

MINUTES

**IMPERIAL BEACH CITY COUNCIL
REDEVELOPMENT AGENCY
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY**

JULY 7, 2010

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

**CLOSED SESSION MEETING – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.**

CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:30 p.m.

ROLL CALL

Councilmembers present: Bragg, McCoy, Rose
Councilmembers absent: None
Mayor present: Janney
Mayor Pro Tem present: King

Staff present: City Manager Brown; City Attorney Lyon; Deputy City Clerk Wolfson

CLOSED SESSION

MOTION BY ROSE, SECOND BY MCCOY, TO ADJOURN TO CLOSED SESSION UNDER:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)
Name of Case: Imperial Beach Redevelopment Agency v. Shawki Bochoua
dba Southbay Drugs
Case No. 37-2010-00030617-CL-UD-SC

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)
Name of Case: Imperial Beach RDA v. James E. Sides, Jr., et al.
Case No. 37-2010-00075370-CU-EI-SC

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)
Name of Case: Imperial Beach RDA v. Deborah A. Sides, et al.
Case No. 37-2010-00075462-CU-EI-SC

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(b)(3)(A)
No. of Cases: 1

MOTION CARRIED UNANIMOUSLY.

MAYOR PRO TEM KING announced he had a potential conflict of interest on the closed session items and, therefore, recused himself from discussion.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:32 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff, gave direction, and had nothing to report at this time.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m.

ROLL CALL

Councilmembers present:	Bragg, McCoy, Rose
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	King

Staff present:	City Manager Brown; City Attorney Lyon; Deputy City Clerk Wolfson
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PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

COUNCILMEMBER BRAGG spoke about Imperial Beach's participation in the region-wide Graffiti Tracker, which helped the City prosecute an offender who was responsible for 147 instances of graffiti; she added the \$86,000 in damages were paid by the offender's parents; she praised the Public Safety Department of Imperial Beach and other local agencies for their successful handling of a large fire the previous day; in light of the 5.9 earthquake before tonight's meeting, she reminded citizens to prepare disaster kits; MTS has entered into an agreement with Heritage Security Systems to add security cameras and enhance security on the trolleys.

COUNCILMEMBER MCCOY spoke about yesterday's fire and expressed sympathy to individuals who were displaced by the fire; she commended new Public Safety Director/Fire Chief Tom Clark; she discussed the Climate Change Conference at the Tijuana Estuary in late June, attended by Redevelopment Assistant Project Manager Cumming, planning officials from Solana Beach and Encinitas, and herself; she urged staff to prepare a climate change element to the City's General Plan.

COUNCILMEMBER ROSE voiced her appreciation of City and Port staff, including sheriffs and lifeguards, for their efforts on the 4th of July fireworks spectacular.

MAYOR PRO TEM KING announced his attendance at the SANDAG Transportation Committee meeting where they discussed MTS' Blue Line trolley will soon be upgraded with low-floor vehicles for ADA access; he also spoke about the 4th of July fireworks and commended staff for the successful event; he praised John Haupt (in attendance) for putting together a well-attended music event before the fireworks show.

MAYOR JANNEY spoke about the Graffiti Tracker and thanked County Supervisor Cox for his involvement; he added that MTS, public utilities, and other small cities are considering participation in the program, which may make it more cost effective; he thanked Mayor Pro Tem King and Councilmember McCoy for attending SANDAG meetings in his absence; he discussed SANDAG's moving forward with the regional transportation plan; he also thanked everybody for their efforts in putting together a successful 4th of July fireworks show and noted that those who contributed monetarily will be honored at the Mayor's breakfast on August 6.

COMMUNICATIONS FROM CITY STAFF

CITY MANAGER BROWN welcomed new Public Safety Director/Fire Chief Tom Clark and Sheriff's Captain David Myers.

PRESENTATIONS (1.1)

1.1 RECOGNITION OF "BE KIND TO ANIMALS MONTH" POSTER CONTEST WINNERS. (0410-30)

MAYOR JANNEY introduced Animal Control Officer Springfield and Public Safety Director Clark.

