



City of Lemon Grove
City Council Regular Meeting Agenda

Tuesday, May 16, 2017, 6:00 p.m.
Lemon Grove Community Center
3146 School Lane, Lemon Grove, CA

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 Board

Call to Order

Pledge of Allegiance

Changes to the Agenda

Presentation

Proclamation - National Public Works Week May 21-27, 2017

Public Comment

(Note: In accordance with State Law, the general public may bring forward an item not scheduled on the agenda; however, the City Council may not take any action at this meeting. If appropriate, the item will be referred to staff or placed on a future agenda.)

1. Consent Calendar

(Note: The items listed on the Consent Calendar will be enacted in one motion unless removed from the Consent Calendar by Council, staff, or the public. Items that are pulled will be considered at the end of the agenda.)

A. Approval of Meeting Minutes

May 2, 2017 – Regular Meeting

Members present: Vasquez, Arambula, Jones, J. Mendoza, and M. Mendoza

B. City of Lemon Grove Payment Demands

Reference: Gilbert Rojas, Interim Finance Director

Recommendation: Ratify Demands

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

Reference: James P. Lough, City Attorney

Recommendation: Waive the full text reading of all ordinances included in this

D. Community Development Block Grant (CDBG) 2017 Golden Avenue Street Rehabilitation Project Contract Award

The City Council will consider a resolution awarding the 2017 Golden Avenue Street Rehabilitation Project contract to Ramona Paving & Construction Corp. and establish a project budget not to exceed \$179,476.00.

Reference: Malik Tamimi, Management Analyst

Recommendation: Adopt Resolution

E. Fiscal Year 2017-18 City Calendar

The City Council will consider the proposed calendar that would result in City Hall being closed between Monday December 25, 2017 and Thursday December 28, 2017.

Reference: Corinne Russell, HR Manager

Recommendation: Approve proposed calendar

F. Acceptance of FY 16-17 State Homeland Security Grant (SHSGP) Funds

The City Council will consider a resolution accepting FY 2016-17 State Homeland Security Grant (SHSG) funds and authorize the City Manager to execute appropriate agreements and/or grant documents.

Reference: Colin Stowell, Fire Chief
Recommendation: Adopt Resolution

2. Ordinance No. 445 Amending Park Regulations (Chapter 12.20 of the Lemon Grove Municipal Code)

The City Council will consider an ordinance proposing modifications to existing park regulations. Amendments include provisions related to hours of operation, the prohibition of alcohol possession and consumption and the prohibition of smoking marijuana.

Reference: Miranda Evans, Management Analyst
Recommendation: Waive Further Reading and Introduce Ordinance

3. Public Hearing to Consider Appeal No. AA1-700-0001 Regarding the Denial of Zoning Clearance No. ZC1-700-0006; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 7309 Broadway in the General Commercial Zone

The City Council will conduct a public hearing and consider a resolution upholding the Development Services Director's determination to deny a request to apply for a conditional use permit to establish a medical marijuana dispensary at 7309 Broadway.

Reference: David De Vries, Development Service Director and Eric Craig, Associate Planner
Recommendation: Conduct Public Hearing and Adopt Resolution

4. State Legislative Report - Oppose Assembly Bill 805 (Gonzalez Fletcher) and AB 1250 (Jones-Sawyer)

The City Council will consider a resolution in opposition to AB 805 (Gonzalez Fletcher) and AB 1250 (Jones-Sawyer) as they move through the legislative process.

Reference: Lydia Romero, City Manager
Recommendation: Adopt Resolution

City Council Oral Comments and Reports on Meetings Attended at the Expense of the City.

(GC 53232.3 (d) states that members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.)

Department Director Reports (Non-Action Items)

Adjournment

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

May 2, 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

Call to Order

City Councilmembers Present:

Mayor Racquel Vasquez, Mayor Pro Tem Jennifer Mendoza, Councilmember David Arambula, Councilmember Jerry Jones, and Councilmember Matt Mendoza

City Council Members Absent:

None.

City Staff Present:

Lydia Romero, City Manager, Lt. Scott Amos, Sheriff's Department David De Vries, Development Services Director; Daryn Drum, Susan Garcia, City Clerk; Division Fire Chief; Mike James, Assistant City Manager/Public Works Director; James P. Lough, City Attorney.

Pledge of Allegiance

Lemon Grove Cub Scout Pack 108 provided the Flag Presentation and Pledge of Allegiance.

Changes to the Agenda

Councilmember Jones requested that item 1. E Resolution Approving Limitations on the Two-Year EDCO Corporation Rate Schedule be pulled from the Consent Calendar for discussion

Public Comment

Eric Lund, San Diego East County Chamber of Commerce, provided the City Council with their 2016 Annual Report.

John L. Wood commented on the vehicle speed meter on Central Avenue and thanked the City's Public Works Department for their quick removal of items he reported.

Lani stacks commented on a bird in the Lemon Grove Pet Store and Senator John McCain's war time imprisonment.

Jean Baber invited those in attendance to a Helix High School band fundraising event in the Lemon Blossom Hall on May 6.

Mayor Vasquez noted that Ms. Westford is speaking on Consent Calendar item 1. H.

Meena Westford, Metropolitan Water District, provided an overview of their investments, rates, efforts during the drought, along with differences with the San Diego County Water Authority. Ms. Westford asked if she would be allowed to return to provide additional detail and urged the City Council to consider both sides before adopting the proposed resolution.

Mayor Pro Tem J. Mendoza recommended that the Consent Calendar item 1.H Resolution in support of the San Diego County Water Authority not be adopted and the City Council is provided more time to understand what is proposed.

1. Consent Calendar

A. Approval of City Council Minutes

April 18, 2017 Regular Meeting

B. Ratification of Payment Demands

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

D. Rejection of Claim

F. Parks Make Life Better!® Branding Campaign

G. Rejection of Claim

Action: Motion by Councilmember Jones, seconded by Councilmember J. Mendoza, to approve the Consent Calendar items 1. A, B., C. D. F. and G. passed, by the following vote:

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

1. E Resolution Approving Limitations on the Two-Year EDCO Corporation Rate Schedule

Councilmember Jones noted that there was a newspaper report regarding the City of La Mesa EDCO rate increase as a Proposition 218 process.

James Lough stated that Proposition 218 provides for public notice of government fees and EDCO is a private franchise. He added that the City Council is not approving their rates.

Action: Motion by Councilmember Jones, seconded by Councilmember J. Mendoza, to approve the Consent Calendar items 1. E. passed, by the following vote:

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

2. Wastewater Rate Case

On April 18, 2017, the Lemon Grove Sanitation District Board introduced and conducted the first reading of Ordinance No. 28 that will establish a rate increase not to exceed 5.75 percent for a five-year period. If adopted, the new rates for Fiscal Year 2017-2018 will take effect July 1, 2017.

Public Speaker(s)

Leonard Kettong provided the City Council with a letter that provided an overview of the City's zoning code and requested that the City Council consider a rate setting method based on actual water use records.

Mayor Pro Tem J. Mendoza stated that it is her understanding the ordinance sets the rate. She noted that the staff report summary states there will be an increase of 5.75 and thought they would be making that decision during budget discussions.

Mike James answered that from a budgeting stand point it is staff's recommendation to move forward with the 5.75 increase for fiscal years 2017-18. The reasoning, working with the consultant, the anticipated year end expenditures are tied to the total need for July 1 and to move forward year one. He added that in future years the process will become more revised and expenditures matched-up with revenue needs.

Mayor Pro Tem J. Mendoza stated that the consultant NBS took the previous budgeted figure and inflated it and they did not have an opportunity to see actual expenditures, she was hoping to see. She has no problem approving the ordinance, but is unclear if this is set in stone if the sewer charge will increase by 5.75 beginning July 1, 2017.

James Lough stated that this goes on the property tax rolls approximately by August 10. The assumption is that it will be 5.75, if during budget review it could be changed before it goes on the tax rolls, but is almost never done the first year. A change could be made there is a budget process.

Mayor Vasquez clarified that this sets the rate at 5.75, but if during the annual budget review process the sewer rates could either be reduced or set at the proposed rate case.

James Lough the rate case is based on what you are going to do and what is in the Sanitation District Capital Improvement Projects budget. He confirmed that increases to the sewer rates could be reviewed during the annual budget process.

Lydia Romero added that has been the past practice of the Sanitation District staff to evaluate the rates and will only to charge the rate payer the amount needed for operation and meet the obligations with Metro JPA.

Councilmember M. Mendoza noted that recommendation of 5.75 was to not go to a higher rate in consideration of pure water. He expressed concern with the City of San Diego pure water construction costs.

Mike James answered that is correct and if staff can recommend a lower rate this will be a priority. Depending on pure water construction the cost difference.

Action: Motion by Board Member Jones, seconded by Board Member Arambula, to adopt by title Ordinance No. 28 passed, by the following vote:

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

3. Community Advisory Commission

Lydia Romero stated that discussion of this item is to establish the preferred method to conducts interviews for the 16 Community Advisory Commission applicants.

Public Speakers spoke in favor of establishing Community Advisory Commission:

Mark Roback

Humbert Cabera

Tom Clabby

After the discussion, staff was given direction to move forward with the Community Advisory Commission, contact the applicants, schedule possible interviews on an off regular City Council meeting Tuesday in June, and bring back an agenda item at the first meeting in June to discuss the Planning Commission.

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

Councilmember Jones attended meetings of the East County Chamber government affairs, National Association Real Estate Brokers, Metro Tac/Metro Finance, Water Reliability Coalition, and the grand reopening of the Lemon Grove skate park.

Councilmember Arambula attended the Celsius opening and a Heartland Communications JPA meeting.

Councilmember M. Mendoza nothing to report

Mayor Pro Tem J. Mendoza toured Heartland Communications facility and attended the Celsius opening and SANDAG Transportation meeting, and participated in the community clean-up event.

Mayor Vasquez attended Celsius opening, Earth Day celebration where she was presented with the Earth Keeper award, SDSU Sage Symposium, Fair and Affordable Housing event, grand reopening of the Lemon Grove skate park, SANDAG City Selection Committee for the Coastal Commission, Black American Political Association of California where she was presented with the Female Elected Official of the Year award, Healthy Kids day, she presented a Proclamation to Clark Atlanta University, and a LAFCO meeting where email policy was discussed and asked if a similar policy could be on a future agenda.

City Manager and Department Director Reports

David De Vries reported that the next community clean up event will be held on July 22, 2017.

Lydia Romero attended the Girl on Girl event at the Lemon Grove Academy and will be attending the San Diego City Managers retreat.

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 8:00 p.m.

Susan Garcia

Susan Garcia, City Clerk

City of Lemon Grove Demands Summary

Approved as Submitted:

Auggie Matt, Finance Manager

For Council Meeting: 05/16/17

ACH/AP Checks 04/25/17-05/08/17

1,860,432.38

Payroll - 04/25/17

128,206.63

Total Demands

1,988,639.01

Check No	Vendor No	Vendor Name	Check Date	Vendor Name	Check Amount	CHECK AMOUNT
CHECK NO	INVOICE NO	VENDOR NAME	DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
ACH	Mar17	San Diego County Sheriff's Department	04/25/2017	Law Enforcement Services - Mar'17	433,119.90	433,119.90
ACH	Apr17	Southern CA Firefighters Benefit Trust	04/26/2017	LG Firefighters Benefit Trust 4/13, 4/27	1,753.70	1,753.70
ACH	49383744	WEX Bank	04/26/2017	Fuel - Fire Dept - Mar'17	409.99	409.99
ACH	Mar29-Apr11	Calpers Supplemental Income 457 Plan	04/27/2017	457 Plan 3/29/17-4/11/17	5,147.35	5,147.35
ACH	Apr12-Apr25	Calpers Supplemental Income 457 Plan	04/27/2017	457 Plan 4/12/17-4/25/17	5,490.60	5,490.60
ACH	Apr25 17	Employment Development Department	04/27/2017	State Taxes 4/25/17	6,415.50	6,415.50
ACH	Mar17	Colonial Life	04/28/2017	Colonial Optional Insurance -Mar17	1,072.17	1,072.17
ACH	Apr17	Colonial Life	04/28/2017	Colonial Optional Insurance -Apr17	714.78	714.78
ACH	Apr25 17	US Treasury	04/28/2017	Federal Taxes 4/25/17	25,022.63	25,022.63
ACH	Apr26-Apr28	Wage Works	05/03/2017	FSA Disbursement 4/26/17-4/28/17	94.00	94.00
ACH	905679	Aflac	05/01/2017	AFLAC Insurance 04/12/17	1,192.80	1,192.80
ACH	186178	Aflac	05/01/2017	AFLAC Insurance 05/10/17	1,192.80	1,192.80
ACH	Apr17	Power Pay Biz/Evo	05/01/2017	Online Credit Card Processing - Apr'17	60.90	60.90
ACH	7322814	LEAF	05/02/2017	Ricoh C3502 Copier System-PW Yard - Apr'17	174.37	174.37
ACH	May 2017	Pers Health	05/02/2017	Pers Health Insurance - May'17	52,175.28	52,175.28
ACH	Apr17	Authorize.Net	05/02/2017	Merchant Fees In-Store & Online - Apr'17	43.91	43.91
ACH	Apr17	Dharma Merchant Services	05/03/2017	Merchant Fees - Apr'17	353.57	353.57
ACH	Mar29-Apr25	California Public Empl Retirement System	05/05/2017	Pers Retirement 3/29/17-4/25/17	66,217.44	66,217.44
ACH	Refill 5/4/17	Pitney Bowes Global Financial Services	05/05/2017	Postage Usage 5/4/17	250.00	250.00
ACH	1000195111	City of San Diego	05/08/2017	Metro Sewer System FY17 - 4th Qtr 4/1/17-6/30/17	632,300.00	632,300.00
7524	10066	AdminSure	04/26/2017	Workers' Compensation Claims Administration - May'17	415.00	415.00
7525	9555744	AT&T	04/26/2017	Fire Telephone 3/13/17-4/12/17	78.88	78.88
7526	4561	Bear Electrical Solutions, Inc.	04/26/2017	Traffic Signal Loops at Mass & Mt Vernon	1,467.00	7,308.50
	4562			Mass & Madera Pedestrian Push Button Rewire - 3/31/17	1,660.00	
	4563			Federal & College - SB Red Out - 3/31/17	2,232.00	
	4627			Traffic Signal Maint -Response - Mar 2017	1,949.50	
7527	81792099	Corelogic Solutions, LLC	04/26/2017	Image Requests- Mar'17	11.00	11.00
7528	FY15-16 LG	County of San Diego- Public Works	04/26/2017	District Operation & Maintenance Charges FY 2015-16	6,052.00	6,052.00
7529	4/18/2017	Cox Communications	04/26/2017	Copy Room/City Manager Fax Line- 4/18/17-5/17/17	3.58	3.58
7530	204591	Dell Awards	04/26/2017	City Council Nameplate- Matt	10.78	10.78
7531	4/17-20/17	Esgil Corporation	04/26/2017	75% Building Fees- 4/17/17-4/20/17	4,280.81	4,280.81
7532	4/26/2017	Gill Rojas or Brenda Wardrip	04/26/2017	Petty Cash- Mileage- Tamimi 1/11/17-2/21/17	48.69	448.10
				Petty Cash- Mileage- Boyce 1/31/17-2/24/17	14.82	
				Petty Cash- Copies- County Assessor/Recorder	48.00	
				Petty Cash- Drawer Shortage 3/21/17	7.00	
				Petty Cash- Sessom Bench Dedication Event	47.08	
				Petty Cash- PW Streets/Supplies- Sawblade	8.31	
				Petty Cash- Mileage- Boyce 3/24/17-4/6/17	39.91	

