



City of Lemon Grove
City Council Regular Meeting Agenda
Tuesday, January 17, 2017, 6:00 p.m.
Lemon Grove Community Center
3146 School Lane, Lemon Grove, CA

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

Call to Order

Pledge of Allegiance

Changes to the Agenda

Public Comment

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

1. Consent Calendar

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

A. Approval of Meeting Minutes

December 20, 2016 – Regular Meeting

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

B. City of Lemon Grove Payment Demands

Reference: Gilbert Rojas, Interim Finance Director

Recommendation: Ratify Demands

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

Reference: James P. Lough, City Attorney

Recommendation: Waive the full text reading of all ordinances included in this agenda; Ordinances shall be introduced and adopted by title

D. Recognized Obligation Payment Schedule (July 1, 2017– June 30, 2018)

The Lemon Grove Successor Agency Board will consider approving the Recognized Obligation Payment Schedule for the period of July 1, 2017 through June 30, 2018 (ROPS 2017-18).

Reference: Gilbert Rojas, Interim Finance Director

Recommendation: Approve Recognized Obligation Payment Schedule

E. Grant Award Acceptance of Department of Justice Funds for Bicycle Patrol Program

The City Council will consider a resolution accepting the \$10,858 in grant funds for the Bicycle Patrol Program; and directing the City Manager or her designee to execute any grant related documents.

Reference: Miranda Evans, Management Analyst

Recommendation: Adopt Resolution

- F. Grant Application to SANDAG for GO by BIKE Mini-Grant for Lemon Grove Bike to Work and School Day

The City Council will consider a resolution authorizing submittal of an application for the SANDAG GO by BIKE Mini-Grant to fund the Lemon Grove GO by Bike to Work and School Day.

Reference: Miranda Evans, Management Analyst
Recommendation: Adopt Resolution

- G. Appointment of City Councilmembers to Committees, Commissions and Boards

The City Council will consider the Mayor's appointments to regional committees, commissions, and boards for 2016.

Reference: Racquel Vasquez, Mayor
Recommendation: Ratify Appointments

2. Ordinance Amending Lemon Grove Municipal Code Chapter 8.64 (Prohibition of Recreational Marijuana Businesses) and Amendment of Lemon Grove Municipal Code Section 17.12.070 (Uncertainty of Use Classification)

The City Council will consider an ordinance that reaffirms prohibitions against recreational marijuana dispensaries, deliveries, and cultivation in all zones in the City of Lemon Grove and amends LGMC Section 17.12.070 to eliminate the ban on medical marijuana sales.

Reference: James P. Lough, City Attorney
Recommendation: Introduce Ordinance and Conduct First Reading

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

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

Department Director Reports (Non-Action Items)

Closed Session

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

Conference with Real Property Negotiators Government Code Section 54956.8
APN: 475-490-12-00 (Dan Kunkle Park)
Agency Negotiator: Mike James, Assistant City Manager/Public Works Director
Negotiating parties: Roger Rataj, Fracton Technologies, on behalf of Cricket Wireless
Under negotiation: Price and Terms of Transaction

Conference with Real Property Negotiators Government Code Section 54956.8
APN: 480-271-15-00 (Lemon Grove Community Center Community Center)
Agency Negotiator: Mike James, Assistant City Manager/Public Works Director
Negotiating parties: Arthur Camacho Jr. and Luis Fernandez, Healthy Opportunities Progressive Education, Inc.
Under negotiation: Price and Terms of Lease

Adjournment

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

December 20, 2016

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

Call to Order

Members present: Councilmember Racquel Vasquez, Councilmember Jennifer Mendoza, Councilmember Jerry Jones.

Members absent: None.

City Staff present: Lydia Romero, City Manager, David De Vries, Development Services Director; Daryn Drum, Division Fire Chief; Mike James, Assistant City Manager/Public Works Director; James P. Lough, City Attorney; and Lt. May, Sheriff's Department.

November 8, 2016, General Municipal Election Certified Results and Administration of Oath of Office

The certified canvass declares that Racquel Vasquez was elected as Mayor and David Arambula and Matt Mendoza were elected as Members of the City Council for full terms of four years. In addition, Measure V the Initiative to rescind the prohibition of marijuana dispensaries and add the Medical Marijuana Regulatory Ordinance to the Lemon Grove Municipal Code, was approved by the voters.

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

Ayes: Vasquez, Jones, J. Mendoza

Resolution No. 2016 – 3481: Resolution of the Lemon Grove City Council Reciting the Fact of the General Municipal Election Conducted on November 8, 2016, and Declaring the Results

James Lough administered the Oath of Office to David Arambula Councilmember and Matt Mendoza Councilmember.

Superior Court Judge Randa Trapp administered the Oath of Office to Racquel Vasquez Mayor.

Changes to the Agenda

There were no changes to the agenda.

Public Comment

Lani Stacks commented on animals in pet stores and on the condition of pet stores in Lemon Grove.

The following citizens recognized Mayor Vasquez's achievement and conveyed congratulations.

JoAnn Fields

Jordan Marks, Representing Diane Harkey State Board of Equalization's Fourth District.

Chris Williams

Derrik Luckett, National Association of Real estate Brokers.

Reverend Shane Harris, National Action Network.

Master Spears, Spears Academy.

Anthony Nguyen, Representing Congressman Scott Peters.

Amelia Simon

1. Consent Calendar

A. Approval of City Council Minutes

December 6, 2016 Regular Meeting

B. Ratification of Payment Demands

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

D. Mayor Pro Tem Rotation

E. Amendment No. 3 to the Agreement with NBS Government Finance Group for the Sanitation District Rate Study

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

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

Resolution No. 2016-3482: Resolution of the City Council of the City of Lemon Grove, California Confirming the Rotation of Councilmember Jennifer Mendoza to Serve as the Mayor Pro Tem for the Period of December 20, 2016 through December 19, 2017 and Establishing the Mayor Pro Tem Rotation Schedule for the Subsequent Three Years

Resolution No. 2016-284: Resolution of the District Board of the Lemon Grove Sanitation District Approving Amendment No. 3 to the Agreement with NBS Government Finance Group for the Sanitation District Rate Study (Contract No. 2016-01)

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

Councilmember Jones reported that as the Metro Wastewater representative he attended City of San Diego meetings, an MTS meeting, Regional Water Quality Control Board meeting, SANDAG Board meetings and the grand opening of imaging plant at Grossmont Hospital.

Councilmember Arambula expressed appreciation for the opportunity to serve Lemon Grove.

Mayor Pro Tem J. Mendoza thanked City staff for the Mary Sessom's retirement celebration, and she attended Christmas on the Promenade, League of Cities meeting, interfaith breakfast, Assemblywoman Weber's gift giving celebration, Heal Zone open house, and thanked the San Diego County Sheriff's Department for a holiday giving event.

Mayor Vasquez expressed appreciation to those who supported her campaign, voters who elected her and added that it will be an honor to serve the City of Lemon Grove as the first woman African American Mayor. She provided an overview of her vision for Lemon Grove.

City Manager and Department Director Reports

Lydia Romero noted that City Hall will be closed from December 26 to December 29, 2016.

Mayor Vasquez reported that the regular City Council meeting scheduled for January 3, 2017 meeting will be cancelled and the next City Council meeting will be held on January 17, 2017.

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 7:00 p.m.

Susan Garcia

Susan Garcia, City Clerk

City of Lemon Grove Demands Summary

Approved as Submitted:

Gilbert Rojas, Interim Finance Director

For Council Meeting: 01/17/17

ACH/AP Checks 12/08/16-01/04/17

1,152,995.12

Payroll - 12/20/16

119,497.71

Payroll - 01/03/17

158,662.37

Total Demands

1,431,155.20

Check No	Vendor No	Vendor Name	Check Date	Vendor Name	Check Amount	
CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
ACH	Dec6 16	Employment Development Department	12/08/2016	State Taxes 12/6/16	8,220 96	8,220 96
ACH	Nov16	Wells Fargo Bank	12/12/2016	Bank Service Charge - Nov'16	698 51	698 51
ACH	Oct16	San Diego County Sheriff's Department	12/13/2016	Law Enforcement Services - Oct'16	437,862 96	437,862 96
ACH	Nov16	Home Depot Credit Services	12/13/2016	Home Depot Purchases - Nov'16	1,588 22	1,588 22
ACH	Dec6 16	US Treasury	12/13/2016	Federal Taxes 12/6/16	35,676 68	35,676 68
ACH	Nov23-Dec6 16	Calpers Supplemental Income 457 Plan	12/14/2016	457 Plan 11/23/16-12/6/16	6,111 47	6,111 47
ACH	Nov9-Dec6 16	California Public Empl Retirement System	12/16/2016	Pers Retirement 11/9/16-12/6/16	65,946 13	65,946 13
ACH	Nov16	Colonial Life	12/16/2016	Colonial Optional Insurance -Nov16	740 86	740 86
ACH	Refill 12/19/16	Pitney Bowes Global Financial Services LLC	12/20/2016	Postage Usage 12/19/16	250 00	250 00
ACH	Dec8 16 Dec22 16	Southern CA Firefighters Benefit Trust	12/21/2016	LG Firefighters Benefit Trust 12/8/16 LG Firefighters Benefit Trust 12/22/16	876 85 876 85	1,753 70
ACH	789540	Allac	12/21/2016	AFLAC Insurance 12/15/16	656 50	656 50
6845	9684	AdminSure	12/14/2016	Workers' Compensation Claims Administration - Dec 16	415 00	415 00
6846	FY2016	American Medical Response	12/14/2016	Emergency Medical Services - FY16	38,009 00	38,009 00
6847	L1072895CIL	American Messaging	12/14/2016	Pager Replacement Program - 12/1/16-12/31/16	40 70	40 70
6848	5656556493 5656559121 5656559160	AutoZone, Inc	12/14/2016	Touch Up Spray Paint - Black LGPW #19 - Wiper Blades LGPW #19 - Wiper Blades / LGPW #14- Batteries	25 89 10 09 106 87	142 85
6849	150311-IN	Aztec Landscaping Inc	12/14/2016	Valve Replacement- Little League Field- Kempf & Lincoln St	195 58	195 58
6850	Backlund	Backlund, Gary	12/14/2016	Refund/Backlund, Gary/Deposit- Rec Ctr- 11/25/16	200 00	200 00
6851	730838-9 739432-9	BJ's Rentals	12/14/2016	Boom Knuckle Rental - Holiday Banners/Decors 11/28/16 Rental: Light Tower, Patio Heaters- 8235 Mt Vernon 12/9/16	447 50 300 50	748 00
6852	Cabrera	Cabrera, Alexi	12/14/2016	Refund/Cabrera, Alexi/Deposit - Lee House 12/3/16	300 00	300 00
6853	16747912	Canon Financial Services Inc	12/14/2016	Canon Copier Contract Charge Dec 16 Basement	81 35	81 35
6854	694284771 694287314	Cintas Corporation #694	12/14/2016	Janitorial Supplies - 12/1/16 Janitorial Supplies - 12/8/16	170 47 170 47	340 94
6855	1000183645	City of San Diego	12/14/2016	Metro Industrial Wastewater Control Program- FY2015	220 00	220 00
6856	81753700	Corelogic Information Solutions Inc	12/14/2016	RealQuest Graphics Package- Nov '16	300 00	300 00
6857	17CTOFLGN05	County of San Diego- RCS	12/14/2016	800 MHZ Network - Nov'16	2,875 58	2,875 58
6858	11/19/2016 12/1/2016 11/30/2016 11/19/2016 11/29/2016	Cox Communications	12/14/2016	Phone/PW Yard/2873 Skyline- 11/19/16-12/18/16 Phone/City Hall- 12/1/16-12/31/16 Internet/Community Ctr- 11/30/16-12/29/16 City Manager Fax Line- 11/18/16-12/17/16 Peg Circuit Svc - 11/30/16-12/29/16	211 45 972 66 75 00 4 05 2,899 10	4,162 26
6859	13215	Custom Auto Wrap Inc	12/14/2016	Sponsor Patches for Concert Banner/Sponsor Banner	365 90	365 90
6860	011160560	DAR Contractors	12/14/2016	Animal Disposal- Nov '16	162 00	162 00
6861	202999	Dell Awards	12/14/2016	City Council Nameplates	43 20	43 20
6862	OSIP 62895	Department of Industrial Relations	12/14/2016	Workers Comp Admin Assessment 7/1/16-6/30/17	833 25	833 25
6863	16-1651-TRM	Douglas D Dehart, Inc	12/14/2016	Biohazard Clean Up	814 55	814 55
6864	12/5-8/16	Esgill Corporation	12/14/2016	75% Building Fees- 12/5/16-12/8/16	2,749 05	2,749 05
6865	24980	Excell Security, Inc	12/14/2016	Senior Center Security Guard - 12/10/16	288 00	288 00
6866	Gonzalez	Gonzalez, Jesus	12/14/2016	Refund/Gonzalez, Jesus/Deposit - LBH- 11/19/16	200 00	200 00

