

**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL**

**January 17, 2017**

*The City Council also sits as the Lemon Grove Housing Authority, Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board, and Lemon Grove Successor Agency*

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**Call to Order**

Members present: Mayor Racquel Vasquez, Mayor Pro Tem Jennifer Mendoza, Councilmember Jerry Jones, Councilmember David Arambula, and Councilmember Matt Mendoza.

Members absent: None.

City Staff present: Lydia Romero, City Manager; David De Vries, Development Services Director; Mike James, Assistant City Manager/Public Works Director; James P. Lough, City Attorney; and Lt. Chris May, Sheriff's Department; Corinne Russell, HR Manager; and Fire Chief Colin Stowell.

**Public Comment**

Katie Dexter commented on the January 27, 2017 homeless count in Lemon Grove.

Lani Stacks commented on the condition of animals in Lemon Grove Pet Store.

John L. Wood commented on a Helix Water District Board meeting where an appointment was declined therefore opening a position on the Board and added that their meeting hours have changed.

**1. Consent Calendar**

Mayor Pro Tem J. Mendoza requested the item number 1. G be removed from the Consent Calendar for discussion.

- A. Approval of City Council Minutes**  
December 20, 2016 Regular Meeting
- B. Ratification of Payment Demands**
- C. Waive Full Text Reading of All Ordinances and Resolutions on the Agenda**
- D. Recognized Obligation Payment Schedule (July 1, 2017– June 30, 2018)**
- E. Grant Award Acceptance of Department of Justice Funds for Bicycle Patrol Program**
- F. Grant Application to SANDAG for GO by BIKE Mini-Grant for Lemon Grove Bike to Work and School Day**

**Action: Motion by Mayor Pro Tem Mendoza, seconded by Councilmember Jones, to approve the Consent Calendar passed, by the following vote:**

**Ayes: Vasquez, Arambula, Jones, J. Mendoza, M. Mendoza**

**Resolution No. 2017 – 3483:** Resolution of the City Council of the City of Lemon Grove, California Authorizing the Submittal of an Application to SANDAG for the Lemon Grove GO by Bike to Work and School Day and Directing the City Manager to Execute Any Grant Related Documents Upon Award

**Resolution No. 2017 – 3484:** Resolution of the City Council of the City of Lemon Grove, California Accepting the Grant Funding for the Department of Justice Edward Byrne Memorial Justice Assistance Grant Program and Directing the City Manager to Execute any Grant Related Documents

**2. Ordinance Amending Lemon Grove Municipal Code Chapter 8.64 (Prohibition of Recreational Marijuana Businesses) and Amendment of Lemon Grove Municipal Code Section 17.12.070 (Uncertainty of Use Classification)**

City Attorney James Lough reported that this Ordinance makes changes to the Lemon Grove Municipal Code (“LGMC”) to confirm a ban on recreational marijuana businesses in Lemon Grove and to make other code changes that begin the steps to allow medicinal marijuana businesses, with a conditional use permit, in Lemon Grove pursuant to Measure V. The current language in the LGMC bans recreational and medicinal marijuana business operations. Adoption of this Ordinance will clarify that the recreational marijuana ban is still in place and that the City is taking the first of several steps to implement Measure V and its legalization of medicinal marijuana land uses.

In November 2016, the voters of California approved Proposition 64, which allowed the cultivation, processing and sale of recreational marijuana in California. The Initiative sets an implementation date for commercial operations of January 1, 2018. Proposition 64 allowed cities to ban all or part of the uses allowed under its provisions.

Ordinance No. 444 (443 number corrected) serves two main purposes. First, it reaffirms the City Council policy to prohibit recreational marijuana businesses from locating in Lemon Grove. As stated above, Proposition 64 allows cities to regulate and/or outright ban recreational marijuana businesses from locating in Lemon Grove.

Prior to the adoption of Proposition 64, the City Council had approved language in LGMC Chapter 8.64 that banned marijuana, to the extent that the City could regulate a matter not preempted by the State of California. Now that the state voters have legalized commercial operations for recreational marijuana, Lemon Grove can choose to continue its ban on recreational marijuana. While the Lemon Grove voters approved medical marijuana business establishments, subject to a City Council approved Conditional Use Permit, this approval did not address or limit the authority of the City Council to ban or regulate recreational marijuana businesses.

The second purpose of Ordinance No. 444 is to repeal the portion of the Zoning Code interpretation section, LGMC Section 17.12.070(c), which indicates medical marijuana is not an allowed use. With the passage of Measure V, the voters have lifted the City Council-imposed ban on medical marijuana business operations. LGMC Section 17.12.070(c) is recommended for repeal because it is inconsistent with Measure V. Repealing this subsection does not automatically allow applications for medicinal marijuana businesses. Measure V independently establishes a timetable for implementation of the new medicinal marijuana regulations. No medical marijuana businesses are allowed in Lemon Grove until the City’s regulatory process is put in place. No business can begin operating without a valid Conditional Use Permit issued by the City Council under the provisions of Measure V.

