

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

November 17, 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; Daryn Drum, Fire Chief; 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; Malik Tamimi, Management Analyst; and Cathy Till, Finance Director.

Call to Order:

Public Comment

John L. Wood commented that Carol will be missed; she is the best Development Services Director the City has had. He also commented that the storm drains at 7015 Broadway need to be fixed and from Central to the City limit needs to be looked at.

Bob Jones thanked Carol for getting his address changed.

Helen O'field, Soroptimist Club of Lemon Grove, delivered a letter asking for money for the Annual Giving Fund.

1. Consent Calendar

A. Approval of City Council Minutes

November 3, 2015 Regular Meeting

B. Ratification of Payment Demands

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

D. Long Range Property Management Plan for the Lemon Grove Successor Agency

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. 2015-3372: Resolution of the City Council of Lemon Grove approving the Long Range Property Management Plan for the Lemon Grove Successor Agency

2. City Manager Employment Agreement – Lydia Romero

With the resignation of Graham Mitchell after twelve years as City Manager, the City Council began a search for a new City Manager. The Council gave direction to the City's Executive Search Firm, Bob Murray and Associates, to perform a due diligence review of candidates and bring forward a quality group of candidates.

In Closed Session, the City Council personally interviewed high-ranking candidates and gave direction to its Executive Search Firm to enter into negotiations with its preferred candidate with the assistance of the City Attorney. Because of those negotiations and further direction given by the City Council, Staff is bringing forward the attached three-year contract with Ms. Lydia Romero.

Candidate Qualifications:

Ms. Romero currently serves as the Deputy City Manager of the City of San Marcos, California. In that role, she has handled significant local and regional issues for that City. In San Marcos, her work led to the creation of the Student and Neighborhood Relations Commission which has recommended several ordinances to the City Council such as the Property Appearance and Preservation Ordinance and a rooming house ordinance. She is also responsible for the dissolution of the San Marcos Redevelopment Agency, the 13th largest in the State, as well as overseeing the Community Services Department, Housing and Neighborhood Services, Real Property Services, Communications and Intergovernmental Divisions. During her tenure with San Marcos, Ms. Romero was also responsible for Development Services.

Prior to working in San Marcos, Ms. Romero was the Assistant to City Manager in San Rafael, California. In that role, she served as part of the city's labor negotiating team, legislative liaison to both state and federal representative offices, served as the public information officer and community outreach liaison, as well as serve as staff to the city's bicycle and pedestrian advisory committee.

Contract:

Absent salary issues, the Contract has almost all the provisions contained in the previous City Manager's contract. Most of the variations are clarifications of the meaning of the Contract terms than different benefits. Most benefits are based on the benefits package currently given to Lemon Grove City management employees.

Duties and Standards:

The Contract requires that the City Manager maintain the highest standards of professionalism (Article 3). The Lemon Grove Municipal Code Chapter 2.04, governing the duties of the City Manager is incorporated into the Contract by reference into the Contract.

The Manager and the City Council jointly set the goals and priorities of the City Manager (Article 4). Council direction is given both publically and in Closed Session performance evaluations. The City Manager, as a member of the International City Managers Association, is also subject to their Code of Conduct that sets high standards for the profession.

The Manager cannot engage in any activity, which is, or may become incompatible with the office of City Manager as defined by California law. During the term of the Contract, she shall not accept any other employment and shall be exclusively employed by CITY, unless prior authorization is received from the City Council, which will not be unreasonably withheld. Many City Managers teach classes in government and administration while employed and such assignments, to the extent they do not interfere with city management, are normally allowed.

Performance Evaluation:

Under Article 4, the Manager's performance is evaluated on the goals and expectations that are discussed and agreed to by the parties. Prior to the Manager's anniversary date (January 1st), the City Council is required to evaluate and discuss its evaluation with the City Manager. Unless agreed to otherwise by the parties, the Council is required to provide a written evaluation.

Term:

The Contract has a three-year term (January 1, 2016 to January 1, 2019). The City Manager is an "at-will" employee who can be terminated at any time for "cause" resulting from illegal or

unethical conduct as defined in Article 9. A termination without cause (Article 8) requires the payment of six months' severance with dollar for dollar reductions if the City Manager obtains full time employment during the six months following termination. No lump sum payments are made during the severance period and a fixed percentage is paid in lieu of benefits that are outside of "base pay."

City Manager can terminate her employee at any time with thirty-days' notice. The Contract can only be extended by agreement of the parties in writing. If the City desires to extend the term of the Contract, it must do so by initiating negotiations by March 15, 2018.

Salary and Benefits:

The annual salary is \$175,000 per year (Article 5). This is below the salary of the outgoing City Manager. As stated above most of the health and welfare benefits mirror the package given to Lemon Grove City Department Heads. Variations include a \$500 a month car allowance. Lemon Grove City Managers use their own vehicles to travel on city business and must provide all gas, maintenance and insurance on the vehicle. In addition, a deferred compensation benefit (\$6,000) (Article 6) is paid annually and a \$250,000 life insurance policy is provided (Article 7). Four weeks of vacation is provided with half of that amount placed on the books at the start of the Manager's tenure (Article 11). These provisions are standard items and were in the previous City Manager's contract. While not in the contract, the City pays for a performance bond that is for the benefit of the City.

Staff recommended that the City Council adopt the attached Resolution, which authorizes the Mayor to sign the City Manager Employment Agreement.

Action: Motion by Mayor Pro Tem Vasquez, seconded by Councilmember Jones, to approve resolution:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution 2015-3373: Resolution of the City Council of Lemon Grove authorizing the Mayor to sign the initial City Manager Employment Agreement with City Manager Lydia Romero

3. Continued Public Hearing – Appeal of the Planning Commission Disapproval of Planned Development Permit PDP15-0001 Authorizing a 16-Unit Residential Apartment Development on 0.5 Vacant Acres at 8465 Broadway

On October 20, 2015, the City Council voted to continue the public hearing in order to allow the appellant time to investigate proposed revisions to the project. The City Council requested that the applicant reduce the height of the structure and resolve the privacy concerns expressed by the neighbors because of the balconies overlooking the single family development south of the project. Mr. Beri Verol of BV Architecture + Development filed proposed revisions on November 5, 2015. The applicant revised the interior space of the four units on the ground level from 14'—8" to 11'-5" to reduce the overall height of the structure. In response to the privacy concerns, the upper terraces have been reduced in size and the private balconies contain translucent screening above the rail to obscure the view but to continue to allow filtered light into the balcony space.

Appeal Request

Mr. Ted Koros filed an appeal request subsequent to the Planning Commission disapproval of the project and his representative, Mr. Fischbeck submitted a letter outlining the reasons for the appeal and possible design concessions. Mr. Koros noted that he disagreed with the Planning Commission decision, stating that the project was consistent with the Zoning Code. Mr. Fischbeck's letter discussed the height restrictions noting that the Zoning Code allows for structures higher than neighboring properties and offered a concession to reduce the proposed structure to 45' in height not including a 1 foot high parapet.

Project Description

The project consists of a 16 unit apartment development including a three story building, parking area for 18 vehicles, landscape and screening. The project is proposed on a vacant site in the Residential Medium High Zone. The project revisions include a height reduction from the proposed 49 feet to 45 feet (not including a 1 foot parapet), an area reduction of the communal terrace spaces on the second and third floors and additional privacy screening on private balconies on the third floor. The reduction in height has reduced the requested deviations. The following information provides a description of the remaining proposed deviations, Density Bonus provisions, affordable housing and Regional Housing Needs Allocation (RHNA), and hazardous materials status.

Deviations

Deviations to the standards are proposed as noted below and are consistent with State Density Bonus provisions and with specific Lemon Grove Municipal Code (LGMC) provisions (Minor Modifications and Planned Development Permit enhancements and offsets).

The requested Density Bonus allows:

Cities to reduce their parking standard to one space per unit for studios and one-bedroom dwelling units. Vehicle parking spaces provided by the project therefore exceed the parking requirement by two spaces. Although the number of parking spaces is technically a reduction of City requirements, this provision is applied as a requirement of State Law and limits the City from requiring parking that exceeds one parking space per bedroom. This parking standard provision does not apply to the total number of incentives that the applicant may obtain as a part of State Density Bonus Laws.

An incentive from obligations of Section 17.16.040D6 (Minimum Usable Open Space) to allow a reduction in the amount of usable open space provided. The Development Code requires 500 square feet of usable open space per dwelling unit, resulting in a total of 8,000 square feet of required usable open space. The project provided 3,214 sq. ft. of usable open space and has been reduced it to 2,928 sq. ft. , which results in an open space reduction of 5,072 sq. ft. versus the original deficit of 4,786 sq. ft. The individual balconies count towards some of the open space and offer the residents an amenity that is encouraged by the Zoning Code. This deviation was originally requested as a Planned Development deviation. However, because the height of the structure was reduced, the developer is requesting the reduction of the open space as an incentive.. It is important to understand that the open space requirements established in the LGMC appear more difficult to meet with water quality design requirements that take up land area that might otherwise be used for open space amenities.