				Petty Cash- PW Streets/Herbicide - 4 Gal Backpack Sprayer	26.93	
				Petty Cash- PW Streets/Supplies-Plug & Adapters	17.98	
				Petty Cash- PW Streets/Adj Wrench & Hex Key	27.99	
				Petty Cash- PW Comm Svcs/Eggstravaganza Supplies	73.61	
				Petty Cash- PW Facilities/Cabinet & Urinal Rebuild Kits- Rec Ctr	87.78	
7533	9744	Infrastructure Engineering Corporation	04/26/2017	Prof Svc: LGA Realignment - 2/25/17-3/31/17	30,996.36	30,996.36
7534	32916	Interwest Consulting Group	04/26/2017	Prof Svc: SSARP Grant Procurement Svc - Mar '17	520.00	520.00
7535	1437938	Liebert Cassidy Whitmore	04/26/2017	Prof Svcs: LE050-00003 Pre-Litigation thru 3/31/17	1,505.15	1,505.15
7536	1	New Century Construction, Inc	04/26/2017	Connect Main St Segment 1 Phase 1 - 3/28/17-4/14/17	74,873.15	74,873.15
7537	WO-35899-1 WO-36294-1 WO-36294-2 WO-36385-1	Office Advantage, Inc.	04/26/2017	Office Supplies- City Hall Office Supplies & Paper - City Hall Office Supplies Office Supplies	450.52 277.85 6.19 73.04	807.60
7538	Reimb 4/24/17	Romero, Paolo	04/26/2017	Mileage - Drivers Training - Romero 4/13/17	29.11	29.11
7539	79671251 79714125 79714201	SiteOne Landscape Supply, LLC	04/26/2017	Mulch - Skate Park Sprinkler System Parts - Skate Park Ultra 4 Rotor Sprinkler Heads - Skate Park	354.50 368.32 164.70	887.52
7540	May 17	Sun Life Financial	04/26/2017	Life Insurance Premium - May '17	124.20	124.20
7541	00050883	The East County Californian	04/26/2017	20A Undergrounding Bid Notice 4/13/17	224.00	224.00
7542	3100434-CA 3104016-CA	US HealthWorks Medical Group,PC	04/26/2017	Medical Exam - 4/3/17 Medical Exam - 4/11/17	45.00 125.00	170.00
7543	Apr25 17	Vantage Point Transfer Agents-457	04/26/2017	ICMA Deferred Compensation Pay Period Ending 4/25/17	580.77	580.77
7544	9783838877	Verizon Wireless	04/26/2017	City Phone Charges- 3/13/17-4/12/17	353.03	353.03
7545	2016-04-008	West Coast General Corporation	04/26/2017	LGA Realignment Proj- 2/1/17-2/28/17	157,903.69	157,903.69
7546	C2991	A-Pot Rentals, Inc.	05/03/2017	Portable Restroom Rental 4/9/17-5/8/17	132.10	132.10
7547	4/22/2017	AT&T	05/03/2017	Backup City Hall Internet - 3/23/17-4/22/17	75.00	75.00
7548	May 2017	California Dental Network Inc	05/03/2017	California Dental Insurance - May17	347.76	347.76
7549	Option 2	California Skateparks	05/03/2017	Skate Park Expansion- Logo Placement, Clean Up- Firefighters Park	3,220.29	3,220.29
7550	694335468 694337995	Cintas Corporation #694	05/03/2017	Janitorial Supplies - 4/20/17 Janitorial Supplies - 4/27/17	187.36 428.58	615.94
7551	1633	Clothing International, Inc.	05/03/2017	Hats for Staff- City's 40th Anniversary	1,004.42	1,004.42
7552	4/19/2017	Cox Communications	05/03/2017	Phone/PW Yard/2873 Skyline- 4/19/17-5/18/17	211.15	211.15
7553	4/24-27/17	Esgil Corporation	05/03/2017	75% Building Fees- 4/24/17-4/27/17	872.77	872.77
7554	772	Finnamex, Inc	05/03/2017	Install Weathermatic Irrigation Controller Pedestal	1,450.00	1,450.00
7555	0023880-IN	HDL Coren & Cone	05/03/2017	Contract Services Property Tax - Apr-Jun 2017	2,073.06	2,073.06
7556	4/26/2017	Helix Water District	05/03/2017	Water Services- 2/23/17-4/25/17	11,379.80	11,379.80
7557	0027149-IN	Hinderliter De Llamas & Associates	05/03/2017	Sales Tax Audit Services - Qtr 4 2016	1,986.24	1,986.24
7558	Lambert	Lambert, Tashawna	05/03/2017	Refund/Lambert,Tashawna/Partial Deposit - CommCtr 4/8/17	137.12	137.12
7559	INV17176	Logiccopy	05/03/2017	Ricoh C3502 Copier Contract Charge- PW Yard -4/7/17-5/6/17	51.61	51.61
7560	Montenegro	Montenegro, Armando	05/03/2017	Refund/Montenegro,Armando/Partial Deposit - LBH- 4/1/17	250.44	250.44
7561	May2017	PLIC- SBD Grand Island	05/03/2017	Dental Insurance - May17	4,679.18	4,679.18
7562	PD-34635	Plumbers Depot Inc	05/03/2017	Repair Kits- 12Pin Metal -Cabling Sys-Sewer Camera	954.80	954.80
7563	31107480	RCP Block & Brick, Inc	05/03/2017	Rapid Set Cement Non-Shrink Grout	60.12	60.12
7564	1052-05	SC Valley Engineering Inc	05/03/2017	LG Sewer Upsizing Proj- 3/1/17-3/31/17	240,224.89	240,224.89
7565	4/24/2017 4/20/2017	SDG&E	05/03/2017	3225 Olive- 3/21/17-4/20/17 3500 1/2 Main- 3/21/17-4/20/17	87.65 179.07	266.72
7566	79861666	SiteOne Landscape Supply, LLC	05/03/2017	E-Z Reacher	16.72	2,986.17

	79917366			E-Z Reachers	50.18	
	79917397			E-Z Reachers	50.18	
	79996898			Playground Mulch - Berry St Park	2,869.09	
7567	May17	Standard Insurance Company	05/03/2017	Long Term Disability Insurance - May'17	1,929.44	1,929.44
7568	00050981	The East County Californian	05/03/2017	Ordinance No 28 - Sewer Rates Setup Method 4/20/17	119.00	119.00
7569	9783834488 9783833878	Verizon Wireless	05/03/2017	Mobile Broadband Access- 3/13/17-4/12/17 PW Tablets- 3/13/17-4/12/17	76.02 188.78	264.80
7570	71421259 71424342 71432357 71433731 71436209	Vulcan Materials Company	05/03/2017	Asphalt Asphalt Asphalt Asphalt/SS1H 4.5 Gallon Bucket Asphalt/SS1H 4.5 Gallon Bucket	137.11 116.33 185.53 173.95 173.95	786.87
7571	2016-04-009	West Coast General Corporation	05/03/2017	LGA Realignment Proj- 3/1/17-3/31/17	63,567.77	63,567.77
					1,860,432.38	1,860,432.38

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.D
Mtg. Date May 16, 2017
Dept. Development Services Department

Item Title: Community Development Block Grant (CDBG) 2017 Golden Avenue Street Rehabilitation Project Contract Award

Staff Contact: Malik Tamimi, Management Analyst

Recommendation:

Adopt a resolution (**Attachment B**) awarding a contract for the CDBG 2017 Golden Avenue Street Rehabilitation Project (Contract No. 2017-22).

Item Summary:

In support of the City's Capital Improvement Program, the City advertised a notice inviting bids for the CDBG 2017 Golden Avenue Street Rehabilitation Project (Contract No. 2017-22). On April 25, 2017, the City received ten (10) sealed bids. Staff determined that of the bids received, Ramona Paving and Construction Corp. was the lowest responsive and responsible bidder at \$130,870.00.

Ninyo & Moore Geotechnical Consultants, the City's current on-call inspection and testing consultant, will provide material testing services for this project.

Staff recommends awarding a contract (Contract No. 2017-22) to Ramona Paving and Construction Corp. and establishing a project budget not to exceed \$179,476.00.

Fiscal Impact:

Community Development Block Grant (CDBG) funds were budgeted for this project.

Environmental Review:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorical Exemption, Section 15304 | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting | |

Attachments:

- A. Staff Report
- B. Resolution

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 1.D

Mtg. Date May 16, 2017

Item Title: Community Development Block Grant (CDBG) 2017 Golden Avenue Street Rehabilitation Project Contract Award

Staff Contact: Malik Tamimi, Management Analyst

Discussion:

The City advertised on its website and Ebidboard.com on March 28, 2017 and in The East County Californian on March 30, 2017 a notice inviting bids for the CDBG 2017 Golden Avenue Street Rehabilitation Project (Contract No. 2017-22) to provide pavement rehabilitation on Golden Avenue from Washington Street to Palm Street.

The aforementioned street segment was presented in the CDBG project application and approved at the November 17, 2015 City Council meeting and adopted by City Council Resolution No. 2015-3376. In addition to Golden Avenue, Adams Street from Washington to Golden Avenue and Americans with Disabilities Act (ADA) pedestrian ramps city-wide were also included in the project application referenced in Resolution No. 2015-3376; however, due to limited funding, both components were removed from the proposed scope of work.

The selection of Golden Avenue street rehabilitation project was based on the lowest Pavement Condition Index from the Pavement Management Program adopted by the City Council on June 30, 2010; eligible census areas provided by the County; field visits conducted by city staff; and block eligibility calculations performed by the County.

On April 25, 2017, the City received the following Ten (10) sealed bids:

Bidder's Name	Location	Amount
Blue Pacific Engineering & Construction	San Diego	\$275,710.00
Powell General Engineering	San Diego	\$152,716.50
Hazard Construction	San Diego	\$133,410.00
ATP General Engineering Contractors	San Diego	\$136,770.00
RAP Engineering Inc.	San Marcos	\$194,538.71
Ramona Paving & Construction Corp.	Ramona	\$130,870.00
SRM Contracting and Paving	San Diego	\$157,784.00
Kirk Paving Inc.	Lakeside	\$149,710.00
Miramar General Engineering	San Diego	\$157,300.00
Sealright Paving	Spring Valley	\$144,000.00
Average Bid Amount		\$163,280.92

Attachment A

This year's CDBG federal grant is comprised of a two year advance for fiscal year's 2016-17 and 2017-18 in the amount of \$179,476.00. The two year advance funding is necessary for the City to implement a substantive project. The Engineer's Estimate for the Golden Avenue Street Rehabilitation Project was \$165,435.00. The lowest bid for the Golden Avenue Street Rehabilitation Project was submitted by Ramona Paving & Construction Corp. in the amount of \$130,870.00.

