

MINUTES

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

AUGUST 1, 2012

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

***CLOSED SESSION MEETING – 5:15 P.M.
REGULAR MEETING – 6:00 P.M.***

CLOSED SESSION CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:16 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present: Bragg, King, Bilbray
Councilmembers absent: None
Mayor present: Janney
Mayor Pro Tem present: Spriggs (arrived at 5:37 p.m.)
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

MOTION BY BILBRAY, SECOND BY KING, TO ADJOURN TO CLOSED SESSION UNDER:

1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (8 CASES)

Significant exposure to litigation pursuant to Govt. Code Section 54956.9(b)(3)(A)

2. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (8 CASES)

Initiation of litigation pursuant to Govt. Code Section 54956.9(c)

3. CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6:

Agency Negotiator: City Manager

Employee organizations: Service Employees International Union (SEIU), Local 221

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: BILBRAY, KING, BRAGG, JANNEY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: SPRIGGS

MAYOR JANNEY adjourned the meeting to Closed Session at 5:17 p.m. and he reconvened the meeting to Open Session at 6:03 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council discussed Item Nos. 1 thru 3; City Council gave direction and no reportable action was taken.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:04 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Bragg, King, Bilbray
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Spriggs
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MOTION BY BILBRAY, SECOND BY BRAGG, TO TAKE ITEM NOS. 7.1, 7.2, 7.3, 7.4 AND 5.2 AFTER PRESENTATIONS. MOTION CARRIED UNANIMOUSLY.

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

COUNCILMEMBER BILBRAY asked that the off-leash dog policy and the pursuit of dogs on private property be added to a future agenda.

MAYOR JANNEY asked Councilmember Bilbray to submit his request in writing in accordance with the City Council Policy on adding items to the agenda.

COUNCILMEMBER BRAGG reported on her attendance at the MTS Board Meeting and noted that there were an additional 192,000 riders during Comic Con. She announced that on August 18 the Chamber of Commerce is hosting the Taste of IB event and the Port of San Diego is hosting the Barefoot Boogie event at Pier Plaza.

MAYOR JANNEY reported that the SANDAG Board approved the Regional Transportation Improvement Program.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

LEE BERKOWITZ invited people to contact him to find out what is going on in Imperial Beach.

PRESENTATIONS (1.1-1.2)

1.1 RECOGNITION OF GENE AND CHRISTINE HILGER FOR THEIR VOLUNTEER WORK THROUGH OCEAN BLUE FOUNDATION. (0410-30)

MAYOR JANNEY presented Gene and Christine Hilger with a proclamation in recognition of their volunteer efforts through Ocean Blue Foundation, a non-profit organization dedicated to cleaning up pet waste in the city of Imperial Beach and he declared August 1, 2012 as Gene and Christine Hilger Day.

1.2 PRESENTATION ON SDG&E SUMMER PREPAREDNESS BY CLAUDIA VALENZUELA, PUBLIC AFFAIRS MANAGER. (0820-90)

CLAUDIA VALENZUELA, Public Affairs Manager, gave a PowerPoint presentation on the item.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7.1-7.4)

7.1 ADOPTION OF RESOLUTION NO. SA-12-11 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY DETERMINING THAT THE HOUSING AUTHORITY'S DESIGNATIONS OF THE USE AND COMMITMENT OF CERTAIN PROCEEDS DERIVED FROM HOUSING BONDS ISSUED PRIOR TO JANUARY 1, 2011 FOR PURPOSES OF AFFORDABLE HOUSING ARE CONSISTENT WITH THE HOUSING BONDS COVENANT OBLIGATIONS, INCLUDING REQUIREMENTS RELATING TO TAX STATUS, AND THAT THERE ARE SUFFICIENT HOUSING BONDS PROCEEDS AVAILABLE FOR THE DESIGNATED PURPOSES. (0412-50 & 0418-50)

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item.

MOTION BY BRAGG, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. SA-12-11 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY DETERMINING THAT THE HOUSING AUTHORITY'S DESIGNATIONS OF THE USE AND COMMITMENT OF CERTAIN PROCEEDS DERIVED FROM HOUSING BONDS ISSUED PRIOR TO JANUARY 1, 2011 FOR PURPOSES OF AFFORDABLE HOUSING ARE CONSISTENT WITH THE HOUSING BONDS COVENANT OBLIGATIONS, INCLUDING REQUIREMENTS RELATING TO TAX STATUS, AND THAT THERE ARE SUFFICIENT HOUSING BONDS PROCEEDS AVAILABLE FOR THE DESIGNATED PURPOSES. MOTION CARRIED UNANIMOUSLY.

