

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

November 3, 2015

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

Call to Order

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

City Staff present: Kathi Henry, Interim City Manager, Carol Dick, Development Services Director; Timothy Gabrielson, Interim City Engineer; Mike James, Public Works Director; James P. Lough, City Attorney; Lt. May, Sheriff's Department; Laureen Ryan Ojeda, Administrative Analyst; Rick Sitta, Fire Chief; Malik Tamimi, Management Analyst; and Cathy Till, Finance Director.

Call to Order:

Public Comment

John L. Wood mentioned the Water District Board Meeting and the MTS meeting.

Helen Halmay, Board Member, and Gloria Ferreira, President, of the Soroptomist Club mentioned that the Chili Cook-off is this Saturday and proceeds will benefit the kids; also, asked for City Council to support with a donation to the Holiday Giving Program.

1. Consent Calendar

A. Approval of City Council Minutes

October 20, 2015 Regular Meeting

B. Ratification of Payment Demands

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

D. Approval of CityMark Final Map for Tentative Map TM0060 located at 100 Citronica Lane

E. Heartland Fire Training Authority JPA Amendment

F. School District Joint Use Agreement

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

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2015-3367: Resolution of the City Council of Lemon Grove approving the CityMark Final Map for Tentative Map TM0060 located at 100 Citronica Lane

Resolution No. 2015-3368: Resolution of the City Council of Lemon Grove approving the Heartland Fire Training Authority JPA Amendment

Resolution No. 2015-3369: Resolution of the City Council of Lemon Grove approving the School District Joint Use Agreement

2. Ordinance No. 435 Repealing and Replacing Chapter 8.52 (Standard Urban Stormwater Mitigation Plan) with Chapter 8.52 (Post-Construction Best Management Practices (BMP) Design Standards) of the Lemon Grove Municipal Code

The California Regional Water Quality Control Board for the San Diego Region (SDRWQCB) reissued the Municipal Separate Storm Sewer (MS4) Permit in 2013 (Order No. R9-2013-0001) and later amended as R9-2015-0001. The reissued MS4 Permit requires the City of Lemon Grove (City) and the 20 other municipal agencies in San Diego County (collectively, “Copermittees”) to update their post-construction storm water best management practice (BMP) requirements for new development and redevelopment projects. Broadly, these standards require development projects to include features that reduce pollutants in runoff from their projects, and the proposed standards are stricter than the existing standards.

In response to MS4 Permit requirements, the Copermittees, led by the City of San Diego, prepared a regional Model BMP Design Manual. The BMP Design Manual is intended to replace what was called the Standard Urban Stormwater Mitigation Plan (SUSMP) under the previous MS4 Permit. In the City of Lemon Grove, those requirements are currently contained Chapter 8.52 of the Lemon Grove Municipal Code (LGMC), referred to as the Standard Urban Stormwater Mitigation Plan (SUSMP) Ordinance. To comply with the current MS4 Permit, the City has updated its SUSMP Ordinance based on the Model BMP Design Manual, and the code section itself is being retitled to “Post-Construction BMP Design Standards” to show compliance with the new standards. The Lemon Grove BMP Design Manual will be adopted by an implementing Resolution to be brought back to the Council at a later time.

The following is a summary of the significant changes proposed to the storm water requirements for development projects contained in Chapter 8.52 of the LGMC:

- Priority Development Project (PDP) categories have been updated and the minimum size of impervious area to qualify as a PDP has been reduced. PDPs are the projects subject to the highest level of water treatment BMP requirements per the MS4 Permit.
- Many of the low impact development (LID) requirements for site design that were applicable only to PDPs under the 2007 MS4 Permit are now also applicable to smaller projects, referred to as Standard Projects, under the current MS4 Permit.
- The standard for storm water pollutant control is retention of the 24-hour 85th percentile storm volume. This is stricter than the previous SUSMP standard, which also allowed for biofiltration in all cases and for other filtration type BMPs in some cases.
- For situations where onsite retention of the 85th percentile storm volume is technically not feasible, biofiltration must be provided to satisfy specific “biofiltration standards”. These standards consist of a set of siting, selection, sizing, design and operation and maintenance (O&M) criteria that must be met for a BMP to be considered a “biofiltration BMP.” The biofiltration measures required under the new standards are required to be sized at 1.5 times the design storm volume that is not retained on site. This is an increase over the past SUSMP requirements, which allowed biofiltration BMPs to be used for the same design storm volume as retention or infiltration (i.e., a sizing factor of 1.0).
- Past exemptions from hydromodification flow control requirements have been reduced or eliminated, as required by the MS4 Permit. This means fewer projects will qualify for exemptions from hydromodification management flow control requirements. Usually meeting hydromodification control requirements requires installing larger, higher capacity BMPs.
- The flow control performance standard for hydromodification management is based on controlling flow to the pre-development (natural) condition rather than the pre-project condition. This is not a significant difference for most new development projects.