Staff reviewed Ramona Paving & Construction Corp. project work history, references, and construction license. Its project work history and reference checks were positive. Ramona Paving & Construction Corp. has successfully performed similar work for various local governments. Ramona Paving & Construction Corp. construction license is current and in good standing with the State of California. Therefore, staff determined Ramona Paving & Construction Corp. is both a responsive and responsible bidder, and recommends the award of this contract.

Ninyo & Moore Geotechnical Consultants, the City's current on-call material testing consultant, will provide material testing services for this project at a cost not to exceed \$5,775.00.

Staff recommends the following estimated budget with a not to exceed overall budget of \$179,476.00. Unexpended funds will be rolled over to future eligible projects and programs.

Description	Amount
Construction Costs	\$130,870.00
Material Testing	\$5,775.00
Total	\$136,645.00

Conclusion:

Staff recommends that the City Council adopt a resolution (**Attachment B**) awarding the CDBG 2017 Golden Avenue Street Rehabilitation Project contract (Contract No. 2017-22) to Ramona Paving & Construction Corp. and establish a project budget not to exceed \$179,476.00.

Attachment B

RESOLUTION NO. 2017-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, AWARDING A CONTRACT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2017 GOLDEN AVENUE STREET REHABILITATION PROJECT

WHEREAS, the City of Lemon Grove's Capital Improvement Program includes CDBG funding as a source for Street Rehabilitation projects; and

WHEREAS, on November 17, 2015 the City Council of the City of Lemon Grove adopted Resolution Number 2015-3376, authorizing the submittal of the CDBG application for street rehabilitation and ADA pedestrian curb ramp projects that included in the application a street rehabilitation project for Golden Avenue from Washington Street to Palm Street; and

WHEREAS, bids were solicited and ten (10) sealed bids were received for the CDBG 2017 Golden Avenue Street Rehabilitation Project (Contract No. 2017-22); and

WHEREAS, bids were opened and read aloud and the lowest responsive and responsible bidder was Ramona Paving & Construction Corp.; and

WHEREAS, the City Council finds it in the public interest that a contract for said services be awarded; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby:

1. Awards a contract to Ramona Paving and Construction Corp. in the amount of \$130,870.00; and
2. Authorizes the City Manager to execute said contract; and
3. Authorizes the City Manager to execute Task Order No. 12 with Ninyo & Moore for material testing in an amount not to exceed \$5,775.00; and
4. Establishes a project budget not to exceed \$179,476.00.

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**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.E
Mtg. Date May 16, 2017
Dept. City Manager's Office

Item Title: Fiscal Year 2017-18 City Calendar

Staff Contact: Corinne Russell, Human Resource Manager

Recommendation:

Approve the Fiscal Year 2017-18 City Calendar (**Attachment A**).

Item Summary:

The Lemon Grove Personnel Policies Manual establishes the Holiday Schedule for employees and the method of compensating them for holidays that fall on weekends or scheduled days off. Per the Lemon Grove Personnel Policies Manual in Section 6.15

C. If one of the holidays listed above falls on a Saturday, or on a work day normally scheduled off, then floating holiday hours shall be credited as appropriate.

It has been past practice for several years to take the floating holidays credited on holidays that fall on a Friday or Saturday and apply them to the week after Christmas for a City-wide closure. Staff presents the proposed Fiscal Year 2017-18 City Calendar (**Attachment A**) for City Council approval.

The following holidays conflict with scheduled days off during Fiscal Year 2017-18:

- o Veteran's Day (falls on a Saturday)
- o Day after Thanksgiving (falls on a Friday)
- o ½ day for Christmas Eve and ½ day for New Years Eve (both fall on a Sunday).

The proposed calendar assigns the holidays that conflict with scheduled days off as follows:

- o November 11, 2017 (Veteran's Day) apply to Tuesday December 26, 2017.
- o November 25, 2017 (day after Thanksgiving) apply to Wednesday December 27, 2017.
- o ½ day for December 24, 2017 (Christmas Eve) and ½ day for December 31, 2017 (New Years Eve) towards Thursday December 28, 2017.

This proposed calendar would result in City Hall being closed between Monday December 25, 2017 and Thursday December 28, 2017. If approved, the FY 2017-18 City Calendar will be posted on the City's website and made available at City Hall.

Fiscal Impact:

None.

Environmental Review:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorical Exemption, Section | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Notice to property owners within 300 ft. |
|--|---|---|

Notice published in local newspaper

Neighborhood meeting

Attachments:

A. City of Lemon Grove Fiscal Year 2017-18 Calendar

Attachment A

City of Lemon Grove -- Fiscal Year 2017-18 Calendar

July-17						
S	M	T	W	T	F	S
						1
2	3	H	5	6	C	8
9	10	11	12	13	C	15
16	17	18	19	20	C	22
23	24	25	26	27	C	29
30	31					

August-17						
S	M	T	W	T	F	S
		1	2	3	C	5
6	7	8	9	10	C	12
13	14	15	16	17	C	19
20	21	22	23	24	C	26
27	28	29	30	31		

September-17						
S	M	T	W	T	F	S
					C	2
3	H	5	6	7	C	9
10	11	12	13	14	C	16
17	18	19	20	21	C	23
24	25	26	27	28	C	30

October-17						
S	M	T	W	T	F	S
1	2	3	4	5	C	7
8	9	10	11	12	C	14
15	16	17	18	19	C	21
22	23	24	25	26	C	28
29	30	31				

November-17						
S	M	T	W	T	F	S
			1	2	C	4
5	6	7	8	9	C	H
12	13	14	15	16	C	18
19	20	21	22	H	H	25
26	27	28	29	30		

December-17						
S	M	T	W	T	F	S
					C	2
3	4	5	6	7	C	9
10	11	12	13	14	C	16
17	18	19	20	21	C	23
1/2	H	26	27	28	C	30
1/2						

January-18						
S	M	T	W	T	F	S
	H	2	3	4	C	6
7	8	9	10	11	C	13
14	H	16	17	18	C	20
21	22	23	24	25	C	27
28	29	30	31			

February-18						
S	M	T	W	T	F	S
				1	C	3
4	5	6	7	8	C	10
11	12	13	14	15	C	17
18	H	20	21	22	C	24
25	26	27	28			

March-18						
S	M	T	W	T	F	S
				1	C	3
4	5	6	7	8	C	10
11	12	13	14	15	C	17
18	19	20	21	22	C	24
25	26	27	28	29	C	31

April-18						
S	M	T	W	T	F	S
1	2	3	4	5	C	7
8	9	10	11	12	C	14
15	16	17	18	19	C	21
22	23	24	25	26	C	28
29	30					

May-18						
S	M	T	W	T	F	S
		1	2	3	C	5
6	7	8	9	10	C	12
13	14	15	16	17	C	19
20	21	22	23	24	C	26
27	H	29	30	31		

June-18						
S	M	T	W	T	F	S
					C	2
3	4	5	6	7	C	9
10	11	12	13	14	C	16
17	18	19	20	21	C	23
24	25	26	27	28	C	30

C Closed
H Holiday

Need for floating holiday
Apply floating holidays

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.F
Mtg. Date May 16, 2017
Dept. Fire Department

Item Title: **Acceptance of FY 16-17 SHSGP Funds**

Staff Contact: Colin Stowell, Fire Chief

Recommendation:

Staff recommends that the City Council adopt a resolution accepting FY 2016-17 State Homeland Security Grant (SHSG) funds and authorize the City Manager to execute appropriate agreements and/or grant documents required to receive and use said funds in accordance with SHSP requirements.

Item Summary:

The City of Lemon Grove has been approved to receive \$19,887 from the State Homeland Security Program (SHSP) from FY 16 funds. SHSG funds play an important role in the implementation of Presidential Policy Directive-8 (PPD-8) by supporting the development and sustainment of core capabilities to fulfill the National Preparedness Goal (NPG). Additionally, SHSG supports the implementation of State Homeland Security Strategies to address the identified planning, organizational, equipment, training and exercise needs to prevent, protect against, mitigate, respond to and recover from acts of terrorism and other catastrophic events. The funds will be used to purchase replacement self-contained breathing apparatus' and related equipment. Modifications to the equipment purchase may be made by the department.

Fiscal Impact:

There is no direct fiscal impact to the City of Lemon Grove

Environmental Review:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorical Exemption, Section | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting | |

Attachments:

- A. Staff Report
- B. Resolution

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 1.F

Mtg. Date May 16, 2017

Item Title: Acceptance of FY16 – 17 SHSGP Funds

Staff Contact: Colin Stowell, Fire Chief

Discussion:

The City of Lemon Grove has been approved to receive \$19,887 from the State Homeland Security Program (SHSP) from FY 16 -17 funds. This amount was determined by the Unified Disaster Council's previously established and agreed upon allocation formula. FY 16 - 17 SHSP funding will be utilized by the fire department to purchase chemical, biological, radiological, nuclear, and energy (CBRNE) compliant self-contained breathing apparatus' (SCBA) to replace current models that have reached the manufacture recommended end of life. Additionally, SHSP funds will purchase SCBA bottles that are soon to be un-usable due to Occupational Health and Safety Administration (OSHA) regulations. SHSG funds play an important role in the implementation of Presidential Policy Directive -8 (PPD-8) by supporting the development and sustainment of core capabilities to fulfill the National Preparedness Goal (NPG). SHSG also supports the implementation of State Homeland Security Strategies to address the identified planning, organizational, equipment, training and exercise needs to prevent, protect against, mitigate, respond to and recover from acts of terrorism and other catastrophic events.

Conclusion:

Staff recommends that the City Council adopt the resolution (**Attachment B**) authorizing the City Manager to accept FY 16 - 17 State Homeland Security Grant funds in the amount of \$19,887 and to execute any required grant documents and/or agreements necessary for the receipt and use of said funds. Additionally, staff recommends that the City Council appropriate the SHSP funds in the amount of \$19,887 to the fire department to purchase replacement SCBAs and related equipment.

Attachment B

RESOLUTION NO. 2017-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA ACCEPTING FISCAL YEAR 2016 - 17 STATE HOMELAND SECURITY GRANT FUNDS

WHEREAS, the City of Lemon Grove is dedicated to providing high quality fire and EMS services to its citizens and maintaining the highest level of preparedness in order to respond to and mitigate acts of terrorism and other catastrophic events ; and

WHEREAS, the State Homeland Security Grant Program distribution formula allocates \$19,887 to the City of Lemon Grove be used to respond to and/or recover from acts of terrorism and other catastrophic events; and

WHEREAS, the allocated funds will be used to purchase vital equipment used by fire department personnel to safely respond to acts of terrorism and other catastrophic events;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California:

1. Accepts the Fiscal Year 2017 State Homeland Security Program funds.
2. Authorizes the City Manager to execute required grant documents and/or agreements necessary for the receipt and use of said funds.

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**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 2
Mtg. Date May 16, 2017
Dept. City Manager's

Item Title: Ordinance No. 445 Amending Park Regulations (Chapter 12.20 of the Lemon Grove Municipal Code)

Staff Contact: Miranda Evans, Management Analyst

Recommendation:

1) Introduce Ordinance No. 445 amending park regulations in Chapter 12.20 of the Lemon Grove Municipal Code (**Attachment C**).

Item Summary:

After receiving concerns from residents, the City's Park Ranger and law enforcement personnel regarding the safety of City parks, staff began researching changes in park regulations that will better protect the health and safety of residents and park visitors. This staff report provides a safety analysis of City parks, an overview of park regulations adopted by nearby jurisdictions, and staff's proposed recommendations for modifications to existing park regulations. Amendments include provisions related to hours of operation, the prohibition of alcohol possession and consumption and the prohibition of smoking marijuana and marijuana-related products.

The staff report (**Attachment A**) outlines the proposed changes in detail. ¹

Fiscal Impact:

There is a fiscal impact associated with the cost of purchasing new signage for all City parks.

Environmental Review:

- | | |
|--|---|
| <input type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input checked="" type="checkbox"/> Exempt, Sections 15308 and 15321 | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Tribal Government Consultation Request |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Notice to property owners within 500 ft. | |

Attachments:

- A. Staff Report
- B. Lemon Grove Public Parks Map
- C. Ordinance No. 445

Attachment A

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 2

Mtg. Date May 16, 2017

Item Title: **Ordinance No. 445 Amending Park Regulations (Chapter 12.20 of the Lemon Grove Municipal Code)**

Staff Contact: Miranda Evans, Management Analyst

Background:

The City of Lemon Grove is committed to providing residents with quality of life enhancements and maintaining safe, family-friendly parks for the enjoyment of residents and visitors. The City currently maintains eight public parks of varying size (**Attachment B**) including larger parks (e.g. Berry Street Park and Lemon Grove Park) and smaller parks (e.g. Firefighter's Skatepark and Veterans' Park). Parks provide diverse opportunities for physical activity and relaxation as well as a space for social gatherings and informal social interaction. Residents have expressed ongoing concern with park safety as it relates to lack of lighting and alcohol possession and consumption. In response to these safety concerns, City staff analyzed municipal park regulations as adopted in the following East County jurisdictions: the City of El Cajon, the City of La Mesa, the City of San Diego, the County of San Diego and the City of Santee. Based on this research, staff recommends amending the park regulations to include amendments to the hours of operation to allow for park usage from dawn to dusk year-round, the prohibition of the possession and consumption of alcohol and the prohibition of smoking marijuana and marijuana-related products in all parks. The results of this analysis are further explained in staff's report.