7.2 ADOPTION OF RESOLUTION NO. SA-12-12 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE ADMINISTRATIVE BUDGET FOR THE PERIOD OF JANUARY 1, 2013 THROUGH JUNE 30, 2013 AND RELATED ACTIONS. (0418-50)

CITY MANAGER BROWN reported on the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE announced a revised Exhibit A to Resolution No. SA-12-12 was submitted as last minute agenda information.

In response to Mayor Pro Tem Spriggs' question regarding the allocation of staff's time on Successor Agency activities, CITY MANAGER BROWN stated that the winding down of redevelopment has taken an extraordinary amount of time with some members of staff working beyond a 40-hour week in order to get City business completed.

FINANCE DIRECTOR MCGRANE added that there will be a reconciliation process in the future that will involve auditors. He also added that City Attorney costs are listed on the ROPS.

MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. SA-12-12 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE ADMINISTRATIVE BUDGET FOR THE PERIOD OF JANUARY 1, 2013 THROUGH JUNE 30, 2013 AND RELATED ACTIONS. MOTION CARRIED UNANIMOUSLY.

7.3 ADOPTION OF RESOLUTION NO. SA-12-13 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) FOR THE PERIOD OF JANUARY 1, 2013 THROUGH JUNE 30, 2013. (0418-50)

An addendum to the staff report was submitted as last minute agenda information.

CITY MANAGER BROWN introduced the item.

FINANCE DIRECTOR MCGRANE announced an Exhibit A to Resolution No. SA-12-13 was submitted as last minute agenda information and he explained the changes listed on the ROPS.

SPECIAL COUNSEL BERKEY recommended the following modification to Resolution No. SA-12-13, adding language as a second sentence to Section 3 on Page 4 of 6: "In connection with Item No. 14 listed on page 3 of the ROPS, the Successor Agency approves the Successor Agency to reenter into the former Redevelopment Agency Reimbursement Agreement with the City of Imperial Beach, dated January 1, 2007, to reimburse the City for administrative and operational costs incurred by the City on behalf of the Successor Agency".

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT REVISED RESOLUTION NO. SA-12-13 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) FOR THE PERIOD OF JANUARY 1, 2013 THROUGH JUNE 30, 2013. MOTION CARRIED UNANIMOUSLY.

7.4 ADOPTION OF RESOLUTION NO. SA-12-14 AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH A LICENSED ACCOUNTANT TO PERFORM A DUE DILIGENCE REVIEW PURSUANT TO HEALTH AND SAFETY CODE SECTION 34179.5. (0418-50)

A staff report and resolution were submitted as last minute agenda information.

CITY MANAGER BROWN reported on the item.

MOTION BY JANNEY, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. SA-12-14 AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH A LICENSED ACCOUNTANT TO PERFORM A DUE DILIGENCE REVIEW PURSUANT TO HEALTH AND SAFETY CODE SECTION 34179.5. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS

5.2 ADOPTION OF RESOLUTION NO. 2012-7238 FOR THE ABATEMENT OF SUBSTANDARD AND PUBLIC NUISANCE CONDITION(S) AT 550 HIGHWAY 75. (0470-20)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CODE COMPLIANCE OFFICER GARCIA gave a PowerPoint presentation on the item and announced a revised staff report and resolution were submitted as last minute agenda information.

DEPUTY CITY ATTORNEY PARK stated that there is a revision to the resolution related to the amount of the fines due to abatement that occurred between the inspection on the 18th, 19th and today. A few of the minor violations were resolved. Staff is requesting demolition of the building as the cost to demolish the building is less than what it would cost to repair it to code. In addition, the building is an attractive nuisance and visual blight. He noted that there have been 9 code cases over a six year period and 341 calls for service. The property is in a semi-residential area and residents are concerned resulting in the high number of calls for service. Staff is requesting the abatement of the building based on the preponderance of evidence: the nuisance theory, the visual blight, and that the City Council has the discretion to order an abatement action.

BRIAN STEWART, representing Dunham and Associates, is marketing the property for sale and spoke in support for keeping the buildings.

