

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

LA MESA, CALIFORNIA

JANUARY 24, 2006

5:00/6:00 P.M.

5:00 P.M.

A Regular Meeting of the City Council of the City of La Mesa, California, held Tuesday, January 24, 2006, was called to order by Mayor Madrid at 5:00 p.m. in the Council Chambers, 8130 Allison Avenue, La Mesa, California.

ROLL CALL

Present were Mayor Madrid, Vice Mayor Allan, Councilmembers Ewin, Jantz and Sterling, City Manager Kerl, City Attorney Sabine, City Clerk Kennedy, and Assistant City Manager/Community Development Director Witt.

At 5:00 p.m. Mayor Madrid adjourned the meeting to Closed Session.

CLOSED SESSION

- 1 CONFERENCE WITH LEGAL COUNSEL FOR PENDING WORKERS COMPENSATION CLAIM SETTLEMENT PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)  
Walter E. Stallings vs. City of La Mesa
2. CONFERENCE WITH LEGAL COUNSEL FOR PENDING WORKERS COMPENSATION CLAIM SETTLEMENT PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)  
Mark Yapple vs. City of La Mesa
- 3 CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8  
Property: Property located at 8034/54 Allison Avenue  
Negotiating Parties: Chief Burk and American Medical Response  
Under Negotiation: Terms and conditions of a lease agreement
- 4 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)  
Vernon L. Jumper et seq. v Wardley Development, City of La Mesa et seq.
- 5 CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8  
Property: Property located at 8055 University Avenue  
Negotiating Parties: Ms. Kerl and the County of San Diego  
Under Negotiation. Disposition of the County library property

CLOSED SESSION – Continued

6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: Excess right-of-way at the intersection of Fletcher Parkway and Grossmont Center Drive

Negotiating Parties: Ms. Kerl and Metropolitan Transit System (MTS)

Under Negotiation. Terms and conditions for the transfer of title to MTS

At 5.30 p.m. the meeting reconvened with all members present.

At 5.30 p.m. Mayor Madrid recessed the meeting.

6:00 P.M.

At 6:00 p.m. Mayor Madrid called the meeting to order

ROLL CALL

Present were Mayor Madrid, Vice Mayor Allan, Councilmembers Ewin, Jantz and Sterling, City Manager Kerl, City Attorney Sabine, City Clerk Kennedy, and Assistant City Manager/Community Development Director Witt.

INVOCATION – COUNCILMEMBER JANTZ

PLEDGE OF ALLEGIANCE

REPORT FROM CLOSED SESSION – CITY ATTORNEY

City Attorney Sabine announced there were no reportable actions.

PRESENTATIONS

ANNUAL REPORT FROM THE INDEPENDENT CITIZENS BOND OVERSIGHT COMMITTEE

Mr Steve South, Committee Chair, presented the annual financial report on the expenditure of Proposition D funds for 2005, and announced that none of the bond proceeds had been expended for use in administrative salaries or other City operating expenses.

Following discussion, no action was taken.

PRESENTATIONS – Continued

BUDGET MONITORING REPORT

Administrative Services Director Ameling reported on the national, state and local economic outlook, state budget issues, and the performance of the City's General Fund for quarter ending December 31, 2005

Following discussion, no action was taken.

CITY TREASURER'S QUARTERLY REPORT

City Treasurer Stieringer spoke briefly about the report and explained the investment returns for the quarter ending December 31, 2005

City Treasurer Stieringer announced he would not be seeking reelection in November and suggested the Council consider placing a ballot measure on the June election to change the City Treasurer from an elected to an appointed position.

City Treasurer Stieringer suggested the Council consider initiating action in the future to convert the Treasurer position to an appointive office within Administrative Services.

**ACTION** It was the consensus of the Council to direct staff to bring back a report at the next meeting regarding placing a ballot measure on the June ballot.