Minor Modification regulations (Section 17.28.060D) also provide the Development Services Director the ability to determine appropriate minor modifications as reasonable use of property. Because the project is subject to the Planned Development Permit process, the proposed minor modification was forwarded as a part of the project approval:

Front setback reduction from 25 feet to 20 feet which is no more than a twenty percent reduction of required front, side or rear setback.

Staff originally recommended approval of the proposed Minor Modification and Planned Development Permit offset as designed based on the existing configuration of the parcel, the topographical constraints and the Regional Water Quality requirements. The PDP deviation has now been converted to a density bonus incentive request and denials of State density incentive requests must meet the thresholds outlined in State code (noted in the following section).

Affordable Housing and Density Bonus Requirements

The project proposes to utilize State Density Provisions to increase allowable density on the site. Section 65915 of the Government Code allows density bonuses and waivers of

development standards (incentives) in exchange for the provision of affordable dwelling units. In exchange for a fourteen percent density bonus (2 units) and one incentive (open space deviation), the City gains up to two additional affordable residential units.

The maximum allowable density within the Residential Medium/High (RM/H) Zone is 29 dwelling units per acre or 14 units on this site. The applicant is proposing 16 units on 0.51 acres which is 31 dwelling units per acre or 14 percent more than the maximum density allowed in the RM/H Zone.

The developer proposes to restrict one to two of the sixteen units to either low-income or to very-low income households. The applicant has the ability to either assign one unit as a very low income unit or two units as low income units. A condition in the original Resolution of Approval required that the affordability of the units be maintained for 55 years for rental dwelling units. If approved, a program would be established to guarantee compliance with this requirement for those 55 years.

In addition to an increase in density, a developer may request, and the City is *required* to provide incentives in exchange for providing affordable housing. In this case, the developer has implemented the parking space reduction and has eliminated the request for an incentive to increase the height of the building. Instead, the applicant is requesting that the reduction in required open space as the one incentive consistent with the State Housing Law. The waiver of the parking requirement is not counted towards the incentives that establishes the number of required affordable units.

The City cannot deny a request for a requested incentive unless it finds that there is specific adverse impact to health, safety or the physical environment that cannot be mitigated. In this case, the Planning Commission indicated that the project was not acceptable because of the fit into the neighborhood although the discussion was not specific to the height limitation request only. The environmental analysis did not identify any mitigation measures that would be required beyond the standard conditions of approval.

The Density Bonus Law imposes strict conditions upon denials. A city's ability to deny an applicant's request for an incentive/concession must be based on written findings supported by substantial evidence in the record that:

(A) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

A denial of a request for a development standard waiver is similarly restricted (Gove. Code 65915(e)(1)), and the Density Bonus Law does not provide a city with any grounds upon which it can deny a density bonus request.

RHNA

The State has established Regional Housing Needs Allocation (RHNA) targets for each city in order to ensure adequate housing stock. The RHNA targets create a threshold for cities in order to obtain grant and transportation funding. This project works towards the City's goals of meeting its RHNA figures by providing 14 market rate apartments and 1 or 2 affordable units.

Cities are required to submit annual housing reports to the State of California describing the number of units constructed or permitted and the status of its RHNA implementation. Lemon Grove last submitted an annual report in January 2015 for housing generated in 2014. The remaining RHNA by income level identifies that Lemon Grove has met and exceeds very-low income level housing units by 12 units; low income level housing units by 22 units and is deficient in moderate income level by 48 units and above-moderate by 95 units. Any additional very-low or low housing units would further exceed the current RHNA obligations. To generate the annual report and absent recorded restrictions to a specific income level assignment, staff typically conducts a comparative market analysis to determine which categories the residential units belong to in the annual report.

Staff conducted a comparative analysis and believes that in today's market, the units would be reported to the State of California as affordable to low income households. However, if the project is approved as a density bonus project, future market fluctuations would not affect the rental rates of the 1 to 2 units as they would be deed restricted to be available to the low income levels.

The 2015 published income levels for a family of four are noted below:

Extremely Low	\$24,800
Very Low	\$41,300
Low	\$66,100
Median	\$75,900
Moderate	\$91,100

Hazardous Materials

The applicant submitted a Phase II Subsurface Investigation prepared by Benchmark Environmental Services, Inc. allowing for an additional deemed complete finding and within the timeframe of noticing for the continuation. Staff contacted Mr. Liniewicz to discuss the conclusions and Mr. Liniewicz confirmed that the recommendations identified by SubSurface Surveys were conducted and supported the conclusions. Staff also contacted the County of San Diego Department of Environmental Health (DEH) to discuss the submitted study and determined that additional third party review should be accomplished as a condition of approval.

The applicant discovered an underground storage tank subsequent to the September 28, 2015 Planning Commission public hearing and has obtained a permit for removal. California Fire Code states that underground storage tanks (fuel) out of service for greater than one year must be removed from the ground pursuant to the California Fire Code Section 5704.2.13.1.3. Innovative Construction Solutions, on behalf of Suncrest Residential LLC, has filed for and obtained a permit from the Fire Department to remove the underground storage tank in accordance with the California Fire Code section 5704.2.14.as well as the San Diego County Department of Environmental Health (DEH) – Hazardous Materials Division.

The removal of the tank is scheduled to occur after this public hearing. and safeguards will be in place. Once the tank is pulled and the Fire Department work is completed, San Diego County Environmental Health – Hazardous Materials will monitor all on-site samples, remediation and manifesting of the tank and its products (if any) and the contamination (if any) cleanup process.

Crime Free Multi-Housing

The City Council suggested that the appellant consider implementing the Crime Free Multi-Housing Program for this project.

Staff recommended that the City Council consider the design revisions proposed by the applicant's representative and approve the project with those modifications and certify Negative Declaration ND15-02.

Public Comment: Theresa Baily, Beth Baily, Louis Flam, Deb Flam and Lorna Stafford spoke out against this development. Beri Varol, architect, Steve Hutter, landscape architect, and Ted

Koros, developer representative spoke of changes made that had been asked of them by City Council. The applicant's representative submitted to pursuing the crime free multi-housing program.

Action: Motion by Councilmember Jones, seconded by Mayor Sessom, to approve Resolution for Planned Development Permit PDP 15-0001 and Certify Negative Declaration ND 15-02:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2015-3374: Resolution of the City Council of Lemon Grove overturning the Planning Commission decision and approving Planned Development Permit PDP 15-0001 Authorizing a 16-Unit Residential Apartment Development on a Vacant 0.51 Acre Site at 84665 Broadway and Certifying Negative Declaration ND 15-02

4. Planning Professional Services Agreement

The City of Lemon Grove received a Smart Growth Grant for the Broadway Downtown Village Specific Plan (DVSP) Expansion project. The application outlined the steps required in order to commence the planning project and the first step is to contract with a consultant. The original DVSP was prepared by Mooney, Jones & Stokes and was adopted by the Lemon Grove City Council on June 7, 2005. Mr. Mooney was the Principal in Charge and Russ Hunt was the Project Manager. The plan has been amended twice (most recent in April 2012) to incorporate the Main Street Promenade and to clarify land use provisions.

The proposed expansion of the DVSP consists of a scope of work that is best completed by a Planning Consultant. Mr. Mooney has, since the adoption of the original DVSP, become a Principal with Rick Engineering. Staff is recommending that Rick Engineering with Mr. Mooney as Principal in Charge and Mr. Russ Hunt as the Project Manager, be selected for this project because of their special expertise and knowledge of this project and successful completion of similar prior work with the City of Lemon Grove.

The professional agreement will require that the work is completed consistent with the SANDAG Grant Agreement No. 5004742.

SANDAG Grant Agreement No. 5004742 awards the City of Lemon Grove with \$175,000 and the City is obligated to provide \$50,000 in kind matching funds.

Action: Motion by Councilmember Jones, seconded by Councilmember Gastil, to approve Resolution:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2015-3375: Resolution of the City Council of Lemon Grove approving an Agreement with Rick Engineering for Planning Professional Services in the City of Lemon Grove

5. Community Development Block Grant Allocation for Fiscal Year 2016-17 and Fiscal Year 2017-18

The Community Development Block Grant (CDBG) Program is a federal block grant program created by Congress in 1974 and administered by the County of San Diego. According to the County of San Diego's website, CDBG-funded projects must satisfy one of three national program objectives:

- Provide a benefit to low and moderate income persons,
- Prevent or eliminate slums and blight, or

- Meet needs having a particular urgency.