ASSISTANT CITY MANAGER WADE stated that the goal of code enforcement is to get property owners to comply with the code. Currently there are 7 violations that exist today that will accrue civil penalties at a rate of \$50 per day per violation. That is approximately \$10,000 per month if the owners choose to do nothing. Hopefully this will factor into the property owner's decision that these violations continue to accrue civil penalties and the best course of action would be to comply and to abate the violations.

CITY ATTORNEY LYON stated that the resolution directs the property owner to fix the problem within 60 days. If not, the resolution authorizes the City to seek legal action. Legal action would be to seek an abatement warrant where the City would go on to the property, abate it and incur the costs or to seek a civil injunction where the court would order the property owner to fix it.

MAYOR JANNEY closed the public hearing.

COUNCILMEMBER KING said that the condition of the property is unacceptable and that it should not become a public problem. He also stated that it is obvious that the property owner has not made regular visits to the property and has put the City in an awkward position. He spoke in support for staff's recommendation.

COUNCILMEMBER BRAGG echoed the comments made by Councilmember King. She stated that the condition of the property is unacceptable and is one of the worst code cases she has seen since being on City Council.

MOTION BY JANNEY, SECOND BY BRAGG, TO ADOPT REVISED RESOLUTION NO. 2012-7238 FINDING AND DECLARING THAT THE NOTICE AND ORDER TO ELIMINATE SUBSTANDARD AND PUBLIC NUISANCE CONDITION(S), REGARDING THE PROPERTY AT 550 HIGHWAY 75 IS APPROPRIATE AND ASSESSING AN ADMINISTRATIVE FEE FOR NUISANCE ABATEMENT PROCEEDINGS AND CIVIL PENALTIES, AND AUTHORIZE STAFF TO SEEK LEGAL ACTION TO EITHER COMPEL THE PROPERTY OWNER TO CLEAN UP THE PROPERTY OR TO OBTAIN AN ABATEMENT WARRANT TO CAUSE THE ABATEMENT TO BE COMPLETED BY CITY FORCES OR PRIVATE CONTRACT. MOTION CARRIED UNANIMOUSLY.

CONSENT CALENDAR (2.1-2.3)

LIBI UREMOVIC accused the City of forging the check warrants.

MOTION BY BILBRAY, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.3. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Special Workshop Meeting of February 8, 2012.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 80842 through 80902 with a subtotal amount of \$1,385,623.13 and Payroll Checks/Direct Deposit 44749 through 44781 for a subtotal amount of \$270,673.75 for a total amount of \$1,656,296.88.

2.3 ADOPTION OF RESOLUTION NO. 2012-7237 AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND YMCA CAMP SURF PERMITTING THE PLACEMENT OF ONE LIFEGUARD TOWER ON NAVY PROPERTY CURRENTLY LEASED TO CAMP SURF. (0130-70 & 0220-10)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3.1)

3.1 FIRST READING / INTRODUCTION OF ORDINANCE NO. 2012-1130 AND PUBLIC HEARING / ADOPTION OF RESOLUTION NO. 2012-7236: THE CITY OF IMPERIAL BEACH: GENERAL PLAN AMENDMENT (GPA)/LOCAL COASTAL PROGRAM AMENDMENT (LCPA) / ZONING CODE AMENDMENT (ZCA) 100057 / AND FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL ZONING AMENDMENT PROJECT. MF 935 (0610-95)

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on the item and that announced a revised resolution was submitted as last minute agenda information.

MAYOR JANNEY declared the public hearing open.

In response to questions asked by Mayor Pro Tem Spriggs, COMMUNITY DEVELOPMENT DIRECTOR WADE stated that the specific plan process for hotel development in the C-2 Zone that allows hotel development of certain size to go to 40 feet and 4 stories will remain in place with the adoption of the code changes. He was encouraged to hear at the recent City Council Workshop that there are developers in the San Diego region that would be interested in hotel development in Imperial Beach with the types of flexibility that the Specific Plan allows. The loss of redevelopment will lead to struggles but they are not insurmountable. Adoption of the zoning code amendment is a good start to move forward. He noted that staff had more dramatic recommendations at the start of the Commercial Zoning Review project but after concerns were raised by the community, a zoning code amendment that is at a reasonable middle ground was proposed. The amendment allows for more flexibility than we have today and allows for well-designed commercial, retail and mixed-use projects.

COUNCILMEMBER KING thanked staff for their hard work. He stated that City Council worked with the community towards a compromise and the proposed zoning code amendment is better than what the City has now.