Discussion:

The following discussion provides a park safety analysis, overview of current park regulations, overview of regulations adopted by nearby jurisdictions, recommendations for modifications to existing park regulations and a proposed implementation and enforcement plan.

Safety

Park safety is critical to providing quality recreational opportunities for residents and park visitors. According to Sheriff's Department data, over the period from 2014-2016, calls for service (CFS) and deputy initiated actions (DIAs) have increased 33% at Lemon Grove Park (2271 Washington Street) which also hosts the most activity among City parks. Berry Street Park (7071 Mt. Vernon Street) received the second highest recorded amounts of CFS and DIAs. Dan Kunkle Park (8105 Lemon Grove Way) and Firefighter's Skatepark (3062 School Lane) experienced a lower recorded amount of CFS and DIAs than the larger parks. Generally, the highest CFS call groups are for suspicious activity, miscellaneous calls and disturbance calls. The miscellaneous call classification encompass a variety of calls that can include calls regarding abandoned vehicles, illegal camping, ordinance violations, unknown trouble, etc. Disturbance calls also have a variety of classifications including calls from disturbances created by an argument, party noises, fights and altercations, juvenile gatherings, etc. These top recurring call groups are indicative of the types of public nuisances caused by alcohol consumption and other underlying factors.

Residents have expressed concern over inadequate lighting in parks. Amending park hours to limit usage to dawn until dusk will eliminate the need for additional lighting infrastructure in parks. Additionally, enforcing park hours of dawn to dusk year-round will hopefully eliminate or significantly reduce the majority of calls that Sheriff's deputies respond to and will better allocate

Attachment A

their time and resources. In 2016, Sheriff's deputies engaged in an increased amount of CFS and DIAs between the hours of 6:00 p.m. and 12:00 a.m. In 2016, 50.69% of all CFS and DIAs at Lemon Grove Park occurred during that time frame. 46% of all CFS and DIAs occurred at Berry Street Park during this time frame, and Dan Kunkle Park experienced 34% of calls during that time frame.

During the summer of 2014, the Institute for Public Strategies (IPS) conducted an environmental assessment on six parks in Lemon Grove. Kunkle Park, Lemon Grove Park, Berry Street Park, Firefighter's Skatepark, Civic Center Park and the Main Street Promenade Park were assessed over a two-day period. Five surveyors conducted the site assessments in the early morning hours on a Sunday and Monday to obtain a more accurate picture of the residual effects of the previous day's events. The surveyors indicate that throughout the six parks, litter was observed in the forms of cigarette butts, cigarette cartons, alcohol cans, containers, alcoholic bottle caps and single serve/airline sized alcohol bottles were present whether littered on the site or were noticeable inside the park trashcans.

A repeat park assessment recently took place this spring. Overall, the findings presented in a new report from IPS were similar to the 2014 environmental assessment results. The East County Community Change Project conducted 21 environmental scans on the same six parks listed above. All assessments occurred between six a.m. and 10 a.m. on Saturday, April 8, 2017. Each park was assessed at least twice by different assessors. Generally, assessors observed litter in the form of food wrappers, alcohol bottles, empty beer cans, beer bottle tops, cigarettes and cigarette cartons. Evidence of marijuana use was discovered at Kunkle Park and Firefighter's Skatepark. The Main Street Promenade Park was noted as "...by far the dirtiest park..." and it was "...especially littered with cigarette butts and other trash." At the Main Street Promenade Park, at least five individuals were observed openly drinking beer that morning. A tent was also seen, assumed to be evidence of illegal overnight camping. It is notable that of the six parks that were assessed, Civic Center Park was in the best condition and was described in the report as "...clean and well-maintained."

City of Lemon Grove Current Regulations

Chapter 12.20 of the City's Municipal Code provides regulations for the operation of parks and facilities. Sections containing relevant information regarding hours of operation, alcohol consumption and smoking are outlined below.

LGMC 12.20.050 Park Hours of Operation

Park hours of operation are established under section 12.20.050. Hours are specified as 6:00 a.m. to 9:00 p.m. during the months of April through October and hours change to 7:00 a.m. to 7:00 p.m. during the months of November through March. These hours generally coincide with the changes in dawn and dusk attributed to Daylight Saving Time; however, the varying time frames can create confusion for park goers and present some difficulty with enforcement.

LGMC 12.20.080 Alcoholic Beverage Consumption and Possession:

The City currently has a partial ban on the consumption of alcohol in its public parks as outlined in LGMC 12.20.070 A and B. Under the provisions of those sections, glass containers and beer kegs are specifically disallowed in parks while cans and other non-glass containers of alcohol are permitted. LGMC 12.20.080 B limits the consumption of alcohol to be within the park itself and as such, drinking is currently prohibited in park restrooms, playgrounds, parking lots and the public streets adjoining the park.

Attachment A

LGMC 12.20.355 Smoking in Public Parks:

This section prohibits the smoking of tobacco and tobacco-related products, including electronic smoking devices. The smoking of marijuana and marijuana-related products is currently not prohibited within this section.

Regulations from Nearby Jurisdictions

Regulations of nearby East County jurisdictions address many safety concerns related to providing safe and family-friendly parks for the public. A summary of the regulations enforced by the City of El Cajon, the City of La Mesa, the City of San Diego, the County of San Diego and the City of Santee are included below.

The City of El Cajon

The majority of the City of El Cajon's 14 parks are open daily from 7:30 a.m. – 10:30 p.m.; however, hours of operation at Kennedy Skatepark vary seasonally according to the El Cajon Municipal Code. Smoking and alcoholic beverages are prohibited in parks within El Cajon.

The City of La Mesa

The City of La Mesa boasts a total of 15 parks that are open to the public daily from 6:00 a.m. to 10:00 p.m. with the exception of one park that opens at 7:00 a.m. and closes one hour after dusk. Alcoholic beverages are not allowed in parks without a special one-day permit. A minimum of two-weeks is needed to obtain the permit and the associated cost is \$155.00.

The City of San Diego

The City of San Diego oversees more than 400 parks. Approximately 26 City of San Diego parks surround Lemon Grove southwest of city limits. To consume alcohol in a City of San Diego park, a modified Special Event Permit must be obtained at a cost of \$150. The City of San Diego has 5 skate parks and all are open from 10 a.m. to dusk every day. Smoking and alcohol are generally prohibited in parks; however, regulations vary from park to park.

The County of San Diego

The County of San Diego has over two dozen parks in San Diego County. Five parks and two parks and recreation facilities surround Lemon Grove generally located east of SR-125. The five parks are open from sunrise to sunset daily. The recreation facilities, The Spring Valley Gymnasium and the Spring Valley Community Center, both have limited hours Monday through Friday and are both closed on weekends. Generally, alcoholic beverages are permitted in County parks providing the alcohol content does not exceed 20%; however, the five parks east of Lemon Grove are all listed as alcohol-free parks.

The City of Santee

The City of Santee has eight public parks, six of which are open daily from dawn to dusk year-round. The remaining two parks are open from dawn to 10:00 p.m. Beer and wine are permitted in parks; however, alcohol is not permitted at two of the eight parks Monday through Friday without a City-issued special permit. Glass containers and keg beer are not permitted in parks.

Recommended Amendments

Staff recommends that the City Council adopts an ordinance amending Chapter 12.20 Parks and Facilities as follows:

- 1) For purposes of eliminating confusion, allowing for ease of enforcement and the protection of the public health, safety and welfare, staff proposes to amend the park hours of operation as stated in LGMC 12.20.050 such that parks are open daily from dawn to dusk;

Attachment A

- 2) Amend LGMC Section 12.20.070 to prohibit the possession and consumption of all alcoholic beverages. Currently under this section only glass containers and beer kegs are prohibited; and
- 3) Amend LGMC Section 12.20.355 to also prohibit the smoking of marijuana and marijuana-related products at any time within the boundaries of all City parks and designated parking areas.

These proposed amendments maintain consistent policies throughout all City parks which should prove beneficial for implementation and enforcement purposes. An exception to these regulations can be granted for City sponsored events.

General Plan Considerations

The proposed amendments are consistent with the City's General Plan. Specifically:

- Safety Element Objective 5.0: A community where all residents feel secure and are not fearful of criminal activity; and
- Conservation and Recreation Element Objective 9.0: Parks and recreational facilities that are well maintained, safe and accessible to all residents.

Health and Wellness Considerations

The proposed amendments are also consistent with the goals of the City's Health and Wellness Element. Specifically:

- Goal 1, Objective 1.1: Safe and comfortable public spaces that foster physical and social connections; and
- Goal 2, Policy 2: Continue to maintain landscape and building facades, remove graffiti, and clean up debris, trash and weeds on City property.

Implementation and Enforcement

Should the City Council choose to adopt the new ordinance, staff has prepared an implementation program to begin the transition towards enforcing the new regulations in parks. The implementation plan will be comprised of four key components:

1. Signage: Signage citing the new park rules and consequences for violation will need to be installed at the entrance of every City park. Staff is researching an improved model for park signage to provide bilingual signs, minimize the number of signs present to eliminate confusion, improve clarity in the sign's message and present a unified appearance and theme City-wide.
2. Marketing: Residents and park visitors will be informed of the ordinance amendments through marketing. The new regulations will be shared on the City's website and social media channels. The annual summer concerts begin June 29th and movies in the park will begin July 14th. The new park regulations will be advertised on the event flyers and the new park signage will be posted in parks in preparation for the busy summer season.
3. Enforcement: Enforcement is a critical component of the implementation of these new regulations and the existing regulations that are already established yet are still being violated. Recently, the City's part-time Park Ranger was equipped with the ability to issue administrative citations. In addition, sheriff's deputies will continue to enforce violations. Under 12.20.370 of the LGMC, any person who knowingly or willingly violates the regulations is guilty of a misdemeanor or infraction as determined by the City Attorney.

Attachment A

4. Programming: Park programming is an important tool for creating successful parks with a safe and family-friendly atmosphere. The City, City partners and community groups should continue to pursue opportunities to activate parks to provide free, family-friendly events that prioritize the health and wellness of children and families in Lemon Grove.

Public Information:

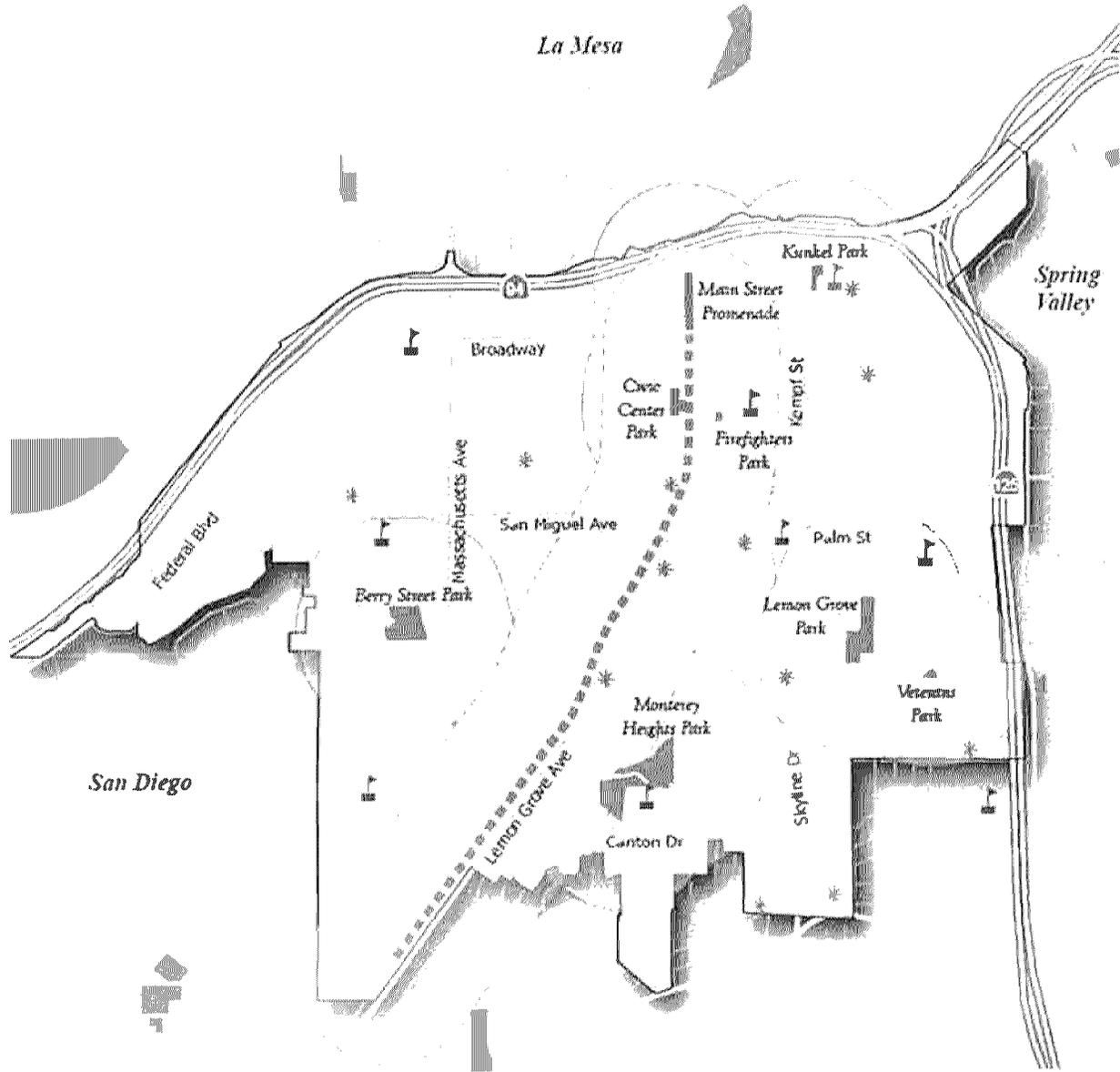
The proposed amendments are found to be exempt from the California Environmental Quality Act referencing Sections 15308 (actions by regulatory agencies for protection of the environment) and 15321 (enforcement actions by regulatory agencies).