Eligible activities broadly include:

- Real property acquisition,
- Public facilities and improvements,
- Public services,
- Economic development (job creation), and
- Housing development and rehabilitation.

For over 20 years, the City has participated in the CDBG Program, predominately relying on CDBG funds for capital improvement projects (street rehabilitation) in eligible neighborhoods. Two other programs have been supported with CDBG funds in the past as well—the San Diego Food Bank school food backpack program (2011-12) and the Center for Social Advocacy (up to 2010-11).

During last year's CDBG public hearing, there were no comments from the public and the City Council directed staff to allocate funding towards street rehabilitation for five streets and ADA pedestrian ramps city-wide, which is scheduled to be completed before July 1, 2016.

The Fiscal Year 2016-17 CDBG application for project funding has been requested by the County of San Diego. The City is allowed to request funding for multiple years as was requested by the City in 2014-15 and 2015-16. As such, the City proposes submitting an application to the County combining Fiscal Years 2016-17 and 2017-18 funding for street rehabilitation and ADA pedestrian ramps city-wide.

Consistent with direction provided by the City Council at previous meetings, staff anticipates that there is continued support for allocating CDBG funds towards street rehabilitation projects and ADA pedestrian ramps. In the past several years, no other public requests for CDBG funding have been made to the City.

Staff used the following criteria to determine potential street rehabilitation projects:

- Street segments with the lowest Pavement Condition Index from the Pavement Management Program adopted by the City Council on June 30, 2010;
- Exhibit of eligible Census areas (Attachment C) provided by the County;
- Field visits conducted by Engineering and Public Works staff; and
- Block eligibility calculations, performed by the County.

Based on these criteria, staff recommended the following street segments be rehabilitated with the Fiscal Years 2016-17 and 2017-18 CDBG allocation:

- Golden Avenue, from Washington Street to Palm Street; and
- Adams Street, from Washington Street to Golden Avenue.

Staff also recommended including CDBG funding for ADA pedestrian curb ramps, which may be allocated for use city-wide.]

Staff recommended that the City Council open a public hearing, take testimony regarding the proposed uses of CDBG funds, and adopt a resolution authorizing the submission of an application for the Community Development Block Grant program for Fiscal Years 2016-17 and 2017-18.

Public Comment: John L. Wood mentioned the other side of Massachusetts and asked City Council to use CDBG to calm the street.

Action: Motion by Councilmember Jones, seconded by Councilmember Mendoza, to approve Resolution:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2015-3376: Resolution of the City Council of Lemon Grove authorizing the submission of an application for the Community Development Block Grant Program for Fiscal Year 2016-17 and Fiscal Year 2017-18

6. 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

On November 3, 2015, the City Council introduced Ordinance No 435. The ordinance repeals and replaces Chapter 8.52 (Standard Urban Stormwater Mitigation Plan) with Chapter 8.52 (Post-Construction BMP Design Standards) of the Lemon Grove Municipal Code and for the Lemon Grove BMP Design Manual to be adopted by an implementing Resolution to be brought back to the Council at a later time. The updates are required for compliance with the 2013 Municipal Stormwater Permit and are consistent with updates being made by other cities in the County. A full and detailed analysis was provided to the City Council in a staff report dated November 3, 2015, entitled 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. Staff recommends that the City Council conduct the second reading by title and adopt Ordinance No. 435.

Action: Motion by Councilmember Jones, seconded by Councilmember Gastil, to conduct second reading and adopt Ordinance No. 435:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Ordinance No. 435: An Ordinance of the City Council of the City of Lemon Grove, California repealing Chapter 8.52 (Standard Stormwater Mitigation Plan) and replacing with Chapter 8.52 (Post-Construction BMP Design Standards).

7. Award Construction Contract for the Palm and Golden Avenue Improvement Project

In 2009, the City of Lemon Grove received a federally funded Safe Routes to School (SRTS) grant to construct sidewalks, curbs and gutters along Palm Street between Skyline Drive and Golden Avenue and Golden Avenue at the intersection with School Lane.

On October 8, 2015, bid documents for the project were advertised in the East County Californian, online at eBidboard and on the City's website. A voluntary pre-bid meeting was held on October 15, 2015. On October 29, 2015, staff received 7 sealed bids. The name of each bidder, their location, and amount of their bid are listed below:

Bidder's Name	Location	Amount
Crest Equipment, Inc.	El Cajon, CA	\$730,501.25
Pal General Engineering, Inc.	San Diego, CA	\$787,141.00
Palm Engineering Construction Co.	San Diego, CA	\$791,087.50
Vailston	San Marcos, CA	\$796,188.30
Ramona Paving	Ramona, CA	\$827,720.00

MJC	Bonita, CA	\$994,357.00
Future DB International	Irvine, CA	Not Responsive

The engineer's estimate for this project was \$825,000. The low bid was submitted by Crest Equipment, Inc. for \$730,501.25. After staff reviewed Crest Equipment, Inc.'s project work history, contacted all listed references and reviewed its construction license, staff concluded that Crest Equipment, Inc. is the lowest responsive and responsible bidder.

Staff also requested and received a proposal from Ninyo & Moore, one of the City's as-needed geotechnical consultants, for services which include materials testing and construction inspection. Staff reviewed the proposals submitted by Ninyo & Moore for the project and deemed it a reasonable cost for the stated services.

The projected timeline for the Palm Street and Golden Avenue Improvement Project is:

October 1, 2015	Bid Advertisement
October 29, 2015	Bid Opening
November 17, 2015	City Council Award Contract
December 1, 2015	Begin Construction
March 15, 2016	End Construction
April 5, 2016	Council Accept Project as Complete
April 7, 2016	Submit closeout package

Staff recommended the following budget for this project:

Description	Amount
Construction Costs	\$730,501.25
Construction Inspection	\$10,000.00
Material Testing	\$12,000.00
SUBTOTAL	\$752,501.25
Contingency (10%)	\$75,250.00
TOTAL	\$827,751.25

Staff recommends that the City Council adopt a resolution awarding a construction contract for the Palm Street and Golden Avenue Improvement Project and establish a project budget not to exceed \$827,751.25, and contract with Ninyo & Moore for materials testing and inspection services.

Action: Motion by Councilmember Jones, seconded by Councilmember Gastil, to approve Resolution No. 2015-3377:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2015-3377: Resolution of the City of Lemon Grove awarding a contract for the Palm Street and Golden Avenue Improvements Project

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

Councilmember Jones attended the Metro Wastewater Joint Powers Authority Commission meeting, the 1st Friday Breakfast at the ECCC, SANDAG, the ribbon cutting for the Lemon Grove Academy Athletic Field, and the Chili Cook-off.

Councilmember Mendoza attended the service for Sheriff Kolendar, the ribbon cutting for the Lemon Grove Academy Athletic Field, SANDAG Public Safety Committee meeting, Lemon Grove Community Clean-up, Community Bike Ride, Chili Cook-off, and the annual breakfast for Interfaith Council for Worker Justice.

Councilmember Gastil attended the Chili Cook-off, the MTS meeting, 10th Anniversary of the Council of American/Islam Relations, and the Annual Breakfast for the Interfaith Council for Worker Justice.

Mayor Pro Tem Vasquez attended and cut the ribbon for the Lemon Grove Academy Athletic Field, attended the Chili Cook-off, the Junior Journey badge workshop, and the Veteran's Day Parade.

Mayor Sessom mentioned SANDAG and the Airport Authority had nothing new to report, and she attended the ribbon cutting for the Lemon Grove Academy Athletic, was interviewed by French TV and was in conversation with Girl Scouts of America regarding the use of the "big lemon" for their lemon cookie comeback.

City Manager and Department Directors Report

Ms. Dick thanked City Council.

Ms. Henry thanked City Council.

Adjournment

There being no further business to come before the City Council, Housing Authority, Sanitation District Board, Lemon Grove Roadway Lighting District Board, and the Lemon Grove Successor Agency the meeting was adjourned at 8:15 p.m.

Laureen Ryan Ojeda

Laureen Ryan Ojeda, Deputy City Clerk

**MINUTES OF A MEETING OF
THE LEMON GROVE CITY COUNCIL
TUESDAY, MARCH 20, 2018**

*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:

Mayor Vasquez called the Regular Meeting to order at 6:03 p.m.

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

Absent: None.

STAFF MEMBERS PRESENT:

Lydia Romero, City Manager, James Lough, City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Lieutenant Scott Amos, San Diego Sheriff Lemon Grove Substation, Al Burrell, Financial Consultant, David De Vries, Development Services Director, Miranda Evans, Management Analyst, Alicia Hicks, Human Resources Manager, Al Burrell, Interim Finance Manager, Mike Viglione, Assistant Planner, and Arturo Ortuño, Assistant Planner.

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance to the Flag was led by Councilmember Mayor Pro Tem Jones.

