



City of Lemon Grove  
City Council Regular Meeting Agenda  
Tuesday, October 3, 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

Presentations

City Employee Retirement Recognition: Patti Peterson, 18 ½ Years of Service

"Lemon Grove History Minute #5"

Lemon Grove Home Grown 40 Year Business Recognition Series Honoring RCP Block & Brick

Introduction of Frankie Rodriguez, Fire Inspector, and Edgar Soto, Park Ranger

Proclamation: Fire Prevention Week October 8<sup>th</sup>-14<sup>th</sup>

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.)*

A. Approval of Meeting Minutes September 19, 2017 Regular Meeting

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

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 agenda; Ordinances shall be introduced and adopted by title

D. Resolution Reversing Director Decision- Appeal for MMD - 6915 North

*The City Council will consider a resolution that ratifies the approval of an appeal of a Zoning Clearance and overturns the Development Services Director's Determination. The City Council has no discretion to reconsider the decision made at the September 19, 2017 Public Hearing and limited to a determination whether the findings are accurately reflected.*

Reference: James Lough, City Attorney

Recommendation: Adopt Resolution

- E. Acceptance of the FY 2016-2017 Sewer Capital Improvements Project: Upsizing, Replacement and Maintenance

*The Sanitation District Board will consider a resolution that accepts the work for the construction of the FY 2016-2017 Sewer Capital Improvements Project: Upsizing, Replacement and Maintenance as complete; and authorizes the City Manager or designee to file a notice of completion with the County of San Diego.*

Reference: Mike James, Assistant City Manager / Public Works Director  
Recommendation: Adopt Resolution

- F. Calle Norte Storm Drain Installation and Repair Project (Contract No. 2018-05)

*The City Council will consider a resolution to repair sinkhole and pavement failure in the 8500 block of Calle Norte. The project cost estimate is \$47,000.00*

Reference: Mike James, Assistant City Manager / Public Works Director  
Recommendation: Adopt Resolution

2. City of Lemon Grove ADA Transition Plan Update

*The City Council will discuss and provide direction the ADA Transition Plan update scope of work.*

Reference: Malik Tamimi, Management Analyst  
Recommendation: Discuss and Provide Direction to Staff

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)

Closed Session

Conference with Legal Counsel – Existing Litigation Government Code Section 54956.9  
Janice L McKenhnice v Susan Garcia Case No. 37-2017-00035975 CU-WM-CTL

Adjournment

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

**September 19, 2017**

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

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**Call to Order**

City Councilmembers present:

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

City Council Members absent:

Councilmember Matt Mendoza

City Staff present:

City Manager, Lydia Romero; Sheriff's Department Sergeant, Scott Amos; Development Services Director, David De Vries; City Clerk, Susan Garcia; Assistant City Manager/Public Works Director; Mike James, City Attorney, James P. Lough; Finance Manager, Auggie Matt; Fire Chief, Colin Stowell; and Management Analyst, Malik Tamimi.

**Pledge of Allegiance**

The Pledge of Allegiance was led by Councilmember Arambula.

**Presentations**

"Lemon Grove History Minute #4"

Mayor Vasquez presented a proclamation of recognition honoring Conrad Lemon Grove Mortuary.

Eric Lund, San Diego East County Chamber of Commerce, provided an update presentation of the East County Homeless Task Force.

Mayor Pro Tem J. Mendoza asked if Mr. Lund's recommendations could be brought back as agenda item.

**Public Comment**

Helen Ofield read a 100 year old San Diego Union newspaper article regarding the first annual products show in Lemon Grove.

Ukiah Dublinski commented the previous City Council meeting public hearing and asked if could be readdressed.

James Lough stated the public hearing is closed and only next step is to wait year or bring action in Superior Court.

Ben Garcia commented on the previous City Council meeting public hearing.

Cara Anderson commented on the previous City Council meeting public hearing and believes it was based off of misinformation.

Kathleen McLean reported that City sent letters regarding possible dispensary locations were near schools and their research indicates that these locations are not schools.

Contreras (no other name was provided) commented on a recent Sheriff's Department efforts near her neighborhood. She spoke about characteristics of medical marijuana and suggested additional education for the Council, on the topic.

Chris Williams commented on his process with the City and Measure V. He asked if the City Council could rehear his item that was discussed during a public hearing at a previous City Council meeting.

## **1. Consent Calendar**

### **A. Approval of City Council**

August 15, 2017 Regular Meeting

September 5, 2017 Regular Meeting

### **B. Ratification of Payment Demands**

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

### **D. Amendment No. 1 to the Fiscal Year 2017-2018 City of Lemon Grove Consolidated Operating and Capital Budget**

### **E. Reject sole bid for Traffic Signal Maintenance, Emergency Repairs, and Related Construction Services**

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

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

**Absent: M. Mendoza**

## **2. City of Lemon Grove Climate Action Plan**

Malik Tamimi explained that Climate Action Plans (CAPs) are comprehensive local planning documents that outline specific activities a local government will undertake to reduce greenhouse gas (GHG) emissions from their community. Major sources of emissions are from transportation, building energy use, solid waste, deforestation and water use.

In 2005, an Executive Order was issued that set two statewide goals for reducing GHG emissions: return to 1990 GHG levels by 2020, and reduce GHG emissions by 80 percent below 1990 levels by 2050. In 2006, Assembly Bill 32 set the 2020 GHG reduction target into law. The California Air Resources Board was directed to prepare a Statewide Scoping Plan to detail how the state would attain the 2020 reduction target.

In 2007, Senate Bill 97 created new requirements for GHG emissions to be considered under the California Environmental Quality Act. The Scoping Plan described the key role that local governments play in reducing GHG emissions and recommended that local CAPs include a reduction target of 15 percent below current levels by 2020.

Through Lemon Grove's participation in the Energy Roadmap Program, the a grant was awarded from the SDG&E Emerging Cities Program to develop a GHG emission inventories and forecast report. The 2015 report presents the GHG emissions for Lemon Grove for the years 2010, 2011, 2012, and 2013, and the likely forecast of emissions in 2020. The inventories and forecast represented in the report are the first comprehensive accounting of Lemon Grove's resource use and associated GHG emissions. The emissions were relatively stable from 2010 to 2013, increasing by less than 2% over the four-year period.

Lemon Grove's emissions are largely from electricity (36%), transportation (28%), and natural gas (22%) sources, with other emissions sources including solid waste (9%), water (4%), and wastewater (1%). Future emissions are expected to increase 6% from 2010 levels by 2020. The proportion of emissions from electricity (38%), solid waste (10%) will increase while the proportion of emissions from transportation will decrease (24%) and natural gas emissions will continue to account for 22%. The Proportion of emissions attributed to water and wastewater will also remain the same at 4% and 1%.

Lydia Romero added that SANDAG awarded the City with a grant that will assist in compliance with the Climate Action Plan requirements.

Allison Wood, SANDAG, reported on current progress in other cities for their Climate Action Plans along with the County of San Diego.

Mayor Pro Tem J. Mendoza recommended the City Council review the Energy Roadmap on SANDAG's website. She asked that staff provide the City Council with other adopted Climate Action Plans, suggested more recycling options, and alternatives for transportation.

Councilmember Arambula suggested that solar panels are included in the Climate Action Plan and that the Citizens Advisory Committee be involved in this process.

#### Public Speaker(s)

There were no requests from the public to speak.

After the discussion, staff was directed to proceed with the development of Lemon Grove's Climate Action Plan.

### **3. Public Appeal to Consider Appeal No. AA1-700-0004 Regarding the Denial of Zoning Clearance No. ZC1-700-0016 Continued from August 15, 2017; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 6915 North Avenue in the General Commercial Zone**

David De Vries introduced Chance Hawkins, special counsel, and added that Mr. Hawkins will represent staff for this appeal hearing. This item is the continued appeal of a Development Services Director decision to deny a Zoning Clearance Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary (MMD) at 6915 North Ave in the General Commercial Zone.

Mr. De Vries explained that the appellant's application was denied because the proposed facility is located within 1,000 feet of three licensed family daycares. The applicant was verbally told that the proposed facility did not meet the separation requirements and the City provided the map to the public prior to accepting applications showing the protected uses would not allow for a dispensary at the subject property. The City's buffer map was not intended to supersede any applicant efforts to determine or investigate protected uses or marijuana dispensary locations that could prevent the siting of a dispensary business.

The exact locations of the daycare facilities were disclosed to the appellant after the appeal application was filed. City staff utilized a measurement tool in the GIS database that gives an exact measurements from property line to property line. Measure V clearly states that measurement is made between the closest property lines.

The State Department of Social Services no longer discloses a public list of state licensed family daycare facilities, in order to protect the privacy rights of the daycare operator's home and to protect the safety of the children. The City was given a list, confidentially, by the State, but did disclose the specific locations of protected uses, due to the denial.

Mr. De Vries provided explanation of photographs in the staff report, which depict the daycare property boundaries and the topography. He added that there is a slope from the Health and Human services Agency property that continues up to the daycare property on Westview Place. There is a fence with barbed wire that runs on top of the slope.

The appellant's attorney, Ms. Gina Austin, has provided two letters in support of the appellant. Ms. Austin states that there are significant natural and constructed barriers to the west of the family daycares on Westview Place. One example is the barbed wire fence and based on GIS research the fence is located entirely on the Westview Place. The daycares are located in a residential zone and it's important to note that barbed wire is prohibited in residential zones. If the City were to receive a complaint regarding barbed wire at the daycare property, they would be in Code Enforcement receiving citations and fines until all of the barbed wire is removed.