6867	40570	Hudson Safe-T- Lite Rentals	12/14/2016 Concrete In A Can	143 22	143 22
6868	150	Janazz, LLC SD	12/14/2016 Computer Maintenance - Nov '16	2,500 00	2,500 00
6869	16-217	Lemon Grove Historical Society	12/14/2016 Partial Reimb - Ternite Eradication/H Lee House-11/17/16	1,000 00	1,000 00
6870	07-2203	Lemon Grove School District	12/14/2016 Fuel Services-Fire Stn- Nov '16	1,409 48	1,409 48
6871	Nov 16	Lounsberry Ferguson Altona & Peak LLP	12/14/2016 General 01163-00002 - Nov '16 Code Enforcement 01163-00003 - Nov '16 Cost-Share Agreement 00023 - Nov '16 7741 Broadway 01163-00028 - Nov '16 Taylor-Illegal Dump 01163-0032 - Nov '16 1440 San Altos Pl 01163-00033 - Nov '16 Johnson Citations 01163-00031 - Nov '16 Jesse Lane, Minor v LG 01163-00034 - Nov '16	7,304 68 99 60 8,605 86 1,394 10 768 63 2,191 20 901 43 597 60	21,863 10
6872	2016606	Martin & Chapman Co	12/14/2016 Certificate of Election/Oath of Office-New CM/Mayor	57 40	57 40
6873	1116000109	NBS	12/14/2016 Sanitation District Rate Study - thru Nov 30, 2016	3,635 28	3,635 28
6874	5037 5124 5132 5133	North County EVS, Inc	12/14/2016 Repair & Maintenance- E310- '97 Pierce Dash DD Repair and Maintenance - E10- '14 Pierce PUC DD13 Repair and Maintenance - E210-'04 Pierce-Dash D Series 60 Repair & Maintenance- E210-'04 Pierce Dash Detroit	9,382 92 206 55 920 61 10,455 38	20,965 46
6875	WO-32432-1	Office Advantage, Inc	12/14/2016 Office Supplies - Fire	215 43	215 43
6876	Owens	Owens, Valencia	12/14/2016 Refund/Owens, Valencia/Deposit - Rec Ctr- 12/3/16	200 00	200 00
6877	3010242622	Parkhouse Tire Inc	12/14/2016 E10- Fleet Service	197 04	197 04
6878	1002580086 1002580087 3100793342	Pitney Bowes Global Financial Services LLC	12/14/2016 Postage Machine Supplies - Red Ink/Tape Sheets/EZ Seal Postage Machine Supply - Replacement Moistener Postage Meter Rental 9/30/16-12/29/16	250 56 21 59 180 75	452 90
6879	Dec2016	PLIC- SBD Grand Island	12/14/2016 Dental Insurance - Dec16	4,680 45	4,680 45
6880	PD-33320	Plumbers Depot Inc	12/14/2016 Lifting Straps	26 96	26 96
6881	2016-001	San Diego County- City Clerks Association	12/14/2016 SD Cnty City Clerks Assoc Membership Dues 2016- Garcia	30 00	30 00
6882	LG020216	SD Sports Medicine and Family Health Ctr	12/14/2016 Medical Fitness Evaluation - 2/2/16	360 00	360 00
6883	78601431	SiteOne Landscape Supply, LLC	12/14/2016 E-Z Reachers	29 45	29 45
6884	203824	State of California- Department of Justice	12/14/2016 Fingerprint Apps - Nov '16	96 00	96 00
6885	WD-0120235	State Water Resources Control Board	12/14/2016 MS4 Permit Annual Fee - 7/1/16-6/30/17	14,966 00	14,966 00
6886	Swain	Swain, Irene	12/14/2016 Refund/Swain, Irene/Deposit - Rec Ctr- 12/4/16	200 00	200 00
6887	45691 47234	The East County Californian	12/14/2016 Public Hearing Notice - Connect Main Street 9/22/16 Ordinance No 441 Uniform Building & Fire Codes 11/24/16	255 50 77 00	332 50
6888	1120160382	Underground Service Alert	12/14/2016 41 New Ticket Charges - Nov '16	61 50	61 50
6889	4472358	US Bank	12/14/2016 Admin Fees - 2010 Bonds 11/1/16-10/31/17	2,420 00	2,420 00
6890	92623	Vinyard Doors, Inc.	12/14/2016 SW Rear Door Repair - Fire Station	1,995 00	1,995 00
6891	71321492	Vulcan Materials	12/14/2016 Asphalt	140 18	140 18
6892	WE Green	WE Green, Inc	12/14/2016 Refund/Withdraw Building Permit B16-0548	149 94	149 94
6893	Jan-Jun 17	Adams Robert	12/21/2016 Retiree Health Benefit - Jan '17 - Jun '17	902 88	902 88
6894	9812	AdminSure	12/21/2016 Workers' Compensation Claims Administration - Jan 17	415 00	415 00
6895	Jan-Jun 17	Anderson, Curtis	12/21/2016 Retiree Health Benefit - Jan '17 - Jun '17	1,200 00	1,200 00
6896	0073511	Art's Lawnmower	12/21/2016 Chain Saw Repair	35 62	35 62
6897	11/22/2016	AT&T	12/21/2016 Backup City Hall Internet - 10/23/16-11/22/16	139 00	139 00
6898	5656567904	AutoZone, Inc	12/21/2016 WD-40 Water Resistant Silicone/Diesel Exh Fluid/LGPW#32	34 37	34 37
6899	737195-9 742563-9	BI's Rentals	12/21/2016 Light Tower Rental & Diesel - Bonfire 12/2/16 Propane	974 20 27 97	1,002 17
6900	Jan-Jun 17	Brackmann, Bruce	12/21/2016 Retiree Health Benefit - Jan '17 - Jun '17	902 88	902 88
6901	1611171	California Aquatics	12/21/2016 Fountain Repair Service - Nov '16	1,301 40	1,301 40
6902	15828	California Diesel Compliance, Inc	12/21/2016 Smoke Opacity Test - E10, E210, LGPW #24, LGPW #29	300 00	300 00
6903	4020775213 4020779963	Canon Solutions America, Inc	12/21/2016 Canon Maintenance-Copier Usage 8/26/16-11/25/16 Basement Canon Maintenance-Copier Usage 8/27/16-11/26/16	77 24 623 38	700 62

6904	2535759	Certified Laboratories	12/21/2016	Supplies/Gold Rush 12x22 oz	86.98	86.98
6905	Jan-Jun 17	Chamberlain, Dale	12/21/2016	Retiree Health Benefit - Jan '17 - Jun '17	1,200.00	1,200.00
6906	0200019064 0200019215 0200507579	Cintas Corp 2	12/21/2016	Annual Fire Alarm System Inspection - Rec Ctr 10/18/16 Fire Extinguisher & Exit Emerg Light Inspection-Senior Ctr Annual Fire Extinguisher Inspection - Rec Ctr - 10/27/16	415.00 388.80 109.50	913.30
6907	235-1	Circulate San Diego	12/21/2016	Caltrans SSARP Project- 11/1/16-11/30/16	2,021.88	2,021.88
6908	1153 1154 1155	Clark Telecom & Electric Inc	12/21/2016	Street Light Maintenance- Nov '16 Street Light Repairs - Nov'16 Street Light Dig Alert Mark Outs - Nov '16	141.76 6,634.10 1,638.06	8,413.92
6909	31783	Clear Water Solutions	12/21/2016	Storm Drain Cleaning/Edco Recycling/6670 Federal Blvd-11/17/16	2,785.08	2,785.08
6910	201600796	County of San Diego/Assessor/Recorder	12/21/2016	Recording Services- 3188 New Jersey - 11/17/16	21.00	21.00
6911	12/1/2016 12/7/2016 12/7/2016 12/9/2016 12/7/2016 12/4/2016	Cox Communications	12/21/2016	Main Phone/Fire- 12/1/16-12/31/16 Calsense Modern Line:2259 Washington Ave 12/6/16-1/5/17 Calsense Modern Line:7071 Mt Vernon- 12/6/16-1/5/17 Calsense Modern Line:8235 Mt Vernon St - 12/9/16-1/8/17 B/U Phone/Fire /7853 Central- 12/7/16-1/6/17 Phone/Rec Ctr/ 3131 School Ln - 12/4/16-1/3/17	437.14 20.90 19.80 94.40 33.46 97.51	703.21
6912	3381 3388 3389 3390 3391 3392 3393 3394 3395	D- Max Engineering Inc	12/21/2016	1993 Dain Dr SWQMP Review #3- 11/22/16 - 12/6/16 100 Celsius Stormwater Inspections- thru 11/30/16 Grove Lofts Stormwater Inspections- thru 11/30/16 LG Realignment Stormwater Inspections- thru 11/30/16 8040 Lincoln St Stormwater Inspections- thru 11/30/16 Center Hilltop Stormwater Inspections- thru 11/30/16 Sewer Upsizing Proj Stormwater Const Inspections-thru 11/30/16 Valencia Stormwater Inspections- thru 11/30/16 LG Plaza (Starbucks)Stormwater Inspections- thru 11/30/16	766.70 258.61 203.07 518.84 400.43 383.42 433.61 1,135.35 705.54	4,805.57
6913	Jan-Jun 17	Davison, William	12/21/2016	Retiree Health Benefit - Jan '17 - Jun '17	1,200.00	1,200.00
6914	12/12-15/16	Esgil Corporation	12/21/2016	75% Building Fees- 12/12/16-12/15/16	3,052.74	3,052.74
6915	Reimb12/15/16	Evans, Miranda	12/21/2016	Reimb: Supplies for Mayor Sessom's Event- 12/9/16	137.51	137.51
6916	INV1011323	George Hills Company	12/21/2016	Lane/Ponce/McDonald Claims - Nov '16	192.60	192.60
6917	9293144698	Grainger Inc	12/21/2016	Slide Hammer Puller Set	218.59	218.59
6918	AR008256	Grossmont Union High School District	12/21/2016	Bonfire/Winter Camp Posters	1,484.00	1,484.00
6919	Reimb12/15/16	Hales, Suzanna	12/21/2016	POST Cert Backgrnd InvestigationTrng/Fresno/Hales -11/6-10/16	534.11	534.11
6920	Jan-Jun 17	Harper, Raymond	12/21/2016	Retiree Health Benefit - Jan '17 - Jun '17	902.88	902.88
6921	Reimb12/19/16	Harrington, JJ	12/21/2016	Reimb: NBS Univ Seminar/Ternecula/Harrington- 12/14-12/15/16	85.77	85.77
6922	00040641 00040643	Huckson Yacht & Boat Rentals	12/21/2016	Lane Marker Post & Base - Bonfire 12/2/16 Road Closed Signs	824.60 91.14	915.74
6923	Huey	Huey, Carmen	12/21/2016	Ice & Supplies for Dessert- Mayor Sessom's Event- 12/9/16	179.78	179.78
6924	118605 118542 118543	Knott's Pest Control, Inc	12/21/2016	Exterior Bait Station- 7872 Broadway - Dec 16 Monthly Bait Stations- Civic Ctr Park - Dec 16 Monthly Bait Stations- Sheriff - Dec 16	109.00 60.00 45.00	205.00
6925	Jan-Jun 17	Laff, Timothy	12/21/2016	Retiree Health Benefit - Jan '17 - Jun '17	1,200.00	1,200.00
6926	201614	Lemon Grove Car Wash	12/21/2016	Full Service Oil Change & Smog Check - PW Vehicles	704.75	704.75
6927	INV67147	LN Curtis & Sons	12/21/2016	Firefighter Reaction Jackets & GXTreme Pants	6,167.02	6,167.02
6928	Jan-Jun 17	Maciejewski, Frank	12/21/2016	Retiree Health Benefit - Jan '17 - Jun '17	1,200.00	1,200.00
6929	4185550	Mallory Safety and Supply, LLC	12/21/2016	Disposable Particulate Resp w/ Exhalation Valve	19.44	19.44
6930	Jan-Jun 17	Marcon, Romeo	12/21/2016	Retiree Health Benefit - Jan '17 - Jun '17	1,200.00	1,200.00
6931	Jan-Jun 17	McBride, Thomas	12/21/2016	Retiree Health Benefit - Jan '17 - Jun '17	1,200.00	1,200.00
6932	Jan-Jun 17	McReynolds, Mildred	12/21/2016	Retiree Health Benefit - Jan '17 - Jun '17	1,200.00	1,200.00
6933	102416-10	MJC Construction	12/21/2016	Storm Channel Maintenance - Bakersfield East	15,288.00	15,288.00
6934	Jan-Jun 17	Mullins, Karl	12/21/2016	Retiree Health Benefit - Jan '17 - Jun '17	1,200.00	1,200.00
6935	0115190-4N	Municipal Maintenance Equipment Inc	12/21/2016	4" Skid for Bulldog	281.89	281.89
6936	12409	NASSCO, Inc	12/21/2016	NASSCO Membership Dues	295.00	295.00
6937	Jan-Jun 17	Ott, Manie	12/21/2016	Retiree Health Benefit - Jan '17 - Jun '17	902.88	902.88
6938	30969033 31010348	RCP Block & Brick, Inc	12/21/2016	Bulk Concrete Sand - Fire Station Bulk Concrete Sand - Fire Station	142.88 71.44	214.32
6939	Reimb12/15/16	Romero, Lydia	12/21/2016	Reimb: Supplies for Mayor Sessom's Event- 12/9/16	152.17	152.17