PRESENTATIONS:

Lemon Grove History Minute #15 – Former Mayor Mary Sessom shared her experience in the City as a resident and Mayor and provided words of wisdom and gave thanks. Mayor Vasquez invited Mrs. Sessom to the podium who showed gratitude towards the City staff and residents.

San Diego County Lieutenant Amos provided the Annual Law Enforcement Report.

Heartland Fire Chief Colin Stowell provided the Annual Heartland Fire Report.

PUBLIC COMMENTS:

John L. Wood, Mary Sessom, Teresa Rosiak-Proffit, and Brenda Hammond

CONSENT CALENDAR:

1.
 - A. City of Lemon Grove Payment Demands
 - B. Approval of Reading by Title all Ordinances and Waiver of Reading in full of Ordinances on the Agenda.
 - C. Adoption of Resolution No. 2018-3561, approving Regional Transportation Congestion Improvement Plan Fee Amendment.
 - D. Adoption of Resolution No. 2018-3562, authorizing a Proposition 56 Grant Application for the Tobacco Retailers Licensing Program.

Action: Motion by Councilmember J. Mendoza, second by Councilmember Arambula. The motion passed by the following vote:

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

Noes: None

2. Lemon Grove Avenue Realignment Project Update

Mayor Vasquez introduced Mike James, Assistant City Manager who presented background regarding the project and reported on revised scope of work and project budget, including a PowerPoint Presentation. Scott Adamson with IEC Construction Management Inspector, and Edgar Camerino, Project Manager with Rick Engineering were available for questions.

Action: Motion by Mayor Pro Tem Jones, second by Councilmember Arambula adopt Resolution No. 2018-3563. The motion passed by the following vote:
Ayes: Vasquez, Jones, Arambula, M. Mendoza, J. Mendoza
Noes: None

PUBLIC HEARING:

3. Public Hearing to Consider the Transnet Local Street Improvement Program of Projects for FY 2019-2023.

Mike James, Assistant City Manager, presented the staff report, and PowerPoint Presentation.

Councilmembers discussed the item.

Mayor Vasquez opened the Public Hearing at 7:58 p.m.

Action: Mayor Pro Tem Jones moved to close the public hearing at 7:59 p.m., and adopt Resolution No. 2018-3564, and seconded by Councilmember Arambula. The motion passed by the following vote:
Ayes: Vasquez, Jones, Arambula, M. Mendoza, J. Mendoza
Noes: None

4. Public Hearing to Consider the 2017 General Plan Annual Progress Report

Mike Viglione, Assistant Planner presented the staff report, and PowerPoint Presentation.

Councilmembers discussed the item and staff responded to questions.

Mayor Vasquez left the dais at 8:00 p.m. and returned at 8:03 p.m.

Mayor Vasquez opened the Public Hearing at 8:18 p.m.

Appeared to comment: Anita Lopez

Action: A motion was made by Mayor Pro Tem Jones and seconded by Councilmember J. Mendoza to close the public hearing at 7:37 p.m. The motion passed by the following vote:
Ayes: Vasquez, Jones, Arambula, M. Mendoza, J. Mendoza
Noes: None

Action: Mayor Pro Tem Jones moved and Councilmember M. Mendoza seconded to adopt Resolution No. 2018-3565 as amended by Council. The motion passed by the following vote:

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

Noes: None

CITY COUNCIL ORAL COMMENTS & REPORTS ON MEETINGS ATTENDED AT CITY EXPENSE: (G.C. 53232.3(d))

Councilmember J. Mendoza attended the following meetings and events:

- League of California Cities Meeting with City Manager Romero
- Interfaith Clergy Meeting with Management Analyst Evans
- Mexican American Business and Professionals Monthly Meeting
- SANDAG Transportation Committee Meeting

Mayor Pro Tem Jones attended the following meetings:

- SANDAG Public Safety Meeting
- Metro Oversight Committee Meeting
- Metro Ad Hoc Committee

Mayor Vasquez attended the following meetings and events:

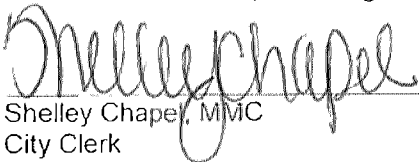
- SD Taxpayers Association - City Scorecard
- Spoke with Students at SDSU – Leadership
- Met with Superintendent of Grossmont School District
- East County Mayors – Regarding Airport Authority Board of Directors
- SANDAG Meeting – Affordable Housing

CITY MANAGER AND DEPARTMENT DIRECTOR REPORTS:

Mike James, Assistant City Manager announced upcoming Spring Camp, and Eggstravaganza and photos with Benny the Bunny.

ADJOURNMENT:

There being no further business to come before the Council, the meeting was adjourned at 8:39 p.m. to a meeting to be held Tuesday, April 3, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.


Shelley Chapel, MMC
City Clerk

**MINUTES OF A MEETING OF
THE LEMON GROVE CITY COUNCIL
TUESDAY, APRIL 3, 2018**

*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:

Mayor Vasquez called the Regular Meeting to order at 6:03 p.m

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

Absent: None.

STAFF MEMBERS PRESENT:

Lydia Romero, City Manager, James Lough, City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Sergeant Jacob Klepach, Lemon Grove Substation, David De Vries, Development Services Director, Kay Vinson, Interim City Clerk, Alicia Hicks, Human Resources Manager, and Miranda Evans, Management Analyst.

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance to the Flag was led by Councilmember J. Mendoza.

PRESENTATIONS:

Lemon Grove History Minute #16

Mayor Vasquez asked Ed and Sandy Burrs, John Snyder, and Carl Scherbaum of EDCO to join her at the podium where she read from the Proclamation recognizing them as a recipient of the Lemon Grove 40-Year Home Grown Business Recognition.

Tom Bell, Public Works Supervisor introduced new team member Joel Santos, Street Tech I.

Recognition of Sponsors of City's Special Events:

- EDCO Waste Disposal – Title Sponsor
- Burro and Fries – Title Sponsor
- SDG&E – Title Sponsor
- AMR San Diego – Co-Sponsor
- H.O.P.E. Inc. – Co Sponsor
- Lemon Grove Veterinary Hospital - Co Sponsor
- Rick Engineering - Co Sponsor
- RCP Block and Brick - Co Sponsor
- Wingstop - Co Sponsor
- Ann and Jim Elliot – Support Sponsor
- Duncan Engineering – Support Sponsor
- GTM Discount Stores – Support Sponsor
- SCS Engineering– Support Sponsor
- West Coast Arborists – Support Sponsor

Soroptimist International-- Assisting Sponsor

Not in Attendance but recognized:

McAllister, Institute
Mario's Family Clothing Center
Dr. Swartzberg Dental
Sycuan
Aguirre & Associates
Syntax

PUBLIC COMMENTS:

Appeared to Comment were: John L. Wood, Brenda Hammond, Luis Ituarte.

CONSENT CALENDAR:

1.
 - a. City of Lemon Grove Payment Demands
 - b. Waive Full Text Reading of All Ordinances on the Agenda
 - c. Adopt Resolution No. 2018-3566 to approve the Fiscal Year 2018-2019 Road Maintenance Rehabilitation Account Funding Allocation.

**Action: A motion was made by Mayor Pro Tem Jones and seconded by Councilmember J. Mendoza. The motion passed by the following vote:
Ayes: Vasquez, Jones, Arambula, M. Mendoza, J. Mendoza
Noes: None**

2. Community Garden Lease Agreement

Mike James, Assistant City Manager/Public Works Director provided the report and PowerPoint Presentation.

**Action: A motion was made by Mayor Pro Tem Jones and seconded by Councilmember Arambula to adopt Resolution No. 2018-3567 approving agreement. The motion passed by the following vote:
Ayes: Vasquez, Jones, Arambula, M. Mendoza, J. Mendoza
Noes: None**

PUBLIC HEARING:

3. Public Hearing/Appeal to Consider Appeal No. AA1-800-0001 Regarding the Denial of Zoning Clearance No. ZCM-170-0002; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 3515-21 Harris Street in the General Commercial/Heavy Commercial Zone.

David De Vries, Development Services Director provided the report and PowerPoint Presentation. This item would deny the appeal and uphold the Development Services Director's determination to deny.

Mayor Vasquez opened the Public Hearing at 6:54 p.m.

Pamela Epstein, appellant's representative spoke regarding the item

Appearing to Comment: Angeles Nelson, and Kathleen Herman.

Council discussed the topic and expressed concerns regarding the process. Staff responded to Council questions.

Action: The public hearing was closed at 7:12 p.m. on a motion by Mayor Pro Tem Jones and second by Councilmember Arambula. The motion withdrawn by Mayor Pro Tem Jones.

