEMBER PARENT

Councilmember Parent explained the proposed updates to the City's special event permit process and amendments to La Mesa Municipal Code Chapter 10.50, *Special Events*.

Council questions and comments ensued.

Councilmember Alessio expressed concern regarding the public's ability to participate in the proposed special event permitting process and stated she would not support the item.

Council questions and comments continued.

ACTION: Motioned by Councilmember Parent and seconded by Councilmember Weber to direct staff to: (1) return to Council with an ordinance amending Chapter 10.50 of the La Mesa Municipal Code with the following amendments: (a) authorize the City Manager to approve a special event permit for an annual event for no more than three years at a time; (b) authorize the City Manager to approve special event permits for events that occur more frequently than annually, for no more than one year at a time; (c) allow for applicants who are denied a special event permit an opportunity to appeal that decision to the City Council; (d) continue to require that the City Manager determine that a special event will provide adequate security, safety, and staffing to protect the public; (e) move up the applicants noticing requirements to surrounding residences and businesses; (f) permit applications requesting a cost recovery reduction shall be brought to Council for consideration; and (2) bring back a resolution authorizing the City Manager to temporarily close public streets for special events as noted in the amended Chapter 10.50 of the La Mesa Municipal Code.

Vote: 4-1

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

No: Councilmember Alessio

Abstained: None

Absent: None

Motion passed.

CITY ATTORNEY REMARKS

There were no remarks.

ADJOURNMENT

Mayor Arapostathis adjourned the meeting at 8:24 p.m.

Megan Wiegelman, CMC
City Clerk