6940	Reimb12/15/16	Russell, Corinne	12/21/2016	Reimb: Supplies for Mayor Sessom's Event - 12/9/16	128.05	128.05
6941	1052-01	SC Valley Engineering Inc.	12/21/2016	LG Sewer Upsizing Proj- 11/1/16-11/30/16	126,721.83	126,721.83
6942	Jan-Jun 17	Schmidtman, Warren	12/21/2016	Retiree Health Benefit - Jan '17 - Jun '17	1,200.00	1,200.00
6943	Reimb12/13/16	Schroeder, John	12/21/2016	Training/Big Rig & Mass Transit Rescue/Schroeder-12/5-12/8/16	726.44	726.44
6944	Nov16	SDG&E	12/21/2016	Gas & Electric 10/20/16-11/18/16	18,524.25	18,524.25
6945	8121341157	Shred-It USA	12/21/2016	Shredding Services 11/16/16	56.16	56.16
6946	Jan-Jun 17	Smith, Timothy	12/21/2016	Retiree Health Benefit - Jan '17 - Jun '17	1,200.00	1,200.00
6947	SC-102705 WD-0122939	State Water Resources Control Board	12/21/2016	Oversight Costs - LGA Realignment Site Cleanup 7/1/16-9/30/16 Annual Permit Fee -Water Discharge Requirement 7/1/16-6/30/17	5,384.71 2,088.00	7,472.71
6948	Jan-Jun 17	Taff, Jon	12/21/2016	Retiree Health Benefit - Jan '17 - Jun '17	1,200.00	1,200.00
6949	47715 47717	The East County Californian	12/21/2016	RFP Notice- Spld Dist Fincl Svc-Sanitation/Lighting Dist 12/8/16 Bid Notice- Street Rehab Project - 12/8/16	178.50 224.00	402.50
6950	STMT 11/22/2016	US Bank Corporate Payment Systems	12/21/2016	CALPELRA Conf/Airfare/Lodging/Russell 11/1-11/4/16 Monterey 2016 Subdivision Map Act & CA Env Quality Act Fire Stn Office Supplies - Card Stock Fire Stn Supplies - Grommet Kit Lodging - EMS Training-11/13-16/16- Drum DEF Fluid for E30 Mosquito Repellant - Fire Stn Toilet Handle - AMR Quarters Cold Weather Jackets/PW-Briseno & Rodriguez LGPW #03 '03 Ford Ranger - Front Shocks/Stabilizer Rods Repair LGPW #14 '98 Ford Ranger - Seat Belt Repair RTC Class Registration- Bus Writing Skills-Macias 11/10/16 Parking Fee- James 10/25/16 Training/Airfare/James-12/12/16 Cityworks Training/Airfare/Macias-12/5/16-12/8/16 Cityworks Trng/SLC-UT/Lodging/Macias-12/5-12/7/16 Bonfire Supplies/Glue Dots- 12/2/16 Bonfire Supplies/Craft Kits- 12/2/16 Bonfire Supplies/Candy- 12/2/16 Bonfire Supplies/Tablecovers- 12/2/16 Bonfire Supplies/Costumes- 12/2/16 Bonfire Supplies/Costume- 12/2/16 Bonfire Supplies/Snacks- 12/2/16 Bonfire Supplies/Stage- 12/2/16 Parking Fee/Mtg/City of SD Staff- Romero 10/26/16 Metro LG Sanitation Dist Discussion- Romero 10/26/16 Office Supplies - Binder Pockets	548.31 100.74 18.48 15.27 1,237.08 59.29 54.11 7.34 228.07 543.36 282.68 150.00 18.00 207.96 335.96 207.18 46.70 273.32 27.93 43.20 79.34 66.07 426.90 428.04 19.25 80.04 4.31	5,508.93
6951	Dec20 16	Vantage Point Transfer Agents-457	12/21/2016	ICMA Deferred Comp Pay Period Ending 12/20/16	580.77	580.77
6952	Reimb12/15/16	Vasquez, Racquel	12/21/2016	League Policy Committee Mtg/Sacramento/Vasquez- 6/2-3/16	91.00	91.00
6953	9776391582	Verizon Wireless	12/21/2016	Models- Cardiac Monitors - 11/4/16-12/3/16	14.10	14.10
6954	71314796 71322720 71325020	Vulcan Materials	12/21/2016	Asphalt Asphalt Asphalt	189.00 92.66 136.73	418.39
6955	2016-16-5	West Coast General Corporation	12/21/2016	LGA Realignment Project- 11/1/16-11/30/16	125,323.81	125,323.81
6956	Jan-Jun 17	Wright, Nancy	12/21/2016	Retiree Health Benefit - Jan '17 - Jun '17	902.88	902.88
6957	38021	California Skateparks	01/04/2017	SkatpPark Expansion-Design & Construct Docs-thru 12/31/16	2,310.00	2,310.00
6958	16794596	Canon Financial Services Inc	01/04/2017	Canon Copier Contract Charge 1/1/17	642.60	642.60
6959	4020779964	Canon Solutions America, Inc	01/04/2017	Canon Maintenance-Copier Usage 8/27/16-11/26/16	70.62	70.62
6960	ACSERV-12/14/16 ACSERV-12/14/16 AR137010 AR137011	City of Chula Vista	01/04/2017	After Hours Calls- Nov '16 Mileage & Fuel for Animal Control Veh- Nov '16 Animal Control Services- Sep '16 Animal Control Services- Oct '16	195.82 698.82 15,359.00 15,734.00	31,987.64
6961	18938	City of La Mesa	01/04/2017	Household Hazardous Waste Event- 10/15/16	333.00	333.00
6962	1000185009	City of San Diego	01/04/2017	Metro Industrial Wastewater Control Prog- FY2015	1,478.00	1,478.00
6963	Fax-CH-12/18/16	Cox Communications	01/04/2017	City Manager Fax Line- 12/18/16-1/17/17	4.35	4.35
6964	3398	D- Maa Engineering Inc	01/04/2017	Valencia Stormwater Inspec- thru 12/21/16/Final Inv	752.76	752.76
6965	983	De Vries, David	01/04/2017	Cell Phone Reimbursement- De Vries/Dec '16	35.00	35.00
6966	Delgado, Jose	Delgado, Jose	01/04/2017	Refund/Delgado, Jose/Partial Refund for CD16-007/67% Recycled	446.67	446.67
6967	1116 06 9330	Dexter Wilson Engineering, Inc	01/04/2017	Sanitary Sewer Master Plan - Nov '16	22,650.00	22,650.00
6968	1216162305 1230162305	Domestic Linen- California Inc	01/04/2017	Shop Towels & Safety Mats 12/16/16 Shop Towels & Safety Mats 12/30/16	96.40 96.40	192.80

6969	97127	Fire Etc	01/04/2017	Pull-On Boots/Ranger Series Model 1600-Cramer	178.20	178.20
6970	INV19986	GovernmentJobs.com, Inc	01/04/2017	Job Posting-Executive Assistant-12/20/16-1/10/17	175.00	175.00
6971	9475	Infrastructure Engineering Corporation	01/04/2017	Prof Svc: LGA Realignment - 10/29/16-11/25/16	21,993.95	21,993.95
6972	203803 203804 203805 203806	Ninjo & Moore	01/04/2017	Golden Ave Row Homes Inspection thru 11/25/16 Grove Loft Apartments Inspection thru 11/25/16 Hilltop Condo Project Inspection thru 11/25/16 Lincoln Homes Project Inspection thru 11/25/16	812.50 952.50 3,905.00 1,082.00	6,752.00
6973	WO-33217-1	Office Advantage, Inc	01/04/2017	Office Supplies - Fire	196.91	196.91
6974	FSA 2016-Pepin	Pepin, Matt	01/04/2017	FSA 2016-Pepin - 1/25/16-8/15/16	484.32	484.32
6975	2016-434	Quality Code Publishing LLC	01/04/2017	Website Maintenance & Storage 1/1/17-6/30/17	240.00	240.00
6976	9659	RapidScale Inc	01/04/2017	Virtual Hosting 12/31/16	2,189.07	2,189.07
6977	FSA 2016-Romero	Romero, Lydia	01/04/2017	FSA 2016 - #1 - Romero	419.34	419.34
6978	185083	San Diego East County Chamber of Commerce	01/04/2017	2017 First Friday Breakfast Club Meetings/Romero	200.00	200.00
6979	3225 Olive-12/21/16 3500 Main-12/21/16	SDG&E	01/04/2017	3225 Olive- 11/17/16-12/19/16 3500 1/2 Main- 11/17/16-12/19/16	101.08 215.84	316.92
6980	78705861	SiteOne Landscape Supply, LLC	01/04/2017	Mulch - Grounds Maintenance - Senior Ctr/LBH	482.22	482.22
6981	482509	South Coast Emergency Vehicle Services	01/04/2017	Low Coolant Probe- E210	121.27	121.27
6982	17-Jan	Sun Life Financial	01/04/2017	Life Insurance Premium - Jan '17	122.13	122.13
6983	Jan3 17	Vantage Point Transfer Agents-457	01/04/2017	ICMA Deferred Comp Pay Period Ending 1/3/17	580.77	580.77
6984	9776930940	Verizon Wireless	01/04/2017	City Phone Charges- 11/13/16-12/12/16	357.02	357.02
6985	24	Wireless Management, Inc	01/04/2017	Prof Svc: Full Structural Calc-SAN535 Cell Tower	1,800.00	1,800.00
6986	11/23/16-12/22/16 9012361	AT&T	01/04/2017	Backup City Hall Internet - 11/23/16-12/22/16 Fire Telephone 11/13/16-12/12/16	139.00 78.80	217.80
6987	16-1006	Bartel Associates, LLC	01/04/2017	Prof Svcs: Nov '16/Actuarial Consult-GASB68 Report	3,000.00	3,000.00
6988	4124	Bear Electrical Solutions, Inc	01/04/2017	Traffic Signal Maintenance Svc -Response -Nov 2016	2,453.38	2,453.38
					1,152,995.12	1,152,995.12

**LEMON GROVE SUCCESSOR AGENCY
AGENDA ITEM SUMMARY**

Item No. 1.D
Mtg. Date January 17, 2017
Dept. Finance

Item Title: **Recognized Obligation Payment Schedule (July 1, 2017– June 30, 2018)**

Staff Contact: Gilbert Rojas, Interim Finance Director

Recommendation:

Approve the Recognized Obligation Payment Schedule (ROPS) for the period of July 1, 2017 through June 30, 2018 (ROPS 2017-18).

Item Summary:

The purpose of this agenda item is to present the ROPS 2017-18 for approval by the Successor Agency Board.

Fiscal Impact:

None.

Environmental Review:

- | | |
|---|---|
| ☒ Not subject to review | ☐ Negative Declaration |
| ☐ Categorical Exemption, Section | ☐ Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| ☒ None | ☐ Newsletter article | ☐ Notice to property owners within 300 ft. |
| ☐ Notice published in local newspaper | ☐ Neighborhood meeting | |

Attachments:

- A. Staff Report
- B. Recognized Obligation Payment Schedule (July 1, 2017– June 30, 2018)

LEMON GROVE SUCCESSOR AGENCY STAFF REPORT

Item No. 1.D

Mtg. Date January 17, 2017

Item Title: **Recognized Obligation Payment Schedule (July 1, 2017 – June 30, 2018)**

Staff Contact: Gilbert Rojas, Interim Finance Director

Discussion:

The State requires all Successor Agency Oversight Boards to approve the Recognized Obligation Payment Schedule for the period of July 1, 2017 to June 30, 2018 (ROPS 2017-18) by February 1, 2017. In order to meet that deadline, staff presents the ROPS 2017-18 to the Lemon Grove Successor Agency Board for consideration prior to the February 1st deadline. After Successor Agency consideration, the Oversight Board will consider adopting a resolution approving the ROPS 2017-18 and authorizing Successor Agency staff to submit the document to the County of San Diego, the State of California Department of Finance, and the State Controller's Office for review and approval. The purpose of this agenda item is to present the ROPS 2017-18, for consideration.

The ROPS 2017-18 document includes the following:

- A summary detailing the amount requested;
- ROPS detail for the period July 1-June 30, 2018;
- Cash balances information; and
- A notes page.

Overall, the ROPS identifies a total of \$2,815,084 in expenditures between July 1, 2017 and June 30, 2018.

The following subsections provide information about the expenditures identified in the ROPS 2017-18.

Bond Debt Service (line 2, 3 & 34)

- During the ROPS 2017-18 period, debt service payments are due for the 2007, 2010, and 2014 Tax Allocation Bonds. The payment of \$1,749,219 will be made from the RPTTF and reserves funded by prior year RPTTF.

Miscellaneous

In addition, the following items are identified in the ROPS 2017-18:

- (Line 14) Administrative Allowance (\$250,000) – this reflects staff time and other administrative costs in administering the Successor Agency and is paid from RPTTF monies on a hierarchy basis.
- (Line 16) City Loan (\$3,654,461) – this is an accumulation of cash flow loans made to the Redevelopment Agency since its inception. The City and State were in disagreement over the repayment of a portion of the loan in 2012. The City eventually paid back the State in December 2015. This allowed the City to submit the loans for repayment in the ROPS process. The Department of Finance has not reviewed the City's documentation

Attachment A

for this loan and a successful State review will depend on the detailed documentation that the City can produce.

- (Line 18) City Side Fund (\$11,378) – this represents the remaining balance of the former Agency's share of the City's unfunded PERS retirement liability. The original balance was \$266,574 (provided by a PERS actuarial report) that has been funded down to the \$11,378 remaining balance.
- (Line 31) Successor Agency's share of the PERS unfunded actuarial liability (\$275,851) – on May 21, 2014 PERS released a report that updated the City's unfunded actuarial liability as of June 30, 2011. \$527,838 represents the Successor Agency's share of the liability, given that staff costs historically were allocated to the Redevelopment Agency based on time spent on projects and issues. The \$275,851 represents the remaining amount not funded in ROPS 16-17 due to insufficient funds.

Fiscal Analysis

In total, there are \$28 million in outstanding Agency obligations. All of which will be funded with RPTTF. This includes bond debt service (\$23.8 million), City loans to the former Agency (\$3.6 million), and ongoing administrative costs (\$250,000).

