

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

August 2, 2016

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

Call to Order

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

Members absent: None.

City Staff present: Lydia Romero, City Manager, David DeVries, Development Services Director; Daryn Drum, Division Fire Chief; Tim Gabrielson, City Engineer; James P. Lough, City Attorney; Mike James, Public Works Director; Lt. May, Sheriff's Department; Gilbert Rojas, Interim Finance Director; Rick Sitta, Fire Chief; and Lauren Ryan Ojeda, Administrative Analyst.

Changes to the Agenda

Mayor Sessom provided the following changes to the order of the agenda. The closed session will be conducted before item No. 2, and item No. 2 will be renumbered item No. 8. Item No. 5 will go before item No. 4.

Presentations

Mayor Sessom presented Chief Rick Sitta, Heartland Fire and Rescue a proclamation for his years of service.

Introduction of Cris Briseno Sanitation Department Tech I.

Public Comment

Carl Finster and Pam Vandervliet commented on the condition of Hibiscus Drive.

Vanessa Villasenor commented on the construction project along Golden Avenue and the adjacent sidewalk.

1. Consent Calendar

- A. Approval of City Council Minutes**
June 2, 2016 Regular Meeting
- B. Ratification of Payment Demands**
- C. Waive Full Text Reading of All Ordinances and Resolutions on the Agenda**
- D. Denial of Claim**
- E. League of California Cities Annual Conference and Voting Delegate**
- F. Acceptance of the Community Development Block Grant (CDBG) 2016 Street Rehabilitation and ADA Pedestrian Curb Ramps Project**

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

Ayes: Gastil, Jones, Mendoza, Vasquez
Absent: Sessom

Resolution No. 2016-3448: Resolution of the City Council of the City of Lemon Grove, California Designating Mayor Mary Teresa Sessom as the City of Lemon Grove's Voting Delegate for the 2016 League of California Cities Annual Business Meeting

Resolution No. 2016-3449: Resolution of the City Council of the City of Lemon Grove, California Accepting the Community Development Block Grant (CDBG) 2016 Street Rehabilitation and ADA Pedestrian Curb Ramps Project (Contract No. 2016-18) as Complete

3. General Plan Update Timeline Extension

David De Vries reported that as of July 2016, Cal Poly San Luis Obispo's Design Studio team completed a public outreach program and prepared an internal draft community profile and General Plan Update. Staff is requesting a one-year extension to the General Plan Update adoption in order to allow for coordination with the Downtown Village Specific Plan Expansion and the Climate Action Plan that are both projected to be completed in 2017. The extension will also provide additional time to explore alternative land use scenarios and provide increased public outreach and coordination with property owners affected by the General Plan Update

Public Speaker(s)

There were no requests from the public to speak.

After the discussion, staff was directed to bring the climate action plan to Council throughout the process.

5. Approve an Agreement with Dexter Wilson Engineering, Inc. to Update the Sewer System Master Plan

Mike James stated that in 2006, the City contracted with Boyle Engineering Corporation to create a sanitary sewer system master plan (master plan) study. The purpose of the master plan is to serve as a planning document to evaluate the capacity of the existing collection system, determine improvement needs under future build-out conditions, develop a capital improvement program (CIP) based on those needs, and model future program needs through while performing on-going inspection, maintenance and video recording of the entire sewer collection system.

In 2009, district staff began a master plan update, however, the process was not completed. With the recent inclusion of Rick Engineering, staff is now better positioned to fully evaluate and update the master plan.

Action: Motion by Board Member Jones, seconded by Board Member Gastil, to adopt the resolution passed, by the following vote:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2016 - 282: Resolution of the District Board of the Lemon Grove Sanitation District Approving an Agreement with Dexter Wilson Engineering, Incorporated to Update the Sewer System Master Plan

4. Amendment to the Agreement with NBS Government Finance Group for the Sanitation District Rate Study

Mike James explained that the current agreement with NBS outlines 11 tasks that were to be performed. As was discussed during the May 3rd District Board meeting, the consultant completed a large portion of those tasks. The remaining work primarily focused on finalizing the rate study and meeting the requirements to adhere to Proposition 218 noticing.

The District Board first discussed this option when considering alternatives to staff's recommendation on May 3, 2016. The central premise of this option would immediately end the agreement with NBS. At that time, the final invoice will be processed. The estimated remaining cost payable to NBS equals \$1,980.00, which brings the total amount paid to NBS equal to \$16,325.27. After which, staff will immediately begin the advertisement process of a new request for proposals (RFP) to seek another consultant to perform a five year sanitation district rate study for the years Fiscal Year 2017-18 through Fiscal Year 2021-22.

The benefits of this option include re-evaluating the revenues/expenditures for a new five year period, selecting another consultant that may perform said work with a different methodology, incorporating the Proposition 218 noticing process into the five year study, and creating a new RFP that includes additional work items that the District Board expressed an interest in performing.