During a site visit, the one of the daycare operators confirmed they are a licensed daycare and attested to the other two facilities also being in operation. The operator stated that prior to the barbed wire going up, people would go up and down the slope regularly to avoid going all the way around along Massachusetts Avenue. Ms. Austin's letter, states that that they hired a private investigator, but the investigator contests that there are no children or signs of a daycare present at a facility located at 7103 Westview Place, which is not the address where the daycare operations are located.

Regarding natural and constructed barriers, Measure V states "measurement is made between the closest property lines of the premises in which the regulated uses and protected uses are located." Measure V further states "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." The dictionary definition of a freeway is "an express highway, especially one with controlled access." Flood control is defined as "the act or technique of controlling river flow with dams, dikes, artificial channels, etc., so as to minimize the occurrence of floods."

Mr. De Vries stated that staff contends that these constructed barriers only include major linear obstructions traversing for miles where pedestrian access is prohibited or severely limited and staff further contends that a minor slope that is accessible to pedestrians and constructed barriers like fences and unpermitted barbed wire are not constructed barriers in accordance with Measure V.

Councilmember Jones asked if the Council has discretion with regards to barriers and natural topographical barriers could be accumulative, could Council consider Broadway and the slope together as access barriers, and could their decision be precedent setting.

James Lough answered that there is discretion because Measure V says "such as". Accumulative barriers could be considered because the ordinance says "and" and does not say "or". The quasi-judicial hearing is not precedent setting, however, if a particular barrier is considered a barrier that could apply again. With regards to constructed barriers there are two examples in the ordinance natural topographical and constructed barriers.

Mayor Vasquez continued the public hearing.

Gina Austin, attorney representing the applicant, stated that there is a scrivener's error in their private investigator's report the correct day care address is 7106 Westview Place not 7103. She added that the investigator's report stated that "No children or signs of a daycare were present."

Ms. Austin stated that the barriers are their main focus and added that during the previous hearing the City Council had not determined a method of measurement for distance. The Development Services Director's decision did not take into account the natural topographical and constructed barriers between the alleged daycare facilities and the proposed MMD location. The City suggests that the licensed daycare facilities are approximately 853 feet from the proposed MMD Location. Staff inaccurately measured the distance between 6915 North Street and 7106 Westview Place in a straight line without consideration of natural topographical barriers or constructed barriers. When appropriately measured around the natural and constructed barriers the distance is over 3,000'.

The plain language of the ordinance does not expressly state or even imply that the distance is to be measured in a straight line. Rather, the plain language is very clear that when there is a barrier the distance shall be measured as the most direct route around the barrier in a manner that establishes direct access. She noted that when traveling, in the most direct route, from 6915 North Avenue towards 7106 Westview Place, the first constructed barrier is existing freeway off ramp that includes six lanes of traffic on Broadway and Federal Avenue with no cross walk. Then there is the steep slope with vegetation along the south and east side of the parking lot of the Family Resource Center. The other barrier is the 6 foot high chain linked fence topped with at least 3 rows of barbed wire. This fencing surrounds the entirety of the north and west sides of 7106 Westview leaving the only access via the south and east sides of the property from Westview Place.

The staff report indicates that City staff contacted the three family daycare home operators via a phone call and written letter and informed them that their locations would be disclosed to the appellant. Noticeably missing from the staff report is confirmation from the alleged daycare operators that childcare is actually occurring at 7106 Westview and/or that children are present.

Stephen George, Landscapes West contractor, stated that the vegetation on the slope is Acacia latifolia and frequently used as a foot traffic barrier and hillside slope retainer throughout San Diego County.

Chris Williams, applicant, stated that he is requesting that the law be followed. He commented on aspects of Measure V and reported that he spoke with the Development Services Director regarding the barbed wire fence along with the slope behind the day care center.

At Mr. Williams request two videos were shown.

#### Public Speaker(s)

The following spoke in favor of overturning the Development Services Director's denial of Zoning Clearance No. ZC1-700-0016:

Cara Anderson  
Benjie Cooper  
Mustaf Sufi  
Kathleen Mclean  
Ukiah Dublinski  
Omar Ahmed

David (last name not provided) commented on aspects of Measure V and asked additional environmental and traffic studies could be conducted with regards to possible impact of the dispensary.

**Action: Motion by Councilmember Jones, seconded by Mayor Pro Tem J. Mendoza, to close the public hearing passed, by the following vote:**

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

Councilmember Jones commented on Measure V, accumulative effects of what could be considered as a barrier, and expressed concern that he would not want the Council to be bound in the future to what might be considered a barrier.

Councilmember Arambula asked if accumulative effects of a major thoroughfare, the large parking lot, natural topographical barrier, the slope and vegetation on the slope, continuous fence could be considered. He noted that the Council will be making these decisions on a case by case basis and they need to follow the law.

Councilmember Jones noted that with regards to all of the accumulative factors, the only two with distinction are the major thoroughfare at the freeway with the on and off ramp and the slope.

James Lough stated the findings are important for future applicants and Measure V needs to be followed properly. Typical straight line measurement has been used previously. The natural topographical is the lay of land and could be a finding. The major thoroughfare could be considered constructed barrier. With these two things the slope and Broadway, at this particular location, accumulatively, is what is intended by the ordinance. He stated that a resolution will be on the next City Council Consent Calendar with the findings that will be voted on.

Mayor Pro Tem J. Mendoza stated that after reviewing the map she doesn't think it is possible to cross the 6 lanes of heavy traffic and that it would be similar street running across the freeway. She disclosed that she called Ms. Austin today.

**Action: Motion by Councilmember Jones, seconded by Mayor Pro Tem J. Mendoza, to overturn the decision of the Development Services Direct and direct staff to bring a new resolution with the findings discussed passed, by the following vote:**

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

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

Councilmember Jones reported on a recent Metro Wastewater meeting.

Councilmember Arambula attended Heal Zone Resident Leadership meeting. Assemblywoman Weber's birthday celebration.

Mayor Pro Tem J. Mendoza attended two SANDAG Transportation Committee meetings and the Lemon Grove Community Clean-up event.



Mayor Vasquez expressed appreciation to Malik Tamimi for his efforts with the community clean-up event. She presented a proclamation to VFW POST 1512 at their 10th Annual POW/MIA Recognition Day Ceremony. She also attended the Cox "A Salute to Teachers" recognizing the 2018 County Teacher of the Year where Danielle Adams of San Miguel Elementary was a nominee.

### **City Manager and Department Director Reports**

David De Vries reported on the community clean-up event the next event will be on October

Chief Stowell first responder recognition event at the Friday Padres game.

James Lough attended the League of California League of Cities Annual Conference. He noted Gene Gordon recently passed away and reported on his accomplishments along with his many contributions to the legal profession.

### **Closed Session**

Conference with Real Property Negotiators Government Code Section 54956.8  
Address: 8084 Lemon Grove Way, Lemon Grove, California  
Agency Negotiators: Lydia Romero and Mike Wapner  
Negotiating parties: The San Diego Community Land Trust  
Under negotiation: Price and Terms  
Closed Session Report: No reportable action was taken.

Conference with Real Property Negotiators Government Code Section 54956.8  
Address: Property near 3615 Lemon Grove Avenue, remnant parcel  
Agency Negotiators: Lydia Romero, Mike James, and Mike Wapner  
Negotiating parties: Owen Mossy, Mossy Honda  
Under negotiation: Price and Terms  
Closed Session Report: No reportable action was taken.

### **Adjournment**

There being no further business the meeting was adjourned at 9:00 p.m.

**City of Lemon Grove Demands Summary**

Approved as Submitted:

Gilbert Rojas, Interim Finance Director

For Council Meeting: 10/03/17

ACH/AP Checks 09/11/17-09/22/17

730,443.96

Payroll - 09/12/17

163,499.51

**Total Demands**
**893,943.47**

| Check No | Vendor No      | Vendor Name                            | Check Date | Vendor Name                                            | Check Amount   |              |
|----------|----------------|----------------------------------------|------------|--------------------------------------------------------|----------------|--------------|
| CHECK NO | INVOICE NO     | VENDOR NAME                            | CHECK DATE | Description                                            | INVOICE AMOUNT | CHECK AMOUNT |
| ACH      | 1015044393     | Ca Public Empl Retirement System       | 09/11/2017 | Fees for GASB-68 Reports & Schedules                   | 1,750.00       | 1,750.00     |
| ACH      | Aug17          | Wells Fargo Bank                       | 09/11/2017 | Bank Service Charge - Aug '17                          | 853.92         | 853.92       |
| ACH      | Refill 9/11/17 | Pitney Bowes Global Financial Services | 09/12/2017 | Postage Usage 9/11/17                                  | 250.00         | 250.00       |
| ACH      | Aug17          | Chase Bank                             | 09/13/2017 | Workers' Comp Claims - Aug'17                          | 9,084.36       | 9,084.36     |
| ACH      | Sep12 17       | Employment Development Department      | 09/14/2017 | State Taxes 9/12/17                                    | 11,322.02      | 11,322.02    |
| ACH      | 169112         | Aflac                                  | 09/14/2017 | Aflac Insurance 9/22/17                                | 1,038.72       | 1,038.72     |
| ACH      | Aug17          | Home Depot Credit Services             | 09/18/2017 | Home Depot Purchases - Aug'17                          | 803.75         | 803.75       |
| ACH      | Sep12 17       | US Treasury                            | 09/19/2017 | Federal Taxes 9/12/17                                  | 36,391.94      | 36,391.94    |
| ACH      | Aug30-Sep12 17 | Calpers Supplemental Income 457 Plan   | 09/19/2017 | 457 Plan 8/30/17-9/12/17                               | 8,029.80       | 8,029.80     |
| ACH      | Jul17          | San Diego County Sheriff's Department  | 09/20/2017 | Law Enforcement Services - Jul'17                      | 461,190.16     | 461,190.16   |
| ACH      | Refill 9/21/17 | Pitney Bowes Global Financial Services | 09/22/2017 | Postage Usage 9/21/17                                  | 250.00         | 250.00       |
| 8295     | 5798           | Aguirre & Associates                   | 09/13/2017 | Legal & Plat Survey for Realignment - Aug '17          | 200.00         | 3,200.00     |
|          | 5799           |                                        |            | 7373 Central Street Dedication - Aug '17               | 1,322.50       |              |
|          | 5800           |                                        |            | 1440 Madera Street Dedication - Aug '17                | 235.00         |              |
|          | 5801           |                                        |            | 2840 Olive Street Dedication - Aug '17                 | 235.00         |              |
|          | 5802           |                                        |            | 2135 Washington Map Review - Aug '17                   | 1,207.50       |              |
| 8296     | L1072895RI     | American Messaging                     | 09/13/2017 | Pager Replacement Program- 9/1/17-9/30/17              | 40.69          | 40.69        |
| 8297     | 4616952        | Bearcom                                | 09/13/2017 | Portable Radios Monthly Contract 8/22/17-9/21/17       | 150.00         | 150.00       |
| 8298     | 802462-9       | BI's Rentals                           | 09/13/2017 | Propane                                                | 15.01          | 22 93        |
|          | 804183-9       |                                        |            | Propane                                                | 7.92           |              |
| 8299     | 1709025        | California Aquatics                    | 09/13/2017 | Fountain Monthly Svc - Civic Center Park - Aug'17      | 150.00         | 150.00       |
| 8300     | 17694924       | Canon Financial Services Inc.          | 09/13/2017 | Canon Copier Contract Charge Aug '17 Basement          | 81.35          | 239.75       |
|          |                |                                        |            | Canon Plotter Contract Charge Aug '17                  | 158.40         |              |
| 8301     | 4023533047     | Canon Solutions America, Inc.          | 09/13/2017 | Canon Maintenance-Copier Usage 5/27/17-8/26/17         | 705.55         | 705.55       |
| 8302     | Casarrubias    | Casarrubias, Rosa Linda                | 09/13/2017 | Refund/Casarrubias, Rosa Linda/Deposit - LBH- 9/9/17   | 300.00         | 300 00       |
| 8303     | 694388362      | Cintas Corporation #694                | 09/13/2017 | Janitorial Supplies - 9/7/17                           | 229.64         | 229.64       |
| 8304     | 81828127       | Corelogic Solutions, LLC.              | 09/13/2017 | Image Requests - Aug '17                               | 22.00          | 322.00       |
|          | 81828360       |                                        |            | RealQuest Graphics Package - Aug '17                   | 300.00         |              |
| 8305     | 18CTOFLGN02    | County of San Diego- RCS               | 09/13/2017 | 800 MHZ Network - Aug '17                              | 2,964.00       | 2,964 00     |
| 8306     | 9/1/2017       | Cox Communications                     | 09/13/2017 | Main Phone/Fire- 9/1/17-9/30/17                        | 471 97         | 4,408.51     |
|          | 9/1/2017       |                                        |            | Phone/City Hall- 9/1/17-9/30/17                        | 973.08         |              |
|          | 9/29/2017      |                                        |            | Internet/Community Ctr- 8/30/17-9/29/17                | 75.00          |              |
|          | 9/29/2017      |                                        |            | Peg Circuit Svc 8/30/17-9/29/17                        | 2,888.46       |              |
| 8307     | 9/5-7/17       | Esgil Corporation                      | 09/13/2017 | 75% Building Fees- 9/5/17-9/7/17                       | 4,621.58       | 4,621.58     |
| 8308     | 228894         | Evans Tire & Service Center            | 09/13/2017 | LGPW #01 2012 Dump Truck - 6 Tires/Valve Stems/Balance | 1,406.61       | 1,406.61     |
| 8309     | 57344          | EW Truck & Equipment Company, Inc.     | 09/13/2017 | LGPW#29 Dump Truck - Repair Air Leak/Valve             | 865.04         | 865.04       |
| 8310     | 5-893-96713    | Federal Express                        | 09/13/2017 | Shipping Charges- DW Engineeering 8/3/17               | 26.66          | 34.22        |
|          | 5-893-96713    |                                        |            | Shipping Charges- HR 7/27/17                           | 7 56           |              |

|      |                                              |                                            |            |                                                                                                                                                              |                                     |           |
|------|----------------------------------------------|--------------------------------------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------|
| 8311 | PER-1708S-HEA                                | Firefighters Research & Education          | 09/13/2017 | Personal Exposure Record System- 9/9/17-6/30/18                                                                                                              | 161.60                              | 161.60    |
| 8312 | Gribble                                      | Gribble, Bonnie                            | 09/13/2017 | Refund/Gribble, Bonnie/Partial Deposit - LBH- 9/2/17                                                                                                         | 300.00                              | 300.00    |
| 8313 | 72951901<br>SS000194285                      | Hawthorne Machinery Co                     | 09/13/2017 | Equip Rental- Truck Loader/Skid Steer- Clear Lot on LG Way<br>Equip Repair-Skid Steer Loader-Joystick/Fuel System/Starter                                    | 1,535.11<br>1,902.97                | 3,438.08  |
| 8314 | 6/23-8/24                                    | Helix Water District                       | 09/13/2017 | Water Services- 6/23/17-8/24/17                                                                                                                              | 29,378.16                           | 29,378.16 |
| 8315 | 00046260                                     | Hudson Safe-T- Lite Rentals                | 09/13/2017 | 5 Gallon Green Traffic Paint/Striping Paint Cans - Pkg Lots                                                                                                  | 237.07                              | 237.07    |
| 8316 | 86599-FY18                                   | International Association of Fire Chiefs   | 09/13/2017 | IAFC Membership- Drum                                                                                                                                        | 279.00                              | 279.00    |
| 8317 | 1140                                         | JPW Communications                         | 09/13/2017 | LG Communications Support - 8/1/17-8/31/17                                                                                                                   | 300.00                              | 300.00    |
| 8318 | 122677<br>123194<br>123195                   | Knott's Pest Control, Inc.                 | 09/13/2017 | Gopher Control - LG Park - Jun 17<br>Monthly Bait Stations- Civic Ctr - Aug 17<br>Monthly Bait Stations- Sheriff - Aug 17                                    | 60.00<br>60.00<br>45.00             | 165.00    |
| 8319 | LGHS 9/11/17<br>LGHS 9/11/17                 | Lemon Grove Historical Society             | 09/13/2017 | Re-issue: Reimb - Water Usage/Valve Leak 2/23/17-4/25/17<br>Reimb - Water Usage/Valve Leak 4/26/17-6/26/17                                                   | 414.00<br>46.00                     | 460.00    |
| 8320 | INV18331                                     | Logiccoppy                                 | 09/13/2017 | Ricoh C3502 Copier Contract Charge- PW Yard- 8/7/17-9/6/17                                                                                                   | 51.61                               | 51.61     |
| 8321 | IN1157643                                    | Municipal Emergency Services Inc           | 09/13/2017 | SCBA Repair/Battery Compartment & Holder Assembly                                                                                                            | 1,009.08                            | 1,009.08  |
| 8322 | Nachtweh                                     | Nachtweh, Kristy                           | 09/13/2017 | Refund/Nachtweh, Kristy/Deposit - CC- 9/9/17                                                                                                                 | 300.00                              | 300.00    |
| 8323 | 817000240                                    | NBS Govt Finance Group                     | 09/13/2017 | Develop Add'l Rate Alternatives & Consulting Svcs-thru 8/31/17                                                                                               | 2,665.00                            | 2,665.00  |
| 8324 | 5628                                         | North County EVS, Inc.                     | 09/13/2017 | E10 Service Call/Replace Coolant Hose                                                                                                                        | 748.73                              | 748.73    |
| 8325 | 45794                                        | Penske Ford                                | 09/13/2017 | LGPW#17- '99 Ford-Tune-Up/Replace 6 Tires/Service Engine                                                                                                     | 2,271.10                            | 2,271.10  |
| 8326 | 3101523316                                   | Pitney Bowes Global Financial Services     | 09/13/2017 | Postage Meter Rental 6/30/17-9/29/17                                                                                                                         | 180.75                              | 180.75    |
| 8327 | PD-35831                                     | Plumbers Depot Inc.                        | 09/13/2017 | LGPW#26 Fill Hose/Contractor Style                                                                                                                           | 164.52                              | 164.52    |
| 8328 | INV017022                                    | RapidScale Inc.                            | 09/13/2017 | Virtual Hosting 8/31/17                                                                                                                                      | 2,715.03                            | 2,715.03  |
| 8329 | 17456D{1}                                    | Rick Engineering Company                   | 09/13/2017 | Prof Svc: City Engineer On-Call Svcs 6/27/17-7/30/17                                                                                                         | 19,232.95                           | 19,232.95 |
| 8330 | 605198                                       | Savmart Pharmaceutical Service             | 09/13/2017 | Pain Reliever Pills                                                                                                                                          | 40.35                               | 40.35     |
| 8331 | Aug17                                        | SDG&E                                      | 09/13/2017 | Gas & Electric 7/20/17-8/20/17                                                                                                                               | 22,392.01                           | 22,392.01 |
| 8332 | 8046135894                                   | Staples Advantage                          | 09/13/2017 | Office Supplies & Copy Paper- City Hall                                                                                                                      | 434.70                              | 434.70    |
| 8333 | 254713                                       | State of California- Department of Justice | 09/13/2017 | Fingerprint Apps - Aug '17                                                                                                                                   | 320.00                              | 320.00    |
| 8334 | 9261-5<br>9370-4                             | The Sherwin-Williams Co.                   | 09/13/2017 | Paint Sprayer Tips<br>Traffic Marking Paint                                                                                                                  | 64.63<br>136.68                     | 201.31    |
| 8335 | 820170384                                    | Underground Service Alert                  | 09/13/2017 | 73 New Ticket Charges                                                                                                                                        | 130.45                              | 130.45    |
| 8336 | Sep12 17                                     | Vantage Point Transfer Agents-457          | 09/13/2017 | ICMA Deferred Compensation Pay Period Ending 9/12/17                                                                                                         | 580.77                              | 580.77    |
| 8337 | 71567359<br>71570106<br>71578746<br>71578747 | Vulcan Materials Company                   | 09/13/2017 | Asphalt/SS1H 4.5 Gallon Bucket<br>Asphalt<br>Asphalt/SS1H 4.5 Gallon Bucket<br>Asphalt                                                                       | 263.60<br>94.96<br>173.07<br>139.75 | 671.38    |
| 8338 | 10389                                        | AdminSure                                  | 09/20/2017 | Workers' Compensation Claims Administration - Oct '17                                                                                                        | 427.50                              | 427.50    |
| 8339 | 5797                                         | Aguirre & Associates                       | 09/20/2017 | 69th Street Survey - Aug '17                                                                                                                                 | 750.00                              | 750.00    |
| 8340 | 10204L-IN                                    | Aztec Landscaping Inc.                     | 09/20/2017 | One-Time Mowing & Weeding-LG Environmental Lot I 7/26/17                                                                                                     | 11,098.00                           | 11,098.00 |
| 8341 | 48878                                        | C P Richards Signs, Inc.                   | 09/20/2017 | Patch Decals - Heartland Fire                                                                                                                                | 97.50                               | 97.50     |
| 8342 | Oct 2017                                     | California Dental Network Inc.             | 09/20/2017 | California Dental Insurance -Oct17                                                                                                                           | 309.98                              | 309.98    |
| 8343 | 17741690                                     | Canon Financial Services Inc.              | 09/20/2017 | Canon Copier Contract Charge 10/1/17                                                                                                                         | 642.60                              | 642.60    |
| 8344 | 4023533048                                   | Canon Solutions America, Inc.              | 09/20/2017 | Canon Maintenance-Copier Usage 5/27/17-8/26/17                                                                                                               | 106.11                              | 106.11    |
| 8345 | 694391224                                    | Cintas Corporation #694                    | 09/20/2017 | Janitorial Supplies - 9/14/17                                                                                                                                | 591.47                              | 591.47    |
| 8346 | 0000014383<br>FR50000057<br>FR50000059       | City of El Cajon                           | 09/20/2017 | Reimb for Voodoo Red Tactical First Aid Kits - LG Share<br>Overtime Reimb - Nevin & Thorn 8/12/17<br>Overtime Reimb- Paddock 8/28- Stewart 8/31- Pearson 9/5 | 43.05<br>2,343.50<br>2,457.75       | 4,844.30  |