ANIMAL CONTROL OFFICER SPRINGFIELD gave background on the item; she commented the City partnered with June Engel of the IB Library to hold this first "Be Kind to Animals Month" poster contest; the next contest will be held in September.

MAYOR JANNEY, PUBLIC SAFETY DIRECTOR CLARK, and ANIMAL CONTROL OFFICER SPRINGFIELD presented certificates to the following poster contest winners:

Aserette Navarro
Jacqueline Aparicio

PUBLIC COMMENT

JOHN ROCHE spoke about his recent move to IB and his submittal of a permit to do light grading and gravel in the alley behind his property; the permit, however was denied and he was directed to pave the alleyway with concrete, a significant cost difference.

MAYOR JANNEY deferred the matter to the City Manager.

JOHN HAUPT spoke about the 4th of July music event in which most of the musicians were IB locals; proceeds from the event were given to an individual whose electronic larynx was stolen.

JUNE ENGEL, of the IB Library, announced a summer reading program at the library; 55 children attended today's story time; she invited people to Pizza Hut on Coronado Avenue tomorrow night where proceeds would benefit the Teen Advisory Group.

TIM O'NEAL thanked all agencies who helped put out yesterday's fire, especially the IB Fire Department.

SCOTT STYLER, of Misty Dawn's Salon, requested permission to use the existing outdoor canopied area to perform manicures and beauty services this summer.

MAYOR JANNEY deferred the matter to the City Manager.

CONSENT CALENDAR (2.1 - 2.6)

MOTION BY BRAGG, SECOND BY KING, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.6. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Regular City Council meeting of June 2, 2010.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 71054 through 71199 with the subtotal amount of \$1,598,970.02 and Payroll Checks 42679 through 42736 for the pay period ending 06/03/10 with the subtotal amount of \$157,256.66, and Payroll Checks 42737 through 42799 for the pay period ending 06/17/10 with the subtotal amount of \$197,118.16 for a total amount of \$1,953,344.84.

2.3 RESOLUTION NO. 2010-6913 – AUTHORIZING THE SALE OF CERTAIN SURPLUS CITY EQUIPMENT. (0380-45)

Adopted resolution.

2.4 RESOLUTION NO. 2010-6915 – RATIFYING AN AGREEMENT WITH THE SAN DIEGO UNIFIED PORT DISTRICT FOR PROMOTIONAL SERVICES AT THE 4TH OF JULY FIREWORKS SHOW IN CONJUNCTION WITH THE 10TH ANNUAL BIG BAY BOOM FIREWORKS SPECTACULAR. (1040-10)

Adopted resolution.

2.5 RESOLUTION NO. 2010-6909 – AUTHORIZING FIRST AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES TO SERVE AS PART-TIME ASSISTANT CITY MANAGER. (0530-60)

Adopted resolution.

2.6 KAMAL NONA (OWNER)/STOSH THOMAS (ARCHITECT); TIME EXTENSION FOR A CONDITIONAL USE PERMIT (CUP 060398), DESIGN REVIEW CASE (DRC 060399), SITE PLAN REVIEW (SPR 060400) FOR TWO MIXED USE DEVELOPMENTS WITH TWO RETAIL COMMERCIAL UNITS AND TWO RESIDENTIAL UNITS FOR EACH DEVELOPMENT (FOUR COMMERCIAL AND FOUR RESIDENTIAL UNITS TOTAL) LOCATED AT 1120, 1122 13TH STREET AND 1150, 1152 13TH STREET, IN THE C-3 (NEIGHBORHOOD COMMERCIAL) ZONE. MF 863. (0600-20)

Adopted Resolution No. 2010-6910, approving a six (6) month time extension for Conditional Use Permit (CUP 060398), Design Review Case (DRC 060399), and Site Plan Review (SPR 060400), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3.1)

3.1 ORDINANCE NO. 2010-1107 – AN INTERIM ORDINANCE EXTENDING AN URGENCY MEASURE PROHIBITING COOPERATIVE, COLLECTIVE, OR OTHER FORMS OF MARIJUANA DISPENSARIES DURING A SPECIAL STUDY PERIOD FOR AN ADDITIONAL YEAR. (0610-95)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LYON gave a report on the item.