The drawbacks include extending the amount of time and funds to complete the sanitation district rate study, possibly increasing the redundancy with work performed in a relatively short amount of time, and re-advertising does not guarantee that the methodology will not be similar to process that a different consultant may perform.

The second option discussed by the District Board augments the existing agreement with NBS to include a connection fee analysis that can be fulfilled within the same duration of the original agreement while still reducing the total agreement cost. This option will result in an additional cost payable to NBS of \$11,285.00, which brings the total amount payable equal to \$25,630.27.

The benefits of this option includes reducing the total agreement cost, creating a connection fee analysis that, if accepted, can be quickly implemented, and it will still yield a completed five year rate study that the District Board can still utilize from FY 2017-18 through FY 2020-21.

The drawbacks include adding a task to the existing scope of work and not completing Proposition 218 noticing which district staff will still have to perform in the future.

Action: Motion by Board Member Jones, seconded by Board Member Gastil, to adopt the resolution with the second option passed, by the following vote:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2016 – 281: Resolution of the District Board of the Lemon Grove Sanitation District Amending a Professional Services Agreement with NBS Government Finance Group for the Sanitation District Rate Study (Contract No. 2016-01)

After adopting a resolution amending the contract with NBS adding the connection fee study, the Lemon Grove Sanitation District Board then directed staff to continue to work with NBS to determine if they are interested in providing an alternative commercial sewer rate structure and if so how much will they propose that work will cost. Staff should then return to the District Board with NBS' proposal for consideration.

6. Engineering and Traffic Study and Speed Zone Update on Various Streets in Lemon Grove

Tim Gabrielson explained that the California Vehicle Code (CVC) establishes minimum and maximum prima facie speed limits for all streets in the State. The minimum prima facie speed limit is 25 miles per hour (MPH) and the maximum speed limit is 65 MPH and an engineering and traffic survey (E&TS) is required to change the prima facie and/or update various speed limits in the City.

Because no streets in Lemon Grove qualify for the maximum speed, all prima facie speed limits in the City are established at 25 MPH unless speed limit changes are adopted by City Council based upon an approved E&TS and a City Council resolution.

On August 5, 2008, City Council adopted Resolution No. 2815 establishing speed limits on various roadway segments in the City based upon an approved E&TS. This E&TS was valid for five years per the CVC and therefore, an updated E&TS is required to confirm and update speed limits on various City streets. Staff has completed the required E&TS, including the elements addressed above and 29 street segments were analyzed. The studies resulted in a recommendation to modify the speed limits on four street segments throughout the City.

Staff recommends modifying the following street segment speed limits by resolution:

Street Name	Segment	Existing Posted MPH	Proposed MPH	Change in MPH
Madera Street	Massachusetts to 69 th St.	40	35	-5
Federal Blvd. (northbound)	College Pl. to MacArthur Dr.	45	40	-5
Federal Blvd. (southbound)	College Pl. to MacArthur Dr.	45	40	-5
Lemon Grove Ave. (northbound)	Lincoln St. to San Miguel Ave.	45	40	-5

These proposed speed limits are determined by analyzing the average rate of speed traveled by 85 percent of motorists on those specific street segments. California law requires that posted speeds be consistent with the 85 percentile rate in order to utilize radar enforcement of speed limits. The remaining City street segment speed limits are proposed to remain the same.

Public Speaker(s)

John L. Wood commented on vehicle speed along Central Avenue.

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

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2016-3452: Resolution of the Lemon Grove [City Council] Accepting the Engineering and Traffic Survey and Confirming and Updating Speed Limits on Various Streets in Lemon Grove in Conformance with Lemon Grove Municipal Code Section 10.12.01

After adopting a resolution accepting the engineering and traffic study the City Council directed staff to conduct further research regarding three locations. First, site #7 Central Avenue (from Federal to Massachusetts). Second, site #18 Massachusetts Avenue (from Broadway to Madera). Third, site #20 Mt. Vernon Avenue (from 69th to Massachusetts). Then return to the City Council with a summary of staff's findings and recommendation.

7. Response to San Diego County Grand Jury Report: “East County Cities Lack of Response to Homelessness”

Lydia Romero explained that the City of Lemon Grove received a report entitled “East County Cities Lack of Response to Homelessness” that was released to the public on June 8, 2016.

The Grand Jury makes the assertion that the East County Cities have marginal involvement in homeless issue and recommends that the East County Cities join the Regional Continuum of Care Council, a non-profit group and coordinate homeless related activities in the areas of prevention, shelter and transitional housing among the East County Cities.

Per State statute, Lemon Grove is required to respond to the Grand Jury’s findings and recommendations no later than 90 days after the Report is made public.

Public Speaker(s)

Brenda Hammond commented on being homeless in East County.