Conclusion:

Staff recommends that the Successor Agency Board approve and forward the ROPS 2017-18 to the Oversight Board.

Recognized Obligation Payment Schedule (ROPS 17-18) - Summary

Filed for the July 1, 2017 through June 30, 2018 Period

Successor Agency: Lemon Grove
County: San Diego

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)		17-18A Total (July - December)	17-18B Total (January - June)	ROPS 17-18 Total
A	Enforceable Obligations Funded as Follows (B+C+D):	\$ 221,656	\$ 105,218	\$ 326,874
B	Bond Proceeds	-	-	-
C	Reserve Balance	221,656	105,218	326,874
D	Other Funds	-	-	-
E	Redevelopment Property Tax Trust Fund (RPTTF) (F+G):	\$ 1,388,694	\$ 1,099,516	\$ 2,488,210
F	RPTTF	1,263,694	974,516	2,238,210
G	Administrative RPTTF	125,000	125,000	250,000
H	Current Period Enforceable Obligations (A+E):	\$ 1,610,350	\$ 1,204,734	\$ 2,815,084

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (o) of the Health and Safety code, I
hereby certify that the above is a true and accurate Recognized
Obligation Payment Schedule for the above named successor
agency.

Name Title
/s/_____
Signature Date

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.E
Mtg. Date January 17, 2017
Dept. City Manager's Office

Item Title: Grant Award Acceptance of Department of Justice Funds for Bicycle Patrol Program

Staff Contact: Miranda Evans, Management Analyst

Recommendation:

Adopt a resolution (**Attachment B**):

1. Accepting the \$10,858 in grant funds for the Bicycle Patrol Program; and
2. Directing the City Manager or her designee to execute any grant related documents.

Item Summary:

The Office of Justice Programs at the United States Department of Justice awarded the City of Lemon Grove funding for the Fiscal Year 2016-2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. A total of \$10,858 in grant funds has been awarded to the City to assist the Sheriff's Department with enhancing their Bicycle Patrol Program.

With guidance from Lieutenant Chris May and Sergeant Jorge Dueno of the San Diego Sheriff's Department Lemon Grove Sub-Station, City staff identified key needs for the grant funds. The money awarded to the City will be utilized to purchase the necessary equipment for the enhanced Bicycle Patrol Program and to supplement Sheriff's Department personell costs for overtime and training. The staff report (**Attachment A**) details more information about the grant and its objectives.

Fiscal Impact:

None.

Environmental Review:

- | | |
|---|---|
| ☒ Not subject to review | ☐ Negative Declaration |
| ☐ Categorical Exemption, Section | ☐ Mitigated Negative Declaration |

Public Information:

- | | | |
|---|---|---|
| ☐ None | ☐ Newsletter article | ☐ Notice to property owners within 500 ft. |
| ☒ Notice published on the City website. | ☐ Neighborhood meeting | |

Attachments:

- A. Staff Report
- B. Resolution
- C. Award Letter

Attachment A

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 1.E

Mtg. Date January 17, 2017

Item Title: **Grant Award Acceptance of Department of Justice Funds for Bicycle Patrol Program**

Staff Contact: Miranda Evans, Management Analyst

Background:

The Office of Justice Programs at the United States Department of Justice awarded the City of Lemon Grove funding for the Fiscal Year 2016-2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The JAG Program is the primary provider of federal criminal justice funding to state and local jurisdictions and permits funds to be used to support a wide range of program areas within law enforcement. When the grant application was submitted on July 7, 2016, a total of \$5,000 in grant funds was requested; however, the Department of Justice formula-based allocation resulted in a higher award amount than what was requested. On September 7, 2016, the Office of Justice Programs approved the City's grant application and awarded a total of \$10,858 in grant funds to the City to assist the Sheriff's Department with enhancing their Bicycle Patrol Program through meeting several specific project goals and strategies.

Discussion:

Project Goals

Through coordination with the San Diego Sheriff's Department Lemon Grove Sub-Station, City staff identified several key goals for the Bicycle Patrol Program.

1. Provide an increased law enforcement presence along the Broadway corridor which consists of Lemon Grove's Downtown and Village Core areas, interface with the public and respond to the community's needs in a timely manner.
2. Address narcotics, gangs and transients in violation of the Lemon Grove Municipal Code.
3. Patrol all City parks.
4. Promote conduct that is responsive and sensitive to the needs Lemon Grove.
5. Improve and increase the community policing presence within Lemon Grove.

Strategies

The abovementioned project goals will be achieved through implementation of the strategies below:

1. Sherriff's deputies on bicycles are more approachable than in an enclosed patrol vehicle moving with the flow of traffic. This community policing approach will improve responses as bicycles are able to navigate to areas better than a traditional patrol vehicle.
2. Improve the quality of service to the City, with an emphasis on Lemon Grove's Downtown and Village Core areas. Increased contact with the community will nurture a law enforcement-resident-City partnership.
3. Use a united approach to developing strategies to combat the use, sale and transport of illegal drugs.
4. Use a community policing approach to reduce gang-related crime and violence.

Attachment A

Allocation of Funds

With guidance from Lieutenant Chris May and Sergeant Jorge Dueno of the San Diego Sheriff's Department Lemon Grove Sub-Station, City staff identified key needs for the grant funds. The money awarded to the City will be utilized to purchase the necessary equipment for the enhanced Bicycle Patrol Program and to supplement Sheriff's Department personell costs for overtime and training. The approved equipment to be purchased once City staff has been authorized to drawdown funds is outlined below.

Bicycle Patrol Program Equipment Expenses			
Item	Price/Unit	Quantity	Total
Mocean Jackets	\$190.00	10	\$1,900.00
Mocean Pants	\$109.00	10	\$1,090.00
Half-finger patrol gloves	\$13.19	10	\$131.90
Tubes	\$6.99	12	\$83.88
Patrol cycle shoes	\$89.95	10	\$899.50
Patrol sunglasses	\$56.95	10	\$569.50
Tool Kit	\$305.00	1	\$305.00
LED Bike lights	\$79.99	6	\$479.94
Bike helmet	\$149.00	8	\$1,192.00
Bike seat post rack	\$39.95	6	\$239.70
Kuat Beta 2.0 Bike Rack	\$195.00	1	\$195.00
Patrol bike bag	\$55.00	6	\$330.00
Bike water bottle	\$15.00	6	\$90.00
Bike maintenance supplies	\$47.50	1	\$47.50
Total Equipment Expenses			\$7,553.92

As shown above, of the total grant award of \$10,858, the majority of funds have been allocated towards purchasing equipment for the Bicycle Patrol Program. The City plans to allocate the remaining \$3,304.08 in grant funds towards personnel expenses accrued through bicycle patrol training or overtime personnel costs. Funds must be expended by September 30, 2017.

Lastly, staff felt it was important to note that the grant and its related goals are consistent with one of the City Council's goals established in March 2016 to improve public safety with a focus on the Main Street Promenade Park.

Public Information:

A grant requirement mandates that an opportunity to comment on the grant be provided to residents. To address this requirement, a news release was published on the City's website on January 11, 2017 providing readers with directions to submit commentary.

Conclusion:

Staff recommends that the City Council adopt a resolution (**Attachment B**) accepting the \$10,858 in grant funds awarded for the Bicycle Patrol Program and authorizing the City Manager or her designee to execute any grant related documents.

Attachment B

RESOLUTION NO. 2017 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA ACCEPTING THE GRANT FUNDING FOR THE DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AND DIRECTING THE CITY MANAGER TO EXECUTE ANY GRANT RELATED DOCUMENTS

WHEREAS, The Justice Assistance Grant Program is the primary provider of federal criminal justice funding to state and local jurisdictions and permits funds to be used to support a wide range of program areas within law enforcement; and

WHEREAS, The City of Lemon Grove supports the San Diego Sheriff's Department in their mission to provide the highest quality public safety services to the Lemon Grove community; and

WHEREAS, on July 7, 2016, The City of Lemon Grove submitted an application for the Fiscal Year 2016-2017 Edward Byrne Memorial Justice Assistance Grant Program to obtain funding for the Bicycle Patrol Program; and

WHEREAS, on September 7, 2016, The City of Lemon Grove was notified by the United States Department of Justice that the Office of Justice Programs approved the application for funding for the Bicycle Patrol Program; and

WHEREAS, The City of Lemon Grove will work in partnership with the San Diego Sheriff's Department Lemon Grove Sub-Station to achieve the following goals as set forth in the grant application:

1. Provide an increased law enforcement presence along the Broadway corridor which consists of Lemon Grove's Downtown and Village Core areas, interface with the public and respond to the community's needs in a timely manner.
2. Address narcotics, gangs and transients in violation of the Lemon Grove Municipal Code.
3. Patrol all City parks.
4. Promote conduct that is responsive and sensitive to the needs Lemon Grove.
5. Improve and increase the community policing presence within Lemon Grove.

WHEREAS, The City of Lemon Grove will comply with the grant requirements outlined in the grant award and special conditions and will expend awarded funds following the completion of special conditions; and

WHEREAS, Lemon Grove residents have had an opportunity to comment on the grant award; and

WHEREAS, funding in the amount of \$10,858.00 will be made available from Fund 08 - Grants.

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

1. Accepts the grant funds for the Bicycle Patrol Program; and
2. Directs the City Manager or her designee to execute any grant related documents.

/////
/////

Attachment C

AWARD LETTER



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

September 7, 2016

Ms. Lydia Romero
City of Lemon Grove
3232 Main Street
Lemon Grove, CA 91945

Dear Ms. Romero:

On behalf of Attorney General Loretta Lynch, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 16 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation in the amount of \$10,858 for City of Lemon Grove.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Patrick Fines, Program Manager at (202) 353-0587; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

Denise O'Donnell

Denise O'Donnell
Director

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.F
Mtg. Date January 17, 2017
Dept. City Manager's Office

Item Title: **Grant Application to SANDAG for GO by BIKE Mini-Grant for Lemon Grove GO by Bike to Work and School Day**

Staff Contact: Miranda Evans, Management Analyst

Recommendation:

Adopt a resolution (**Attachment B**):

1. Authorizing the submission of an application to SANDAG;
2. Accepting the grant upon award; and
3. Directing the City Manager or her designee to execute any grant related documents.

Item Summary:

In support of the San Diego Regional Bike to Work Day on Thursday, May 18, 2017 and National Bike Month in May, the SANDAG GO by BIKE and iCommute teams are offering grants of up to \$3,000 for programs or projects that educate, promote, and encourage biking as an everyday transportation choice. Projects such as community rides, guided bike tours, and bike to work or school events are considered eligible projects under the grant guidelines.

Staff seeks authorization to submit an application (**Attachment C**) for the SANDAG GO by BIKE Mini-Grant to fund the Lemon Grove GO by Bike to Work and School Day. The staff report (**Attachment A**) provides details on the grant and proposed event. A resolution (**Attachment B**) authorizing submittal of the grant application is provided for City Council.

Fiscal Impact:

Staff recommends seeking the full \$3,000 amount for the mini-grant. Matching funds are not required.

Environmental Review:

- | | |
|---|---|
| ☒ Not subject to review | ☐ Negative Declaration |
| ☐ Categorical Exemption, Section | ☐ Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| ☒ None | ☐ Newsletter article | ☐ Notice to property owners within 500 ft. |
| ☐ Notice published in local newspaper | ☐ Neighborhood meeting | |

Attachments:

- A. Staff Report
- B. Resolution
- C. Draft Grant Application

Attachment A

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 1.F

Mtg. Date January 17, 2017

Item Title: **Grant Application to SANDAG for GO by BIKE Mini-Grant for Lemon Grove GO by Bike to Work and School Day**

Staff Contact: Miranda Evans, Management Analyst

Background:

In support of the San Diego Regional Bike to Work Day on Thursday, May 18, 2017 and National Bike Month in May, the SANDAG GO by BIKE and iCommute teams are offering grants of up to \$3,000 for programs or projects that educate, promote, and encourage biking as an everyday transportation choice. Projects such as community rides, guided bike tours, and bike to work or school events are considered eligible projects under the grant guidelines.

Staff considered a traditional Bike to Work Day event, but determined that an event that involves the youth of the community would have the best opportunity for success. In December 2016, 161 students at San Altos Elementary School received free bicycles through donations from MTS bus, trolley and administrative employees. This event will provide students an opportunity to utilize their bicycles in a fun and supervised environment while they learn the benefits of living an active lifestyle.

In addition to being a fun and fully-funded community event, Lemon Grove GO by Bike to Work and School Day supports several of the adopted goals, policies and objectives from the General Plan, the Bikeway Master Plan and the Health and Wellness Element.

1996 General Plan

The proposed project supports an objective and policy from the General Plan:

- Mobility Element Objective 3.0: Routine use of the bicycle for transportation
 - o Policy 3.2: Encourage residents to use bicycles as an alternative mode of travel for both local and commuter trips...

2006 Bikeway Master Plan Goals and Policies

The proposed project supports the below goals and policies from the Bikeway Master Plan:

- Goal 4 Bikeway Master Plan Update: Promote bicycle safety and increased safety through education, encouragement and enforcement activities.
 - o Policy 4.1: Continue existing and pursue new adult and youth bicycle education and safety programs
 - o Policy 4.3: Support educational and incentive programs to encourage more students to bicycle or walk to school.

2014 Health and Wellness Element

The proposed project supports the below goals, policies and objectives from the Health and Wellness Element:

- Goal 1: Ensure the City is comprised of safe, connected neighborhoods

Attachment A

- Objective 1.2: Bicycle and pedestrian routes throughout the City connecting people with transit, parks, schools, employment, shopping and residences.
- Goal 2: Promote collaboration and positive attitudes about healthy and active living
 - Policy 4: Require City events to have healthy foods and water available
 - Objective 2.1: Lemon Grove is a city that leads by example.
- Goal 4: Provide a wide range of healthy activities.