Action: The public hearing was closed at 7:41 p.m. on a motion by Mayor Pro Tem Jones and second by Councilmember Arambula. The motion passed by the following vote:

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

Noes: None

Action: It was moved by Mayor Pro Tem Jones and seconded by Councilmember J. Mendoza to return to a future meeting to adopt amended resolution as amended allowing a waiver to reapply within a ten-month period for this specific applicant only. The motion passed 4-1, by the following vote:

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

Noes: Arambula

CITY COUNCIL ORAL COMMENTS & REPORTS ON MEETINGS ATTENDED AT CITY EXPENSE: (G.C. 53232.3(d))

Councilmember J. Mendoza attended the following meetings and events:

- SANDAG working group meeting
- Chavista Breakfast
- East County Magazine
- Interfaith Clergy Association Cross Walk

Councilmember M. Mendoza attended the following meetings and events

- Helix – water use

Councilmember Arambula attended the following meetings and events:

- Chavista Breakfast

Mayor Pro Tem Jones attended the following meetings:

- SDEDC – Board Meeting
- Government Affairs Meeting

Mayor Vasquez attended the following meetings and events:

- SANDAG meeting
- Chavista Breakfast
- Met with San Diego County Assessor Ernest J. Dronenburg Jr
- Eggstravaganza

CITY MANAGER AND DEPARTMENT DIRECTOR REPORTS: *(Non-Action Items)*

Assistant City Manager Mike James announced a Public Workshop regarding the fee analysis of capacity fee on April 16, 2018.

CLOSED SESSION:


- Conference with Legal Counsel – Anticipated Litigation, Significant Exposure to Litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9
Four cases

City Attorney James Lough announced the City Council will be adjourning to closed session at 8:45 p.m. for the purposes above.

City Attorney Lough reported no reportable action on items discussed in Closed Session.

ADJOURNMENT:

There being no further business to come before the Council, the meeting was adjourned at 9:00 p.m. to a meeting to be held Tuesday, April 17, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.



Shelley Chapel, MMC
City Clerk

MINUTES OF A SPECIAL MEETING OF
THE LEMON GROVE CITY COUNCIL
TUESDAY, APRIL 24, 2018

*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:

Mayor Vasquez called the Regular Meeting to order at 6:00 p.m.

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

Absent: None.

Staff Members Present:

Lydia Romero, City Manager, James Lough, City Attorney, Kristen Steinke, Assistant City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Lieutenant Scott Amos, San Diego County Sheriff's Office - Lemon Grove Substation, David De Vries, Development Services Director, Kay Vinson, Interim City Clerk, Miranda Evans, Management Analyst, Alicia Hicks, Human Resources Manager, Al Burrell, Financial Consultant, Mike Viglione, Assistant Planner, and Arturo Ortuño, Assistant Planner.

2018 City Council Priority Setting Workshop

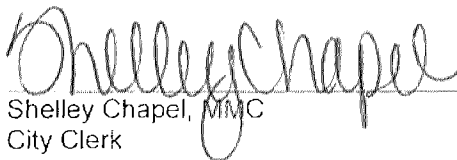
Council discussion facilitated by Rich Thome, Leadership Associates, to consider priorities and goals for 2018-19 fiscal year and provided direction to staff regarding the development of a work plan.

Fiscal Year 2017-18 Priorities:

1. *Streets*
2. *Homelessness*
3. *Parks and Recreation*
4. *Business and Economic Development*
5. *Public Safety*

Adjournment:

There being no further business to come before the Council, the meeting was adjourned at 8:30 p.m. to a meeting to be held Tuesday, May 1, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.


Shelley Chapel, MMC
City Clerk

**MINUTES OF A MEETING OF
THE LEMON GROVE CITY COUNCIL
TUESDAY, JUNE 19, 2018**

*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:

Mayor Vasquez called the Regular Meeting to order at 6:00 p.m.

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

Absent: Councilmember Matt Mendoza.

Staff Members Present:

Lydia Romero, City Manager, James Lough, City Attorney, Kristen Steinke, Assistant City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Lieutenant Scott Amos, San Diego County Sheriff's Office - Lemon Grove Substation, David De Vries, Development Services Director, Edgar Camerino, City Engineer, Miranda Evans, Management Analyst, Alicia Hicks, Human Resources Manager, Molly Brennan, Finance Manager, Mike Viglione, Assistant Planner, and Arturo Ortuño, Assistant Planner.

Pledge of Allegiance:

Pledge of Allegiance to the Flag was led by Councilmember Mayor Pro Tem Jones.

Presentations:

Mayor Vasquez introduced the Lemon Grove History Minutes #21 – Lemon Grove Library

Mayor Vasquez introduced Malik Tamimi, Management Analyst who is leaving employment with the City. Mayor Vasquez recognized Mr. Tamini with a Certificate of Recognition.

Public Comments:

Appeared to comment were: John L. Wood, Frank Dedrick, Victor Vega, Sarah Ditges, Maureen Macias, Mike Richards

Consent Calendar:

- A. Waive Full Text Reading of All Ordinances on the Agenda
- B. Ratification of Payment of Demands
- C. Approval of City Council Meeting Minutes for June 5, 2018.
- D. Rejection of Claim submitted by Aran Wong of Coast Law Group LLC on behalf of Carol Pantazoplus.
- E. Rejection of Claim submitted by Thomas M. Tomlinson of Legler & Tomlinson on behalf of Robert Spencer.
- F. Adopted Resolution No. SD 18-296, approving the Engineer's Report Detailing Sewer Services Charges for Fiscal Year 2018-2019.
- G. Adopted Resolution No. LD 2018-172, approving the Engineer's Report Detailing Zone L Assessments for Fiscal Year 2018-2019.
- H. Adopted Resolution No. 2018-3588, approving the Levy and Collection of Assessments within the Lemon Grove Wildflower Landscape Maintenance Assessment District 97-1 for Fiscal Year 2018-2019.

- I. Adopted Resolution No. 2018-3589, approving an agreement renewing Professional Services with D-MAX Engineering Inc. to for Stormwater Plan Review and Construction Inspections.
- J. Adopted Resolution No. 2018-3590, approving an agreement renewing Professional Services with D-MAX Engineering Inc. to assist with the implementation of the City's Stormwater Program.

Action: Motion by Mayor Pro Tem Jones, seconded by Councilmember Arambula to approve Consent Calendar Items A-J.

The motion passed by the following vote:

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

Absent: M. Mendoza

2. NewSchool of Architecture Main Street Promenade Tactical Urbanism Presentation and Signage Request.

David DeVries, Development Services Director introduced Representatives for the NewSchool of Architecture the Urban Design Club. Director DeVries and the Design Club presented the staff report.

The Design Club requested permission to place temporary signs in the Main Street Promenade to gather data and solicit ideas for potential Tactical Urbanism opportunities in the Promenade. The group would return to Council with an update to the design ideas once data has been collected from analysis and community reaction through outreach.

Councilmembers provided feedback and direction.

Action: Motion by Mayor Pro Tem Jones, seconded by Councilmember Arambula.

The motion passed by the following vote:

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

Absent: M. Mendoza

PUBLIC HEARING:

3. Adoption of Resolution 2018-3591, approving Conditional Use Permit CUP 170-0001, A Request to Allow a Medical Marijuana Dispensary at 6470 Federal Boulevard, Lemon Grove, California.

David DeVries, Development Services Director presented the report and PowerPoint Presentation.

Mayor Pro Tem Jones disclosed he had exchanged emails with the applicant's son Corey Mc Dermott.

Mayor Vasquez opened the public hearing for discussion at 7:08 p.m.

Wayne Rosenbaum, Environmental Law Group Attorney for the applicant provided a statement regarding the project. Mr. Rosenbaum along with the applicant Sean Mc Dermott provided a PowerPoint Presentation explaining the project.

Councilmembers asked questions of the applicant, and City Attorney

Appeared to comment were: Wayne Rosenbaum, Teresa Rosiak-Proffit, and Ebon Johnson.

Action: The public hearing was closed at 7:54 p.m. on a motion by Mayor Pro Tem Jones and second by Councilmember J. Mendoza.

The motion passed by the following vote:

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

During the discussion Councilmembers expressed concern about In-Lieu fees, signage, and consideration for some kind of security barrier for the building frontage.

City Manager Romero and City Attorney Lough provided the Council with a response to questions regarding requirements of Measure V.

Adoption of the Resolution would conditionally approving Conditional Use Permit CUP-170-0001, a request to establish a medical marijuana dispensary at 6470 Federal Blvd. in the Light Industrial (LI) Zone (Municipal Code Chapter 17.32).