After the discussion, direction was given to add the following comments to the response; Lemon Grove elected leaders and City staff meet with local faith community regarding homelessness in Lemon Grove, including the Sage Project’s evaluation of homeless issues in the City.

Closed Session

Conference with Legal Counsel – Existing Litigation pursuant to Government Code Subdivision (a) of Section 54956.9: Guillen v Ig et al Case # 37-2016-00005522-CU-EI-CTL

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

Closed Session Report: Reportable action Guillen v Ig et al Case # 37-2016-00005522-CU-EI-CTL settled in the amount of \$1,667.33.

8. Authorization for Placement of Property Liens

Lydia Romero explained that the City of Lemon Grove Municipal Code (LGMC) Section 1.24.030 provides the authority to issue administrative citations for violations of the LGMC. Chapter 1.24 of the LGMC provides for escalating fines and late payment penalties for noncompliance and eventually, property liens. The purpose of a lien is to recover the civil fines and late payment and interest penalties after a person fails to pay fines within the thirty day time limit. The County of San Diego Tax Assessor requires liens be filed no later than August 10th every year in order to complete the tax rolls.

This item is continued from the July 19, 2016 City Council meeting, staff is recommending two properties for property liens that have accumulated code enforcement fines and late payment penalty charges in amounts exceeding \$2,000 and the properties remain in violation. The properties are located at 7441 Broadway and 7439 Broadway.

Public Speaker(s)

Tim McCandless commented on the properties located at 7441 Broadway and 7439 Broadway.

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

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2016 –3450: Resolution of the City Council of the City of Lemon Grove, California Approving the Report for the Placement of a Property Lien and Assessing the Cost Of Fines with Late Penalties and Any Costs Associated with Fine Recovery and Efforts to Abate the Violation at 7441 Broadway Pursuant to the City of Lemon Grove Municipal Code Chapter 1.24

Resolution No. 2016-3451: Resolution of the City Council of the City of Lemon Grove, California Approving the Report for the Placement of a Property Lien and Assessing the Cost of Fines with Late Penalties and Any Costs Associated with Fine Recovery and Efforts to Abate the Violation at 7439 Broadway Pursuant to the City of Lemon Grove Municipal Code Chapter 1.24

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

Councilmember Jones attended a tour of the MTS facilities and Metro Wastewater meetings.

Councilmember Mendoza attended the community clean-up event, Paws in the Park, and National Night out.

Councilmember Vasquez attended Assemblywoman Weber’s recognition event of the Lemon Grove School District students with perfect attendance, Local Agency Formation Committee meeting, and National Night Out.

Mayor Pro Tem Gastil attended a MTS meeting, NAACP Mayors event, as Mayor Pro Tem, and the ribbon cutting for Mariposa Lane.

Mayor Sessom attended SANDAG and Airport Authority.

City Manager and Department Director Reports

Tim Gabrielson reported that Helix Water District will be removing the last of the cast iron along Lemon Grove Avenue.

Daryn Drum thanked the Mayor for Chief Sitta’s proclamation.

Lt. May thanked the City Council for their support.

James Lough noted that this meeting will be adjourned to August

Meeting adjourned to August 10, 2016 at 6:00

There being no further business to come before the City Council, Housing Authority, Sanitation District Board, Lemon Grove Roadway Lighting District Board, and the Lemon Grove Successor Agency the meeting was adjourned at 8:50 p.m.

Adjourned Meeting of the City Council meeting of Tuesday, August 2, 2016 at 6:00 p.m.

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

Members absent: None

Staff present: James P. Lough, City Attorney and Lydia Romero, City Manager.

1. Citizens' Initiative to add the Medical Marijuana Regulatory Ordinance to the Lemon Grove Municipal Code Certified as Sufficient by the San Diego County Registrar of Voters

Mr. Lough provided an overview on the events regarding the marijuana initiative.

Public Speaker(s)

Lorenzo Higley representing CASA and Cynara Velasquez representing Citizens for Patient Rights.

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

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2016-3453: A Resolution of the City Council of the City of Lemon Grove, California, Ordering the Submission to the Qualified Electors of the City at the General Municipal Election to be Held On November 8, 2016, an Ordinance to Rescind the Prohibition Of Marijuana Dispensaries and Add the Medical Marijuana Regulatory Ordinance to the Lemon Grove Municipal Code

Resolution No. 2016-3454: A Resolution of the City Council of the City of Lemon Grove, California, Setting Priorities for Filing Written Arguments Regarding an Ordinance to Rescind the Prohibition of Marijuana Dispensaries and Add the Medical Marijuana Regulatory Ordinance to the Lemon Grove Municipal Code and Directing the City Attorney to Prepare an Impartial Analysis

Resolution No. 2016-3455: A Resolution of the City Council of the City of Lemon Grove, California, the November 8, 2016, Election Filing of Rebuttal Arguments for City Measures City Measures

Meeting adjourned 6:15 p.m.

Susan Garcia

Susan Garcia, City Clerk