MARCUS BOYD, representing American for Safe Access, gave a video presentation on the item; he expressed concern about the draft response to the Grand Jury and adopting an extension of the moratorium; he commented that the legalization of marijuana will be voted upon in November; he voiced his support for allowing medical marijuana dispensaries. (Additional speaking time donated by Eugene Davidovich.)

TRACEY RIVERA voiced her support for allowing medical marijuana dispensaries and requested the moratorium not be extended. (Additional speaking time donated by Gena Bauza.)

JOHN HAUPT spoke about the side effects of many medications and how more people die of and are in prison for alcohol abuse; he expressed concern that by not allowing medical marijuana dispensaries and implementing quality control the public is at risk of purchasing defective product; he voiced his opposition to extending the moratorium.

LANCE ROGERS, of CannLegal, stated he represents individuals in the IB area; he voiced his opposition to the extension of the moratorium; he discussed the Anaheim case which addresses municipalities preempted by California State law and where the state recognizes qualified patients have access to medical marijuana; he urged Council to regulate medical marijuana now and not wait for decisions from other cases.

MAYOR JANNEY closed the public hearing.

Council discussion ensued. Concerns were expressed regarding law enforcement, individuals abusing the system, dispensaries operating within close proximity to each other in San Diego, which abuts IB; and whether adopting an ordinance would violate federal law; they discussed the length of the moratorium and waiting for standards and criteria to be developed by other agencies; it was noted that the moratorium can be abandoned before a year has elapsed and an ordinance can be enacted when the City is ready; Council also spoke about the need for Coastal Commission review, and manpower and costs required in regulating medical marijuana.

Responding to Council, CITY ATTORNEY LYON stated federal law does not preempt the Compassionate Use Act; with regard to Government Code 37100 that states that cities cannot adopt ordinances that are in violation of state or federal law, that issue has not been specifically addressed in cases; the video presentation from Mr. Boyd acknowledges Government Code 37100 does not apply to counties; the cities that are banning medical marijuana are doing so on the basis that they are not allowed to adopt ordinances that are in violation of federal law because of this Government Code section; it is uncertain what decision and direction will come from the Anaheim case.

Council voiced their support for a more restrictive ordinance; they requested staff return with a reasonable timeframe and costs involved with regulation; they expressed their desire for the regulations to have uniformity and consistency with other agencies, and to see how the November election goes; they suggested contacting legal counsel for the County asking for a status update on their writing of guidelines.

CITY MANAGER BROWN spoke of the need to work closely with the Sheriff's Department and how there should not be separate regulations in the enforcement in incorporated versus unincorporated areas.

MAYOR JANNEY called for the reading of the title of Interim Ordinance No. 2010-1107.

DEPUTY CITY CLERK WOLFSON read the title of Interim Ordinance No. 2010-1107, "An Interim Ordinance of the City Council of the City of Imperial Beach, California, EXTENDING AN URGENCY MEASURE PROHIBITING COOPERATIVE, COLLECTIVE, OR OTHER FORMS OF MARIJUANA DISPENSARIES DURING A SPECIAL STUDY PERIOD FOR AN ADDITIONAL YEAR."

MOTION BY KING, SECOND BY MCCOY, TO DISPENSE THE FIRST READING AND ADOPT, WITH A FOUR-FIFTHS VOTE, ORDINANCE NO. 2010-1107 BY TITLE ONLY, AND DIRECTING THE CITY ATTORNEY TO MOVE FORWARD WITH AN ORDINANCE ON THE MORE RESTRICTIVE SIDE. MOTION CARRIED UNANIMOUSLY.

Consensus of Council to take agenda items in numerical order.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1)

5.1 PLANNING COMMISSION INTERPRETATION (PCI 100040) TO DETERMINE APPROPRIATE CLASSIFICATION AND/OR CRITERIA FOR ALLOWING OUTDOOR USES. MF 1048. (0620-95)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation on the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE explained the difference between a café and a restaurant, he clarified the ordinance restricts outdoor restaurants; he added that hotdog carts are a separate issue but they are intrinsically related; he expressed the need to have clarification of kiosks and whether they are permanent, semi-permanent, or temporary; he referenced the following items submitted as Last Minute Agenda Information:

- a. Email correspondence between Kim Guster and Imperial Beach Planning Department.
- b. E-mail correspondence with attachment submitted by Allen Jones.