ADDITIONS AND/OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

CONSENT CALENDAR

(Items 7 through 10)

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

Res. No. 2006-004 8. RESOLUTION RATIFYING THE DESIGN REVIEW BOARD'S APPROVAL OF DESIGN REVIEW DRB 05-34 AND APPROVING THE NEGATIVE DECLARATION FOR A PROPOSED ONE-STORY CIVIC BUILDING TO BE USED AS AN INTERIM LIBRARY AND POST OFFICE AT 8064-8074 ALLISON AVENUE IN THE LA MESA CIVIC CENTER

Res. No. 2006-005 9 RESOLUTION APPROVING AN AGREEMENT WITH ESTRADA LAND PLANNING FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE ALLISON AVENUE STREETScape PROJECT

CONSENT CALENDAR - Continued

Res. No. 2006-006 10. RESOLUTION SUPPORTING PROPOSED LEGISLATION ENTITLED "SEXUAL PREDATOR PUNISHMENT AND CONTROL ACT OF 2006," COMMONLY KNOWN AS "JESSICA'S LAW"

ACTION Councilmember Ewin moved to approve Consent Calendar items 7 through 10  
Councilmember Sterling seconded the motion, and it carried 5-0.

PUBLIC COMMENTS – (TOTAL TIME – 15 MINUTES)

Mr Mario Garrett, Commission on Aging Chair, spoke regarding the relocation of the field office for the County Adult Protective Services and requested the office be kept in La Mesa.

City Manager Kerl responded that staff was working with the County to find a new location in La Mesa.

Dr Gwendale Cooper, PhD., invited the Council to a Chinese New Year event on February 9, 2006 at the Escondido Performing Arts Center

Mr Jeff Goettler, La Mesa, spoke regarding including alternative energy sources in new buildings. Mr Goettler also said the freeway entrances to the City had weeds, graffiti and trash and needed to be cleaned up.

Due to the time, item 17 was brought forward for discussion.

7:00 P.M.

HEARING

17 CONSIDERATION OF THE PROPOSED EXPENDITURES OF THE 2003 LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM

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.

Captain Aceves explained the request to reallocate the funds and said staff recommended the Council approve the expenditure of the 2003 Local Law Enforcement Block Grant funds to purchase digital camera equipment, an intoximeter machine, and fully outfit two new police vehicles, and adopt the resolution.

Mayor Madrid opened the hearing and asked if anyone from the audience wished to speak.

ACTION There was no one in the audience who wished to speak, so Vice Mayor Allan moved to close the hearing. Councilmember Jantz seconded the motion, and it carried 5-0.

HEARING – Continued

ACTION Councilmember Ewin moved to approve staff's recommendation. Councilmember Jantz seconded the motion, and it carried 5-0 Resolution No. 2006-010 was adopted.

ORDINANCE. SECOND READING

11 AN ORDINANCE AMENDING CHAPTER 2.71 OF THE LA MESA MUNICIPAL CODE ADDING ALTERNATE MEMBERS TO THE YOUTH ADVISORY COMMISSION

City Attorney Sabine read the title of the Ordinance.

ACTION Mayor Madrid moved to adopt the Ordinance. Councilmember Ewin seconded the motion, and it carried 5-0. Ordinance No. 2006-2767 was adopted.

STAFF REPORTS

12. CONSIDERATION OF PROPOSED REVISIONS TO THE CITY OF LA MESA BLASTING REGULATIONS

Public Works Director Humora provided a background report regarding a recent incident of fly rock as a result of blasting at the Hilltop Project and discussed the revisions to the blasting regulations.

Mr. Gordon Revey, Revey Associates, Inc., made a detailed presentation regarding the proposed revisions.

The following members of the audience spoke regarding excessive construction noise, dirt and debris, and related their experiences with the blasting near the project:

Ms. Pat Keller, La Mesa  
Mr. Sam Tawfique, La Mesa  
Ms. Barbara Caliri, La Mesa  
Mr. Chris Tanner, La Mesa  
Ms. Nancy Goettler, La Mesa  
Mr. Jeff Goettler, La Mesa

ACTION Following discussion, Councilmember Jantz moved to adopt the policy changes recommended by staff; directed an initial test blast be conducted that would be measured at 1200 feet and with the agreement that Mr. Revey would come back regarding the distance issue; include in the regulations that any incidents would be quickly reported to CalOsha, and the daily inspection reports would be made available to the public at the front counter. Councilmember Ewin seconded the motion, and it carried 5-0 Resolution No. 2006-007 was adopted.

At 9:45 p.m. Mayor Madrid recessed the meeting.

At 9:55 p.m. the meeting reconvened with all members present.

It was the consensus of the Council to bring forward item 15 for discussion at this time.

BOARD, COMMISSION AND COMMITTEE APPOINTMENTS

15 APPOINTMENT OF A MEMBER TO FILL AN UNSCHEDULED VACANCY ON THE COMMUNITY SERVICES COMMISSION

City Clerk Kennedy explained the nomination process.