Conclusion:

Staff recommends that the City Council: Introduce Ordinance No. 445 amending park regulations in Chapter 12.20 of the Lemon Grove Municipal Code.

Attachment B

Lemon Grove Public Parks Map



-  City Parks
-  Quarter-Mile Buffer of all City Parks
-  Quarter-Mile Buffer of Main Street Promenade Extension
-  Religious Facilities
-  School Facilities
-  Proposed Main Street Promenade Extension

Attachment C

ORDINANCE NO. 445

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA AMENDING CHAPTER 12.20 OF THE LEMON GROVE MUNICIPAL CODE TO PROVIDE MODIFICATIONS TO PARK REGULATIONS

WHEREAS, Lemon Grove residents, City staff and law enforcement personnel have become increasingly concerned regarding the safety of City parks; and

WHEREAS, staff analyzed alcohol consumption and park regulations adopted by nearby East County jurisdictions; and

WHEREAS, the City of Lemon Grove maintains eight public parks and the proposed ordinance amendments are applicable to all eight parks; and

WHEREAS, it is in the interest of the health, welfare and safety of the people of the City of Lemon Grove to prohibit the possession and consumption of alcohol in City parks, the smoking of marijuana and marijuana-related products and to prevent park usage after dark thereby limiting the park hours of park operation from dawn to dusk; and

WHEREAS, these proposed amendments are beneficial for the City by supporting family-friendly opportunities for recreation and are similar to those of neighboring jurisdictions; and

WHEREAS, the proposed amendments are found to be categorically exempt from the environmental review requirements of the California Environmental Quality Act (Sections 15308 and 15321); and

WHEREAS, the proposed amendments are consistent with the General Plan, in accordance with Government Code Section 65860, as amended.

NOW, THEREFORE, amendments to Chapter 12.20, PARKS AND FACILITIES, establishing revised park regulations, are hereby added to the City of Lemon Grove Municipal Code to read as shown in Exhibit A.

INTRODUCED by the City Council on May 16, 2017.

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Attachment C

EXHIBIT A

TEXT OF PROPOSED REGULATIONS

NOTE:

- Text proposed to be added is displayed in underlined type.
- Text proposed to be deleted is displayed in strikeout type.

In the City of Lemon Grove Municipal Code to amend Parks and Facilities Regulations, Chapter 12.20, to read as follows:

Chapter 12.20 Parks and Facilities [Excerpts only]

Section 12.20.050 Hours of operation.

- A. It is unlawful to remain upon the grounds of any city park, or any part thereof, except ~~between the hours of six a.m. to nine p.m. during the months of April through October, and during the hours of seven a.m. to seven p.m. during the months of November through March~~ the hours of dawn to dusk. The director is authorized to alter the park closing hours stated herein above when determined necessary to protect public health, safety, or welfare. Any change in park hours shall be posted at each affected park site. Any alteration in park hours shall be made on a content-neutral basis and shall be solely based on threats to the health, safety and welfare of park users. If an alteration in park hours is claimed to potentially impact the expressive rights of any park user, said affected individual may seek immediate judicial review of the change in park hours pursuant to California Code of Civil Procedure Section 1094.8.

Section 12.20.070 ~~Glass containers and beer kegs~~ Consumption of alcohol.

- A. ~~Except where expressly permitted under the terms of a lease, operating agreement or permit issued by the director, it~~ It is unlawful to possess and consume all glass container alcoholic beverages within any city park, recreation facility or recreation area.
- B. ~~It is unlawful to possess a beer keg or any similar single container capable of containing or containing more than one gallon of beer classified as an alcoholic beverage within any city park, recreation facility, or recreation area. (Ord. 329, 2004)~~

Section 12.20.355 Smoking in public parks.

It is unlawful to possess a lighted or burning tobacco product or tobacco-related product, marijuana or a marijuana-related product, or use an electronic smoking device, as defined in Lemon Grove Municipal Code Chapter 8 24, at any time within the boundaries of any park, including designated parking areas of any city park. (Ord. 430 § 3, 2015; Ord. 383 § 1, 2009)

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 3
Mtg. Date May 16, 2017
Dept. Development Services Department

Item Title: Public Hearing to Consider Appeal No. AA1-700-0001 Regarding the Denial of Zoning Clearance No. ZC1-700-0006; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 7309 Broadway in the General Commercial Zone.

Staff Contact: David De Vries, Development Services Director
Eric Craig, Associate Planner

Recommendation:

1. Conduct the public hearing; and
2. Adopt a Resolution (**Attachment B**) upholding the Development Services Director's determination to deny ZC1-700-0006, a request to apply for a conditional use permit to establish a medical marijuana dispensary at 7309 Broadway in the General Commercial Zone.

Item Summary:

On April 3, 2017, the Development Services Director (Director) denied Zoning Clearance Application No. ZC1-700-0006, a request to establish a medical marijuana dispensary (MMD) at 7309 Broadway. The application was denied because the proposed MMD would be at a property located within 1,000 feet of a State-licensed family daycare home. The City of Lemon Grove obtained a confidential list of family daycare homes from the Department of Social Services, subject to the provision that the list be kept confidential. The appellant, Mr. Marty Frank, subsequently filed an appeal and request for public hearing, stating that the City has not proven there are any licensed day care facilities within 1,000 feet of the subject property. A discussion of the City provisions and DSS confidentiality requirements related to family daycare homes is provided herein (**Attachment A**).

Fiscal Impact:

None.

Environmental Review:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Exempt, Section 15301 | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|---|---|--|
| <input type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Tribal Government Consultation Request |
| <input checked="" type="checkbox"/> Notice published in local newspaper | | <input checked="" type="checkbox"/> Notice to property owners within 500 ft. |

Attachments:

- A. Staff Report
- B. Resolution of Denial
- C. Lemon Grove Municipal Code Section 17.32.090
- D. Excerpt from DSS Frequently Asked Questions publication
- E. Information Request Letter from City to DSS, dated February 9, 2017
- F. Response Letter from DSS to City February 21, 2017
- G. City of Lemon Grove Medical Marijuana Zoning Map
- H. ZC1-700-0006 Application Form
- I. Staff denial letter for ZC1-700-0006
- J. AA1-700-0001 Appeal Form
- K. Staff acknowledgment letter for AA1-700-0001
- L. Daycare address disclosure letter, dated May 3, 2017
- M. Project Aerial and Vicinity Map

Attachment A

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 3

Mtg. Date May 16, 2017

Item Title: **Public Hearing to Consider Appeal No. AA1-700-0001 Regarding the Denial of Zoning Clearance No. ZC1-700-0006; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 7309 Broadway in the General Commercial Zone.**

Staff Contact: David De Vries, Development Services Director
Eric Craig, Associate Planner

Background:

In November 2016 voters in the City of Lemon Grove passed Measure V, an initiative removing the City's prohibition of medical marijuana dispensaries (MMDs) and establishing performance standards and a permit process by which MMDs may be established. Measure V was subsequently codified in Chapter 17.32 of the Lemon Grove Municipal Code. The permit process for MMDs requires approval of a conditional use permit (CUP), and the performance standards prohibit MMDs on properties within 1,000 feet of certain protected uses, one of which is licensed daycare. See Lemon Grove Municipal Code Section 17.32.090 (**Attachment C**).

In order to discover and map the location of protected uses, staff relied upon on a variety of resources including the Website for the California Department of Social Services (DSS), which is the licensing agency for daycare throughout the State. As part of this research, staff discovered that DSS does not disclose the addresses of licensed family daycare homes to the general public. Such uses are conducted in private residential settings where there is an expectation of privacy and where the dissemination of such information is restricted by law. This policy is explained in the DSS Frequently Asked Questions publication (**Attachment D**). Based on a request from the City, DSS staff supplied a list of family daycare homes and their address to the staff at the City of Lemon Grove, provided that City staff would not disclose the list to the general public (**Attachments E and F**).

In order to honor the DSS provisions to protect the location of family daycare homes, while still providing the public with a map to identify potential locations for MMDs, City staff created several draft maps with 1,000 foot buffers around the parcels where protected uses are located, then made those buffers opaque to obscure the underlying parcel geography (**Attachment G**). These map iterations were based on known protected uses at the time of map creation. On March 7, 2017, staff presented a report to Council describing the recommended draft review procedures and draft conditions of approval for requests to establish MMDs. Staff also presented the newly created draft Medical Marijuana Zoning Map. The review procedures include using the Zoning Clearance (ZC) process as the initial step in screening and reviewing of MMD applications. Complete ZC applications for sites which meet the zoning criteria and distance restrictions described in LGMC Chapter 17.32 and which include all required application materials will be deemed complete, and the applicants may then submit an application for CUP approval by the City Council. ZC applications for sites that do not meet such specified criteria are denied by staff. Staff's decision to deny any application is subject to appeal to the City Council, pursuant to LGMC Section 17.28.020(I).

On March 21, 2017, the appellant filed ZC1-700-0006, an application to apply for a conditional use permit to establish a MMD at the subject property (**Attachment H**). Prior to accepting the application, staff checked the location of the project site on the Medical Marijuana Zoning Map.

Attachment A

Staff then informed the appellant that the proposed project site was within 1,000 feet of a protected use, and therefore staff would have no option but to deny the ZC application. The appellant chose to file the ZC application despite staff's advice. On April 3, 2017, the Development Services Director denied ZC1-700-0006 because the proposed project site is located within 1,000 feet of a licensed family daycare home (**Attachment I**). On April 5, 2017, the appellant filed an administrative appeal of the Director's decision. The appeal states that the City has not proven there are any licensed day care facilities within 1,000 feet of the subject property. Further details are provided herein (**Attachment J**).

On April 13, 2017, staff sent a letter to the appellant acknowledging receipt of the appeal, informing him of the appeal hearing date, and advising him to submit any additional information he wished to provide prior to the hearing (**Attachment K**). Staff has received no responses as of May 10, 2017.

On May 3, 2017, staff contacted both of the family daycare home operators and asked for permission to disclose their locations to the appellant. One of the daycare operators, Kristina Pintor, informed staff that she had been contacted by three different groups with requests to relocate her daycare operation in order to facilitate the establishment of a dispensary. She stated that one of the groups included the owner of the property at 7309 Broadway.

On May 3, 2017, out of an abundance of caution and in order to provide a full and open opportunity for the appellant to understand the reason staff denied the zoning clearance permit, and to allow the appellant to respond accordingly, staff sent a letter to the appellant (**Attachment L**) disclosing the physical street addresses of the licensed family daycare homes located within 1,000 feet of the proposed dispensary at 7309 Broadway.

It is worth noting that the subject property and the owner of the subject property have been subject to Code Enforcement actions since April of 2015 relating to the conduct of an unlicensed medical marijuana dispensary. During the conduct of the unlicensed dispensary, the City issued daily citations and \$1,000 fines which eventually totaled over \$246,000 including late payment penalties and interest. The majority of these fines are still outstanding. Moreover, these Code Enforcement efforts have required the involvement of the City Attorney's Office. The property was released from active code enforcement on March 10, 2017 when the MMD ceased operation and vacated the premises.

Discussion:

The purpose of this appeal is to determine whether a MMD is allowed to proceed with a conditional use permit application based on a determination that the subject property is within 1,000 feet of a protected use, in this instance a licensed daycare facility. Staff contends that it has received appropriate evidence and made appropriate measurements to justify that there is a licensed daycare facility within 1,000 feet of the subject property. The appellant contends that insufficient evidence has been provided.

As stated above, Staff contacted the State to get information about the location of each licensed family daycare home. Under the Public Records Act ("PRA"), the City is bound to protect information forwarded under these conditions. The relevant PRA section states as follows:

Government Code Section 6254.5. [Excerpts only]

Notwithstanding any other law, if a state or local agency discloses a public record that is otherwise exempt from this chapter, to a member of the public, this disclosure shall constitute a waiver of the exemptions specified in Section 6254 or 6254.7, or other similar provisions of law. For purposes of this section, "agency" includes a

Attachment A

member, agent, officer, or employee of the agency acting within the scope of his or her membership, agency, office, or employment. ...

This section, however, shall not apply to disclosures: ...

(e) Made to a governmental agency that agrees to treat the disclosed material as confidential. **Only persons authorized in writing by the person in charge of the agency shall be permitted to obtain the information. Any information obtained by the agency shall only be used for purposes that are consistent with existing law.**

Normally, once a confidential record is disclosed, the disclosure constitutes a waiver of the privilege to keep the record confidential. However, there is a specific exemption when confidential records are shared between agencies. The City is bound by the State's confidentiality request. The State of California only agreed to share its list of licensed family daycare homes, on the condition that the City keep the list confidential. The City does not have the right to turn over the licensed daycare list to any person, however, individual daycare operations may be disclosed out of an abundance of caution and in order to provide a full and open opportunity for the appellant to understand the reason staff denied the zoning clearance permit, and to allow the appellant to respond accordingly.