Discussion:

Proposed Project Overview

The Lemon Grove GO by Bike to Work and School Day is an opportunity for Lemon Grove residents to join together and celebrate the benefits of leading a healthy lifestyle at any age while promoting bicycling in the Lemon Grove community. The Lemon Grove GO by Bike to Work and School Day would receive assistance from the Lemon Grove School District, the City's largest employer, and the Bicycle Patrol Deputies with the San Diego Sheriff's Department Lemon Grove Sub-Station. If awarded grant funds, the City would also look to engage the Lemon Grove Healthy Eating Active Living (HEAL) Zone for assistance with staffing the event and providing educational materials to event participants to educate them on the benefits of a healthy lifestyle.

The Lemon Grove GO by Bike to Work and School Day is proposed to be held on Friday, June 2, 2017. This date is ideal given the anticipated weather in early June and the fact that this is the week prior to the last week of school for the Lemon Grove School District. The proposed event date is within the necessary program window for the grant (April 1, 2017- June 15, 2017). The event would have several meeting locations for participants with bikable routes that lead to the four schools within Lemon Grove: Lemon Grove Academy (a middle and elementary school with 1,140 students enrolled), San Miguel Elementary School (549 students enrolled), Monterey Heights Elementary School (445 students enrolled), and San Altos Elementary School (408 students enrolled). Parents and teachers would be encouraged to ride with the children to their schools. Sheriff's Deputies on bicycles will also be available to bike along the designated routes. Along the routes, City staff and volunteers will have fuel/aid stations with refreshments and educational materials for bicycling and leading a healthy lifestyle.

All residents will be encouraged to participate in biking to work and school on June 2, 2017. Participants who pre-register for the event will be entered in an opportunity drawing to win a gift card or helmet from one of Lemon Grove's local bike shops. The gift cards and helmets are eligible to be obtained with grant funds, which supports local businesses. Although Lemon Grove Bike to Work and School Day is focused on bicycling to school, all forms of active transportation (e.g. walking and skateboarding) will be encouraged to promote the importance of a healthy lifestyle.

Proposed Project Goals

City staff identified several key goals for the Lemon Grove GO by Bike to Work and School Day.

1. Teach safe bicycling and pedestrian skills to children while promoting biking and walking in Lemon Grove;
2. Encourage modes of active transportation to get to and from school;
3. Provide an opportunity for the Lemon Grove community to join together with neighbors, coworkers and classmates; and
4. Uphold related goals, policies and objectives of the 1996 General Plan, 2006 Bikeway Master Plan and 2014 Health and Wellness Element.

Attachment A

Proposed Community Outreach and Advertising Procedures

Staff is proposing the following community outreach procedures to advertise the Lemon Grove GO by Bike to Work and School Day.

- Event flyer distribution to all Lemon Grove Schools;
- Event flyer distribution to Lemon Grove bicycle stores and other key locations;
- Purchasing and hanging a 3'x15' community event banner at the intersection of Lemon Grove Avenue and Broadway;
- Utilizing the School District's all-call system to notify parents and students of the event;
- Creating an event webpage on the City's website;
- Posting the event flyer on the School District's website;
- Utilizing social media as a marketing tool with regular posts promoting the event on Facebook, Instagram and Twitter;
- Sending e-notifications; and
- Utilizing assistance from community stakeholders such as the Lemon Grove School District and Lemon Grove HEAL Zone.

Application Evaluation and Selection Process

Eligible applications will be scored in the following areas:

Evaluation Factor	Point Value
Organization's experience and capacity for carrying out the project	20
Methodology and approach to budget	30
Project budget	20
Projected attendance or project reach	10
Quality, comprehensiveness, relevance, and feasibility of the application submitted	20
Total Available Points	100

Applications receiving between 75 and 100 points will be considered for funding. Projects will receive funding until all funding has been allocated or no applications with scores above 75 points remain. Applications must be submitted by 5 p.m. on January 20, 2017.

Grant Program Timeline

Key dates for the grant process include:

Grant Process	Date
Deadline to submit application to SANDAG	January 20, 2017
Grant applications review	January 23, 2017 – February 10, 2017
Grant awards and notifications	By February 17, 2017
Approval of grant agreements	February 2017

Attachment A

Grant Process	Date
Final list of grant projects	March 2017
Project start date	April 1, 2017
Project completion date	June 15, 2017
Final report due date	June 30, 2017

Lastly, staff felt it was important to note that the project proposal was shared with the Lemon Grove School District and the District is fully supportive of the event.

Conclusion:

Staff recommends that the City Council adopt a resolution (**Attachment B**) authorizing staff to submit an application for the SANDAG GO by BIKE Mini-Grant to fund the Lemon Grove Bike to Work and School Day and authorizing the City Manager or her designee to execute any grant related documents upon award. |

RESOLUTION NO. 2017 -

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA
AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO SANDAG FOR THE LEMON
GROVE GO BY BIKE TO WORK AND SCHOOL DAY AND DIRECTING THE CITY
MANAGER TO EXECUTE ANY GRANT RELATED DOCUMENTS UPON AWARD**

WHEREAS, In support of the San Diego Regional Bike to Work Day on Thursday, May 18, 2017 and National Bike Month in May, the SANDAG GO by BIKE and iCommute teams are offering grants for programs or projects that educate, promote, and encourage biking as an everyday transportation choice; and

WHEREAS, a total of \$30,000 in funding is available for the 2017 GO by BIKE Mini-Grant Program; and

WHEREAS, mini-grants are available in the amount of \$3,000 and the total award amount is based on an evaluation factor score; and

WHEREAS, the City wishes to receive funds for the Lemon Grove GO by Bike to Work and School Day to be held on June 2, 2017; and

WHEREAS, Lemon Grove GO by Bike to Work and School Day supports several of the adopted goals, policies and objectives from the 1996 General Plan, the 2006 Bikeway Master Plan and the 2014 Health and Wellness Element; and

WHEREAS, the City will work to achieve the following goals as set forth in the grant application:

1. Teach safe bicycling and pedestrian skills to children while promoting biking and walking in Lemon Grove;
2. Encourage modes of active transportation to get to and from school;
3. Provide an opportunity for the Lemon Grove community to join together with neighbors, coworkers and classmates; and
4. Uphold related goals, policies and objectives of the 1996 General Plan, 2006 Bikeway Master Plan and 2014 Health and Wellness Element.

WHEREAS, the City will comply with the grant requirements outlined in the GO by BIKE Mini-Grant Program Request for Grant Applications; and

WHEREAS, the application must be submitted before 5 p.m. on January 20, 2017.

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

1. Authorizes the submission of a grant application to SANDAG;
2. Accepts the grant funds upon award; and
3. Directs the City Manager or her designee to execute any grant related documents.

BE IT FURTHER RESOLVED that, if a mini-grant award is made by SANDAG to fund the Lemon Grove GO by Bike to Work and School Day, the City Council authorizes the City of Lemon Grove to accept the grant funds, execute the grant agreement with SANDAG and begin preparations for the event.

/////

/////

Attachment C

DRAFT APPLICATION

ATTACHMENT A PROJECT SUMMARY

I. PROJECT SUMMARY

A. Program/Project Title:

Lemon Grove GO by Bike to Work and School Day

B. Program/Project Applicant:

(Provide the name and address of the organization)

Name of Organization: City of Lemon Grove

Address: 3232 Main Street

Lemon Grove, CA 91945

C. Primary Contact:

(Provide the contact name, title, mailing address, phone number, fax number, email, and role on the project)

Name: Miranda Evans

Title: Management Analyst

Mailing Address: 3232 Main Street

Lemon Grove, CA 91945

Phone: 619.825.3813

Fax: 619.825.3804

Email: mevans@lemongrove.ca.gov

Role on the Project: Project Manager

D. Program/Project Description:

(Describe the program/project goals, location, scope, and elements to be funded by the GO by BIKE Mini-Grant fund. Applications must include the projected attendance or reach)

The Lemon Grove GO by Bike to Work and School Day is an opportunity for Lemon Grove residents to join together and celebrate the benefits of leading a healthy lifestyle at any age while promoting bicycling in the Lemon Grove community. The Lemon Grove GO by Bike to Work and School Day would receive assistance from the Lemon Grove School District, the City's largest employer, and the Bicycle Patrol Deputies with the San Diego Sheriff's Department Lemon Grove Sub-Station. If awarded grant funds, the City would also look to engage the Lemon Grove Healthy Eating Active Living (HEAL) Zone for assistance with staffing the event and providing educational materials to event participants to educate them on the benefits of a healthy lifestyle.

The Lemon Grove GO by Bike to Work and School Day is proposed to be held on Friday, June 2, 2017. This date is ideal given the anticipated weather in early June and the fact that this is the week prior to the last week of school within the Lemon Grove School District. The proposed event date is within the necessary program window for the grant (April 1, 2017- June 15, 2017). The event would have several meeting locations for participants with bikable routes that lead to the four schools within Lemon Grove: Lemon Grove Academy (a middle and elementary school with 1,140 students enrolled), San Miguel Elementary School (549 students enrolled), Monterey Heights Elementary School (445 students enrolled), and San Altos Elementary School (408 students enrolled). Parents and teachers would be encouraged to ride with the children to their schools. Sheriff's Deputies on bicycles will also be available to bike along the designated routes. Along the routes, City staff and volunteers will have fuel/aid stations with refreshments and educational materials for bicycling and leading a healthy lifestyle.

Given the large participant base and network of support from the Lemon Grove School District, it is anticipated that the approximate projected reach would be as follows:

- 3,136 students reached and their parents
- 550 School District employees reached
- 1,500 residents reached through social media advertising (Facebook, Instagram, Twitter)
- 500 reached through the Lemon Grove HEAL Zone

All residents will be encouraged to participate with biking to work or school on June 2, 2017. Those who pre-register for the event will be entered in an opportunity drawing to win a gift card or helmet from one of Lemon Grove's local bike shops which supports local businesses. Although Lemon Grove Bike to Work and School Day is focused on bicycling to school, all forms of active transportation will be encouraged to promote the importance of a healthy lifestyle.

The Lemon Grove GO by Bike to Work and School Day seeks to accomplish the below goals:

- Teach safe bicycling and pedestrian skills to children while promoting biking and walking in Lemon Grove; Encourage modes of active transportation to get to and from school;
- Provide an opportunity for the Lemon Grove community to join together with neighbors, coworkers, and classmates; and
- Uphold related goals, policies and objectives from the General Plan, Bikeway Master Plan and Health and Wellness Element

Attachment C

SANDAG Document Number 5004965

E. Description of Applicant and Assigned Staff:

(Describe the applicant and the experience/skills of the staff that the applicant proposes to assign to the program/project)

The City of Lemon Grove is a versatile government agency well-equipped to plan and execute community events such as the proposed Lemon Grove GO by Bike to Work and School Event. Miranda Evans, Management Analyst for the City Manager's Office, will be the Project Manager of the grant and proposed June 2, 2017 event. Ms. Evans previously worked in the City's Planning Division and is knowledgeable of the City's goals, policies and objectives set forth in the applicable documents such as The General Plan, The Health and Wellness Element, Bikeway Master Plan and cyclist safety and corridors in Lemon Grove. She has experience working with community stakeholders on events such as community workshops and presentations, the annual Concert in the Park series, and the annual Community Bonfire. Ms. Evans also has experience with managing multiple SANDAG grants. She is currently coordinating a grant with the United States Department of Justice to enhance the station's Bicycle Patrol Program. Additionally, she has marketing experience and manages all the City's social media accounts. Ms. Evans will be supported by Lydia Romero, the City Manager, Lemon Grove City staff, the Lemon Grove Sub-Station Bicycle Patrol Program, the Lemon Grove School District, and the Lemon Grove Healthy Eating Active Living (HEAL) Zone staff.

F. Proposed Methodology:

(Provide the information requested and respond to the questions asked in Section VII.B)

1. The City of Lemon Grove will utilize funds to advertise and execute the Bike to Work and School event. Upon notification of the grant award, the City will begin coordination with the following key stakeholders: The Sheriff's Department Bicycle Patrol Unit, The Lemon Grove School District and the Lemon Grove HEAL Zone. Coordination will begin on creating the course maps, educational materials, program website (a sub-page on the City's website), advertising materials, and beginning to market the event. With the specified project start date of April 1, 2017, the City will have over 60-days to prepare for the event.
2. The Lemon Grove Go by Bike to Work or School Event will advance the grant program's primary goal to educate and encourage biking for all trips. In 2012, Circulate San Diego surveyed parents of children who are attending the City's elementary and middle schools. Part of the survey included questions regarding their child's typical travel mode to and from school. At that time, less than one percent of children bike to or from school. This is a metric that the City is interested in improving. The proposed early June event will capitalize on the momentum of Bike Month in May and will continue to raise awareness of bicycle and pedestrian safety.
3. The project will be promoted by the City and local community stakeholders to ensure broad participation. A community banner viewed on the highly traveled intersection of Lemon Grove Avenue and Broadway will provide information to the community and has been effective with past events. Flyers will be distributed to all students in Lemon Grove and the School District will utilize their all-call system to notify parents of the event, another proven outreach technique. Social media marketing will also be done on the City's Facebook, Instagram and Twitter accounts, e-notifications will be sent to City list serve recipients and it will be advertised on the City's website on the calendar and as a news release. Staff anticipates this project will reach at least one-third of the City's total population, which is about 8,333 residents representative of a variety of demographic groups. The median household income in Lemon Grove is approximately \$50,000 compared to a median average household income of \$65,000 overall in San Diego County. Lemon Grove has been experiencing a tepid recovery from the recession and nearly 30% of households make less than \$25,000 a year. Currently, 18% of Lemon Grove residents live in poverty as compared to the San Diego County Average of 13%. This disparity is even more pronounced for families with children under 18 years of age. In Lemon Grove, approximately 20% of families with children live below the poverty line. It is anticipated that this is the demographic that will participate in the project. In December, every child at San Altos Elementary School in grades K-2 was given a bicycle through donations from MTS.
4. Project success will be quantified through the event's participation rate. Project outcomes will be measured through the City's ability to address the goals for the event:
 - Teach safe bicycling and pedestrian skills to children while promoting biking and walking in Lemon Grove. Encourage modes of active transportation to get to and from school;
 - Provide an opportunity for the Lemon Grove community to join together with neighbors, coworkers, and classmates; and
 - Uphold related goals, policies and objectives of the 1996 Lemon Grove General Plan, 2006 Bikeway Master Plan and 2014 Health and Wellness Element

Attachment C

G. Project Budget Estimate:

(Provide a clear description of how funding will be used. Describe the approach for generating such estimate that can be relied upon for sound decision-making)

Funding will be used to market and execute the event. Cost estimates were researched and generated based on current prices of the items listed in Attachment B.

