

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

April 5, 2016

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

Call to Order

Members present: Mayor Mary Sessom, Mayor Pro Tem George Gastil, Councilmember Jerry Jones, Councilmember Jennifer Mendoza, and Councilmember Racquel Vasquez.

Members absent: None.

City Staff present: Lydia Romero, City Manager, David DeVries, Development Services Director; Daryn Drum, Division Fire Chief; Miranda Evans, Assistant Planner; Mike James, Public Works Director; Lt. May, Sheriff's Department; Gilbert Rojas, Interim Finance Director; Laureen Ryan Ojeda, Administrative Analyst; and Michael Wapner, City Attorney.

Changes to the Agenda

Mayor Sessom noted that Consent Calendar item 1.H Code Enforcement Hearing Officers Recruitment will be removed from this agenda and placed on the April 19, 2016, City Council agenda.

Public Comment

John L. Wood commented on a vehicle accident on Central Avenue, the Trolley crossing gate at Broadway and Lemon Grove Avenue, and a vehicle parked on Massachusetts.

Melanie Lucero commented on the current Joint Use Agreement between the City of Lemon Grove and the Lemon Grove School District and asked if the City would consider expanding the agreement to the other schools in the City.

1. Consent Calendar

A. Approval of City Council Minutes

March 8, 2016 Special Meeting

March 15, 2016 Regular Meeting

B. Ratification of Payment Demands

C. Waive Full Text Reading of All Ordinances and Resolutions on the Agenda

D. Memorandum of Understanding for the Completion of Phase 1 Activities Associated with Investigative Order No. R9-2015-0058 for the Investigation of Sediment Quality in the Mouth of Chollas Creek

E. Chollas Creek Diazinon, Metals, Bacteria TMDL Cost Share Agreement (FY 2015-16)

F. Workers Compensation Insurance Coverage for Volunteers

G. Acceptance of the Palm and Golden Avenue Improvement Project

Action: Motion by Councilmember Jones, seconded by Councilmember Vazquez, to approve the Consent Calendar passed, by the following vote:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2016-3396: Resolution of the Lemon Grove City Council Approving a Memorandum of Understanding for the Completion of Phase 1 Activities Associated with Investigative Order R9-2015-0058 Pertaining to an Investigation of Sediment Quality in the Mouth of Chollas Creek, San Diego Bay, San Diego County, California

Resolution No. 2016-3397: Resolution of the Lemon Grove City Council Authorizing Participation in the Chollas Creek Hydrologic Unit 908.22 Implementation Monitoring for Chollas Creek Diazinon and Dissolved Metals Total Maximum Daily Loads (Investigation Order No. R9-2004-0277 And Addendum No. 1) and Chollas Creek Monitoring for Total Maximum Daily Loads For Indicator Bacteria, Project I - Twenty Beaches and Creeks in the San Diego Region (Including Tecolote Creek) (Resolution No. R9-2010-0001)

Resolution No. 2016-3398: Resolution of the City Council of the City Of Lemon Grove, California Ratifying Workers Compensation Insurance Coverage for City Approved Volunteers

Resolution No. 2016 – 3399: Resolution of the Lemon Grove City Council Accepting the Palm and Golden Avenue Improvement Project (Contract No. 2016-06) as Complete

2. New Business

A. Fiscal Year 2015-16 Mid-Year Budgets

Gilbert Rojas explained that on June 2, 2015, the City Council adopted a City-wide Consolidated Operating & Capital Budget for Fiscal Year 2015-16. Since the budget was adopted, the revenues and expenditures for FY 2014-15 have been finalized and audited. In addition, staff has monitored the revenue projections for the first seven months of the Fiscal Year. Staff recommends that the City Council consider midyear modifications to the FY 2015-16 Budget.

Mr. Rojas recommended that the General Fund revenues be increased in total by \$75,000. This entails an increase in the Vehicle License Fee (\$61,000), Franchise Fees (\$30,000), Building Permits (\$150,000) and a decrease in Sales Tax (\$200,000). Mr. Rojas noted a change in Transient Occupancy Tax that was reported in the staff report from \$34,000 to \$14,000. All proposed changes are a result of the activity within the first seven months of the Fiscal Year.

Staff is also recommending the reinstatement of an Associate Planner/Senior Planner position in the Development Services department. The recent promotion of the Principal Planner to the Development Services Director has created the need to back fill the Director's former position. This position will fill and be funded by the vacant Principle Planner position. The qualifications of the applicant pool will determine the final classification of this position. The maximum annual cost to the City will be \$93,240. The General Fund has been and will continue to fund 50% of this cost.

An increase of \$45,000 to the City Attorney budget due to the unanticipated costs of dealing with code enforcement issues related to marijuana shops.

Due to a recent loss at the public works yard, staff recommends an additional \$2,500 in capital outlay to replace a flat screen television used for staff training, 12 tablets and tablet cases. This amount is below the City's insurance deductible to cover the loss.

Staff is recommending that the Transfer In for administrative costs from the Gas Tax Fund be eliminated this fiscal year due to the declining revenue in the Gas Tax Fund. We project that transferring these funds would cause the Gas Tax Fund to be in a deficit Fund Balance.

The General Reserve Fund Appropriations (Expenditures) should be increased in total by \$579,446. This would include the \$558,946 reimbursement to San Diego County RPTTF (Redevelopment Fund) which was an agreement with the State Department of Finance that the City Council approved in December, 2015.

Mr. Rojas also recommended an increase to the Vacation Payoff (\$8,000) amount due to the larger than expected turnover rate for the first six months of the Fiscal Year. The City budgeted \$30,000 for an animal control vehicle, however, the bids came in significantly higher than expected. Staff is requesting an additional \$30,000. There was \$17,500 set aside for the City Manager recruitment but, the cost of the recruitment was paid for from the professional services account within the General Fund. So this amount can be eliminated from the budget.