He also mentioned handouts submitted by Cow-a-Bunga and the Farmers Market; he responded to the comments made by the public speaker who requested outdoor manicure services and stated that use would not be allowed per the current requirements.

JOHN HAUPT, new owner of the Beach Club Grille, supported existing restaurants who pay property taxes and adhere to Health Department standards; he expressed concern about food not prepared in certified catering kitchens and locations without restrooms; he also expressed concern about mobile businesses (i.e., ice cream trucks, taco trucks) forcing businesses, especially along Seacoast Drive, to close.

GENE GOYCOCHEA, on behalf of The Bridge; voiced his support of charities and stated The Bridge has been in business for the last 10 years and has a legal kitchen; he commented the definition of restaurant was outdated; he explained during fundraisers they have a fire retardant tent enclosed with screening and which has the ability to maintain food temperatures.

JILL LINDER, of IB Beautiful, organizers of the Farmers Market, expressed concern about new temporary outdoor businesses that would hinder farmers market vendors.

KIM DROLET stated she is a pushcart vendor and County standards are extremely high; she commented that vending on public versus private property should be considered as separate issues; she suggested a broader definition of walkup restaurant; and she opposed coffee kiosks being allowed on Seacoast Drive; she urged the to City temporarily allow pushcart businesses during the summer.

SCOTT SIMMONS voiced his opposition to pushcart vendors and his support of promoting local businesses.

FABRICE GAUNIN, owner of Cow-a-Bunga, spoke about his handout; expressed concern about the already limited number of parking spaces at Pier Plaza, which affects the number of customers to his business; he voiced his support of the Farmers Market.

ROBERT SONSINI, owner of an Italian ice company, stated he runs his business out of an eco-friendly electric vehicle he designed; he has been told by many cities he could not vend there due to a California code that prohibits vending unless the vehicle is stopped, however, his electric vehicle would die unless it is constantly running; he added he would like to make a presentation to Council regarding his eco-friendly vehicle at a later date.

STEVE BERRY, of IB Printing, stated there is a lot of walk by business at his new location and it would benefit his business if he were able to show his product (which includes souvenirs) outside of doors.

MAYOR JANNEY closed the public hearing.

Council discussion ensued regarding the type of signage and banners and the concern regarding aesthetics when Pier Plaza was constructed, the definition of kiosks and what language the commercial zoning consultant offers in their update; they voiced their support in maintaining the Farmers Market's uniform appearance; they voiced the need to have the definition of café clarified; Council requested staff look at how the City of Coronado has outdoor sales which encourages spending; they expressed concern about struggling businesses and how retail sales vary between seasons.

At this point, COMMUNITY DEVELOPMENT DIRECTOR WADE clarified that "pushcart" is an outdated term; he stated more often requests come from vendors of outdoor carts that are non-movable on private property; he spoke about obtaining RFPs for specific vendors in specific locations and he expressed concern about creating a market disadvantage.

Consensus of Council to have staff return with better definitions of café and kiosk, to not proceed with outdoor cart vending at this point, and to look at allowing of displaying wares outside businesses.

REPORTS (6.1 - 6.7)

6.1 RESOLUTION NO. R-10-224 – AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS CONTRACT – SKATE PARK ELEMENT CIP (P07-101). (0920-40)

CITY MANAGER BROWN introduced the item; he answered questions of Council regarding the bid being re-advertised per Council's direction and questions regarding the winning contractor.

BRIAN FORDYCE, of Fordyce Construction, responded his company has built 200 parks.

MICHAEL CAREY asked about the contractor's qualifications and Grindline's involvement.

CITY MANAGER BROWN responded that Grindline had assisting in drawing up the specs for the project.

Discussion ensued regarding securing low bids from qualified contractors; Council voiced their support of the winning contractor.