**ATTACHMENT B
PROJECT BUDGET ESTIMATE FORM**

Project Budget:

Using the table below as a template, indicate anticipated project expenditures.

LIST OF EXPENSES	ESTIMATED AMOUNT
1. Design, print and distribute 3,500 flyers to schools and community	\$ 400.00
2. Refreshments for fuel stations: water, oranges, bananas	\$ 400.00
3. Gift cards to local bike shops: 8 valued @ \$50 each	\$ 400.00
4. Educational biking materials for fuel stations	\$ 250.00
5. Helmets for opportunity drawing: 10 valued @ \$25 each	\$ 250.00
6. Course maps	\$ 300.00
7. 6' folding tables for fuel stations: 10 valued @ \$40 each	\$ 400.00
8. 3"x15' community event banner to advertise event	\$ 600.00
9.	\$
10.	\$
11.	\$
12.	\$
13.	\$
14.	\$
15.	\$
16.	\$
17.	\$
18.	\$
19.	\$
20.	\$
TOTAL	\$ 3,000.00

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.G
Mtg. Date January 17, 2017
Dept. Mayor's Office

Item Title: **Appointment of City Councilmembers to Committees, Commissions and Boards**

Staff Contact: Racquel Vasquez, Mayor

Recommendation:

Ratify the Mayor's City Councilmember assignments to committees, commissions and boards.

Item Summary:

The 2017 Commission, Boards & Committees Appointments (**Attachment A**) identifies City Council appointments to various committees, commissions and boards. It is recommended that the City Council accept the appointments to these committees, commissions and boards.

Fiscal Impact:

None.

Environmental Review:

☒ Not subject to review

☐ Negative Declaration

☐ Categorical Exemption, Section

☐ Mitigated Negative Declaration

Public Information:

☒ None

☐ Newsletter article

☐ Notice to property owners within 300 ft

☐ Notice published in local newspaper

☐ Neighborhood meeting

Attachments:

A. 2017 Commission, Boards & Committees Appointments

Attachment A

LEMON GROVE CITY COUNCIL 2017 COMMISSIONS, BOARDS & COMMITTEES APPOINTMENTS

Commission/Board/Committee	Meeting Location/Contact Information	Designated Seats	Council Appointment
City/School District Collaboration Committee Quarterly—February, May, August, November 3 rd Wednesday @ 7:30am	Lemon Grove School District (Board Room) 8025 Lincoln, Lemon Grove, CA 91945 (619) 825-3800	Council Seats (2)	Vasquez J. Mendoza
East County Economic Development Council (ECEDC) 3 rd Wednesday @ 7:30am	ECEDC 1908 Friendship Drive El Cajon, CA 92020 (619) 258-3670	Council Seat Alternate	Arambula M. Mendoza
Heartland Communications Facility Authority (HCFA) Quarterly—January, April, July, October 4 th Thursday @ 4:00pm <i>(compensation for attendance)</i>	Ronald Reagan Community Center 195 East Douglas, El Cajon, CA 92020 Valerie Nellis (619) 441-1623 vnellis@sdrecc.org	Council Seat Alternate	Arambula J. Mendoza
Heartland Fire Training Facility Authority (HFTFA) Quarterly—2 nd Thursday @ 4:00pm Fire Chief, Colin Stowell <i>(compensation for attendance)</i>	Heartland Fire Training Facility 1301 N. Marshall, El Cajon, CA 92020 Dave Miller, (619) 441-1693 davem@heartlandfiretraining.org	Council Seat Alternate	Arambula J. Mendoza
Helix Water District Water Representative & liaison HWD sponsorships for Water Education Foundation tours <i>(3/year for 3 persons)</i>	Sandy Janzan – Board Secretary (619) 466-0585 sandy.janzan@helixwater.org	Council Seat Alternate	M. Mendoza Arambula
League of California Cities Executive Committee Calendar Pending	Four Points Sheraton 8110 Aero Drive, San Diego, CA 92123 Catherine Hill, Regional Representative (619) 295-8282	Council Seat Alternate	J. Mendoza Vasquez
League of California Cities Legislative Committee <i>(inactive committee)</i>	//////////////////////////////////////	Council Seat	////////
League of California Cities Conference Voting Delegate	As appointed	Council Seat	As determined prior to conference

Attachment A

LEMON GROVE CITY COUNCIL 2017 COMMISSIONS, BOARDS & COMMITTEES APPOINTMENTS

Commission/Board/Committee	Meeting Location/Contact Information	Designated Seats	Council Appointment
Metro Commission / Metro Wastewater JPA Monthly—1 st Thursday @ Noon <i>(compensation for attendance)</i>	MWWD MOC II Auditorium 9192 Topaz Way, San Diego, CA 92123 Lori Peoples (619) 548-2934 lpeoples@ci.chula-vista.ca.us	Council Seat Alternate	Jones Arambula
Metropolitan Transit System (MTS) 2 nd or 3 rd Thurs @ 9:00am <i>(compensation for attendance)</i>	MTS 1255 Imperial Ave. #1000 San Diego, CA 92101-7490 (10 th floor board room) Julia Tuer (619) 557-4515 Julia.tuer@sdmts.com	Council Seat Alternate	Arambula J. Mendoza
SANDAG Board of Directors 2 nd Friday - Policy Meeting 10:00am 4 th Friday - Business Meeting 9:00am* *dark in August <i>(compensation for attendance)</i>	SANDAG 401 B Street (7 th Floor Board Room) San Diego, CA 92101 Tessa Lero (619) 699-1991 Tessa.Lero@sandag.org	Council Seat Alternate 2 nd Alternate	Vasquez J. Mendoza Jones
San Diego Local Agency Formation Commission (LAFCO) <i>East County Representative</i> Monthly—1 st Monday @ 9:00am <i>(compensation for attendance)</i>	County Administration Center 1600 Pacific Highway, Room 302 San Diego, CA 92101 Tamaron Luckett (858) 614-7755 Tamaron.luckett@sdcounty.ca.gov	Council Seat	Vasquez
San Diego East County Chamber of Commerce Liaison	////////////////////	Council Seat Alternate	Jones Arambula
San Diego Area Wastewater Management District Once Yearly —Announced	MWWD MOC II Auditorium 9192 Topaz Way, San Diego, CA 92123 Lori Peoples (619) 548-2934 lpeoples@ci.chula-vista.ca.us	Council Seat	Jones
United Way Representative	////////////////////	Council Seat	Mendoza

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 2
Mtg. Date January 17, 2017
Dept. City Attorney

Item Title: **Ordinance Amending Lemon Grove Municipal Code Chapter 8.64 (Prohibition of Recreational Marijuana Businesses) and Amendment of Lemon Grove Municipal Code Section 17.12.070 (Uncertainty of Use Classifications)**

Staff Contact: James P. Lough, City Attorney

Recommendation:

Adopt Ordinance No. 443 (**Attachment B**) amending Chapter 8.64 of the Lemon Grove Municipal Code ("LGMC") which adopts and reaffirms prohibitions against recreational marijuana dispensaries, deliveries and cultivation in all zones in the City of Lemon Grove and amends LGMC Section 17.12.070 to eliminate the ban on medical marijuana sales. .

Item Summary:

This Ordinance amends Chapter 8.64 to prohibit of recreational marijuana businesses. The Ordinance also amends LGMC Section 17.12.070 to eliminate references to prohibitions against medicinal marijuana businesses. This Ordinance reaffirms the ban on recreational marijuana sales by any means and cultivation under our current zoning rules .

Fiscal Impact:

There is no direct fiscal impact.

Environmental Review:

- | | |
|---|---|
| ☒ Not subject to review | ☐ Negative Declaration |
| ☐ Categorical Exemption, Section | ☐ Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| ☒ None | ☐ Newsletter article | ☐ Notice to property owners within 300 ft. |
| ☐ Notice published in local newspaper | ☐ Neighborhood meeting | |

Attachments:

- A. Staff Report
- B. Ordinance No. 443
- C. Redline Strike-out version of LGMC Chapter 8.64

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 2

Mtg. Date January 17, 2017

Item Title: Introduction of Ordinance No. 443 an Ordinance Amending Lemon Grove Municipal Code Chapter 8.64 (Prohibition of Recreational Marijuana Businesses) and Amendment to Section 17.12.070 (Uncertainty of Use Classifications)

Staff Contact: James P. Lough, City Attorney

Background

This Ordinance makes changes to the Lemon Grove Municipal Code ("LGMC") to confirm a ban on recreational marijuana businesses in Lemon Grove and to make other code changes that begin the steps to allow medicinal marijuana businesses in Lemon Grove pursuant to Measure V. The current language in the LGMC bans recreational and medicinal marijuana business operations. Adoption of this Ordinance will clarify that the recreational marijuana ban is still in place and that the City is taking the first of several steps to implement Measure V and its legalization of medicinal marijuana land uses.

In November 2016, the voters of California approved Proposition 64, which allowed the cultivation, processing and sale of recreational marijuana in California. The Initiative sets an implementation date for commercial operations of January 1, 2018. Proposition 64 allowed cities to ban all or part of the uses allowed under its provisions. Business & Professions Code section 26200(a), added by Proposition 64, states:

(a) Nothing in this division shall be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under this division, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to second hand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the local jurisdiction. (*emphasis added.*)

As explained below, the City has had a ban in place for commercial marijuana businesses. First, the ban was based on nature of the City's Zoning Code. As with most zoning codes, only "permitted uses" are allowed within the City. If a use is not specifically permitted, it is not allowed. Medical marijuana uses have never been allowed in Lemon Grove. In November 2012, the Citizens of Lemon Grove voted on two ballot measures, Measures "P" and "Q", to allow medical marijuana operations in Lemon Grove. The voters rejected both and reaffirmed the ban on medicinal marijuana businesses.

Due to numerous requests to locate marijuana businesses in town, the City Council clarified that the collective sale of medical marijuana was not a permitted use in Lemon Grove. On December 2, 2014, the City added Ordinance No. 425 which added subsection C to Lemon Grove Municipal Code (LGMC) Section 17.12.070. It declares that, based on previous interpretations, marijuana dispensaries or collectives are not allowed in any zone in the City of Lemon Grove. LGMC Section 17.12.060 (Zoning-Compliance with Regulations) expressly provides that uses, which are not

Attachment A

specifically permitted, are prohibited. As medical marijuana dispensaries were not permitted by right or with a conditional use permit, they were prohibited. Further, as marijuana cultivation was not specifically permitted, it was also prohibited. However, under the 1996 Compassionate Use Act, private growing of medicinal marijuana was allowed in a residence only by a “qualified patient” or the patient’s “primary caregiver”.

On the November 2016 ballot, the voters of Lemon Grove adopted Measure “V”. This voter-sponsored initiative repeals the ban on medical marijuana businesses and allows them under the Conditional Use Permit process. City Staff is working on implementing language that must be put in place within three months of the certification of the election results at the December 20, 2016 City Council meeting. No applications will be accepted until this process is complete as required under the provisions of Measure V. Measure V does not address or limit the City Council’s authority to ban or limit recreational marijuana businesses in Lemon Grove.

State law had banned recreational marijuana until the adoption of Proposition 64. The current language of LGMC Chapter 8.64 bans recreational marijuana, to the extent that state law did not preempt the matter. However, with the adoption of Proposition 64, state law regulates, but no longer bans, commercial marijuana businesses. Therefore, it is recommended that the City Council clarify its intentions regarding recreational marijuana businesses.

Analysis:

Ordinance No. 443 serves two main purposes. First, it reaffirms the City Council policy to prohibit recreational marijuana businesses from locating in Lemon Grove. As stated above, Proposition 64 allows cities to regulate and/or outright ban recreational marijuana businesses from locating in Lemon Grove.

Prior to the adoption of Proposition 64, the City Council had approved language in LGMC Chapter 8.64 that banned marijuana, to the extent that the City could regulate a matter not preempted by the State of California. Now that the state voters have legalized commercial operations for recreational marijuana, Lemon Grove can choose to continue its ban of recreational marijuana. While the Lemon Grove voters approved medical marijuana business establishments, subject to a City Council approved Conditional Use Permit, this approval did not address or limit the authority of the City Council to ban or regulate recreational marijuana businesses.