|      |                                                                    |                                             |            |                                                                                                                                                                                                                                                                                                                                               |                                                                        |            |
|------|--------------------------------------------------------------------|---------------------------------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|------------|
| 8347 | 19594                                                              | City of La Mesa                             | 09/20/2017 | Overtime Reimb- Dietz/Carter/Kirk/Hubert/Casey 8/7-16/17                                                                                                                                                                                                                                                                                      | 6,883.53                                                               | 6,883.53   |
| 8348 | 212254-18                                                          | County of SD- Environmental Health          | 09/20/2017 | Unified Program Facility Permit Renewal- 10/31/17-10/31/18                                                                                                                                                                                                                                                                                    | 469.00                                                                 | 469.00     |
| 8349 | 9/6/2017<br>9/6/2017<br>9/4/2017                                   | Cox Communications                          | 09/20/2017 | Calsense Modem Line:2259 Washington Ave 9/6/17-10/5/17<br>Calsense Modem Line:7071 Mt Vernon- 9/6/17-10/5/17<br>Phone/Rec Ctr/ 3131 School Ln 9/4/17-10/3/17                                                                                                                                                                                  | 20.89<br>19.78<br>98.43                                                | 139.10     |
| 8350 | 3790<br>3791<br>3793<br>3794<br>3795<br>3803                       | D- Max Engineering Inc.                     | 09/20/2017 | 2135 Wash. SWQMP/Erosion Control PlanReview thru8/31/17<br>2065 69th Street Erosion Control Plan Review thru 8/31/17<br>Grove Lofts Stormwater Inspection Svcs thru 8/31/17<br>Center Hilltop Stormwater Inspection Svcs thru 8/31/17<br>LG Realignment Stormwater Inspection Svcs thru 8/31/17<br>D-Max Stormwater Prof Svcs 7/1/17- 8/31/17 | 1,883.54<br>210.00<br>286.77<br>230.70<br>434.44<br>8,204.00           | 11,249.45  |
| 8351 | 43915                                                              | Dave Bang Associates, Inc. of CA            | 09/20/2017 | Park Signs & Hardware- Activity Signs & Posts                                                                                                                                                                                                                                                                                                 | 1,323.64                                                               | 1,323.64   |
| 8352 | 0905172305                                                         | Domestic Linen- California Inc.             | 09/20/2017 | Shop Towels & Safety Mats 9/5/17                                                                                                                                                                                                                                                                                                              | 102.20                                                                 | 102.20     |
| 8353 | 9/11-14/17                                                         | Esgil Corporation                           | 09/20/2017 | 75% Building Fees- 9/11/17-9/14/17                                                                                                                                                                                                                                                                                                            | 4,111.19                                                               | 4,111.19   |
| 8354 | INV1012349                                                         | George Hills Company                        | 09/20/2017 | TPA Claims Svc- Aug 17                                                                                                                                                                                                                                                                                                                        | 1,467.50                                                               | 1,467.50   |
| 8355 | AR008848                                                           | Grossmont Union High School District        | 09/20/2017 | Buses for Summer Day Camp Field Trips -Aug '17                                                                                                                                                                                                                                                                                                | 2,663.15                                                               | 2,663.15   |
| 8356 | 1674                                                               | Harmony Environmental Services, Inc.        | 09/20/2017 | Hazmat Cleanup/2491 Mass Ave/SD Unit Unavailable - 3/5/17                                                                                                                                                                                                                                                                                     | 340.09                                                                 | 340.09     |
| 8357 | SS000194287                                                        | Hawthorne Machinery Co                      | 09/20/2017 | Equip Repair- CAT 420E Backhoe - Annual Service & Repairs                                                                                                                                                                                                                                                                                     | 7,543.41                                                               | 7,543.41   |
| 8358 | 1171460                                                            | J&M Keystone, Inc.                          | 09/20/2017 | Hazmat Cleanup/3110 Sweetwater/SD Unit Unavailable- 5/20/17                                                                                                                                                                                                                                                                                   | 1,032.54                                                               | 1,032.54   |
| 8359 | 201721                                                             | Lemon Grove Car Wash, Inc.                  | 09/20/2017 | Oil Change - LGPW#17 - 99 Ford F350 8/1/17<br>Oil Change - LGPW#23 - 02 GMC 2500 8/1/17<br>Oil Change - LGPW#03 - 00 Ford Ranger 8/1/17<br>Oil Change - LGPW#20 - 00 GMC 2500 8/14/17<br>Deluxe Car Wash - LGPW#28 - 08 Chevy Colorado 8/28/17                                                                                                | 44.93<br>44.93<br>39.54<br>39.54<br>16.00                              | 184.94     |
| 8360 | 07-2331                                                            | Lemon Grove School District                 | 09/20/2017 | Fuel Services-Fire Stn- Aug '17                                                                                                                                                                                                                                                                                                               | 1,576.19                                                               | 1,576.19   |
| 8361 | 1446077<br>1446078                                                 | Liebert Cassidy Whitmore                    | 09/20/2017 | Prof Svcs: LE050-00003 Pre-Litigation thru 8/31/17<br>Prof Svcs: LE050-00200 FLSA Audit thru 8/31/17                                                                                                                                                                                                                                          | 35.00<br>5,411.00                                                      | 5,446.00   |
| 8362 | INV18661                                                           | Logiccopy                                   | 09/20/2017 | Ricoh C3502 Copier Contract Charge- PW Yard- 9/7/17-10/6/17                                                                                                                                                                                                                                                                                   | 51.61                                                                  | 51.61      |
| 8363 | Aug 17<br>Aug 17<br>Aug 17<br>Aug 17<br>Aug 17<br>Aug 17<br>Aug 17 | Lounsbery Ferguson Altona & Peak LLP        | 09/20/2017 | Case# 01163-00002 - Aug '17<br>Case# 01163-00003 - Aug '17<br>Case# 01163-00023 - Aug '17<br>Case# 01163-00033 - Aug '17<br>Case# 01163-00036 - Aug '17<br>Case# 01163-00037 - Aug '17<br>Case# 01163-00028 - Aug '17                                                                                                                         | 11,481.60<br>471.55<br>8,511.06<br>116.20<br>265.60<br>166.00<br>52.07 | 21,064.08  |
| 8364 | MMASC-2017                                                         | Municipal Management Assn of So. Cal.       | 09/20/2017 | MMASC Annual Conf/Registration - Boyce 10/25/17-10/27/17                                                                                                                                                                                                                                                                                      | 375.00                                                                 | 375.00     |
| 8365 | Murray                                                             | Murray, Brenda                              | 09/20/2017 | Refund/Murray, Brenda/Deposit & Rental- Comm Ctr- 10/14/17                                                                                                                                                                                                                                                                                    | 400.00                                                                 | 400.00     |
| 8366 | 91417                                                              | Ramona Paving & Construction Corp.          | 09/20/2017 | Refund/Ramona Paving/CD17-0011/Diversion Deposit 6/8/17                                                                                                                                                                                                                                                                                       | 3,500.00                                                               | 3,500.00   |
| 8367 | LG09062017                                                         | SD Sports Medicine and Family Health Ctr    | 09/20/2017 | Medical Fitness Evaluation with DMV - 9/6/17                                                                                                                                                                                                                                                                                                  | 868.22                                                                 | 868.22     |
| 8368 | 8123077414                                                         | Shred-It USA                                | 09/20/2017 | Shredding Services 08/23/17                                                                                                                                                                                                                                                                                                                   | 61.78                                                                  | 61.78      |
| 8369 | FY17                                                               | State Controller                            | 09/20/2017 | FY17 Payment Listing/Audit Request                                                                                                                                                                                                                                                                                                            | 150.00                                                                 | 150.00     |
| 8370 | Rnwl2018                                                           | State of Ca. - Dept of Pesticide Regulation | 09/20/2017 | License Renewal - Pesticide Regulation/Mendoza - PW                                                                                                                                                                                                                                                                                           | 60.00                                                                  | 60.00      |
| 8371 | 3185260-CA                                                         | US HealthWorks Medical Group,PC             | 09/20/2017 | Medical Exam - 8/28/17                                                                                                                                                                                                                                                                                                                        | 246.00                                                                 | 246.00     |
| 8372 | 0137173-IN                                                         | Vavrinek, Trine, Day & Co., LLP             | 09/20/2017 | Accounting Svc- Sanitation Fund Cost Analysis- Jul '17                                                                                                                                                                                                                                                                                        | 800.00                                                                 | 800.00     |
| 8373 | 9792095105                                                         | Verizon Wireless                            | 09/20/2017 | Modems- Cardiac Monitors - 8/4/17-9/3/17                                                                                                                                                                                                                                                                                                      | 14.04                                                                  | 14.04      |
|      |                                                                    |                                             |            |                                                                                                                                                                                                                                                                                                                                               | 730,443.96                                                             | 730,443.96 |