Action: It was moved by Mayor Pro Tem Jones and seconded by Councilmember J. Mendoza to adopt Resolution No. 2018-3591 with modifications as read into the record by City Attorney Lough. Section 2 of Resolution as follows:

1. Reference page 16 (condition A17) of the staff report – change to flat yearly rate per quarter with annual installments of:

Year one.....	\$ 50,000
Year two.....	\$ 75,000
Year three...	\$100,000
Year four.....	\$175,000
<u>Year five.....</u>	<u>\$236,000</u>
<u>Total.....</u>	<u>\$636,000</u>
2. Reference page 22 (condition C46) of the staff report removing the first sentence, additionally the later reference to MMIC number State requirement would be removed.
3. Reference page 23 (C 54) of the staff report referring to signage shall not include any terminology including slang or symbols for marijuana. Adding that green crosses are not to be included in the terminology of slang or symbols for marijuana.

Action: The motion passed by the following vote:

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

4. Adoption of Resolutions Approving the Fiscal Year 2018-2019 Consolidated Operating and Capital Budget.
5. Revenue Options Requiring Voter Approval

Mayor Vasquez proposed that both items 4 and 5 be continued to the July 3, 2018, Regular City Council Meeting allowing the full Council to be in attendance to hear, discuss and vote on the items. Council consensus was received of those present.

City Attorney Lough and City Manager Romero provided the schedule considerations that need to be made if the Council chooses to continue the item.

Action: Motion by Mayor Pro Tem Jones, and seconded by Councilmember J. Mendoza to continue items 4 and 5 to a future meeting to be held on Tuesday, July 3, 2018, allowing the full Council to be in attendance to hear, discuss and vote on the items.

City Council Oral Comments & Reports on Meetings Attended At City Expense: (G.C. 53232.3(d))

Councilmember J. Mendoza attended the following meetings and events:

- League of CA Cities – Transportation, Communication, Public Works Policy Committee Meeting
- Lemon Grove Heal Resident Leadership Meeting
- SANDAG Board of Directors Policy Meeting
- League of CA Cities Lunch for Committee Members
- Community Center Blood Drive – donated blood
- SANDAG Transportation Meeting

Councilmember Arambula attended the following meetings and events:

- SANDAG Transportation Meeting
- MTS Executive Committee Meeting
- MTS General Meeting

Mayor Pro Tem Jones attended the following meetings and events:

- Metro Wastewater Meeting

Mayor Vasquez attended the following meetings and events:

- Key Note Speaker for the Learn for Life Class 2018 Charter School
- League San Diego award ceremony to inspire visionaries
- Yeshua Ha Mashiach Curch – Jazz Concert

City Manager Lydia Romero announced new City Clerk will be starting on July 16, 2018, and comes to the City with 18 years' experience.

City Attorney Lough announced he has previously worked with the new City Clerk when she was the Assistant City Clerk in the City of Carlsbad on the Strawberry Fields Initiative and Referendum which was as complicated as they get and considers her "first class".

Assistant City Manager James announced that the Recreation Center has 80 kids for week 1 of the Summer Camp.

Adjournment:

There being no further business to come before the Council, the meeting was adjourned at 8:47 p.m. to a meeting to be held Tuesday, June 3, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.



Shelley Chapel, MMC
City Clerk

**MINUTES OF A MEETING OF
THE LEMON GROVE CITY COUNCIL
TUESDAY, JULY 3, 2018**

*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:

Mayor Vasquez called the Regular Meeting to order at 6:00 p.m.

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

Absent: None.

Staff Members Present:

Lydia Romero, City Manager, James Lough, City Attorney, Kristen Steinke, Assistant City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Lieutenant Scott Amos, San Diego County Sheriff's Office - Lemon Grove Substation, David De Vries, Development Services Director, Miranda Evans, Management Analyst, Alicia Hicks, Human Resources Manager, Molly Brennan, Finance Manager, Mike Viglione, Assistant Planner, and Arturo Ortuño, Assistant Planner.

Pledge of Allegiance:

Pledge of Allegiance to the Flag was led by Councilmember M. Mendoza.

Presentations:

The Lemon Grove History Minute #22 presented by Mayor Raquel Vasquez as the Grand Finale

Public Comments:

Appeared to comment were: Helen Ofield along with the 90th Miss Lemon Grove presented Flowers to the Mayor, Robert Vargas, Brenda Hammond, Lenore Dumas, and Michael Richards.

Consent Calendar:

- A. Ratification of Payment of Demands
- B. Waive Full Text Reading of All Ordinances on the Agenda.
- C. Adopted Resolution No. 2018-3592, Accepting the Fiscal Year 2017-2018 Street Rehabilitation Project, Contract No. 2018-17
- D. Adopted Resolution No. 2018-3593, Accepting of the CIP Concrete Repair and Replacement Project – Contract No. 2018-02
- E. Adopted Resolution No. 2018-3594, Amendment to the 2015-18 Memorandum of Understanding between the City of Lemon Grove and Lemon Grove Firefighter Local 2728

Action: Motion by Councilmember Arambula, seconded by Councilmember M. Mendoza to approve Consent Calendar Items A-E.

The motion passed by the following vote:

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

Absent: None.

2. Fiscal Year 2018-2019 Consolidated Operating and Capital Budget

Lydia Romero, City Manager, introduced Molly Brennan, Finance Manager, and Al Burrell, Finance Consultant who provided the report and PowerPoint Presentation.

Appeared to comment were: Michael Richards, Stephen Browne, Teresa Rosiak-Proffit, and Mary England.

- 1) Adoption of Resolution No. 2018-3595, Approving the Fiscal Year 2018-19 City of Lemon Grove Budget; and,

Action: Motion by Councilmember J. Mendoza, seconded by Councilmember Arambula.
The motion passed by the following vote:
Ayes: Vasquez, Jones, Arambula, J. Mendoza, and M. Mendoza
Absent: None.

- 2) Adoption of Resolution No. 2018-3596, Approving the Salary Plan & Classification Summary; and,

Action: Motion by Councilmember J. Mendoza, seconded by Councilmember Arambula.
The motion passed by the following vote:
Ayes: Vasquez, Jones, Arambula, J. Mendoza, and M. Mendoza
Absent: None.

- 3) Adoption of Resolution No. 2018-3597, Approving the FY 2018-19 Appropriations Limit; and,

Action: Motion by Councilmember J. Mendoza, seconded by Mayor Pro Tem Jones.
The motion passed by the following vote:
Ayes: Vasquez, Jones, Arambula, J. Mendoza, and M. Mendoza
Absent: None.

- 4) Adoption of Resolution No. LD 2018-173, Approving the Fiscal Year 2018-19 Lemon Grove Roadway Lighting District Budget; and,

Action: Motion by Councilmember J. Mendoza, seconded by Mayor Pro Tem Jones.
The motion passed by the following vote:
Ayes: Vasquez, Jones, Arambula, J. Mendoza, and M. Mendoza
Absent: None.

- 5) Adoption of Resolution No. SD 2018 207. Approving the Fiscal Year 2018-19 Lemon Grove Sanitation District Budget.

Action: Motion by Mayor Pro Tem Jones, seconded by Mayor Pro Tem Jones.
The motion passed by the following vote:
Ayes: Vasquez, Jones, Arambula, J. Mendoza, and M. Mendoza
Absent: None.

3. Revenue Options Requiring Voter Approval

Lydia Romero, City Manager and James Lough, City Attorney provided the report and PowerPoint Presentation.

Appeared to comment were: Michael Richards, George Gastil, and Richard Hammett.

Councilmembers reviewed and discussed options for revenue options for potential ballot measures.

Action: Provided staff direction.

City Council Oral Comments & Reports on Meetings Attended at City Expense: (G.C. 53232.3(d))

Councilmember J. Mendoza attended the following meetings and events:

- Attendance Certificates to Lemon Grove School District for perfect attendance.
- Met with School District in a meeting with Mayor
- Inaugural City Concert in the Park
- Old Globe Theatre presented a dinner and play
- Kick-Off Celebration 90th Birthday of the Lemon

Councilmember M. Mendoza attended the following meetings and events:

- Ribbon Cutting at the Inaugural Concerts in the Park
- Happy Birthday to America 242 Years
- Father's 90th Birthday on 4th of July

Councilmember Arambula attended the following meetings and events:

- 31st Annual Homeless Veterans Event
- Ribbon Cutting at the Inaugural Concerts in the Park

Mayor Vasquez attended the following meetings and events:

- SANDAG Board of Directors Policy Meeting
- City and School District Collaboration Meeting
- Ribbon Cutting at the Inaugural Concerts in the Park
- Brown Bag Luncheon Promoting Women in Leadership
- Kick-Off Celebration 90th Birthday of the Lemon

City Manager and Department Director Reports: (Non-Action Items)

Molly Brennan, Finance Manager attended the San Diego County Chapter Meeting of Finance Officers.

Lydia Romero, City Manager announced Interim City Clerk Kay Vinson will be leaving on July 16, and new City Clerk will begin on July 16, 2018.