Notwithstanding the confidentiality of the information shared with the City by DSS, applicants may have options in locating family daycare homes including: 1) canvassing their proposed location for other businesses which may prohibit their siting; 2) conducting internet research regarding daycare facilities that advertise on the internet; and 3) phoning DSS regarding daycare facilities in their community. :

Public Information:

The Notice of Public Hearing for this item was published in the May 4, 2017 edition of the East County Californian and mailed to all property owners within 500 feet of the subject property.

As of May 10, 2017, the City has received no responses to the Notice of Public Hearing. At the time of the public hearing, staff will provide the City Council with any additional written comments that may be received after the distribution of the staff report.

Conclusion:

Staff recommends that the City Council conduct a public hearing and adopt a Resolution (**Attachment B**) upholding the Development Services Director determination to deny ZC1-700-0006, and denying a request to apply for a conditional use permit to establish a medical marijuana dispensary at 7309 Broadway.

Attachment B

RESOLUTION NO. .

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE UPHOLDING THE DECISION OF THE DEVELOPMENT SERVICES DIRECTOR DENYING THE REQUEST TO APPLY FOR A CONDITIONAL USE PERMIT TO ESTABLISH A MEDICAL MARIJUANA DISPENSARY AT 7309 BROADWAY, LEMON GROVE, CALIFORNIA .

WHEREAS, on November 8, 2016, voters in the City of Lemon Grove passed Measure V, an initiative removing the City's prohibition of medical marijuana dispensaries and establishing performance standards and a permit process by which medical marijuana dispensaries may be established; and

WHEREAS, Measure V includes the adoption of Lemon Grove Municipal Code Chapter 17.32 which prohibits the establishment of medical marijuana dispensaries within 1,000 feet of certain protected uses, including licensed daycare facilities; and

WHEREAS, City staff requested and obtained a confidential list of licensed family daycare homes from the California Department of Social Services; and

WHEREAS, in order to obtain the confidential list of family daycare homes, City of Lemon Grove staff agreed to keep the information confidential; and

WHEREAS, on March 13, 2017, the City received a confidential list from the California Department of Social Services noting at least one such property is within 1,000 feet of 7309 Broadway; and

WHEREAS, on March 21, 2017, after being informed verbally by staff that the subject property was within 1,000 feet of a protected use and that submittal of a zoning clearance application would result in a denial, the appellant (Marty Frank) filed ZC1-700-0006, an application to apply for a conditional use permit to establish a MMD at 7309 Broadway, Lemon Grove, CA; and

WHEREAS, on April 3, 2017, the Development Services Director denied ZC1-700-0006 because the proposed project site is located within 1,000 feet of a licensed family daycare home; and

WHEREAS, on April 5, 2017, the appellant filed an administrative appeal of the Director's decision (AA1-700-0001), stating in part that the City has not proven there are any licensed day care facilities within 1,000 feet of the subject property; and

WHEREAS, Government Code Section 6254.5(e) specifically exempts government agencies from the requirement to disclose confidential information that was shared between agencies under an agreement to maintain the confidentiality of said information; and

WHEREAS, City staff disclosed the addresses of the daycare facilities in question on May 3, 2017 as evidenced by the letter attached to the heading packet as Attachment "L"; and

WHEREAS, the appellant has failed to show that their facility is greater than 1,000 feet from a California-licensed daycare facility; and

WHEREAS, on May 16, 2017, the Lemon Grove City Council held a duly noticed public hearing to consider AA1-700-0001, an appeal of the Development Services Director's determination to deny ZC1-700-0006; and

Attachment B

WHEREAS, the appeal of this determination is not a project and is not subject to the environmental review requirements of the California Environmental Quality Act (CEQA); and :

NOW, THEREFORE, INCORPORATING THE ABOVE STATEMENTS HEREIN, BE IT RESOLVED that the City Council of the City of Lemon Grove hereby:

1. Denies Marty Frank's Administrative Appeal No. AA1-700-0001 based on the above-findings; and
2. Upholds the Development Services Director's April 3, 2017 determination to deny Zoning Clearance No. ZC1-700-0006, a request to apply for a conditional use permit to operate a medical marijuana dispensary, at 7309 Broadway, Lemon Grove, CA.

/////
/////

Attachment C

17.32.090. Medical marijuana Dispensary Regulations

A. Zones:

Dispensaries may be established by Conditional Use Permit in the Heavy Commercial (HC), Limited Commercial (LC), General Commercial (GC) and Light Industrial (LI) Zones and subject to the distance requirements. *Dispensaries* are prohibited in Mixed-Use Zones (Downtown Village Specific Plan and Central Commercial) and all residential zones (RLM, RL, RM, RMH).

B. Distance Requirements

An application may be submitted provided the proposed facility meets the required distance measurements. For purposes of measurements, all *Dispensaries* are considered *Regulated uses* and public parks as defined at Section 12.20.030 of Lemon Grove Municipal Code, playgrounds as defined at Section 18.28.020, subdivision (v), of the Lemon Grove Municipal Code, licensed day care facilities as defined at Section 17.08.030 of Lemon Grove Municipal Code, schools as defined at California Health and Safety Code section 11362.768, subdivision (h), and alcohol and substance abuse treatment centers are considered *Protected Uses*. Measurement is made between the closest property lines of the *Premises* in which the *Regulated uses* and *Protected Uses* are located. A regulated use must not be:

1. Within 1000 feet of any other regulated use which is located either inside or outside the jurisdiction of the City,
2. Within 1000 feet from any protected use which is located either inside or outside the jurisdiction of the City.

The measurement of distance between uses will take into account natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access.

C. Standards

1. **Background Check Required for *Directors* and Employees.** The *Director* and employees of a *Dispensary* must obtain a Live Scan background check through the California Department of Justice or the San Diego County Sheriff's Department prior to employment. *Directors* convicted of a serious felony, as defined in California Penal Code section 1192.7, subdivision (c), and Health & Safety Code Section 11359 (Possession for sale) within the previous ten years shall not be eligible for a license. Other potential collective employees and volunteers convicted of the crimes identified in this section in the previous five years are ineligible for employment or participation. If during employment with the *Dispensary*, a *Director* or employee is convicted of a crime identified in this section shall be immediately dismissed from employment or required to resign as a corporate board member or officer. For purposes of this section, a conviction in another state that would have been a conviction equivalent under California law to those convictions specified in this section will disqualify the person from employment or volunteering at the *Dispensary*.
2. **Security Personnel Required.** *Dispensaries* shall have at least one uniformed security guard on duty during operating hours that possess a valid Department of Consumer Affairs "Security Guard Card."
3. **Community Relations Liaison Required.** *Dispensaries* shall designate a community relations liaison (liaison) who shall be at least 18 years of age. The liaison may also be the *Director* of the *Dispensary*. To address community complaints or operational problems with the *Dispensaries*, the individual designated as the community relations liaison shall provide his or her name, phone number and email address to the following:

Attachment C

- a. Lemon Grove City Manager,
 - b. San Diego County Sheriff's Department personnel supervising law enforcement activity in Lemon Grove
 - c. All neighbors within one hundred feet of the *Dispensary*.
4. **Inspection of Premises.** City Code Enforcement Officers, San Diego Sheriff's Department staff, and any other employee of the City requesting admission for the purpose of determining compliance with the standards set forth in this section shall be given access to the premise. City and Sheriff Staff shall not retain information pertaining to individual patient records viewed during an inspection, and information related to individual patients shall not be made public. Inspectors will give reasonable notice of a scheduled inspection. Unannounced inspections of a *Dispensary* may occur if City or Sheriff Department staff have probable cause that the collective is violating the law.
5. **Inspection Requirements.** In order to facilitate verification that a *Dispensary* operates pursuant to State and local laws, the following records must be maintained at the *Premises* at all times and available for inspection by City Code Enforcement Officers, San Diego Sheriff's Department staff, and any other employee of the City:
- a. Client Records - The *Dispensary* shall keep a record of its clients. The record shall include the following and shall be maintained for a two-year period:
 - i. *Qualified patient* member's name, name of *primary caregiver* when appropriate, and name of *Licensed Physician* recommending use of *medical marijuana* for the member.
 - b. *Medical Marijuana* Records - *Dispensary* shall keep a record of its *medical marijuana* transactions. The following records shall be maintained for a two-year period and labeling shall occur as specified:
 - i. A record identifying the source or sources of all *Medical marijuana* currently on the *Premises* or that has been on the *Premises* during the two-year period preceding the current date. The record shall include the name of the cultivator or manufacturer and the address of the cultivation or manufacturing location.
 - ii. All *Medical marijuana* at the *Premises* must at all times be physically labeled with information that will allow for identification of the source of the *Medical marijuana*.
 - iii. All *Medical marijuana* at the *Premises* shall be physically labeled with the monetary amount to be charged.
 - c. Financial Records - *Dispensary* shall maintain records of all transactions involving money and/or *Medical marijuana* occurring at the *Premises*. Records shall be maintained for a two-year period preceding the current date.
 - d. Employee Records - *Dispensary* shall maintain a record of each employee/volunteer and *Director*. The record shall include name and background check verification. Records shall be maintained for a two- year period following the end of an employee's employment or *Director's* relationship with the *Dispensary*.
6. **Operations Manual.** The application for a Conditional Use Permit shall include a detailed *Operations Manual* including but not necessarily limited to the following information:
- a. Authorization for the City, its agents and employees, to seek verification of the information contained within the application;
 - b. A description of the staff screening process including appropriate background checks;

Attachment C

- c. The hours and days of the week the *Dispensary* will be open;
 - d. Text and graphic materials showing the site, floor plan and facilities of the *Dispensary*. The material shall also show adjacent structures and land use;
 - e. A description of the security measures located on the *Premises*, including but not limited to, lighting, alarms, and automatic law enforcement notification;
 - f. A description of the screening, registration and validation process for *qualified patients*;
 - g. A description of *qualified patient* records acquisition and retention procedures;
 - h. The process for tracking *Medical marijuana* quantities and inventory controls employed, including the source of *Medical marijuana* (on-site cultivation, processing, or plant material, or processed products, received from outside sources);
 - i. Procedures to ensure accurate record keeping, including protocols to ensure that quantities purchased do not suggest re-distribution;
 - j. Other information required by the Development Services Director.
7. **Operating Standards.** *Dispensaries* shall comply with all of the following operating standards. In addition to these standards, the *Dispensaries* shall comply at all times with conditions outlined in the approved Conditional Use Permit and the Operational Manual.
- a. Dispensing *Medical marijuana* to an individual *qualified patient* or *primary caregiver* more than once a day is prohibited;
 - b. *Dispensaries* shall only dispense *Medical marijuana* to an individual *qualified patient* or *primary caregiver* who has a valid, verified *Licensed Physician's* recommendation, and if appropriate, a valid *Primary caregiver* designation. The *Dispensary* shall verify that the *Licensed Physician's* recommendation is current and valid;
 - c. On-site evaluation by a *Licensed Physician* for the purposes of obtaining a *qualified* status is prohibited;
 - d. *Dispensaries* shall display the client rules and/or regulations in a conspicuous place that is readily seen by all persons entering the *Dispensary*. The client rules and/or regulations shall include, but are not limited to:
 - i. Each building entrance to a *Dispensary* shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming *Medical marijuana* on the *Premises* or in the vicinity of the *Dispensary* is prohibited unless specifically authorized within the governing Conditional Use Permit.
 - ii. The building entrance to a *Dispensary* shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen (18) are precluded from entering the *Premises*.
 - iii. The hours of operation for an authorized *Dispensary* shall be limited to between 8:00 a.m. to 8:00 p.m. or as specified within the Conditional Use Permit.
 - iv. *Dispensaries* shall not permit the use or consumption of *medical marijuana* on-site unless specifically authorized under the Conditional Use Permit.
 - v. *Dispensaries* shall not permit the on-site display of unprocessed marijuana plants or representations of marijuana plants in any areas visible to the public;
 - vi. All signage for *Dispensaries* shall require a sign permit from the City prior to installation. Signage shall not include any terminology (including slang) or symbols

Attachment C

for marijuana.