However, it is a major increase in requirements for redevelopment projects, since the existing condition of most redevelopment projects includes significant amounts of paved areas and buildings. The existing condition for these properties produces more runoff than the parcel did farther in the past, before any development had occurred on it. Installing BMPs such that post-project flow rates match the natural condition flow rate rather than the existing (pre-project) condition requires installing larger BMPs.

- Hydromodification management requirements are expanded to include requirements to protect critical coarse sediment yield areas. While the regionally-produced maps of critical coarse sediment yield areas include few areas in Lemon Grove, development is essentially prohibited in those areas.

This manual shall be developed to be used in conjunction with Chapter 8.52 (Post-Construction Best Management Practices (BMP) Design Standards). It will provide both technical and procedural guidance to the project applicant and City Staff in determining which stormwater management requirements are applicable to the project. It also will provide the procedural requirements for the preparation, review, and approval of project submittals. Guidance on BMP design, calculation worksheets, maps and other pertinent resources will also be included in the Manual. The Lemon Grove BMP Design Manual will be adopted by an implementing Resolution to be brought back to the Council at a later time.]

Action: Motion by Councilmember Mendoza, seconded by Councilmember Gastil, to approve resolution:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Ordinance No. 435: An Ordinance of the City Council of Lemon Grove, California repealing and replacing Chapter 8.52 of the Lemon Grove Municipal Code.

3. NV5 Change Order Lemon Grove Realignment

The Lemon Grove Avenue Realignment Project is proposed to realign and reconstruct segments of Lemon Grove Avenue and North Avenue, the trolley/railroad crossing and the Lemon Grove Avenue SR94 entrance/exit. It also includes installing new striping on Olive Street between North Avenue and Broadway, installing traffic signals at the intersection of North and Lemon Grove Avenue, relocating and replacing sewer, water and storm drains, undergrounding utilities and upgrading substandard improvements at the trolley/train crossing.

Staff determined at the beginning of this project in 2007, that the project was too complex for in house engineering, particularly because it requires coordinating CalTrans, MTS, SDG&E and other utilities that require special engineering disciplines and expertise. With Community Development Agency Board approval, Bureau Veritas was contracted to perform the engineering needed to get the project to bid stage.

On March 17, 2009, the Agency Board approved Addendum No. 1 approving a one year time extension as Citronica was now identified as having a significant impact on the project.

On July 21, 2009, the Agency Board authorized Addendum No. 2, approving an additional \$496,000 for engineering services related to Citronica, railroad crossing preemption requirements, catenary tower relocation, subsurface contamination and additional surveying.

On September 21, 2010, the Agency Board approved the third Addendum for \$422,000 to include demolition of additional structures, new stormwater permit requirements, a traffic study update, additional landscaping, track replacement for MTS, geotechnical investigation and construction phase management. The time extension was two years: March 6, 2012.

On March 5, 2013, the Lemon Grove City Council (the Agency was being dissolved), approved a 4th Addendum which allowed for assigning the contract to Nolte Vertical Five (NV5) recognizing the new firm would finish the outstanding items including: relocate sewer facilities, acquire relevant private property, acquire easements for utility relocations, modify the boundary

of the underground utility district, identify a new access route for the Honda dealership and resolve the conditions placed by CalTrans and MTS. At conclusion, the project would be ready for bid. The cost associated with this Addendum was \$455,695 and two years were added to the timeline.

NV5 is now requesting Addendum No. 5. The proposal is to extend the contract through December 2015 and add \$117,582. NV5 is requesting the additional time and money to complete the scope and to add HNTB to provide overhead catenary systems design as required by MTS. MTS only allows certain engineering firms to do design work for their systems.

NV5 had submitted an encroachment permit package to CalTrans on December 9, 2015. Comments from that submittal were received but the permit was never completed and the permit lapsed. NV5 alleges that a second permit package submittal is outside the scope of their original contract for services. At the City's request, NV5 reallocated project budgets from other tasks to allow NV5 and other team members to submit a second CalTrans permit package and to address comments on the first permit. In doing so, NV5 depleted budgets available for addressing final design plans. In order to move forward with the project, complete the CalTrans encroachment permit process and finish the design to ready the project for bid, NV5, is now submitting their request for additional time and money.

With design of the project imminently close to completion, staff recommends that the City Council adopt the resolution approving Addendum No.5 in the amount of \$117,582 and extending the contract through December 2015.