MOTION BY KING, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. R-10-224 – AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS CONTRACT – SKATE PARK ELEMENT CIP (P07-101).

Council asked questions of the contractor regarding the timeframe to finish the project, and whether water and drainage issues were considered.

MR. FORDYCE responded the contract contains a timeframe of 45 or 60 days, and he feels comfortable the project can be done within that timeframe; water and drainage issues are addressed in the plans.

CITY MANAGER BROWN requested Public Works Superintendent Lau to confirm the timeframe, as he believes it is 120 days.

VOTES NOW CAST ON ORIGINAL MOTION BY KING, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. R-10-224 – AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS CONTRACT – SKATE PARK ELEMENT CIP (P07-101). MOTION CARRIED UNANIMOUSLY.

Discussion ensued regarding future groundbreaking and ribbon cutting ceremonies.

6.2 LETTER OF INTENT AND PROPOSED PORT FUNDING FOR THE ARMY CORPS OF ENGINEERS' SAN DIEGO HARBOR MAINTENANCE DREDGE AND FOR THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) REGIONAL BEACH SAND PROJECT II. (0140-40 & 0220-70)

CITY MANAGER BROWN introduced the item.

MAYOR PRO TEM KING reported on the item, noting this item was discussed in subcommittee; he commented the City will not receive any additional sand until 2012.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item; he clarified the authorization would be to request the Department of Boating & Waterways the reallocation of funds and requesting the Port contribute matching funds for the project.

Council discussion ensued regarding its desire to bring forward a positive effect on our beaches, and how there is money already in federal budget to do this project; there was discussion that these projects are temporary and there was desire expressed to pursue longer-term solutions.

COMMUNITY DEVELOPMENT DIRECTOR WADE read the recommendations presented in the staff report and gave a PowerPoint presentation on the item; he responded to questions of Council regarding the type of dredge, monitoring, grain size, studies conducted on the benthic zone, impact to fisheries, turbidity issues, and other environmental concerns; he commented that many of these issues will be addressed in the Memorandum of Agreement; he added that staff will seek recommendations from the Tidelands Advisory Committee at their meeting on

Monday, and that the Army Corps of Engineers met with Wildcoast for the first time to interact with the local community.

No speaker slips were submitted.

MOTION BY JANNEY, SECOND BY ROSE, TO AUTHORIZE THE ISSUANCE OF A LETTER OF INTENT TO ENTER INTO A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND THE DEPARTMENT OF THE ARMY FOR PARTICIPATION IN THE SAN DIEGO HARBOR MAINTENANCE DREDGING PROJECT. MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER MCCOY discussed forthcoming climatological maps

MOTION BY JANNEY, SECOND BY ROSE, TO SUPPORT THE USE OF PORT DISTRICT FUNDS FOR THE SAN DIEGO HARBOR MAINTENANCE DREDGING PROJECT; TO SUPPORT THE IDEA OF APPROACHING THE STATE DEPARTMENT OF BOATING AND WATERWAYS ABOUT THE POSSIBILITY OF RE-SCOPING THE \$4.2 MILLION OF PUBLIC BEACH RESTORATION FUNDS TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) REGIONAL BEACH SAND PROJECT II; AND TO SUPPORT THE USE OF APPROXIMATELY \$700,000 OF PORT DISTRICT FUNDS TOWARDS THE LOCAL SHARE OF THE STATE DEPARTMENT OF BOATING AND WATERWAYS FUNDS. MOTION CARRIED UNANIMOUSLY.

6.3 CODE ENFORCEMENT – WEED & RUBBISH ABATEMENT. (0250-70 & 0470-20)
CITY MANAGER BROWN introduced the item.

Deputy City Clerk Wolfson announced no speaker slips were submitted.

CITY MANAGER BROWN and COMMUNITY DEVELOPMENT DIRECTOR WADE answered questions of Council regarding the history of the properties and fines; COMMUNITY DEVELOPMENT DIRECTOR WADE clarified that tonight's authorization to abate the violations, place liens on the property owners, and recover costs.