Jim Lough, City Attorney attended the Canada Day Celebration

Mike James, Assistant City Manager announced that the kids in Lemon Grove Summer Camp took a field trip to Aquatica, and the next Concert in the Park will be Three Chord Justice and E.T. will be playing Movies in the Park.

Closed Session:


Conference with Legal Counsel - Existing Litigation (G.C. § 54956.9 (1d))
City of Lemon Grove v Grove Collective, et. al
San Diego Superior Court –Central Division Case number 37-2016-00015271-CU-BC-CTL

City Attorney James Lough announced the City Council will be adjourning to closed session at 9:00 p.m. for the purposes above.

City Attorney Lough reported no reportable action on items discussed in Closed Session.

Adjournment:

There being no further business to come before the Council, the meeting was adjourned at 9:30 p.m. to a meeting to be held Tuesday, July 17, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.

A handwritten signature in cursive script that reads "Shelley Chapel". The signature is written in black ink and is positioned above a horizontal line.

Shelley Chapel, MMC
City Clerk

MINUTES OF A MEETING OF
THE LEMON GROVE CITY COUNCIL
TUESDAY, JULY 17, 2018

*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:

Mayor Vasquez called the Regular Meeting to order at 6:01 p.m.

Present: Mayor Racquel Vasquez, Mayor Pro Tem Jerry Jones, Councilmember David Arambula, and Councilmember Matt Mendoza.

Absent: Councilmember Jennifer Mendoza,

Staff Members Present:

Lydia Romero, City Manager, James Lough, City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Scott Amos, Lemon Grove Substation Lieutenant, David De Vries, Development Services Director, Shelley Chapel, City Clerk, Miranda Evans, Management Analyst, Molly Brennan, Finance Manager, Mike Viglione, Assistant Planner, and Arturo Ortuño, Assistant Planner.

Pledge of Allegiance:

Pledge of Allegiance to the Flag was led by Councilmember Arambula.

Presentations:

City Manager Romero introduced and administered the Oath of Office to the new City Clerk, Shelley Chapel.

Mayor Vasquez introduced the resident Stevie Burgueno being recognized for his *Citizenship in the Nation Boy Scout Merit Badge*, a member of Lemon Grove Boy Scout Troop 399. He earned his merit badge by explaining what it means to be a good citizen, and picked up 1000 cigarette butts at the local beach. Mr. Burgueno has been invited to join future quarterly community clean-up events in the City.

Mayor Vasquez introduced Fire Division Chief Drum who presented the new Fire Marshall, Renee Hill to the City Council.

Public Comments:

Appeared to comment were: John L. Wood, Mic Thomas, Dona Lynn Clabby and Reginal Washington.

Consent Calendar:

- A. Waive Full Text Reading of All Ordinances on the Agenda.
- B. Ratification of Payment of Demands
- C. Community Advisory Commission Status Update adopting Resolution No. 2018-174, entitled, Resolution of the City Council of the City of Lemon Grove, California appointing Angeles Nelson to a three-year term, appointing Tom Clabby as a Commissioner with a

one-year term and permitting staff to contact 2017 former Commission Applicants to participate in the Ad Hoc Committee.

Action: Motion by Councilmember Arambula, seconded by Councilmember M. Mendoza to approve Consent Calendar Items A-C.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Arambula, M. Mendoza

Absent: J. Mendoza

Item pulled for discussion out of order

Mayor Vasquez requested that due to the absence of Councilmember J. Mendoza, she would like to ask the Council to consider adjourning Item 4 to a Regular Meeting to be scheduled for Friday, July 20, 2018, at 6:00 p.m. This would allow the item to be heard by the full governing body present, and voted by all members as the item requires a Four-Fifths Vote. Consensus received by polling the Council to continue the item as read into the record by Mayor Vasquez.

4. Placement of .5% Transactions and Use Tax (Sales Tax) and Business License Tax, Including a 5% Marijuana Business Gross Receipts Tax on the November Ballot (Four-Fifths Vote Required)

Recommendation: i) Adopt Resolution Amending the Resolution requesting consolidation of the 2018 General Municipal Election with the Statewide General Election, allowing Rebuttal Arguments, and an Impartial Analysis by the City Attorney; ii) Introduce, by Title, an Ordinance Establishing a .5% Transaction and Use Tax, subject to a vote of the People, with an Oversight Board and Annual Independent Audit for a period of twenty years (Four-Fifths Vote Required); and iii) Introduce, by Title an Ordinance Raising Business License Taxes and Establishing a 5% Gross Receipts Tax on Marijuana Businesses (Four-Fifths Vote Required).

Action: Motion by Councilmember Arambula, seconded by Councilmember M. Mendoza.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Arambula, M. Mendoza

Absent: J. Mendoza

Speakers slips submitted will be retained until the meeting on Friday, July 20, 2018.

1. Participation in the Pension Rate Stabilization Program to Pre-Fund Pension Obligations

City Manager Lydia Romero introduced Assistant City Manager/Public Works Director Mike James who presented the staff report. Finance Manager Molly Brennan gave an overview of the program. Jennifer Meza, Client Services at Public Agency Retirement Services (PARS) provided a PowerPoint presentation giving an overview of the program. A Section 115 irrevocable trust is designed for agencies to pre-fund rising pension costs and address pension liabilities.

Adoption of the resolution would authorize participation in the Pension Rate Stabilization Program administered by Public Agency Retirement Services to pre-fund pension obligations.

During the discussion Councilmembers expressed concern about the basis of returns, adjustments to investments, fiduciary responsibility, and concern on how often Council would receive statements and reports.

Consultant Meza responded that all returns include mutual funds as a diversified package to include different sectors of domestic and international mutual funds. In addition, regarding the question as to restrictions, Ms. Meza confirmed there are no restrictions on when changes can be made.

City Manager Romero and City Attorney Lough provided the Council with an overview of expectations if Council decides to adopt the resolution. Staff would return to Council with an investment policy, including an investment strategy returning annually for review and Council the opportunity to provide staff additional direction.

Consultant Meza reported that the Council would receive monthly and annual statements and would be provided in addition to annual reports on the program. Additionally City Manager Romero stated that updates could be provided to the Council in the newsletter provided to them weekly and that Finance Manager Brennan would be providing regular updates on finances.

Assistant City Manager James added that the fees and earnings would be based on the assets.

Action: Motion by Mayor Pro Tem Jones, seconded by Councilmember Arambula.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Arambula, M. Mendoza

Absent: J. Mendoza

2. Separation Findings for Discretionary Permits

Mayor Vasquez introduced David De Vries, Development Services Director who presented the report and PowerPoint presentation; explaining the alternatives for separation findings for discretionary permits specifically for large family daycares, medical marijuana dispensaries, beekeeping, alcoholic beverage related businesses requiring a conditional use permit and adult entertainment use, the land cannot be established unless it is separated from specifically listed land uses. These findings would allow an applicant to obtain the required separation finding prior to preparing costly plans and reports and prior to final decision. Staff recommendation is that Council discuss the contents of the report and provide comments to staff in preparation for an ordinance affecting when the separation finding is made and the public noticing required.

Mayor Vasquez clarified that the item before the Council is not a Public Hearing and that discussion by the Council will provide staff direction on next steps.

Councilmembers discussed the topic and expressed the importance of sensitive use site designation and providing a process that would not impede future applicants from applying by adding an expiration of initial finding.

Director De Vries confirmed staff would return with a draft ordinance including that an early finding can be made through a Minor Use Permit as an option to the applicant through a minor use process which would require an appropriate distance or 500 foot noticing the property owners and a sign posted on the property. In addition, clarification

regarding the expiration of an initial finding so as to not impede a process of a future applicant.

City Attorney Lough assured Council that with direction staff and City Attorney will vet the process to ensure there are no unintended consequences and ensure due process.

City Council Oral Comments & Reports on Meetings Attended At City Expense: (G.C. 53232.3(d))

Mayor Vasquez attended the following meetings and events:

- Concerts in the Park
- Movies in the Park
- Scottish Rites Annual Law Enforcement Night
- Interview with KEPX regarding Lemon Grove accomplishments
- SANDAG Board of Directors Policy Meeting
- Grandparents Connection
- Guest Judge at 38th Annual Firefighter Chili Cook-Off
- Meet and Greet with Community Members at Ryan Bros. Coffee regarding City Budget


City Manager and Department Director Reports: (*Non-Action Items*)

City Manager Romero reminded the Council that she would taking her first vacation in 10 years and would be out of the office July 21 – July 29.

Adjournment:

There being no further business to come before the Council, the meeting was adjourned at 7:24 p.m. to a continued regular meeting to be held Friday, July 20, 2018, at 6:00 p.m. in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting to consider agenda Item 4 of this agenda only.

City Manager Romero reminded the public of a Joint Council Meeting with the School District on Thursday, July 19, 2018, at 6:00 p.m. at the Alvarez Auditorium located at 3121 School Lane, Lemon Grove to discuss collaboration efforts.