Revenue from the taxing of gasoline sales is down due to the low price of gasoline. Staff is recommending lowering revenue estimates in total by \$103,250. The elimination of the administrative cost from the General Fund will result in the Gas Tax Fund balance being projected at \$18,990.

Public Speaker(s)

There were no requests from the public to speak.

Action: Motion by Mayor Pro Tem Gastil, seconded by Councilmember Jones, to adopt the resolution with amendment to the transient occupancy tax passed, by the following vote:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2016-3400: Resolution of the City Council of the City of Lemon Grove, California Approving the City of Lemon Grove Mid-Year Budget for Fiscal Year 2015-2016 and Authorizing Expenditures There to

B. Construction Management Services for the Lemon Grove Realignment Project

Mike James stated that in support of the city's five year capital improvement program (CIP), the city invited firms to respond to a request for proposals (RFP) as the construction manager for the Lemon Grove Avenue Realignment Project (Contract No. 2016 – 14). The RFP was publically advertised on February 25, 2016. The city held a mandatory pre-bid meeting on March 8, 2016, in which five firms attended. On March 17, 2016, the city received one response to the RFP from Infrastructure Engineering Corporation (IEC).

Staff thoroughly reviewed IEC's proposal, cost estimate, and conducted reference checks and recommends that an agreement is awarded to IEC for an amount not to exceed \$384,766. The project budget includes a contingency amount of \$35,000 in addition to the proposed amount of \$349,766. He noted that \$384,766 is budgeted from Fund 64-7130 – CIP Lemon Grove Realignment during the Fiscal Year 2015-16 through Fiscal Year 2016-17 years.

Action: Motion by Councilmember Jones, seconded by Councilmember Mendoza, to adopt the resolution passed, by the following vote:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2016-3401: Resolution of the City Council of the City of Lemon Grove, California Awarding an Agreement to Provide Construction Management Services for the Lemon Grove Realignment Project to Infrastructure Engineering Corporation

3. Public Hearings

A. Public Hearing to Consider Ordinance No. 439 – Zoning Amendment ZA1-600-0001 Amending the Beekeeping Regulations (Chapter 18.16 of the Municipal Code)

Miranda Evens reported that during public comment at a City Council meeting in early 2015, several citizens spoke about existing beekeeping activity and their positions regarding that activity. There was a current code enforcement case at the time that has since been closed. A property owner with bee hives asked that the City Council consider allowing the beehives utilizing the current provisions and the neighboring property owner asked that the hives be removed because she has small children. After that discussion, the City Council directed staff to prepare an agenda item that would allow them to discuss potential guidelines for beekeeping activities in the City.

At the April 21, 2015 City Council meeting, staff presented an item to City Council that discussed the City's existing beekeeping regulations, regional beekeeping programs, and current trends for the City Council's consideration. Staff noted that there had been approximately six requests in the past decade for beekeeping activities and less than that in code enforcement activities. The records show that there are currently no beekeeping permits issued in the City (a requirement under the City's beekeeping regulations) and no open code enforcement cases related to beekeeping. At the hearing, a total of two citizens spoke in favor of beekeeping, and two residents expressed concerns for beekeeping in their neighborhood. The City Council directed staff to return with a draft beekeeping ordinance.

Ms. Evans stated that staff analyzed beekeeping regulations throughout the County of San Diego. Out of the nineteen local jurisdictions, there are six agencies (including Lemon Grove) that currently include standards for beekeeping activities.

Staff considered more stringent separation requirements for sensitive sites such as public and private schools, parks, playgrounds, picnic areas, outdoor sports facilities, daycare centers, residential care facilities, medical facilities, kennels, and horse-boarding facilities. Staff determined that further restrictions could be considered as a part of the minor use permit process and applying such restrictions could restrict future land uses (e.g., a park couldn't open because it's next to an apiary) and restrict sensitive sites from operating an apiary (e.g., a school wants to include beekeeping as a part of a community garden or a medical facility is researching medicine associated with bees). The minor use permit would allow sensitive sites to express their concerns as a part of the appeal process and the application could be denied or amended based on the facts that the apiary is not compatible with the neighborhood due to its proximity to sensitive sites and could be detrimental to the public health and welfare.

Public Speaker(s)

There were no requests from the public to speak.

After the City Council discussion, the public hearing was continued to May 17, 2016.

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

Councilmember Jones attended an Independent Rate Oversight Committee, SANDAG Transportation Committee meetings and sat in for the Mayor's regular SANDAG meetings.

Councilmember Mendoza attended the new Lions Club meeting, Eyes Across California Event, participated in a blood pressure test with the Fire Department, Assemblywoman Weber's Salute to Women Leaders, the Community Egg Hunt, Interfaith Clergy Walk, the Lemon Grove Historical Society's film event, the Grand Opening of the Diego Hills Charter School, and the Urban League Walk-a-Thon.

Councilmember Vasquez attended City/County Reinvestment Task Force and Heartland Communications Facility Authority meetings.

Mayor Pro Tem Gastil attended Assemblywoman Weber's Salute to Women Leaders, Grand Opening of the Diego Hills Charter School, and an East County Economic Development Council meeting, MTS meeting, and presented a proclamation to the Michael Monsoor VFW Post 2082

Mayor Sessom attended an Airport Authority meeting.

City Manager and Department Director Reports

David De Vries expressed appreciation for the opportunity to serve as the City's Development Services Director.

Lt. May reported that Deputy Ortiz, of the Lemon Grove substation, was honored with "Outstanding DUI Officer Award" at the recent MADD Awards Ceremony and Luncheon.

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 7:05 p.m.

Susan Garcia

Susan Garcia, City Clerk