CODE COMPLIANCE OFFICER GARCIAS gave a report on the item regarding the following addresses: 1174 Florida St., 1019 Iris Ave., and 336-338 Daisy Ave.; he responding to Council, he stated that the Government Code does allow the use of weed killers for long-term use; he noted these properties are vacant and have gone into foreclosure; he has been unable to communicate with property owners; these costs are included in the property tax assessment rolls.

MOTION BY MCCOY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2010-6912 – FINDING AND DECLARING THAT WEEDS, BRUSH, RUBBISH AND REFUSE UPON OR IN FRONT OF SPECIFIED PROPERTIES IN THE CITY ARE A SEASONAL AND RECURRENT PUBLIC NUISANCE, AND DECLARING ITS INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF AND SCHEDULE A WEED AND RUBBISH ABATEMENT PUBLIC HEARING TO HEAR OBJECTIONS ON JULY 21, 2010. MOTION CARRIED UNANIMOUSLY.

6.4 RESOLUTION NO. 2010-6911 – AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IMPERIAL BEACH AND SWEETWATER UNION HIGH SCHOOL DISTRICT FOR SERVICES OF A SPECIAL PURPOSE SCHOOL RESOURCE OFFICER. (1010-20)

CITY MANAGER BROWN introduced the item.

No speaker slips were submitted.

MOTION BY MCCOY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2010-6911 – AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IMPERIAL BEACH AND SWEETWATER UNION HIGH SCHOOL DISTRICT FOR SERVICES OF A SPECIAL PURPOSE SCHOOL RESOURCE OFFICER. MOTION CARRIED UNANIMOUSLY.

6.5 RESOLUTION NO. 2010-6914 – RESPONSE TO JUNE 7, 2010 GRAND JURY REPORT ENTITLED “MEDICAL MARIJUANA IN SAN DIEGO”. (0440-25)

CITY MANAGER BROWN introduced the item.

MARCUS BOYD, representing the San Diego chapter for Americans for Safe Access, voiced his desire for the ordinance pertaining to medical marijuana dispensaries to be adopted sooner; he voiced his opposition to the letter. (Additional speaking time donated by Glenn Tapia.)

MAYOR JANNEY clarified this item was a separate issue from the moratorium discussed in Item No. 3.1.

LANCE ROGERS was not available to speak.

EUGENE DAVIDOVICH, representing the San Diego chapter for Americans for Safe Access, thanked the Council for moving forward on this item; he voiced his opposition to the item; he suggested a committee that includes medical marijuana patients be organized.

Council discussion ensued regarding the ordinance and moratorium, the City's duty to protect citizens from increased crime or an increased burden to law enforcement; they discussed that the letter to the Grand Jury is being presented on the basis that IB is moving ahead.

MOTION BY ROSE, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2010-6914 – ADOPTING A RESPONSE TO A REPORT BY THE SAN DIEGO COUNTY GRAND JURY FILED JUNE 7, 2010 ENTITLED “MEDICAL MARIJUANA IN SAN DIEGO”. MOTION CARRIED UNANIMOUSLY.

6.6 DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE – SEPTEMBER 15-17, 2010. (0140-10)

CITY MANAGER BROWN gave a report on the item.

No speaker slips were submitted.

MOTION BY ROSE, SECOND BY KING, TO DESIGNATE COUNCILMEMBER BRAGG AS A VOTING DELEGATE AND MAYOR JANNEY AS VOTING ALTERNATES FOR THE 2010 LEAGUE ANNUAL CONFERENCE; AND TO DIRECT STAFF TO COMPLETE AND SUBMIT A VOTING DELEGATE FORM TO THE LEAGUE OFFICE BY FRIDAY, AUGUST 20, 2010. MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY postponed this item, stating the item would be presented at the City Council workshop of July 13; he also announced a Special Meeting will be held December 8 to certify the results of the November 2 election and swear in newly elected officers.

6.7 COMMERCIAL ZONING REVIEW – CONTINUED FOCUS DISCUSSION ON COMMERCIAL ZONING DESIGN GUIDELINES. (0610-95)

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item.

No speaker slips were submitted.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 9:22 p.m.

James C. Janney, Mayor

Lisa Wolfson, CMC
Deputy City Clerk