- vii. *Dispensaries* shall only permit the distribution of *medical marijuana* plant material and *medical marijuana* manufactured products from licensed sources as allowed by the approved Conditional Use Permit. Such distribution shall be limited to *qualified patients or primary caregiver*;
 - e. *Dispensaries* shall maintain on the *Premises* an on-site training curriculum capable of meeting employee, agents and volunteer training needs. The minimum training curriculum shall include professional conduct, ethics, and state and federal laws regarding patient confidentiality; specific procedural instructions for responding to an emergency, including robbery or violent incident.
 - f. *Dispensaries* shall maintain all necessary permits, and pay all appropriate taxes. *Dispensaries* shall also provide invoices to cultivators and manufacturers to ensure tax liability responsibility;
 - g. *Dispensaries* shall implement procedures as outlined in their approved *Operations Manual*;
 - h. *Dispensaries* shall submit an "Annual Performance Review Report" for review and approval by the Development Services Director. The "Annual Performance Review Report" is intended to identify effectiveness of the approved Conditional Use Permit, *Operations Manual*, and Conditions of Approval, as well as any proposed modification to procedures as deemed necessary. The Development Services Director may review and approve amendments to the approved "*Operations Manual*"; and the frequency of the "Annual Performance Review Report." *Medical marijuana* cultivation and dispensing monitoring review fees pursuant to the current Master Fee Schedule shall accompany the "Annual Performance Review Report" for costs associated with the review and approval of the report.
 - i. *Dispensaries* shall maintain 24-hour recorded video surveillance of the *Premises*. Recordings shall be retained for 30-days for inspection by City staff. City staff must provide valid cause for viewing video surveillance. City staff must ensure that patient privacy is safeguarded. Video surveillance will not be shared with law enforcement except when formally requested as part of a law enforcement investigation directly involving the *Dispensary*.
 - j. Sales of alcoholic beverages are prohibited.
 - k. Sales of tobacco and tobacco products are prohibited.
 - l. Sales of drug paraphernalia are prohibited.
 - m. The location of the *Dispensary* shall include the installation of a centrally monitored alarm system
 - n. Lighting shall be installed to adequately light the exterior and interior of the *Dispensary Premises* while in conformance with 17.24.080£.2.
8. **Source of Medical Marijuana.** A *Dispensary* shall only dispense marijuana from the following sources and this information shall be included in the *Operations Manual*:
- a. On-site Cultivation for Authorized *dispensary*. If the Conditional Use Permit authorizes limited, on-site *Medical marijuana* cultivation at the *dispensary*, on-site cultivation shall be considered an accessory use and shall not exceed twenty-five (25) percent of the *dispensaries'* total floor area and in no case exceed 1,500 square feet. In addition to these area limitations, the accessory use shall conform to the specific zone regulations, Section

Attachment C

17.24.060 Accessory Buildings and Uses, Section 17.32.100 of this Title, and applicable Building and Fire Codes. The *Operations Manual* shall include information regarding the on-site cultivation including, but not limited to:

- i. Description of measures taken to minimize or offset energy use from the cultivation or processing of *medical marijuana* on-site; and
- ii. Description of chemicals stored or used; and
- iii. Description of any effluent discharged into the City's wastewater and/or stormwater system;

Licensed External Source. Until one year following the date when the California State Bureau of Medical Marijuana Regulation begins accepting applications for licenses, or sooner, if such a deadline is set by the Bureau, *Dispensaries* shall source their *medical marijuana* from cultivators and manufacturers that have obtained a local business license or equivalent document showing that the organization is operating in zoning and regulatory compliance from another jurisdiction for the *Medical marijuana* cultivation or manufacturing. One year from the date that the California State Bureau of Medical Marijuana Regulation begins accepting applications for licenses, or sooner, if such a deadline is set by the Bureau, all sources of *medical marijuana* or *medical marijuana* products sold in a *dispensary* must also have a state license for their *medical marijuana* activities.



Frequently Asked Questions

Where can I find the facility definitions?

See the Glossary link at the top.

Where can I find out more about how facilities are regulated in California?

Please visit the Community Care Licensing (<http://www.cclid.ca.gov/>) website.

What is the best way to search?

Select just one or a few of the available search terms. You will be able to filter your search on the Results screen.

Where can I find the definitions of the facility types?

The definitions for the facility types can be found on the Glossary (<http://www.cclid.ca.gov/res/html/glossary.htm>) page.

I am looking for Foster Family Homes. Why can't I find them.

The publication of names and addresses of Foster Family Homes is restricted by law and considered confidential.

Why can't I find the addresses for Small Family Child Care homes (less than 8 children)?

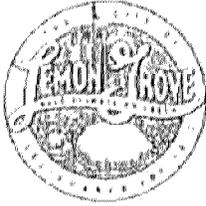
Because these are Child Care providers' homes, the publication of addresses is restricted. To find Small Family Child Care home providers in your area, contact the Resource and Referral Network (http://www.rnetwork.org/find_child_care) or call 1-800-KIDS-793. The Network can also assist you in searching for the right child care for your child and can provide you with addresses of facilities in your area.

Why can't I see or search on street addresses for Large Family Child Care Homes?

For Large Family Child Care Homes, you can still search using the City, Zip and County options. To obtain the address of a Large Family Child Care Home, please contact either the State Licensing Office, the Resource and Referral Network (http://www.rnetwork.org/find_child_care) or call 1-800-KIDS-793.

Why can't I get a list of Small Family Child Care homes?

Information related to Small Family Child Care homes is restricted by law. Small Family Child Care home information is available to provide consumer information to parents with children in care and to parents seeking child care from a local child care home.



CITY OF LEMON GROVE
Development Services Department

"Best of Orange County"

February 9, 2017

Michelle Hood, Office Services Supervisor I
Community Care Licensing
San Diego Child Care Regional Office
7575 Metropolitan Drive #110
San Diego, CA 92108

RE: Request for List of Small Family Daycare Homes with Addresses

Michelle:

On November 8, 2016, voters in Lemon Grove passed Measure V, which removed the City's prohibition of medical marijuana dispensaries (dispensaries). Measure V (copy attached) allows dispensaries to be established by conditional use permit (CUP) subject to certain distance restrictions. One such distance restriction states that no dispensary shall be permitted within 1,000 feet of licensed daycare facilities. Therefore, City staff needs to identify the location of family daycare homes both inside the City boundaries and outside the City boundaries within 1,000 feet. The applicable postal codes we need information for are 91945, 91977, 91941, and 92114.

Our staff is sensitive to the need for privacy at family daycare homes. Therefore, if provided we do not intend to share this information with the general public. Our goal is to use the information to prepare a map for staff use only.

Sincerely,

David DeVries, AICP
Director of Community Development
City of Lemon Grove

Attachments

- 1 Measure V



WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES



EDMUND G. BROWN, JR.
GOVERNOR

February 21, 2017

Mr. David DeVries
City of Lemon Grove
3232 Main Street
Lemon Grove, CA 91945

RE: Request for Confidential Child Care Facilities Data

This letter is in response to your letter request to obtain a copy of the confidential Small Family Child Care Home list, which are in-home child care facilities with 8 or fewer children enrolled, as well as the Large Family Child Care Home list, which are in-home child care facilities with 9-14 children enrolled.

In your letter, you expressed that the need for this list is to ensure that those applying for medical marijuana dispensaries are not located within 1,000 feet of a licensed daycare facility.

For your information, Health and Safety Code Section 1596.86(b) requires the Department of Social Services (DSS) to maintain the personal privacy of small family child care homes and prevent the use of lists containing their names, addresses, and other identifying information, except for administering the licensing program, facilitating the placement of children, and providing the names and addresses to resource and referral agencies funded by the Department of Education, and food and nutrition programs also funded by the Department of Education.

In consideration of your reasoning for requesting the Small Family Child Care Home list, and Child Care Licensing's administrative responsibility to protect the health and safety of its clients in care, it appears your request is in line with the mandate of the above statute.

I am including as an attachment to this letter, a copy of the fee schedule that contains the fee amount for the Small Family Child Care Home list. It also contains instructions for where to send your check.

Steven Blount of our Information Systems Division will receive a copy of this letter, so he will be aware that you have been approved to receive a copy of the list. It should be understood that the small family child care home list is to remain only in your possession, and not shared.

Thank you for your communication. If you have any questions or additional concerns, you may contact Jenni Fong, System Review Analyst at (916) 651-0264.

Sincerely,


Sheila Fleming, Manager
Child Care Program System Administration and Support Unit

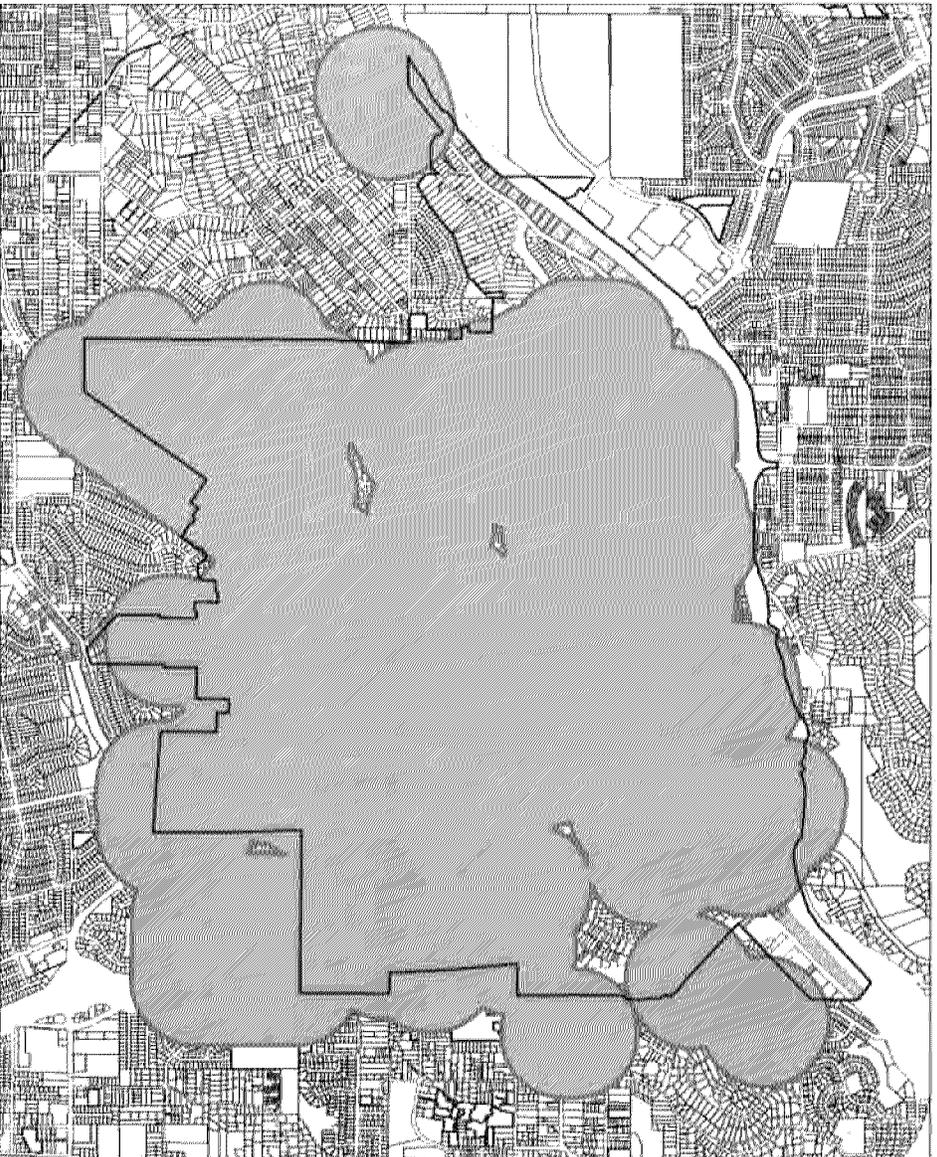
Attachment

cc: Steven Blount, ISD

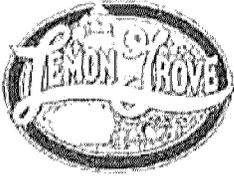
Attachment G

Lemon Grove Medical Marijuana Dispensary Zoning

- Legend**
- Lemon Grove Boundary
 - Zones Permitting Dispensaries (With Approved CUP)
 - ▨ 1,000 Foot Bufferaround Protected/Regulated Uses (Dispensaries Prohibited)



- NOTES:**
- 1) This map may not include all protected uses, specifically those in surrounding jurisdictions.
 - 2) To ensure privacy for family daycare homes, this map intentionally obscures the exact locations of protected uses.
 - 3) Map last updated on March 18, 2017



PLANNING PERMIT APPLICATION

Development Services Department / Planning Division
 3232 Main Street, Lemon Grove, CA 91945
 Phone: 619-825-3805 Fax: 619-825-3818
 www.lemongrove.ca.gov

APPLICATION REQUEST- SELECT ALL THAT APPLY - (SUBJECT TO OTHER PERMIT REQUIREMENTS)

- | | |
|--|---|
| <input checked="" type="checkbox"/> Zoning Clearance (ZC) | <input type="checkbox"/> Tentative Parcel Map (TPM) - 4 or fewer lots |
| <input type="checkbox"/> Pre-Application (PA) | <input type="checkbox"/> Certificate of Compliance (CC) |
| <input type="checkbox"/> Minor Use Permit (MUP) | <input type="checkbox"/> Zoning Amendment (ZA) |
| <input type="checkbox"/> Conditional Use Permit (CUP) | <input type="checkbox"/> Specific Plan Amendment (SPA) |
| <input type="checkbox"/> Planned Development Permit (PDP) | <input type="checkbox"/> General Plan Amendment (GPA) |
| <input type="checkbox"/> Minor Modification (MM) | <input type="checkbox"/> Modification of _____ |
| <input type="checkbox"/> Variance (VA) | <input type="checkbox"/> Time Extension for _____ |
| <input type="checkbox"/> Boundary Adjustment/Lot Merger (BA) | <input type="checkbox"/> Appeal of _____ |
| <input type="checkbox"/> Tentative Map (TM) - 5 or more lots | <input type="checkbox"/> Substantial Conformance Review of _____ |
| <input type="checkbox"/> Other _____ | |

APPLICANT: Marilyn Frank PHONE: 760-443-5637
 ADDRESS: 7309 Broadway FAX: _____
Lemon Grove CA 91945 EMAIL: Marilynfrank@gmail.com

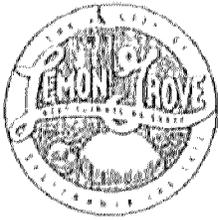
PROPERTY OWNER: John Marks PHONE: 619-523-2222
 ADDRESS: 3555 Promenade FAX: _____
San Diego, CA 92109 EMAIL: _____

CONTACT PERSON: Marilyn Frank PHONE: 760-443-5637
 ADDRESS: 7128 Miramar Rd #10 FAX: _____
San Diego, CA 92128 EMAIL: Marilynfrank@gmail.com

*If applicant or property owner is a trust, partnership, or corporation, please attach record(s) of ownership listing all trustees, partners, or officers, as applicable.