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1.D  
**Mtg. Date** October 3, 2017  
**Dept.** City Attorney

**Item Title:** Resolution of the City Council of the City of Lemon Grove, California Approving an Appeal of a Zoning Clearance Denial to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 6915 North Avenue (ZC1-700-0016).

**Staff Contact:** James P. Lough, City Attorney

**Recommendation:**

That the City Council consider and adopt the following:

1. Adopt the attached Resolution approving the appeal from a denial of a Zoning Clearance for Application Number ZC1-700-0016.

**Item Summary:**

The attached resolution ratifies the approval of an appeal of a Zoning Clearance that overturns a Director Determination. The City Council has no discretion to reconsider the decision made at the September 19, 2017 Public Hearing. For this item, Council discretion is limited to a determination about whether the findings in the Resolution accurately reflect Council determinations made after the Public Hearing.

**Environmental Review:**

☒ Not subject to review

☐ Negative Declaration

☐ Categorical Exemption, Section

☐ Mitigated Negative Declaration

**Public Information:**

☐ None

☐ Newsletter article

☐ Notice to property owners within 500 ft.

☐ Notice published in local newspaper

☐ Neighborhood meeting

**Attachments:**

A. Staff Report

B. Resolution Approving the Findings and Ratifying Approval of the Appeal. (ZC1-700-0016.)

# ATTACHMENT A

## LEMON GROVE CITY COUNCIL

**Mtg. Date**    October 3, 2017

**Item Title:**    **Resolution of the City Council of the City of Lemon Grove, California Approving an Appeal of a Zoning Clearance Denial to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 6915 North Avenue (ZC1-700-0016).**

**Staff Contact:**    James P. Lough, City Attorney

### **BACKGROUND:**

On June 13, 2017, the Development Services Director (Director) denied Zoning Clearance Application No. ZC1-700-0016, a request to establish a medical marijuana dispensary (MMD) on a 0.53-acre shopping center property located at 6915 North Avenue. The application was denied because the proposed MMD would be at a property located within 1,000 feet of three State-licensed family daycares. The City of Lemon Grove obtained a confidential list of family daycare homes from the Department of Social Services (DSS), subject to the provision that the list be kept confidential.

The appellant, Mr. Christopher O. Williams, subsequently filed an appeal and request for public hearing disputing the 1,000-foot limit interpretation. The public hearing was continued from August 15, 2017 to September 19, 2017. On September 19, 2017, the City Council conducted the public hearing. The Council voted 4-0, Council member Matthew Mendoza absent, to approve the appeal. The City Council determination was made based on the Staff Report, public comment and written information received at the public hearing.

### **DISCUSSION:**

The attached Resolution ratifies the approval of the appeal at the September 19, 2017 Council meeting. The Resolution is intended to reflect the Findings made by the Council in approving the Appeal. In addition, the Findings also reflect conclusions of the Council regarding issues raised at the Public Hearing that were not persuasive because they did not follow the language found in Measure "V".

The Findings reflect that, with certain exceptions, there must be a 1,000-foot separation between Regulated Uses and Protected Uses such as state licensed daycare centers. The distance measurement is in a straight line regardless of the location of buildings, fences or other impediments preventing direct line travel except for two types of barriers under Lemon Grove Municipal Code ("LGMC") Section 17.32.090(B). This subsection states as follows:

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 one thousand feet of any other regulated use which is located either inside or outside the jurisdiction of the city,
2. Within one thousand 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.

The two exceptions to the straight-line measurement method are for “**natural topographical barriers**” and “**constructed barriers** such as freeways or flood control channels that would impede direct physical access between the uses.” Unless an impediment fits into one of these two categories (natural topographical or constructed), the impediment cannot be a justification to deviate from the straight-line 1,000-foot distance requirement between a regulated use and a protected use under LGMC Section 17.32.090(B).

The Findings reflect a determination that testimony regarding vegetation on a slope next to the protected use do not constitute a natural topographical barrier. Vegetation is not a topographic feature of the land. While it is affixed to the land, it is subject to change over time.

Testimony was also received about a long fence that had barbed wire that prevented access to the protected use. The Findings reflect that a barbed wire fence does not constitute a constructed barrier such as a freeway or flood control channel. A fence does not fall into the same class of impediments as the examples contained in Section 17.32.090(B). A fence is subject to removal at any time and does not have the permanency or is in the same “constructed” class of impediments as a freeway or flood control channel.

The Council’s determination was made based on a combination of factors unique to the property at 6915 North Avenue and its relative location compared to the protected uses found at 7106 Westview Place. First, Council discussion centered around the freeway onramp next to 6915 North Avenue. This property is at the beginning of the freeway and the end of Broadway. At this point, Federal Boulevard also feeds into North Avenue and Broadway. In addition, the maps presented at the hearing do not show a marked crosswalk. To find a marked crosswalk, one would have to walk east on Broadway to be able to cross at a marked crosswalk. The Findings reflect that the City Council considered this location as an impediment resembling a constructed barrier. However, by itself, it would not be considered an impenetrable constructed barrier such as a freeway or flood control channel.

## ATTACHMENT A

Second, the City Council found that the slope at the west end of the protected use property was a significant impediment. Testimony and topographic information presented at the public hearing contained evidence that the slope was between twenty and twenty-five feet high, with a steep angle. Discussion among the Council indicated that this barrier, by itself, did not constitute a natural topographic barrier to place the protected use outside of the 1,000-foot zone. However, when the City Council considered the combination of the steep angled slope (natural topological barrier) and the freeway onramp/Broadway (constructed barrier) location bordering on the regulated use, the two factors demonstrated that the distance measurement should consider the two barriers.

The hearing record demonstrated that the straight-line distance between the regulated use and the protected use was 853 feet. With the combination of the two barriers, the City Council found that the distance between the uses would exceed the 1,000-foot threshold. The Findings discuss how the measurement is modified by the barriers (natural topographic or constructed). The language of LGMC Section 17.32.090(B) states, in part, as follows:

In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access.

While neither barrier, by itself, constitutes an impediment intended to deviate from the straight-line measurement method, the combination of the two barriers would add more than 147 feet to the calculation. The constructed barrier would likely cause a pedestrian to walk east on Broadway to the nearest marked cross walk. The slope west of the regulated use would require a detour to the end of the *cul du sac* on Westview Place. These unusual circumstances require the consideration of two barriers to exceed the 1,000-foot measurement.

With this decision, the Applicant is free to proceed with finalizing all other elements required to receive his Zoning Clearance. Once the Zoning Clearance is received, the Applicant may proceed with an application for a Conditional Use Permit.

### **Fiscal Impact:**

None.