MOTION BY BRAGG, SECOND BY KING, TO CONTINUE THE PUBLIC HEARING TO THE NEXT CITY COUNCIL MEETING ON AUGUST 15, 2012.

MAYOR PRO TEM SPRIGGS suggested that if the City does not get the development and investments needed to produce the tax revenue to maintain City services, there needs to be the courage to revisit the issue again.

COUNCILMEMBER BILBRAY added that if there is hesitation by business people or developers that the zoning code be reconsidered.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY BRAGG, SECOND BY KING, TO CONTINUE THE PUBLIC HEARING TO THE NEXT CITY COUNCIL MEETING ON AUGUST 15, 2012. MOTION CARRIED UNANIMOUSLY.

MOTION BY KING, SECOND BY BRAGG, TO ADOPT REVISED RESOLUTION NO. 2012-7236 APPROVING GENERAL PLAN / LOCAL COASTAL PROGRAM AMENDMENT (GPA / LCPA) 100057, AND FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH# 2011041048) AND CERTIFYING THAT PROPOSED ZONING AMENDMENT (ORDINANCE NO. 2012-1130) IS CONSISTENT WITH THE COASTAL ACT FOR THE COMMERCIAL ZONING AMENDMENT PROJECT. MF 935. MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY called for the first reading of the title of Ordinance No. 2012-1130.

CITY CLERK HALD read the title of Ordinance No. 2012-1130 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING TITLE 19 (ZONING) OF THE IMPERIAL BEACH MUNICIPAL CODE BY AMENDING THE PROVISIONS FOR THE C-1, C-2, AND C-3 COMMERCIAL ZONES AND AMENDING THE ZONING MAP FOR PROPERTIES DESIGNATED C-1 (GENERAL COMMERCIAL) IN THE PALM AVENUE STUDY AREA, C-2 (SEACOAST COMMERCIAL) IN THE OLD PALM AVENUE AND SEACOAST DRIVE STUDY AREAS, AND C-3 (NEIGHBORHOOD COMMERCIAL) IN THE 13TH STREET CORRIDOR STUDY AREAS AND AREAS ZONED R-1500 (HIGH DENSITY RESIDENTIAL) THAT ARE SUBJECT TO THE MU-1 (MIXED USE-1) OVERLAY DESIGNATION IN THE PALM AVENUE STUDY AREA AND THE MU-2 (MIXED USE-2) OVERLAY DESIGNATION IN THE SEACOAST DRIVE STUDY AREA MF 935."

MOTION BY BRAGG, SECOND BY BILBRAY, TO WAIVE FURTHER READING AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1-5.2)

5.1 COUNCIL WORKSHOP FOR THE 5TH CYCLE (2013-2020) IMPERIAL BEACH HOUSING ELEMENT. MF 1060. (0660-95)

A letter from Susan Tinsky, Executive director for San Diego Housing Federation, was submitted as last minute agenda information.

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported on the item.

VERONICA TAM, of Veronica Tam and Associates, gave a PowerPoint presentation. She gave an overview of the 5th Cycle of the Housing Element and the key changes compared to the current Housing Element.

SEAN WHERLEY, San Diego Housing Foundation, made the following suggestions: 1. Parking Requirements – further reduce parking requirements for affordable housing projects as tenants typically own fewer cars than market rate neighbors, 2. Accessory Units (or Granny Flats) – relax requirements to allow for them so that more areas in the City can accommodate them and also alter requirement for dual utility hook up, 3. Affordable Housing Incentives – make them automatic rather than at the discretion of staff.

DOLORES DIAZ, representing the Regional Continuum of Care Council, echoed comments of Mr. Wherley. She encouraged City Council to consider automatic affordable housing incentives and she is available as a partner to make affordable housing available to citizens of Imperial Beach.

MAYOR JANNEY closed the public hearing.

MAYOR PRO TEM SPRIGGS left Council Chambers at 8:30 p.m.

REPORTS (6.1-6.3)

6.1 RESOLUTION NO. 2012-7239 AWARDED A PROFESSIONAL SERVICES AGREEMENT WITH ATKINS NORTH AMERICA, INC. FOR A SEWER SERVICE CHARGE AND CAPACITY FEE STUDY. (0390-55 & 0830-90)

CITY MANAGER BROWN reported on the item.

MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2012-7239 AWARDED A PROFESSIONAL SERVICES AGREEMENT WITH ATKINS NORTH AMERICA, INC. FOR A SEWER SERVICE CHARGE AND CAPACITY FEE STUDY. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: BILBRAY, KING, BRAGG, JANNEY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: SPRIGGS

6.2 RESOLUTION NO. 2012-7240 APPROVING CITY OF IMPERIAL BEACH CDBG FY12-13 PROJECT NAME CHANGE AND APPROVING THE REALLOCATION OF A PORTION OF CDBG PROJECT FUNDS FROM FY 09-10 AND FY 11-12 TO CDBG FY 12-13 PROJECT. (0650-34)

CITY MANAGER BROWN introduced the item.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2012-7240 APPROVING CITY OF IMPERIAL BEACH CDBG FY12-13 PROJECT NAME CHANGE AND APPROVING THE REALLOCATION OF A PORTION OF CDBG PROJECT FUNDS FROM FY 09-10 AND FY 11-12 TO CDBG FY 12-13 PROJECT. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: BILBRAY, KING, BRAGG, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: SPRIGGS

MAYOR PRO TEM SPRIGGS returned to Council Chambers at 8:34 p.m.

6.3 CONSIDERATION TO SUBMIT AN ALTERNATIVE INITIATIVE REGARDING MEDICAL MARIJUANA COLLECTIVES. (0430-20 & 0610-95)

The following items were submitted as last minute agenda information:

- a. Attachments 1 through 7
 1. Medical Marijuana Dispensary Citizen-Drafted Initiative
 2. Draft Alternative Initiative
 3. Map of Locational Requirements for Alternative Initiative
 4. Resolution No. 2012-7241 adding the proposed ordinance relating to Medical Marijuana Collectives to the November 6, 2012 Election
 5. Resolution No. 2012-7242 setting priorities for filing written arguments and directing the City Attorney to prepare an impartial analysis
 6. Resolution No. 2012-7243 providing for the filing of rebuttal arguments
 7. U.S. Attorney Letter to City of Del Mar (July 17, 2012)
- b. Information provided by Marcus Boyd
- c. Information provided by Lorenzo Higley

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LYON reported on the item.

SCOTT CHIPMAN, from San Diegans for Safe Neighborhoods, spoke in opposition to medical marijuana dispensaries (additional speaking time donated by KATHY LIPPITT).

TRACEY RIVERA spoke in support for medical marijuana facilities (additional speaking time donated by Daniel Schadler).

LIBI UREMOVIC spoke in support for medical marijuana dispensaries.

LORENZO HIGLEY expressed concern about youth access to drugs.

MARCUS BOYD expressed concern about specific licensing requirements in order to collectively cultivate, requiring medical facilities to have background checks, and conflicts with HIPAA laws.

BARBARA GORDON expressed concern about the health and safety of the community.

EUGENE DAVIDOVICH complained that the proposed ordinance is a ban and does not allow for safe access at even one facility (additional speaking time donated by Heidi Whitman).

MICHAEL DENNISON spoke in support for safe access.

MAYOR JANNEY spoke in opposition to a competing initiative as there are rules currently in place allowing for collectives of three or less people. He supported writing an argument against the measure submitted by the Citizens.

COUNCILMEMBER BRAGG spoke in support for writing an argument against the initiative submitted by the Citizens.

COUNCILMEMBER BILBRAY preferred a competing ballot measure that fixes the problems that are in the Citizen's initiative. He also expressed concern that there may not be enough people in opposition to the Citizen's initiative.

COUNCILMEMBER KING stated that both the Citizen's initiative and the alternative measure have issues. He was particularly concerned about exemptions for small scale facilities Section 4.64.070.1. Should the alternative go forward, he supported further review and revisions to it.

MAYOR PRO TEM SPRIGGS expressed concern that people may view the alternative measure as too restrictive and contradictory that they would vote for the Citizen's initiative. He suggested that time is taken to fix the alternative measure or to pull it from consideration.

MAYOR JANNEY spoke in opposition to the alternative measure and supported the submittal of an argument against the Citizen's initiative.

MOTION BY BRAGG, SECOND BY JANNEY, TO NOT SUBMIT THE ALTERNATIVE INITIATIVE AS A COMPETING BALLOT MEASURE. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: BRAGG, SPRIGGS, JANNEY
NOES: COUNCILMEMBERS: BILBRAY, KING
ABSENT: COUNCILMEMBERS: NONE

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

Mayor Janney adjourned the meeting at 9:31 p.m.

/s/
James C. Janney
Mayor

/s/
Jacqueline M. Hald, MMC
City Clerk