The Council began the open nomination process for the position on the Community Services Commission.

City Clerk Kennedy announced the nominations as follows:

Councilmember Sterling nominated Scott Kidwell  
Councilmember Ewin nominated Scott Kidwell  
Councilmember Jantz nominated Scott Kidwell  
Mayor Madrid nominated Chris Sichel  
Vice Mayor Allan nominated Chris Sichel

City Clerk Kennedy said the majority of the Council nominated Scott Kidwell.

**ACTION** Councilmember Jantz moved to ratify the nomination of Scott Kidwell and adopt the resolution confirming the appointment. Councilmember Sterling seconded the motion, and it carried 5-0. Resolution No. 2006-009 was adopted.

STAFF REPORTS – Continued

13 CONSIDERATION OF RECOMMENDATIONS FROM THE CONDOMINIUM CONVERSION TASK FORCE

Community Development Program Coordinator Rutledge gave a background report and discussed the recommendations of the Task Force, as well as additional recommendations from City staff.

Mayor Madrid read a written statement card submitted by Ms. Helen Givens in support of the recommendations.

STAFF REPORTS – Continued

The following members of the audience spoke regarding the various aspects of condominium conversion:

- Mr Roger Knowlton, La Mesa United Methodist Church Housing Committee
- Mr Mario Garrett, Commission on Aging Chair
- Mr Ron Pennock, East County Construction
- Mr Leonard Meserole, La Mesa United Methodist Church
- Mr Don Davis, La Mesa United Methodist Church Housing Committee
- Ms. Estela Delos Rios, Heartland Human Relations and Fair Housing Association
- Ms. Cindy Evans, La Mesa
- Mr Rick Reese, Condominium Conversion Task Force Chair
- Mr Michael Cato, La Mesa
- Mr Mike Pazder, Affordable Housing Advocates

ACTION Following discussion, Mayor Madrid moved to accept the report and forward it to the Planning Commission with the Council's and the audience member's comments, and request the Commission draft an amendment to the existing regulations. Vice Mayor Allan seconded the motion, and it carried 5-0

14 CONSIDERATION OF APPROVING AN AGREEMENT WITH CALIFORNIA SHOPPING CART RETRIEVAL CORPORATION FOR THE COLLECTION OF ABANDONED SHOPPING CARTS

Management Analyst Winney briefly summarized the agreement and said staff recommended the Council approve the agreement and adopt the resolution authorizing its execution.

ACTION Following discussion, Vice Mayor Allan moved to approve staff's recommendation. Councilmember Ewin seconded the motion, and it carried 4-1 Councilmember Sterling voted in opposition. Councilmember Sterling said she was opposed to funds being taken from the General Fund to pay for the service. Resolution No. 2006-008 was adopted.

COUNCIL COMMITTEE REPORTS (3 MINUTE LIMIT)

The Mayor and Council reported on various outside board, commission and committee meetings they attended. No action was taken.

COMMUNITY BULLETIN REPORT

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

COUNCIL INITIATED

16. CONSIDERATION OF SENDING A LETTER OF SUPPORT TO THE CITY OF SAN DIEGO REGARDING THEIR WATER REUSE PROGRAM - COUNCILMEMBER EWIN

Councilmember Ewin spoke in support of San Diego's Water Reuse Program and requested Council's approval to send a letter of support for the program.

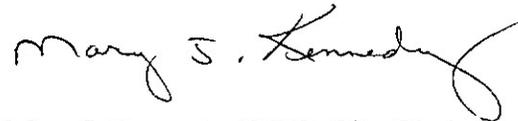
**ACTION** Following discussion, Councilmember Ewin moved that a letter be drafted for the Mayor's signature expressing the Council's support for the City of San Diego's Water Reuse Program. Vice Mayor Allan seconded the motion, and it carried 4-1. Councilmember Sterling voted in opposition and said that while she supported using recycled water for landscaping, she was opposed to using recycled water for potable uses and blending the highly treated chemical water into our ground water, basins, and reservoirs. Councilmember Sterling said she would send a separate letter expressing her opposition to the program.

CITY ATTORNEY REMARKS

There were no comments.

ADJOURNMENT

At 11:43 p.m. Mayor Madrid adjourned the meeting in memory of former La Mesa Police Chief, Don Fach, who recently passed away



Mary J. Kennedy, CMC, City Clerk