## RESOLUTION NO. 2017-\_\_\_\_\_

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE APPROVING AN APPEAL OF A ZONING CLEARANCE DENIAL ALLOWING THE APPLICANT TO APPLY FOR A CONDITIONAL USE PERMIT SEEKING TO ESTABLISH A MEDICAL MARIJUANA DISPENSARY AT 6915 NORTH AVENUE (ZC1-700-0016), 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 (Medical Marijuana Regulations) which prohibits the establishment of medical marijuana dispensaries within 1,000 feet of certain protected uses, as specifically codified in Lemon Grove Municipal Code Section 17.32.090(B), including licensed daycare facilities; and

**WHEREAS**, Measure V states "measurement is made between the closest property lines of the premises in which the regulated uses and protected uses are located." Measure V further states "the measurement of distance between uses will consider 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." Measure V only references freeways and flood control channels as examples of constructed barriers. A freeway is defined as "an express highway, especially one with controlled access." Flood control is defined as "the act or technique of controlling river flow with dams, dikes, artificial channels, etc., to minimize the occurrence of floods." Examples of constructed barriers only include major linear obstructions traversing for miles where pedestrian access is prohibited or severely limited; and

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

**WHEREAS**, to obtain the confidential list of family daycare homes, City of Lemon Grove staff agreed to keep the information confidential as required by the State of California Department of Social Services; and

**WHEREAS**, on March 13, 2017, the City received a confidential list from the California Department of Social Services noting that such facilities are within 1,000 feet of 6915 North Avenue when measured by direct line between the regulated and protected properties; and

**WHEREAS**, on June 1, 2017, after being informed verbally by City staff that the subject property was within 1,000 feet of a licensed daycare facility, and that submittal of a zoning clearance application would result in a denial, the appellant (Christopher O. Williams) filed ZC1-700-0016, an application to apply for a conditional use permit to establish a MMD at 6915 North Avenue, Lemon Grove, CA; and

## ATTACHMENT B

**WHEREAS**, on June 13, 2017, the Development Services Director denied ZC1-700-0016 because the proposed project site is located within 1,000 feet of a State-licensed daycare facility; and

**WHEREAS**, on June 21, 2017, Pick Axe Holdings, LLC, filed an administrative appeal of the Director's decision (AA1-700-0004). The Appeal was treated as an appeal by Christopher O. Williams, in that Pick Axe Holdings was not the applicant and could not file the appeal. The Appeal stated that the denial letter does not state the licensed daycare home and therefore has not put the applicant on notice for the reason for denial there are no schools or licensed day care facilities within 1,000 feet of the subject property; and

**WHEREAS**, Government Code Section 6254.5(e) of the California Public Records Act 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 in writing the address of the three existing daycare facilities, located at 7106 Westview Place, Lemon Grove, on July 25, 2017 as evidenced by the letter attached to the Agenda Item Summary as Attachment "I"; and

**WHEREAS**, on August 15, 2017, the City Council held a duly noticed public hearing to consider AA1-700-0004, an appeal of the Development Services Director's determination to deny ZC1-700-0016 and, at the request of the applicant, the City Council continued the public hearing to September 19, 2017; and

**WHEREAS**, on September 19, 2017, the City Council held a continued public hearing to consider AA1-700-0004, an appeal of the Development Services Director's determination to deny ZC1-700-0016; and

**WHEREAS**, on September 19, 2017, the City Council received oral and written testimony from the Applicant, the Applicant's representatives, Lemon Grove staff and members of the public; and

**WHEREAS**, Mayor Pro Tem Jennifer Mendoza disclosed an *ex parte* (pre-hearing) contact with the Applicant's legal counsel, Gina Austin, to make a request to add clarifying information to an Exhibit supplied by the Applicant; and

**WHEREAS**, the City Council determined that no licensed daycare centers were within 1,000 feet of 6915 North Avenue, as measured by the method established under Lemon Grove Municipal Code ("LGMC") Section 17.32.090(B), when the City Council considered the unique location of the proposed regulated use and two cumulative impediments located between the regulated use and the protected use; and

**WHEREAS**, by straight- line measurement, as determined under LGMC Section 17.32.090(B), the three licensed daycare centers are 853 feet from the Applicant's parcel containing its business location; and

**WHEREAS**, the City Council further finds that testimony about buildings and other impediments between the protected uses and the regulated use are not relevant under LGMC Section 17.32.090(B) in that they are not "natural topographic barriers" or "constructed barriers" and are not considered when applying a straight-line measurement (without barriers) under the applicable measurement section; and

## Attachment B

**WHEREAS**, the City Council finds that the Applicant's property location borders a freeway onramp, which, due to its unique location partially between the Applicant's property location and the protected uses, can be considered an artificial constructed barrier under LGMC Section 17.32.090(B), requiring a person to alter their path between the two locations; and

**WHEREAS**, the protected use, located in a *cul du sac* at the end of Westview Place, was bordered by a steep slope with an approximate 25-foot elevation change. Said slope is situated between the protected use and the regulated use and is a natural topographical barrier requiring any person traversing the space between the two uses to alter their path of travel; and

**WHEREAS**, the combination of the constructed (conjunction of Broadway Avenue at the 94 Freeway westbound onramp) and natural topographical (slope at the western property line of the protected use) barrier would require a person to traverse more than 1,000 feet when traveling between the regulated use and the protected use as measured by the most direct route around each barrier in a manner that establishes direct access; and

**WHEREAS**, the City Council further finds that testimony that discussed the vegetation on the slope of the western side of the protected use does not fall within the definition of a "natural topographical barrier" in that it is not part of the natural part of the land mass and is not a topographic or constructed barrier used in altering the straight-line method of measurement under LGMC Section 17.32.090(B); and

**WHEREAS**, the City Council further finds that testimony which discussed the barbed wire fence is not relevant in that it does not qualify as a constructed barrier, such as freeways or flood control channels to deviate from the straight-line method expressed in LGMC Section 17.32.090(B); and

**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). The underlying request for a Conditional Use Permit is a discretionary project that will require environmental review.

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

1. Approve Christopher O. Williams' Administrative Appeal No. AA1-700-0004 based on the above-findings and the record of written materials and oral testimony of the Public Hearing conducted on August 15, 2017 and continued to and completed on September 19, 2017.
2. Grants the right to proceed to complete Applicant's Zoning Clearance which would allow allowing the Applicant to request to apply for a conditional use permit to operate a medical marijuana dispensary, at 6915 North Avenue, Lemon Grove, CA., pursuant to the applicable ordinances and building codes.
3. The City Council directs City Staff to process the application of Christopher O. Williams needed to complete any outstanding items on the checklist to allow issuance of a Zoning Clearance and, when the Zoning Clearance is granted, to process a Conditional Use Permit Application to conduct the business of a Medical Marijuana Dispensary under the applicable laws, rules and regulations of the City of Lemon Grove.

///

## **ATTACHMENT B**

**PASSED AND ADOPTED** by the City Council of the City of Lemon Grove, California on the 3rd day of October 2017 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Racquel Vasquez, Mayor

**ATTEST:**

\_\_\_\_\_  
Susan Garcia, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
James P. Lough, City Attorney

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 2  
**Mtg. Date** October 3, 2017  
**Dept.** Development Services Department

**Item Title:** City of Lemon Grove ADA Transition Plan Update

**Staff Contact:** Malik Tamimi, Management Analyst

**Recommendation:**

Discuss and provide feedback on the City of Lemon Grove ADA Transition Plan Update as outlined in the staff report (**Attachment A**).

**Item Summary:**

An ADA Transition Plan is a comprehensive and coordinated framework to ensure that the public has full access to city programs and facilities. The City of Lemon Grove adopted an ADA Transition Plan on August 4, 2015. The City will be updating the plan by assessing existing city facilities such as but not limited to city parks, Public Works Yard, City Hall as well as cost estimates per facility to meet ADA requirements. A description of the scope is described in the staff report (**Attachment A**). Staff recommends that City Council discuss and provide feedback on the scope of work for the ADA Transition Plan update.

**Fiscal Impact:**

Fifty thousand dollars through SANDAG Active Transportation Grant and ten thousand dollars in City Staff in-kind match.

**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 500 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |                                                                   |

**Attachments:**

A. Staff Report

**LEMON GROVE SANITATION DISTRICT  
AGENDA ITEM SUMMARY**

Item No. 1.E  
Mtg. Date June 20, 2017  
Dept. Public Works

**Item Title:** Acceptance of the FY 2016-2017 Sewer Capital Improvements Project: Upsizing, Replacement and Maintenance I

**Staff Contact:** Mike James, Assistant City Manager / Public Works Director and Tim Gabrielson, City Engineer

**Recommendation:**

Adopt a resolution (**Attachment A**) accepting the FY 2016-2017 Sewer Capital Improvements Project: Upsizing, Replacement and Maintenance (Contract No. 2016-24) as complete.

**Item Summary:**

On October 4, 2016, the Lemon Grove Sanitation District Board awarded a construction contract (Contract No. 2016-24) to SC Valley Engineering, Inc. for the construction of Fiscal Year 2016-2017 (FY 2016-17) Sewer Capital Improvements Project: Upsizing, Replacement and Maintenance with a bid cost of \$1,034,275 and a project budget not to exceed \$1,297,015. Since the project was awarded, there was one change order issued. The change order included minor changes to the original plans including loss of production which was caused by unexpected high amounts of moisture in the soil, additional base paving, Main Street overlay, glass pave fabric, installation of new 8-inch sewer, disposal of export material, deletion of T-Cap line item, and balance of field order that was not utilized. The change order reflects the unforeseen construction items, project deductions and increase of construction quantities, time and materials by \$84,113.96. The final project cost was under budget at a total cost of \$1,234,649.62 including all consultant related expenditures. On July 31, 2017, the City's Construction Manger completed the final inspection of the improvements and determined the work was completed per the contract specifications. Staff recommends that the City Council adopts a resolution (**Attachment A**) accepting the work as complete, authorizes the City Manager or designee to file a notice of completion with the County of San Diego, and authorizes staff to release the retention no sooner than thirty (30) days after the notice of completion has been filed.