Public Speaker(s)

Dana Stevens, CASA, spoke in support of the ordinance.

Kathy Lipitt, San Diegans for Safe Neighborhoods, commented on the passage of Measure V.

Barbara Gordon expressed concern with the passage of Measure V.

Teresa Rosiak-Proffit commented on the business locations for sale and for rent. She recommended revitalization of the Broadway Business District.

**Action: Motion by Councilmember Jones, seconded by Councilmember M. Mendoza, to introduce Ordinance 444 by title passed, by the following vote:**

**Ayes: Vasquez, Arambula, Jones, J. Mendoza, M. Mendoza**

**Ordinance No. 444:** An Ordinance of the City Council of the City of Lemon Grove, California, Amending Lemon Grove Municipal Code Chapter 8.64 (Prohibition of Recreational Marijuana Businesses) and Amendment of Lemon Grove Municipal Code Section 17.12.070 (Uncertainty of Use Classifications)

### **1. G Appointment of City Councilmembers to Committees, Commissions and Boards**

Mayor Pro Tem J. Mendoza provided comments on City Council appointments to Regional Committees, Commissions and Boards. She suggested establishing criteria such as experience and longevity, availability, fairness and seniority when appointing City Councilmembers as representatives to the various boards and commissions. She suggested that Councilmember Jones be appointed as primary to SANDAG, herself as the first alternate, and Mayor Vasquez as the second alternate. In addition naming her as the primary on the Heartland Communications JPA and Heartland Training Facility Authority with Councilmember Arambula named as the alternate.

**Motion by Mayor Pro Tem Mendoza, seconded by Councilmember Jones, for the following changes to appointments: Councilmember Jones be appointed as primary to SANDAG, J. Mendoza as the first alternate, and Mayor Vasquez as the second alternate, on the Heartland Communications JPA and Heartland Training Facility Authority J. Mendoza as the primary and Councilmember Arambula as the alternate.**

#### Public Speaker(s)

Thomas Clabby commented on the Mayor's employment with the City of San Diego and that the entire list of appointments should be discussed.

James Lough stated that Mayor Vasquez's employment position with the City of San Diego does not have a conflict of interest with the Lemon Grove City Council. Regarding SANDAG, he does not make conflict of interest opinions for SANDAG; however, using the same analysis, it probably does not prohibit the Mayor from sitting on the SANDAG Board.

Teresa Rosiak-Proffit reported the Lemon Grove residents want change.

Brenda Leuerette commented that residents want change in various areas of Lemon Grove.

Julie Cooper commented on Mayor Vasquez's election and that she should serve on the SANDAG Board.

**Action: the motion passed by the following vote:**

**Ayes: Jones, J. Mendoza, M. Mendoza**  
**Abstain: Arambula**  
**Noes: Vasquez**

**City Council Oral Comments and Reports on Meetings Attended at the Expense of the City. (GC 53232.3 (d))**

Mayor Vasquez attended a recent Lemon Grove community celebration at the Lagoon Lemon Grove Church on January 14, 2017.

**City Manager and Department Director Reports**

David De Vries reported that there will be a city clean-up event on January 28, 2017.

Lt. May reported that Coffee with the Community will be held on January 25, 2017, 8:00 a.m. to 10:00 a.m. at the Lemon Grove Community Center.

Lydia Romero reported that the City's Public Works crews have been working to prepare for the upcoming storms and residents can pick-up sandbags at the Fire Department.

**Closed Session**

Conference with Legal Counsel – Anticipated Litigation Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: Two Cases

Conference with Real Property Negotiators Government Code Section 54956.8  
APN: 475-490-12-00 (Dan Kunkle Park)  
Agency Negotiator: Mike James, Assistant City Manager/Public Works Director  
Negotiating parties: Roger Rataj, Fracton Technologies, on behalf of Cricket Wireless  
Under negotiation: Price and Terms of Transaction

Conference with Real Property Negotiators Government Code Section 54956.8  
APN: 480-271-15-00 (Lemon Grove Community Center Community Center)  
Agency Negotiator: Mike James, Assistant City Manager/Public Works Director  
Negotiating parties: Arthur Camacho Jr. and Luis Fernandez, Healthy Opportunities Progressive Education, Inc.  
Under negotiation: Price and Terms of Lease

Closed Session Report: A claim submitted by Ruben Estrada was rejected.

**Adjournment**

There being no further business to come before the City Council, Housing Authority, Sanitation District Board, Lemon Grove Roadway Lighting District Board, and the Lemon Grove Successor Agency the meeting was adjourned at 7:42 p.m.

*Susan Garcia*  
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Susan Garcia, City Clerk