Discussion among Councilmembers included the importance of this project to the City.

Action: Motion by Councilmember Gastil, seconded by Councilmember Jones, to approve addendum No. 5 to the Agreement to provide professional engineering services for the Lemon Grove Avenue Realignment Project with NV5.

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2015-3370: Resolution of the City Council of Lemon Grove approving Addendum No. 5 to the Agreement for the Lemon Grove Avenue Realignment Project with NV5.

4. 2015 CIP Street Rehabilitation, Concrete Repair and Upgrade Project

In September 2015, using the "short list" of six responsive, responsible contractors that have provided the City with quality work in the past, the City invited sealed bids for the "CIP Street Rehabilitation Project, Concrete Repair and Upgrade" (Contract No. 2016-05). The project consists of repair to sidewalks, driveway approaches, curbs, gutters and construct ADA compliant pedestrian ramps.

On October 8, 2015 the City received the following six sealed bids:

Bidder's Name	Location	Amount
MJC Construction	Bonita	\$130,832.00
Portillo Concrete	Lemon Grove	\$137,406.00
Ramona Paving	Ramona	\$143,607.00
Koch-Armstrong	Lakeside	\$147,587.40
SC Services	Santee	\$157,030.00
Crest Equipment	Santee	\$167,749.40

Average Bid Amount

\$147,368.63

The Engineer's Estimate for this project was \$162,522. The lowest bid was submitted by MJC Construction in the amount of \$130,832.00.

Staff reviewed MJC Construction's project work history, references, construction license, and reference checks and all were positive. MJC Construction has successfully performed similar work for various local governments and the City of Lemon Grove. MJC Construction's contractors license is current and in good standing with the State of California. Therefore, staff determined MJC Construction is both a responsive and responsible bidder, and recommends the award of this contract.

Ninyo & Moore Geotechnical Consultants, the City's current on-call inspection and testing consultant, will provide testing services for this project at a cost not to exceed \$4,044.00.

Staff recommends the following estimated budget:

Description	Amount
Construction Costs	\$130,832.00
Testing	\$4,044.00
Sub-total	\$134,876.00
Project Contingency~10%	\$13,487.00
Total	\$148,363.00

Staff recommends that the City Council adopt a resolution awarding the "Street Rehabilitation Project, Concrete Repair and Upgrade" contract (Contract No. 2016-05) to MJC Construction and establish a project budget not to exceed \$148,363.00.

There was discussion regarding local vendor preference and how currently that policy applies to taxable goods.

Action: Motion by Councilmember Jones, seconded by Councilmember Mendoza, to approve the 2015 CIP Street Rehabilitation, Concrete Repair and Upgrade Contract.

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2015-3371: Resolution of the City Council of Lemon Grove approving the 2015 CIP Street Rehabilitation, Concrete Repair and Upgrade Project Contract

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

Councilmember Jones attended the Otay Water District meeting and the East County Economic Development Committee meeting.

Councilmember Mendoza attended the Circulate San Diego Momentum Awards Gala and accepted the Momentum Award for THRIVE Lemon Grove, and attended the Community Picnic at Berry Street Park and hosted the HEAL Zone celebration.

Councilmember Gastil attended the East County Economic Development Committee meeting and thanked Councilmember Jones for speaking at this meeting.

Mayor Pro Tem Vasquez attended the Heartland Fire Communication Facility Authority Meeting, Local Agency Formation Commission meeting, Local Progress – 2015 National Convening in Los Angeles.

Mayor Sessom attended the Circulate San Diego Momentum Awards Gala and was at SANDAG for the adoption of the Regional Comprehensive Plan.

City Manager and Department Directors Report

Carol Dick thanked City Council and announced she has been offered and accepted a position at the City of La Mesa.

Lt. May wanted to remind everyone of the increase of identity theft, commercial theft and auto theft. Lemon Grove was in the news recently because of an identity theft ring uncovered here at the Home Depot. In the weeks between now and the holidays, the Sheriff's Department will have a crime prevention specialist in the community reminding citizens how to best protect themselves from crime.

Closed Session

City of Lemon Grove, et al. vs. California Department of Finance, et al. 34-2013-80001480-CU-WM-GDS
Public Employee Appointment Government Code Section 54957
Title: City Manager

Closed Session Report: No reportable actions were made.

Adjournment

There being no further business to come before the City Council, Housing Authority, Sanitation District Board, Lemon Grove Roadway Lighting District Board, and the Lemon Grove Successor Agency the meeting was adjourned at 6:50 p.m.

Susan Garcia
Susan Garcia, City Clerk