Shelley Chapel, MMC
City Clerk

**MINUTES OF A MEETING OF
THE LEMON GROVE CITY COUNCIL
TUESDAY, JULY 20, 2018**

*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:

Mayor Vasquez called the Regular Meeting to order at 6:00 p.m

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

Absent: None.

Staff Members Present:

Lydia Romero, City Manager, James Lough, City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Lieutenant Scott Amos, San Diego County Sheriff's Office - Lemon Grove Substation, David De Vries, Development Services Director, Edgar Camerino, City Engineer, Miranda Evans, Management Analyst, and, Molly Brennan, Finance Manager.

Pledge of Allegiance:

Pledge of Allegiance to the Flag was led by Councilmember Arambula.

1. Placement of .5% Transactions and Use Tax (Sales Tax) and Business License Tax, Including a 5% Marijuana Business Gross Receipts Tax on the November Ballot (Four-Fifths Vote Required)

City Manager Lydia Romero, James P. Lough, City Attorney, and Molly Brennan, Finance Manager gave the report and PowerPoint Presentation.

Public Comments:

Appeared to comment were: Dona Lynn Clabby, John Enright, Katie Meyer, Teresa Rosiak-Proffit, Seth Smith, Joanne Millgate, Nick Duenez, Forrest Hooper, Kristen Hope, Tom Clabby, Bob Vryheid, Stephen Browne, Chris Williams, Kathleen McLean, Zenobia Howard, Kamaal Martin, George Gastil, David, and Mary England.

During the discussion Councilmembers expressed concern regarding the tax ballot question and the amount to set tax.

Action: Adoption of Resolution to amend previously adopted Resolution No. 2018- 3582, requesting consolidation of the 2018 General Municipal Election with the Statewide General Election, allowing Rebuttal Arguments, and an Impartial Analysis by the City Attorney.

Motion by J. Mendoza, and second by Councilmember Arambula

The motion passed by the following vote:

Ayes: Vasquez, J. Mendoza, Arambula

Noes: M. Mendoza, Jones

Motion carries but City Attorney Lough advises Council to revisit the motion for Resolution in the case that the two following Ordinances don't pass it would be null and void and would need to be repealed by the City Council. The next action would require four-fifths vote to pass, if not received then all fail.

Motion by J. Mendoza read the staff recommendation:

Introduce, by Title, an Ordinance Establishing a .5% Transaction and Use Tax, subject to a vote of the People, with an Oversight Board and Annual Independent Audit for a period of twenty years; and

City Attorney, Jim Lough read the title and amendments to the Ordinance into the record: Changed .5% to one-percent to title, page 2 the second "whereas" from the bottom replacing 1.9 Million with 3.9 Million, page 3 first "whereas" would change from .5% to one-percent tax, page 4 in text of ordinance section 1.18.101.010 would change from .5% to one-percent tax, transaction tax rate on page 5 section 3.18.050 would change from .5% to one-percent tax, and same page section 3.18.070 would change from .5% to one-percent tax.

Motion by J. Mendoza, and second by Councilmember Arambula

The motion failed by the following vote:
Ayes: Vasquez, J. Mendoza, Arambula
Noes: M. Mendoza, Jones

Motion by J. Mendoza read staff recommendation amending the proposed 5% to 10%

Introduce, by Title an Ordinance Raising Business License Taxes and Establishing a 5% Gross Receipts Tax on Marijuana Businesses.

City Attorney Lough and City Manager Romero explained to Council the process that would be required to bring back the 10% Gross Receipts Tax on Marijuana Businesses.


The motion failed for lack of a second.

City Attorney Lough asked if a reconsideration of a motion from the three who voted for the Resolution adopted earlier on this same item be rescinded.

Motion to Rescind Resolution No. 2018-3599, received Council consensus.

Adjournment:

There being no further business to come before the Council, the meeting was adjourned at 9:20 p.m. to a meeting to be held Tuesday, August 7, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.


Shelley Chapel, MMC
City Clerk

**MINUTES OF A MEETING OF
THE LEMON GROVE CITY COUNCIL
TUESDAY, AUGUST 7, 2018**

*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:

Mayor Vasquez called the Regular Meeting to order at 6:03 p.m.

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

Absent: None.

STAFF MEMBERS PRESENT:

Lydia Romero, City Manager, James Lough, City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Lieutenant Amos, Lemon Grove Substation, David De Vries, Development Services Director, Shelley Chapel, City Clerk, Miranda Evans, Management Analyst, Molly Brennan, Finance Manager.

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance to the Flag was led by Lemon Grove Lion/Tiger Pack 108.

City Manager Romero stated two presentations would be added to the meeting.

Fire Chief Stowell introduced Division Chief Mike Chasin with Heartland Fire who will be serving as Interim Fire Chief as Mr. Stowell will be leaving employment with the City.

Mayor Vasquez presented a Proclamation to *San Diego Center for Vision Care* recognizing long time business partners in the City of Lemon Grove; specifically acknowledging Dr. Melissa Hillier, Dr. Carl Hillier, Dr. Robert Sanet and Linda Sanet along with their staff present at the meeting. Miss Lemon Grove presented flowers to the Mr. and Mrs. Hilliers and Mr. and Mrs. Sanets.

PRESENTATIONS:

Mayor Vasquez introduced Chair Sinnott of SANDAG who presented accomplishments and the future outlook in a PowerPoint and Video.

Mayor Vasquez read a Proclamation recognizing Work Place Gender Equity Day in Lemon Grove, to Dr. Hei-ock Kim, Executive Director, Kim Center for Social Balance.

PUBLIC COMMENTS:

Appeared to comment were: John Enriq, Teresa Rosiak, Brenda Hammond, Sara Ditges, Anita Ditges, Rolando Mazam, Tamara Peterson, and John L. Wood

CONSENT CALENDAR:

1. Approval of Reading by Title all Ordinances and Waiver of Reading in full of Ordinances on the Agenda

- A Ratification of Payment of Demands
- B Approval of Meeting Minutes
July 18, 2018, Special Joint Meeting with Lemon Grove School District Board

Action: Motion by Mayor Pro Tem Jones, seconded by Councilmember Arambula, to approve Consent Calendar Items A-B.

The motion passed by the following vote:

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

Absent: None.

2. Tobacco Retailer Licensing Program Update

Management Analyst Miranda Evans presented the report and PowerPoint presentation giving an overview of the program as an introduction and receive Council direction to return at future date for first reading of an Ordinance.

Miranda Evans, Management Analyst presented the report and PowerPoint Presentation.

During the discussion Councilmembers expressed concern regarding the staff recommendation of 3 violations within a 5 year period and suggested that staff reduced the term to 3 years providing for a more stringent policy.

Appeared to comment were: Dana Stevens with Community Action Service and Advocacy (CASA), and Angeles Nelson

Action: Councilmember's provided staff direction to return with an Ordinance.

CITY COUNCIL ORAL COMMENTS & REPORTS ON MEETINGS ATTENDED AT CITY EXPENSE: (G.C. 53232.3(d))

Councilmember J. Mendoza attended the following meetings and events:

- MTS Meeting as the alternate for Councilmember Arambula
- Concerts in the Park

Concurred with two other Councilmembers to hold a Budget meeting to discuss disincorporation and what it looks like.

Councilmember M. Mendoza attended the following meetings and events:

- Joint Meeting with the Lemon Grove School District
- Commented on the outgoing Fire Chief and incoming Interim Fire Chief
- Thanked Councilmember J. Mendoza for her support to bring forward a Special Meeting regarding the Budget.

Councilmember D. Arambula attended the following meetings and events:

- Thanked Councilmember J. Mendoza for attending MTS Meeting as alternate
 - Commented on the outgoing Fire Chief and incoming Interim Fire Chief
 - Attended the 4th Annual Community Potluck

Mayor Pro Tem Jones attended the following meetings:

- Metro Wastewater Meeting

Would like to see a process formalized for adding an agenda item to the Calendar

Mayor Vasquez attended the following meetings and events:

- Mixer for East County Chamber of Commerce
- Joint Meeting with the Lemon Grove School District
- Concerts in the Park
- SANDAG Board of Directors Meeting
- Movies in the Park
- Jamul Casino Launch
- Mentioned emails and text messages between her and Councilmember M. Mendoza regarding requests for Special Budget Meeting

CITY MANAGER AND DEPARTMENT DIRECTOR REPORTS: (*Non-Action Items*)

City Manager Romero invited the public to attend the Mayor's State of the City Address to be held on Wednesday, August 8th at the Library at 6:00 p.m.

ADJOURNMENT:

There being no further business to come before the Council, the meeting was adjourned at 8:22 p.m. to a meeting to be held Tuesday, September 4, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.


Shelley Chapel, MMC
City Clerk

**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

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 not 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 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 appreciate 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.