The second purpose of Ordinance No. 443 is to repeal the portion of the Zoning Code interpretation section, LGMC Section 17.12.070(c), which indicates medical marijuana is not an allowed use. With the passage of Measure V, the voters have lifted the City Council-imposed ban on medical marijuana business operations. LGMC Section 17.12.070(c) is recommended for repeal because it is inconsistent with Measure V. Repealing this subsection does not automatically allow applications for medicinal marijuana businesses. Measure V independently establishes a timetable for implementation of the new medicinal marijuana regulations. No medical marijuana businesses are allowed in Lemon Grove until the City’s regulatory process is put in place. No business can begin operating without a valid Conditional Use Permit issued by the City Council under the provisions of Measure V.

Environmental Impact:

This Ordinance is categorically exempted from environmental review under CEQA Guideline 15321. It is a class 21 exemption in that it implements regulations of code enforcement measures that are declaratory of existing law in Lemon Grove. As a declarative measure of existing prohibitions, the action has no potential to cause either a direct change in the environment, or a reasonably foreseeable indirect physical change in the environment, and therefore does not require environmental review.

Attachment A

This Ordinance is also exempt as an implementation of ballot initiatives not subject to CEQA. This Ordinance either implements existing law or does not allow any new uses that would constitute a physical change to the environment.

Costs

There are no fiscal impacts.

Conclusion:

Staff recommends that the City Council introduce Ordinance No. 443 by title and set the matter for adoption at the next regular city Council meeting. Further, that the City Council authorize publication of a summary of the Ordinance in a newspaper of general circulation.

Attachment B

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON
GROVE, CALIFORNIA, AMENDING LEMON GROVE MUNICIPAL
CODE CHAPTER 8.64 (PROHIBITION OF RECREATIONAL
MARIJUANA BUSINESSES) AND AMENDMENT OF LEMON GROVE
MUNICIPAL CODE SECTION 17.12.070 (UNCERTAINTY OF USE
CLASSIFICATIONS)**

WHEREAS, the voters of the State of California adopted Proposition 64 on the November 2016 Ballot that legalizes recreational marijuana businesses throughout the state; and

WHEREAS, Proposition 64, under Business & Professions Code Section 26200(a), allow cities to determine whether they will allow commercial recreational marijuana businesses in their communities; and

WHEREAS, the City Council of the City of Lemon Grove has determined that allowing commercial recreational businesses to locate in Lemon Grove would not be in the best interests of the health, safety and general welfare of this community; and

WHEREAS, this Ordinance shall continue the ban on commercial recreational marijuana businesses in this community after the adoption of Proposition 64 and that this Ordinance is declarative of existing law; and

WHEREAS, on December 2, 2014, the City added Ordinance No. 425 that added subsection C to LGMC Section 17.12.070 which declares that, based on previous interpretations, marijuana dispensaries or collectives are not allowed in any zone in the City of Lemon Grove; and

WHEREAS, LGMC Section 17.12.060 (Zoning-Compliance with Regulations) expressly provides that uses which are not specifically permitted are prohibited. As medical marijuana dispensaries, collectives are not permitted by right or with a conditional use permit, they are prohibited. Further, as marijuana cultivation is not specifically permitted, it is prohibited; and

WHEREAS, the voters of Lemon Grove approved Measure V, which allows, subject to a Conditional Use Permit, businesses that provide medical marijuana to locate within the City of Lemon Grove; and

WHEREAS, Lemon Grove Municipal Section 17.12.070(c) and Chapter 8.64 is inconsistent with the language contained in Measure V that allows medical marijuana businesses to locate in Lemon Grove, subject to a valid Conditional Use Permit.; and

WHEREAS, the City Council finds in its independent judgement that the proposed amendments to the Municipal Code are exempt from environmental review under section 15061(b)(3) of the California Environmental Quality Act Guidelines because they entail the

Attachment B

adoption of regulations intended to maintain and improve the public health, safety and welfare and will not have a significant effect on the environment; and

WHEREAS, the City Council hereby amends Lemon Grove Municipal Section 17.12.070(c) and Chapter 8.64 so that the Lemon Grove Municipal Code is consistent with the provisions of Measure V.

NOW THEREFORE, the City Council of the City of Lemon Grove does ordain as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. This Ordinance amends Chapter 8.64 (PROHIBITION OF RECREATIONAL MARIJUANA BUSINESSES) to the Lemon Grove Municipal Code to read as follows:

Chapter 8.64 PROHIBITION OF RECREATIONAL MARIJUANA BUSINESSES

8.64.010 Definitions.

The following definitions shall be used in this Chapter as follows:

A. “Recreational marijuana business” or “business” means any facility or location, whether fixed or mobile, where Recreational marijuana is made available, grown, processed or sold for any non-medicinal purpose.

B. “Recreational marijuana cultivation” or “cultivation” means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof, and any and all associated business and/or operational activities, either as a for profit or non-profit operation.

C. “Marijuana delivery” or “delivery” means the commercial delivery, transfer or transport, or arranging for the delivery, transfer or transport, or the use of any technology platform to arrange for or facilities the commercial delivery, transfer or transport of marijuana, marijuana edibles, and/or any marijuana products to or from any location within the jurisdictional limits of the city of Lemon Grove, and any and all associated business and/or operational activities, either as a for profit or non-profit operation. (Ord. No. 443 § 2, 2017; Ord. 437 § 2, 2016.)

8.64.020 Recreational marijuana dispensaries as a prohibited use and/or activity.

A Recreational marijuana business as defined in Section 8.64.010 is prohibited in all zones within the city’s jurisdictional limits. No permit, whether conditional or otherwise, shall be issued for the establishment of such use. This ban includes the cultivation, manufacture, transportation, storage, distribution, processing, sale of recreational marijuana, and associated activities. This Chapter shall not regulate businesses with a valid Conditional Use Permit issued pursuant to Chapter 17.53 of the Lemon Grove Municipal Code. (Ord. No. 443 § 2, 2017; Ord. 437 § 2, 2016.)

8.64.030 Violations.

The provisions of this chapter shall be enforced by means of administrative, civil, and/or criminal remedies. Such remedies are cumulative and not exclusive. (Ord. No. 443 § 2, 2017; Ord. 437 § 2, 2016.)

8.64.040 Cultivation of marijuana as a prohibited use and/or activity.

Except as specifically allowed under a valid permit issued pursuant to Chapter 17.32 of the Lemon Grove Municipal Code, marijuana cultivation by any person or entity, including clinics, collectives, cooperatives and dispensaries, is prohibited in all zones within the city's jurisdictional limits. No permit, whether conditional or otherwise, shall be issued for the establishment of such activity. Any cultivation that takes place in violation of any provision of this chapter is unlawful, and is hereby declared a public nuisance. This prohibition includes the cultivation, manufacture, transportation, storage, distribution, sale of Recreational marijuana, and associated activities. Nothing in this chapter is intended to, nor shall it be construed to, make legal any cultivation activity that is otherwise prohibited under California law. Nothing in this chapter is intended to, nor shall it be construed to, preclude any landlord from limiting or prohibiting marijuana cultivation by their tenants. (Ord. No. 443 § 2, 2017; Ord. 437 § 2, 2016.)

8.64.050 Delivery of marijuana as a prohibited use and/or activity.

Recreational marijuana delivery by any person or entity, including clinics, collectives, cooperatives and dispensaries, is prohibited in the city. No permit, whether conditional or otherwise, shall be issued for the establishment of such activity. This prohibition includes the cultivation, manufacture, transportation, storage, distribution, sale of Recreational marijuana and associated activities. Any delivery that takes place in violation of any provision of this chapter is unlawful, and is hereby declared a public nuisance. Nothing in this chapter is intended to, nor shall it be construed to, make legal any delivery activity that is otherwise prohibited under California law. Nothing herein prevents the use of public streets within the City of Lemon Grove by lawful businesses pursuant to state law. (Ord. No. 443 § 2, 2017; Ord. 437 § 2, 2016.)

Section 3. Lemon Grove Municipal Code Section 17.12.070 is amended to read as follows:

17.12.070 Uncertainty of use classifications.

A. It is recognized that in the development of a comprehensive zoning ordinance, not all uses of land can be listed, nor can all future uses of lands be anticipated. The listings of uses permitted or permitted subject to a conditional use permit in each zone, or subject to a conditional use permit, are illustrative and meant to indicate the types and scales of development intended for each district. A use may have been omitted from the list of those specified as permissible in each of the various districts herein designated, or ambiguity may arise concerning the appropriate classification of a particular use within the meaning and intent of this chapter. Where such uncertainty exists, the development services director shall determine the appropriate classification for any such use.

B. If the development services director believes that the determination of the appropriateness of a particular use in a zone should be made by the city council, all pertinent facts shall be transmitted to the city council for consideration at its next regular meeting. Any

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decision of the development services director may be appealed pursuant to Section 17.28.020 of this title. (Ord. No. 443 § 2, 2017; Ord. 434 § 2, 2015; Ord. 426 § 2, 2014; Ord. 386 § 3, 2009)

Section 4. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 5. This Ordinance, in its ban on recreational marijuana businesses, is declarative of existing law.

Section 6. This Ordinance shall be effective thirty (30) days following its adoption. Within fifteen (15) days following its adoption, the City Clerk shall publish this Ordinance, or the title thereof, as a summary as required by state law.

INTRODUCED by the City Council on January 17, 2017. **PASSED AND ADOPTED** by the City Council of the City of Lemon Grove, State of California, on February 7, 2017 by the following vote:

AYES:

NOES:

ABSENT:

Racquel Vasquez, Mayor

Attest: _____

Susan Garcia, City Clerk

Approved as to form:

James P. Lough, City Attorney

Attachment A

LEMON GROVE CITY COUNCIL 2017 COMMISSIONS, BOARDS & COMMITTEES APPOINTMENTS

Commission/Board/Committee	Meeting Location/Contact Information	Designated Seats	Council Appointment
City/School District Collaboration Committee Quarterly—February, May, August, November 3 rd Wednesday @ 7:30am	Lemon Grove School District (Board Room) 8025 Lincoln, Lemon Grove, CA 91945 (619) 825-3800	Council Seats (2)	Vasquez J. Mendoza
East County Economic Development Council (ECEDC) 3 rd Wednesday @ 7:30am	ECEDC 1908 Friendship Drive El Cajon, CA 92020 (619) 258-3670	Council Seat Alternate	Arambula M. Mendoza
Heartland Communications Facility Authority (HCFA) Quarterly—January, April, July, October 4 th Thursday @ 4:00pm <i>(compensation for attendance)</i>	Ronald Reagan Community Center 195 East Douglas, El Cajon, CA 92020 Valerie Nellis (619) 441-1623 vnellis@sdrecc.org	Council Seat Alternate	Arambula J. Mendoza
Heartland Fire Training Facility Authority (HFTFA) Quarterly—2 nd Thursday @ 4:00pm Fire Chief, Colin Stowell <i>(compensation for attendance)</i>	Heartland Fire Training Facility 1301 N. Marshall, El Cajon, CA 92020 Dave Miller, (619) 441-1693 davem@heartlandfiretraining.org	Council Seat Alternate	Arambula J. Mendoza
Helix Water District Water Representative & liaison HWD sponsorships for Water Education Foundation tours <i>(3/year for 3 persons)</i>	Sandy Janzan – Board Secretary (619) 466-0585 sandy.janzan@helixwater.org	Council Seat Alternate	M. Mendoza Arambula
League of California Cities Executive Committee Calendar Pending	Four Points Sheraton 8110 Aero Drive, San Diego, CA 92123 Catherine Hill, Regional Representative (619) 295-8282	Council Seat Alternate	J. Mendoza Vasquez
League of California Cities Legislative Committee <i>(inactive committee)</i>	//////////////////////////////////////	Council Seat	//////////////////////////////////
League of California Cities Conference Voting Delegate	As appointed	Council Seat	As determined prior to conference

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LEMON GROVE CITY COUNCIL 2017 COMMISSIONS, BOARDS & COMMITTEES APPOINTMENTS

Commission/Board/Committee	Meeting Location/Contact Information	Designated Seats	Council Appointment
Metro Commission / Metro Wastewater JPA Monthly—1 st Thursday @ Noon <i>(compensation for attendance)</i>	MWWD MOC II Auditorium 9192 Topaz Way, San Diego, CA 92123 Lori Peoples (619) 548-2934 lpeoples@ci.chula-vista.ca.us	Council Seat Alternate	Jones Arambula
Metropolitan Transit System (MTS) 2 nd or 3 rd Thurs @ 9:00am <i>(compensation for attendance)</i>	MTS 1255 Imperial Ave. #1000 San Diego, CA 92101-7490 (10 th floor board room) Julia Tuer (619) 557-4515 Julia.tuer@sdmts.com	Council Seat Alternate	Arambula J. Mendoza
SANDAG Board of Directors 2 nd Friday - Policy Meeting 10:00am 4 th Friday - Business Meeting 9:00am* *dark in August <i>(compensation for attendance)</i>	SANDAG 401 B Street (7 th Floor Board Room) San Diego, CA 92101 Tessa Lero (619) 699-1991 Tessa.Lero@sandag.org	Council Seat Alternate 2 nd Alternate	Vasquez J. Mendoza Jones
San Diego Local Agency Formation Commission (LAFCO) <i>East County Representative</i> Monthly—1 st Monday @ 9:00am <i>(compensation for attendance)</i>	County Administration Center 1600 Pacific Highway, Room 302 San Diego, CA 92101 Tamaron Luckett (858) 614-7755 Tamaron.luckett@sdcounty.ca.gov	Council Seat	Vasquez
San Diego East County Chamber of Commerce Liaison	////////////////////////////////	Council Seat Alternate	Jones Arambula
San Diego Area Wastewater Management District Once Yearly —Announced	MWWD MOC II Auditorium 9192 Topaz Way, San Diego, CA 92123 Lori Peoples (619) 548-2934 lpeoples@ci.chula-vista.ca.us	Council Seat	Jones
United Way Representative	////////////////////////////////	Council Seat	Mendoza

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 3
Mtg. Date January 17, 2017
Dept. City Attorney

Item Title: **Ordinance Amending Lemon Grove Municipal Code Chapter 8.64 (Prohibition of Recreational Marijuana Businesses) and Amendment of Lemon Grove Municipal Code Section 17.12.070 (Uncertainty of Use Classifications)**

Staff Contact: James P. Lough, City Attorney

Recommendation:

Adopt Ordinance No. 443 (**Attachment B**) amending Chapter 8.64 of the Lemon Grove Municipal Code ("LGMC") which adopts and reaffirms prohibitions against recreational marijuana dispensaries, deliveries and cultivation in all zones in the City of Lemon Grove and amends LGMC Section 17.12.070 to eliminate the ban on medical marijuana sales. .