**Fiscal Impact:**

Sanitation District Capital Improvement funds were budgeted for this project as part of the Fiscal Year 2016-17 and 2017-2018 budgets.

**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. Resolution

# Attachment A

## RESOLUTION NO. 2017-\_\_\_\_\_

### RESOLUTION OF THE LEMON GROVE SANITATION DISTRICT BOARD ACCEPTING THE FY 2016-2017 SEWER CAPITAL IMPROVEMENT PROJECT: UPSIZING, REPLACEMENT, AND MAINTENANCE (CONTRACT 2016-24) AS COMPLETE

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**WHEREAS**, on October 4, 2016, the Sanitation District Board awarded the construction contract (Contract No. 2016-24) for the construction of the Fiscal Year 2016-2017 (FY 2016-17) Sewer Capital Improvements Project: Upsizing, Replacement and Maintenance to SC Valley Engineering, Inc.; and

**WHEREAS**, the contract bid amount was established at \$1,034,275 and a total project budget not to exceed \$1,297,015; and

**WHEREAS**, one change order in the total amount of \$84,113.96 increased the original contract price from \$1,034,275 to \$1,118,388.96; and

**WHEREAS**, the final project cost of \$1,234,649.62, was allocated for this project from the Sanitation District Capital Improvement Fund; and

**WHEREAS**, on July 31, 2017, SC Valley Engineering, Inc. completed the scope of work as defined by the original contract and change orders; and

**WHEREAS**, The City's Construction Inspector inspected all of the improvements and determined that SC Valley Engineering, Inc. fulfilled its contractual obligations.

**NOW, THEREFORE, BE IT RESOLVED** that the Sanitation District Board of the City of Lemon Grove, California hereby:

1. Accepts the work for the construction contract (Contract No. 2016-24) for the construction of the FY 2016-2017 Sewer Capital Improvements Project: Upsizing, Replacement and Maintenance as complete; and
2. Authorizes the City Manager or designee to file a notice of completion with the County of San Diego; and
3. Authorizes city staff to release the retention no sooner than thirty (30) days after the notice of completion is filed.

/////  
/////

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1.F  
**Mtg. Date** October 3, 2017  
**Dept.** Public Works

**Item Title:** Calle Norte Storm Drain Installation and Repair Project (Contract No. 2018-05)

**Staff Contact:** Mike James, Assistant City Manager / Public Works Director

**Recommendation:**

Adopt a resolution (**Attachment B**) awarding a contract for the Calle Norte Storm Drain Installation and Repair Project (Contract No. 2018-05).

**Item Summary:**

In April 2017, City staff was notified of a possible sinkhole and pavement failure in the 8500 block of Calle Norte. Staff inspected the site and performed exploratory construction to determine if there was a cause to the failure. Initial observations yielded an underground water source that caused the subbase to fail which in turn made the pavement directly above the site fail.

The staff report (**Attachment A**) details additional background information, investigate steps that were performed by staff, and the final recommendation to move forward with a construction contract to perform necessary repairs.

**Fiscal Impact:**

The construction cost estimate totals \$42,552.50 with a project cost estimate of \$47,000.00.

**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.F

Mtg. Date October 3, 2017

Item Title: **Calle Norte Storm Drain Installation and Repair Project (Contract No. 2018-05)**

Staff Contact: Mike James, Assistant City Manager / Public Works Director

### Discussion:

In April 2017, City staff was notified of a possible sinkhole and pavement failure in the 8500 block of Calle Norte (Exhibit 1). Engineering and Public Works staff visited the site and concluded that exploratory construction was needed to determine what caused the pavement to fail in that specific location.

After exposing the site by digging 2-3 feet below grade, staff confirmed the presence of groundwater that was saturating the subbase to the point of not being able to support vehicular traffic in the cul-de-sac. Additional observations were noted by Ninyo & Moore Geotechnical and Environmental Services Consultants who visited the site and made observations and recommendations to remediate the groundwater exposure. Staff also requested testing of the groundwater to help determine the source of the water. It was concluded that the water was naturally occurring groundwater and not sourced from any Helix Water District infrastructure. Based on these two test results, City staff was presented with



Exhibit 1: Overhead view of pavement failure

two options to remedy the continued groundwater leakage. First, the City could follow the recommendations as noted in Attachment 2. Second, the City could use a combination of the recommendation in Attachment 2 while also capturing the ground water in a new storm drain pipe and transporting the water to the nearest storm drain inlet on Calle Norte into the City's storm drain system. After consulting with the City Engineer and Public Works staff, the final decision that should remedy the problem is to capture and transport the groundwater into the City's storm drain system.

In late April, staff met with MJC Construction on site to request a proposal (**Attachment B – Exhibit 1**) to perform a scope of work that would:

1. Capture all groundwater at the original site and transport the water to the City's storm drain system;
2. Backfill the open pit and trench that will contain the new storm drain pipe; and
3. Remove mature trees that are damaging the existing sidewalk storm drain system.

MJC was selected to provide a proposal because of their significant experience working on storm drain projects in the City as well as pavement rehabilitation projects. MJC has a current and valid

# Attachment A

general contractor's license in the State of California and a current business license. Lastly, the amount of the proposal is within the approval authority of staff to perform via force account, invoice or purchase order per Lemon Grove Municipal Code 3.24 which supported the direct solicitation of a proposal rather than formally noticing and perform a public bidding process.

## Fiscal Impact:

The proposed amount is \$42,552.50. Based on that total staff is recommending a contingency amount of \$4,447.50, which equals approximately 10 percent. The recommended project cost is \$47,000.00.

As of the date of this report, there is no funding source identified for this work. However, staff believes there are two funding options available to the City Council.

1. The City Council may use General Reserves. This expense is eligible under the reserve policy as an emergency use.
2. The City Council may use a portion of the \$180,000 available in Capital Reserves (Fund 32) towards this project by reprioritizing funding to existing projects and leaving a project as unfunded.

Based on these two funding options, staff recommends that the City Council selects option two. As a summary, Table 1 which is shown below, outlines the projects that were approved with the consolidated budget on June 20, 2017.

Table 1: Facility Acquisition List

| Location           | Description:                 | Budget:        | Expended:  | Revised Budget: |
|--------------------|------------------------------|----------------|------------|-----------------|
| Annex Courtyard    | Folding Chairs               | \$2,000        | \$0        | \$2,000         |
| Community Center   | Padded Audience Chairs       | \$4,000        | \$0        | \$4,000         |
|                    | Glass Door Replacement       | \$3,000        | \$0        | \$3,000         |
|                    | New Paint                    | \$350          | \$0        | \$350           |
|                    | Baby Changing Table          | \$400          | \$0        | \$400           |
|                    | City Council Chairs (8)      | \$3,000        | \$0        | \$3,000         |
|                    | <u>New Linoleum Floor</u>    | <u>\$8,000</u> | <u>\$0</u> | <u>\$0</u>      |
| Fire Department    | Roll Up Door Sensors/Bumpers | \$7,000        | \$0        | \$7,000         |
|                    | Furnace and A/C Unit         | \$11,000       | \$0        | \$11,000        |
| Lemon Blossom Hall | Restroom Countertops         | \$6,000        | \$0        | \$6,000         |
|                    | Restroom Mirrors             | \$1,200        | \$0        | \$1,200         |
|                    | New Linoleum Floor           | \$14,000       | \$0        | \$14,000        |
|                    | 8' Mobile Tables (4)         | \$3,000        | \$0        | \$3,000         |

## Attachment A

| Location                           | Description:                    | Budget:          | Expended:       | Revised Budget:  |
|------------------------------------|---------------------------------|------------------|-----------------|------------------|
| <b>Recreation Center</b>           | Baby Changing Table             | \$400            | \$0             | \$400            |
|                                    | Counter Top and Cabinets        | \$800            | \$0             | \$800            |
|                                    | Activity Room Frame Repair      | \$2,000          | \$0             | \$2,000          |
|                                    | Shade Structure Pad Replacement | \$1,000          | \$0             | \$1,000          |
|                                    | Gym Wall Mat Replacement        | \$500            | \$0             | \$500            |
|                                    | Foosball Table                  | \$400            | \$0             | \$400            |
| <b>Public Works</b>                | Baby Changing Table             | \$400            | \$0             | \$400            |
|                                    | Gym Door Replacement            | \$6,000          | \$0             | \$6,000          |
|                                    | Conference Flooring             | \$500            | \$0             | \$500            |
|                                    | Auto Scrubber                   | \$9,000          | \$0             | \$9,000          |
|                                    | One Ton Roller                  | \$31,000         | \$31,058        | \$31,058         |
|                                    | Playground Equipment            | \$5,000          | \$0             | \$5,000          |
| <b>Capital Equipment/Structure</b> | Sheriff/City Hall Wall Repairs  | \$20,000         | \$20,200        | \$20,200         |
|                                    | <b>Totals</b>                   | <b>\$139,950</b> | <b>\$51,258</b> | <b>\$132,208</b> |

When the City Council approved the funding of the projects listed above, there was an unallocated fund balance of \$40,050. By allocating that amount to the estimated Calle Norte project budget, there is still a budget short fall of \$6,950. Taking into consideration the projects that have an impact on life safety services and facility rental revenues, staff recommendations that the funds allocated to the installation of a new linoleum flooring in the Community Center for \$8,000 is not funded. The project will remain on the project list for facility improvements but it will be listed as unfunded. Staff will continue to review all costs as purchases are made and if any savings are realized those amounts will be allocated to the linoleum floor project.