PROJECT NAME: Native Health
 PROJECT ADDRESS: 7309 Broadway
 ASSESSOR PARCEL #: 47902-02-00 SITE ACREAGE: 0.16

DETAILED DESCRIPTION OF PROPOSED PROJECT USE, STRUCTURE, AND IMPROVEMENT:
Medical Marijuana Retail See attached description



CITY OF LEMON GROVE "Best Climate On Earth"
Development Services Department

Date: April 3, 2017

Marty Frank
7128 Miramar Road #10
San Diego, CA 92128

John Marks
3555 Promontory Street
San Diego, CA 92109

SUBJECT: Denial of Zoning Clearance Application ZC1-700-0006 for property located at 7309 Broadway, in the City of Lemon Grove (APN: 479-092-02).

Marty Frank,

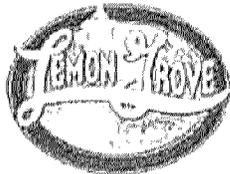
On March 21, 2017, staff received the subject application to establish a medical marijuana dispensary (MMD) at the subject property in the City of Lemon Grove. The application has been denied for the following reasons, which may not be all inclusive:

- The property is located within 1,000 feet of a State-licensed family daycare home.

In order for staff to process a conditional use permit application for a MMD, the application must include all of the information required by Chapter 17.32 of the Lemon Grove Municipal Code, as well as the items listed on the City's MMD Planning Permit Checklist. Additionally, the location of the proposed MMD must comply with the zoning requirements and distance restrictions contained within Chapter 17.32. If any of the required items are missing, or if the proposed location does not meet the zoning requirements and distance restrictions, then staff cannot process a conditional use permit application. Please review the requirements of Chapter 17.32 and the MMD Planning Permit Checklist prior to submitting another application. Please also verify that the site chosen meets the distance restrictions established by Chapter 17.32. Staff's decision to deny this application may be appealed to the Lemon Grove City Council pursuant to Lemon Grove Municipal Code, Section 17.28.020(I). Appeals must be filed in writing within 10 calendar days of the date on this denial letter and must include a filing fee of \$75.00. Appeals must be filed using forms provided by the Development Services Department.

Respectfully,

David De Vries, Development Services Director



APPEAL APPLICATION & REQUEST FOR PUBLIC HEARING

Community Development Department / Planning Division
3232 Main Street, Lemon Grove, CA 91945
Phone: 619-825-3805 Fax: 619-825-3818
www.ci.lemon-grove.ca.us

APPLICANT: Marty Frank
ADDRESS: 729 Miramar Rd #101
San Diego, Ca. 92121

PHONE: 760-443-5637
FAX:
EMAIL: martyfrank@gmail.com

CASE/PROJECT NUMBER: 201-700-0006

DECISION /CONDITIONS OF APPROVAL BEING APPEALED (INCLUDE CONDITION ITEM NUMBERS).
Property is located within 1000ft of a State licensed daycare home

SPECIFIC REASON(S) FOR APPEAL OR REQUEST FOR PUBLIC HEARING:
The city of Lemon Grove has not proven there ^{are} ~~are~~ ^{licensed} daycares within 1000ft of property at 7309 Broadway.
To verify public safety.

Attach additional sheets if necessary

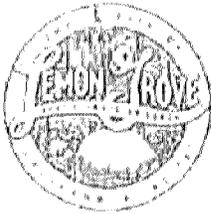
Marty Frank
Applicant's Signature

Date April 5th 2017

TO BE COMPLETED BY PLANNING STAFF

FILE #/s): AA1-700-0001
DATE: 4.5.17
FEES: \$75 RECEIPT #: 18276

COMMENTS and/or CONDITIONS:



CITY OF LEMON GROVE
Development Services Department

City of Lemon Grove, California

Date April 13, 2017

Marty Frank
7128 Miramar Road #10
San Diego, CA 92128

John Marks
3555 Promontory Street
San Diego, CA 92109

SUBJECT: Appeal hearing for denial of Zoning Clearance application ZC1-700-0006, for property located at 7309 Broadway, in the City of Lemon Grove (APN:479-092-02).

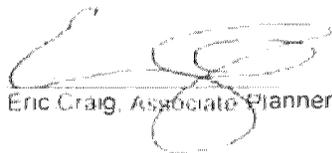
Marty Frank,

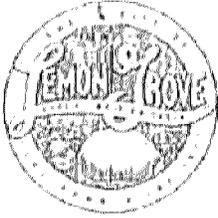
On March 21, 2017, staff received the subject application to establish a medical marijuana dispensary (MMD) at the subject property in the City of Lemon Grove. On April 3, 2017, staff denied the application because the subject property is located within 1,000 feet of a State-licensed family daycare home.

On April 5, 2017, staff received an appeal of its decision to deny the application. Staff's decisions are subject to appeal pursuant to the provisions of Lemon Grove Municipal Code, Section 17.28.020(l). The Lemon Grove City Council will consider the appeal and make a determination to grant or deny the appeal at a public hearing to be conducted on May 16, 2017.

If you have any additional supporting material you would like to submit for the appeal, please provide that information to staff at your earliest convenience.

Respectfully


Eric Craig, Associate Planner



CITY OF LEMON GROVE Best Climate in the West
Development Services Department

Date: May 3, 2017

Marty Frank
7128 Miramar Road #10
San Diego, CA 92128

Elidia C. Dostal
3170 Fourth Avenue, Suite 250
San Diego, CA 92103

SUBJECT: Disclosure of protected uses within 1,000 feet of 7309 Broadway (APN:479-092-02); Zoning Clearance Application ZC1-700-0006, and Administrative Appeal AA1-700-0001.

Marty Frank,

This letter is in response to the administrative appeal received by the City for the denial of your zoning clearance application for a medical marijuana dispensary at the subject property. As described in the denial letter dated April 3, 2017, the application was denied because the subject property is within 1,000 feet of licensed daycare facilities

In order to provide a full and open opportunity for you to understand the reason staff denied the permit, and to allow you to respond accordingly, we will disclose the physical street addresses of the licensed family daycare homes located within 1,000 feet of your proposed dispensary at 7309 Broadway. Those addresses are:

- 3335 Citrus Street
- 7379 Broadway

The City Council hearing for your appeal has been advertised and scheduled for Tuesday, May 16, 2017. A copy of this letter will be attached to the City Council staff report. At the hearing, you may wish to request additional time to consider this new information, or you may wish to withdraw the appeal. If you decide you want to ask the City Council for more time, please contact me as soon as possible. You can reach me at (619) 825-3806, or by email at ecraig@lemongrove.ca.us

Respectfully,



Eric Craig, Associate Planner

Attachment M



**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 4
Mtg. Date May 16, 2017
Dept. City Manager's Office

Item Title: **State Legislative Report)**

Staff Contact: Lydia Romero, City Manager

Recommendation:

Discuss and adopt a resolution (**Attachment B**) on AB 805 (Gonzalez Fletcher) and on AB1250 (Jones-Sawyer)

Item Summary:

Assembly Bill 805 introduced by Assembly Member Lorena Gonzalez Fletcher is a measure that would make substantial changes to SANDAG, MTS, and NCTD. This bill was recently amended taking out certain provisions.

Assembly Bill 1250 introduced by Assembly Member Reginald Jones-Sawyer is a measure that would create onerous provisions to contracting out services by a city or a county.

The staff report (**Attachment A**) provides an analysis of how these changes would not be beneficial to City of Lemon Grove or its residents. Staff recommends that the City Council oppose both of these measures by way of resolution (**Attachment B**) as it moves through the legislative process.

Fiscal Impact:

Unknown fiscal impact should the measure pass.

Environmental Review:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorical Exemption, Section | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Notice to property owners within 500 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting | |

Attachments:

- A. Staff Report
- B. Resolution 2017

Attachment A

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 4

Mtg. Date May 16, 2017

Item Title: **Oppose Assembly Bill 805 (Gonzalez Fletcher)**

Staff Contact: Lydia Romero, City Manager

Discussion:

Assembly Bill (AB) 805

AB 805 introduced by Assembly Member Lorena Gonzalez Fletcher is a measure that would change voting structure and board make up of SANDAG, MTS, and NCTD. The Lemon Grove City Council took a position of opposition to this measure at the April 4, 2017 City Council Meeting. Since that time the measure has been amended to remove some provisions from legislation, however the most troubling provisions remain in the bill. These provision are:

- SANDAG Board quorum and votes are based on a weighted system.
- Require the chair and vice chair of SANDAG to be the mayors of the largest city and the second-largest city, who would alternate between serving as chairperson and vice chairperson for four-year terms.

By eliminating the current one city one vote rule with a weighted voting structure based on population thereby giving the two largest cities, City of San Diego and City of Chula Vista virtual control of the SANDAG board, including allocation of federal and state transportation funds and all TransNet grant monies.

As mentioned in the previous staff report only the cities with the largest and second largest population can serve as Chair and Vice Chair of the SANDAG Board. Today, that means only the City of San Diego and City of Chula Vista can hold those positions, therefore eliminating any possibility a smaller city such as Lemon Grove to have its representative board serve in a leadership role and be a voice for the smaller cities in the region.

Although the recent amendments to the bill is a step in the right direction, the remaining provisions would essentially concentrate all control of SANDAG to the City of San Diego and the City of Chula Vista and make smaller jurisdictions like Lemon Grove an insignificant voice on what is a regional body. Lemon Grove deserves equal representation on a Regional Board that discusses land use and transportation issues effecting an entire region, our residents are just as deserving as those that live in City of San Diego and Chula Vista.

Staff recommends the Lemon Grove City Council continue to remain opposed to this measure.

Assembly Bill (AB) 1250

AB 1250 introduced by Reginald Jones –Sawyer is a measure that would make significant changes to local government's ability to contract for services. As a small city, Lemon Grove contracts for services that would otherwise be performed by city employees. These services are, engineering, building review and inspection, law enforcement, animal control, tree trimming, landscaping, and information technology. Should this bill become law, there is no way the current city revenues can absorb all of these salaries or benefits and there will be a diminishing of all city services.

Attachment A

AB 1250 also requires that if a jurisdiction can meet all the standards to contract out, the contracting agency must create a searchable database of all the contractors and subcontractors, individually, disclosing their name, address, and specific salary. In addition the city must list how many employees are being displaced by contracting out these services.

This measure is fundamental threat to local control. The elected Mayor and City Council Members are in a much better position to know how to deliver these services within the constraints of city budgets, not a one size fits all solution. This measure is currently keyed as a state mandate program, so not only will it place undue financial burden on cities and counties, this measure creates a cost recoverable mandate that must be bore by the State General fund – costing California taxpayers twice.

Staff recommends opposing this measure as it moves through the legislative process.

Conclusion:

Staff recommends that the City Council adopt the resolution (**Attachment B**) opposing AB 805 (Gonzalez Fletcher) and AB 1250 (Jones-Sawyer) as it moves through the legislative process.

Attachment B

RESOLUTION NO. 2017-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA OPPOSING ASSEMBLY BILL 805 (GONZALEZ FLETCHER) AND ASSEMBLY BILL 1250 (JONES-SAWYER)

WHEREAS, Assembly Member Lorena Gonzalez Fletcher introduced Assembly Bill 805 changing the structure of San Diego Association of Governments (SANDAG); San Diego Metropolitan Transit System (MTS); and North County Transit Agency (NCDT); and

WHEREAS, AB 805 unfairly puts the SANDAG Board under the control of the two largest cities in the County, City of San Diego and City of Chula Vista, to the detriment of smaller cities like Lemon Grove; and

WHEREAS, AB 805 eliminates the one city one vote rule using a weighted voting system based on population; and

WHEREAS, AB 805 undermines the participation of smaller cities in the decision making process, creating an unfair advantage by focusing on highly populated cities instead of an overall regional view; and

WHEREAS, Assembly Member Reginald Jones-Sawyer introduced Assembly Bill 1250 creating additional requirements on local governments when contracting out for city services; and

WHEREAS, AB 1250 unfairly burdens smaller jurisdictions by adding onerous, over prescriptive and unnecessary requirements creating a de facto ban on contracting out services.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby:

1. Opposes Assembly Bill 805 (Gonzalez Fletcher) in the 2017 legislative session; and
2. Opposes Assembly Bill 1250 Jones-Sawyer) in the 2017 legislative session; and
3. Instructs staff to prepare the necessary letters to be signed by the Mayor that expresses the City of Lemon Grove's opposition to AB 805 and AB 1250.

/////
/////