### Conclusion:

Staff recommends that the City Council adopts a resolution (**Attachment B**) awarding the Calle Norte Storm Drain Installation and Repair Project (Contract No. 2018-05) to MJC Construction and establish a project budget not to exceed \$47,000 (**Attachment B – Exhibit 1**).

## Attachment B

### RESOLUTION NO. 2017 - \_\_\_\_\_

#### RESOLUTION OF THE LEMON GROVE CITY COUNCIL AWARDING A CONTRACT FOR CALLE NORTE STORM DRAIN INSTALLATION AND REPAIR PROJECT (CONTRACT NO. 2018-05)

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**WHEREAS**, the City is responsible for maintaining all public streets in the City's street inventory; and

**WHEREAS**, in April 2017, City staff discovered a portion of pavement failing in the cul-de-sac in the 8500 block of Calle Norte, which is a publicly owned and maintained street, that was caused by a naturally occurring underground water source; and

**WHEREAS**, staff requested a proposal from MJC Construction to repair the pavement and install a new storm drain pipe transporting the groundwater to the City's storm drain system; and

**WHEREAS**, this project is unfunded and a reallocation of funds is necessary to complete said project; and

**WHEREAS**, the City Council finds it in the public interest that a contract for said repairs is awarded.

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

1. Awards a contract to MJC Construction in the amount of \$42,552.20 and establishes a project budget not to exceed \$47,000.00; and
2. Allocates \$47,000.00 from Fund 32 – Capital Reserve Fund to complete said project; and
3. Authorizes the City Manager or her designee to execute said proposal and manage the construction project (**Attachment B - Exhibit 1**).

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/////

# Attachment B – Exhibit 1



**CONSTRUCTION**

LIC# 754128  
3015 Sylvia Street  
Bonita, CA 91902  
PH: 619-472-5619

## Proposal / Contract

Project# \_\_\_\_\_  
Proposal Date: 9/13/2017  
Proposal #: 021061

|                                                                         |
|-------------------------------------------------------------------------|
| <b>Bill To:</b>                                                         |
| City of Lemon Grove<br>3232 Main St<br>Lemon Grove, Ca<br>Att: Tom Bell |

| Item   | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Qty | Rate      | Total     |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----------|-----------|
| 17-073 | <p><b>SITE #1 /Calle Del Norte and Las Palmas</b></p> <ol style="list-style-type: none"> <li>1. 35X5X2 trench.</li> <li>2. Line trench with filter fabric</li> <li>3. Install 3/4 " rock</li> <li>4. Install 35 ' of 6" perforated drain pipe</li> <li>5. Trench 320'X15"X4' to existing catch basin</li> <li>6. Install 320' of SDR35 pipe</li> <li>7. Install two double clean outs per City specifications</li> <li>8.Pave trench with 4" AC....(\$36,552.50)</li> </ol> <p><b>SITE #2 / Calle Las Palmas</b></p> <ol style="list-style-type: none"> <li>1. Install 24"X24" brooks box type catch basin with traffic gate</li> <li>2. Trench 60'X15"X3' to existing catch basin</li> <li>3.Install 70' of SDR35 6"pipe and connect to existing basin</li> <li>4. Trench pave at 4" to grade....(\$4,500.00)</li> </ol> <p><b>SITE#3 / Calle del Norte</b></p> <ol style="list-style-type: none"> <li>1. Remove stump, grind pre marked Mexican fan palms (5) to expose City lighting and install D25 sidewalk drain...(\$1,500.00)</li> </ol> <p>Includes: All material and labor,Labor included in this proposal is in compliance with prevailing wages. Traffic control</p> <p>Excludes: Surveying, soils tests. inspection fees, permits , night and weekend work.</p> |     | 42,552.50 | 42,552.50 |

Approved By: \_\_\_\_\_

|              |           |
|--------------|-----------|
| <b>Total</b> | 42,552.50 |
|--------------|-----------|

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 2

Mtg. Date October 3, 2017

Item Title: **City of Lemon Grove ADA Transition Plan Update**

Staff Contact: Malik Tamimi, Management Analyst

### Discussion

The Americans with Disabilities Act (ADA) of 1990 is a civil rights statute that prohibits discrimination against people who have disabilities. ADA Transition Plans present how jurisdictions transition toward compliance with the Act and are intended to be updated periodically. The City of Lemon Grove applied and received grant funding through SANDAG Active Transportation Grant Program (AGTP) to update the City's ADA Transition Plan.

### Regulatory Background

On July 26, 1990, the United States Congress passed the Americans with Disabilities Act. This was a critical milestone in Civil Rights legislation for creating more inclusion and access for people with disabilities. Title II of the ADA requires that State and local government entities protect qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by the State and local government entities. Title II of ADA requires State and local government entities to identify and evaluate all programs, activities, and services and review all policies, practices, and procedures to make them accessible to those with disabilities. ADA applies to facilities built before and after 1990.

### City of Lemon Grove ADA Transition Plan

On August 4, 2015, the Lemon Grove City Council adopted the City of Lemon Grove ADA Transition Plan. The purpose of the Transition Plan was to provide a comprehensive and coordinated framework to ensure that the citizens of Lemon Grove have full access to City programs and facilities. The ability to accommodate disabled persons is essential for good customer service, the quality of life residents seek to enjoy, and for effective government. The ADA Transition Plan was developed to achieve the following:

1. Identify physical obstacles that limit the accessibility of facilities to individuals with disabilities;
2. Describe the methods and costs to make the facilities accessible;
3. Provide a schedule and funds for making the access modifications; and
4. Identify the public officials responsible for implementation of the Transition Plan.

The City's ADA Transition Plan was developed by in-house staff and identifies the City's Engineering Division as being responsible for the program, which is implemented through the City's Capital Improvement Program (CIP). The City's ADA Transition Plan also describes the program's implementation procedures that includes data gathering, evaluation, and ranking required to develop an inventory. Furthermore, it touches on accessibility of public rights-of-way, buildings, programs and services, communications, parking, accessible route and entry and lastly a grievance procedure. The ADA Transition Plan is required to be updated periodically until all accessibility barriers have been removed.

# Attachment A

## SANDAG Active Transportation Grant

On March 3, 2015, the Lemon Grove City Council approved the submittal of an application for ATGP funds through SANDAG for the preparation of an ADA Transition Plan. The City's grant application fell under the Non-Capital Planning category with a requested project funding amount of \$150,000 including an in-kind contribution of \$10,000. The grant was not awarded to the City of Lemon Grove for the ADA Transition Plan project. The City was compelled to move forward with the development of its own in-house ADA Transition Plan for a number of reasons, including it being a prerequisite to receiving federal transportation funding. The ADA Transition Plan that was adopted by the Lemon Grove City Council on August 4, 2015 met the minimum requirements but included room for enhancement and updates.

In late 2016, SANDAG reallocated available grant funding under the AGTP. A partial funding of \$50,000 became available through this program. SANDAG approached the City regarding the available funding referencing the 2015 ADA Transition Plan project. The City had already completed an ADA Transition Plan in August 2015; however, the existing plan would benefit from additional updates. The available grant funding would be used to hire a consultant with technical expertise in ADA to enhance and update the existing ADA Transition Plan while meeting the requirements of the ATGP. Below is a brief summary of the proposed scope of work and requested deliverables that will be released in a Request for Proposal.

1. **Summary Report:** Collect existing information and records to develop a summary report. This may include interviewing City staff to gain institutional knowledge, reviewing the City's ADA Transition Plan, and past Capital Improvement Project lists.
2. **Field Inspections:** Conduct field inspections of existing facilities. This includes generating a field inspection form, conducting field reconnaissance, coordinating inspections with facility managers. City facilities include but not limited to the following:
  1. Berry Street Park (7101 Mount Vernon Street)
  2. Civic Center Park (3200 Main Street)
  3. City Hall/Sheriff's Station (3232 & 3240 Main Street)
  4. Community Center (3146 School Lane)
  5. City Hall Annex (7853 Olive Street)
  6. Firefighters Park (School Lane/Central Avenue)
  7. Kunkel Park (8171 Lemon Grove Way)
  8. Lemon Grove Fire Station (7853 Central Avenue)
  9. Lemon Grove Park (Washington and Alton)
  10. Main Street Promenade (Between Olive & Lemon Grove Ave at Broadway)
  11. Mesa Valley Grove Senior Center (8235 Mt Vernon Street)
  12. Public Works Yard (2873 Skyline Drive)
  13. Recreation Center (3131 School Lane)
  14. Promenade Park (Broadway & Lemon Grove Avenue)
  15. Veteran's Park (Blossom Lane & Ildica Street)
3. **Existing Conditions Report:** Summarize the findings of the field inspections. This includes providing a summary of the existing conditions for City facilities as it pertains to ADA accessibility and including cost estimates for implementation into the CIP.
4. **Draft/Final Plan:** Prepare a draft and final plan with updates to the existing ADA Transition Plan including cost estimates per facility.

## **Attachment A**

The AGTP agreement requires that the project be completed within a 24 month period, no later than July 2019. Staff anticipates completing the updated ADA Transition Plan well before the grant deadline and intend to return to City Council for feedback and adoption at a later date.

### **Recommendation**

Staff recommends that the City Council discuss and provide feedback on the ADA Transition Plan update scope of work.