Item Summary:

This Ordinance amends Chapter 8.64 to prohibit of recreational marijuana businesses. The Ordinance also amends LGMC Section 17.12.070 to eliminate references to prohibitions against medicinal marijuana businesses. This Ordinance reaffirms the ban on recreational marijuana sales by any means and cultivation under our current zoning rules

Fiscal Impact:

There is no direct fiscal impact.

Environmental Review:

- | | |
|--|--|
| ☒ Not subject to review
☐ Categorical Exemption, Section | ☐ Negative Declaration
☐ Mitigated Negative Declaration |
|--|--|

Public Information:

- | | | |
|--|--|---|
| ☒ None
☐ Notice published in local newspaper | ☐ Newsletter article
☐ Neighborhood meeting | ☐ Notice to property owners within 300 ft. |
|--|--|---|

Attachments:

- A. Staff Report
- B. Ordinance No. 443
- C. Redline Strike-out version of LGMC Chapter 8.64

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 3

Mtg. Date January 17, 2017

Item Title: Introduction of Ordinance No. 443 an Ordinance Amending Lemon Grove Municipal Code Chapter 8.64 (Prohibition of Recreational Marijuana Businesses) and Amendment to Section 17.12.070 (Uncertainty of Use Classifications)

Staff Contact: James P. Lough, City Attorney

Background

This Ordinance makes changes to the Lemon Grove Municipal Code ("LGMC") to confirm a ban on recreational marijuana businesses in Lemon Grove and to make other code changes that begin the steps to allow medicinal marijuana businesses in Lemon Grove pursuant to Measure V. The current language in the LGMC bans recreational and medicinal marijuana business operations. Adoption of this Ordinance will clarify that the recreational marijuana ban is still in place and that the City is taking the first of several steps to implement Measure V and its legalization of medicinal marijuana land uses.

In November 2016, the voters of California approved Proposition 64, which allowed the cultivation, processing and sale of recreational marijuana in California. The Initiative sets an implementation date for commercial operations of January 1, 2018. Proposition 64 allowed cities to ban all or part of the uses allowed under its provisions. Business & Professions Code section 26200(a), added by Proposition 64, states:

(a) Nothing in this division shall be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under this division, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to second hand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the local jurisdiction. (*emphasis added.*)

As explained below, the City has had a ban in place for commercial marijuana businesses. First, the ban was based on nature of the City's Zoning Code. As with most zoning codes, only "permitted uses" are allowed within the City. If a use is not specifically permitted, it is not allowed. Medical marijuana uses have never been allowed in Lemon Grove. In November 2012, the Citizens of Lemon Grove voted on two ballot measures, Measures "P" and "Q", to allow medical marijuana operations in Lemon Grove. The voters rejected both and reaffirmed the ban on medicinal marijuana businesses.

Due to numerous requests to locate marijuana businesses in town, the City Council clarified that the collective sale of medical marijuana was not a permitted use in Lemon Grove. On December 2, 2014, the City added Ordinance No. 425 which added subsection C to Lemon Grove Municipal Code (LGMC) Section 17.12.070. It declares that, based on previous interpretations, marijuana dispensaries or collectives are not allowed in any zone in the City of Lemon Grove. LGMC Section 17.12.060 (Zoning-Compliance with Regulations) expressly provides that uses, which are not

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specifically permitted, are prohibited. As medical marijuana dispensaries were not permitted by right or with a conditional use permit, they were prohibited. Further, as marijuana cultivation was not specifically permitted, it was also prohibited. However, under the 1996 Compassionate Use Act, private growing of medicinal marijuana was allowed in a residence only by a “qualified patient” or the patient’s “primary caregiver”.

On the November 2016 ballot, the voters of Lemon Grove adopted Measure “V”. This voter-sponsored initiative repeals the ban on medical marijuana businesses and allows them under the Conditional Use Permit process. City Staff is working on implementing language that must be put in place within three months of the certification of the election results at the December 20, 2016 City Council meeting. No applications will be accepted until this process is complete as required under the provisions of Measure V. Measure V does not address or limit the City Council’s authority to ban or limit recreational marijuana businesses in Lemon Grove.

State law had banned recreational marijuana until the adoption of Proposition 64. The current language of LGMC Chapter 8.64 bans recreational marijuana, to the extent that state law did not preempt the matter. However, with the adoption of Proposition 64, state law regulates, but no longer bans, commercial marijuana businesses. Therefore, it is recommended that the City Council clarify its intentions regarding recreational marijuana businesses.

Analysis:

Ordinance No. 443 serves two main purposes. First, it reaffirms the City Council policy to prohibit recreational marijuana businesses from locating in Lemon Grove. As stated above, Proposition 64 allows cities to regulate and/or outright ban recreational marijuana businesses from locating in Lemon Grove.

Prior to the adoption of Proposition 64, the City Council had approved language in LGMC Chapter 8.64 that banned marijuana, to the extent that the City could regulate a matter not preempted by the State of California. Now that the state voters have legalized commercial operations for recreational marijuana, Lemon Grove can choose to continue its ban of recreational marijuana. While the Lemon Grove voters approved medical marijuana business establishments, subject to a City Council approved Conditional Use Permit, this approval did not address or limit the authority of the City Council to ban or regulate recreational marijuana businesses.

The second purpose of Ordinance No. 443 is to repeal the portion of the Zoning Code interpretation section, LGMC Section 17.12.070(c), which indicates medical marijuana is not an allowed use. With the passage of Measure V, the voters have lifted the City Council-imposed ban on medical marijuana business operations. LGMC Section 17.12.070(c) is recommended for repeal because it is inconsistent with Measure V. Repealing this subsection does not automatically allow applications for medicinal marijuana businesses. Measure V independently establishes a timetable for implementation of the new medicinal marijuana regulations. No medical marijuana businesses are allowed in Lemon Grove until the City’s regulatory process is put in place. No business can begin operating without a valid Conditional Use Permit issued by the City Council under the provisions of Measure V.

Environmental Impact:

This Ordinance is categorically exempted from environmental review under CEQA Guideline 15321. It is a class 21 exemption in that it implements regulations of code enforcement measures that are declaratory of existing law in Lemon Grove. As a declarative measure of existing prohibitions, the action has no potential to cause either a direct change in the environment, or a reasonably foreseeable indirect physical change in the environment, and therefore does not require environmental review.

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This Ordinance is also exempt as an implementation of ballot initiatives not subject to CEQA. This Ordinance either implements existing law or does not allow any new uses that would constitute a physical change to the environment.

Costs

There are no fiscal impacts.

Conclusion:

Staff recommends that the City Council introduce Ordinance No. 443 by title and set the matter for adoption at the next regular city Council meeting. Further, that the City Council authorize publication of a summary of the Ordinance in a newspaper of general circulation.

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, AMENDING LEMON GROVE MUNICIPAL CODE CHAPTER 8.64 (PROHIBITION OF RECREATIONAL MARIJUANA BUSINESSES) AND AMENDMENT OF LEMON GROVE MUNICIPAL CODE SECTION 17.12.070 (UNCERTAINTY OF USE CLASSIFICATIONS)

WHEREAS, the voters of the State of California adopted Proposition 64 on the November 2016 Ballot that legalizes recreational marijuana businesses throughout the state; and

WHEREAS, Proposition 64, under Business & Professions Code Section 26200(a), allow cities to determine whether they will allow commercial recreational marijuana businesses in their communities; and

WHEREAS, the City Council of the City of Lemon Grove has determined that allowing commercial recreational businesses to locate in Lemon Grove would not be in the best interests of the health, safety and general welfare of this community; and

WHEREAS, this Ordinance shall continue the ban on commercial recreational marijuana businesses in this community after the adoption of Proposition 64 and that this Ordinance is declarative of existing law; and

WHEREAS, on December 2, 2014, the City added Ordinance No. 425 that added subsection C to LGMC Section 17.12.070 which declares that, based on previous interpretations, marijuana dispensaries or collectives are not allowed in any zone in the City of Lemon Grove; and

WHEREAS, LGMC Section 17.12.060 (Zoning-Compliance with Regulations) expressly provides that uses which are not specifically permitted are prohibited. As medical marijuana dispensaries, collectives are not permitted by right or with a conditional use permit, they are prohibited. Further, as marijuana cultivation is not specifically permitted, it is prohibited; and

WHEREAS, the voters of Lemon Grove approved Measure V, which allows, subject to a Conditional Use Permit, businesses that provide medical marijuana to locate within the City of Lemon Grove; and

WHEREAS, Lemon Grove Municipal Section 17.12.070(c) and Chapter 8.64 is inconsistent with the language contained in Measure V that allows medical marijuana businesses to locate in Lemon Grove, subject to a valid Conditional Use Permit.; and

WHEREAS, the City Council finds in its independent judgement that the proposed amendments to the Municipal Code are exempt from environmental review under section 15061(b)(3) of the California Environmental Quality Act Guidelines because they entail the

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adoption of regulations intended to maintain and improve the public health, safety and welfare and will not have a significant effect on the environment; and

WHEREAS, the City Council hereby amends Lemon Grove Municipal Section 17.12.070(c) and Chapter 8.64 so that the Lemon Grove Municipal Code is consistent with the provisions of Measure V.

NOW THEREFORE, the City Council of the City of Lemon Grove does ordain as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. This Ordinance amends Chapter 8.64 (PROHIBITION OF RECREATIONAL MARIJUANA BUSINESSES) to the Lemon Grove Municipal Code to read as follows:

Chapter 8.64 PROHIBITION OF RECREATIONAL MARIJUANA BUSINESSES

8.64.010 Definitions.

The following definitions shall be used in this Chapter as follows:

A. “Recreational marijuana business” or “business” means any facility or location, whether fixed or mobile, where Recreational marijuana is made available, grown, processed or sold for any non-medicinal purpose.

B. “Recreational marijuana cultivation” or “cultivation” means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof, and any and all associated business and/or operational activities, either as a for profit or non-profit operation.

C. “Marijuana delivery” or “delivery” means the commercial delivery, transfer or transport, or arranging for the delivery, transfer or transport, or the use of any technology platform to arrange for or facilities the commercial delivery, transfer or transport of marijuana, marijuana edibles, and/or any marijuana products to or from any location within the jurisdictional limits of the city of Lemon Grove, and any and all associated business and/or operational activities, either as a for profit or non-profit operation. (Ord. No. 443 § 2, 2017; Ord. 437 § 2, 2016.)

8.64.020 Recreational marijuana dispensaries as a prohibited use and/or activity.

A Recreational marijuana business as defined in Section 8.64.010 is prohibited in all zones within the city’s jurisdictional limits. No permit, whether conditional or otherwise, shall be issued for the establishment of such use. This ban includes the cultivation, manufacture, transportation, storage, distribution, processing, sale of recreational marijuana, and associated activities. This Chapter shall not regulate businesses with a valid Conditional Use Permit issued pursuant to Chapter 17.53 of the Lemon Grove Municipal Code. (Ord. No. 443 § 2, 2017; Ord. 437 § 2, 2016.)

8.64.030 Violations.

The provisions of this chapter shall be enforced by means of administrative, civil, and/or criminal remedies. Such remedies are cumulative and not exclusive. (Ord. No. 443 § 2, 2017; Ord. 437 § 2, 2016.)

8.64.040 Cultivation of marijuana as a prohibited use and/or activity.

Except as specifically allowed under a valid permit issued pursuant to Chapter 17.32 of the Lemon Grove Municipal Code, marijuana cultivation by any person or entity, including clinics, collectives, cooperatives and dispensaries, is prohibited in all zones within the city's jurisdictional limits. No permit, whether conditional or otherwise, shall be issued for the establishment of such activity. Any cultivation that takes place in violation of any provision of this chapter is unlawful, and is hereby declared a public nuisance. This prohibition includes the cultivation, manufacture, transportation, storage, distribution, sale of Recreational marijuana, and associated activities. Nothing in this chapter is intended to, nor shall it be construed to, make legal any cultivation activity that is otherwise prohibited under California law. Nothing in this chapter is intended to, nor shall it be construed to, preclude any landlord from limiting or prohibiting marijuana cultivation by their tenants. (Ord. No. 443 § 2, 2017; Ord. 437 § 2, 2016.)

8.64.050 Delivery of marijuana as a prohibited use and/or activity.

Recreational marijuana delivery by any person or entity, including clinics, collectives, cooperatives and dispensaries, is prohibited in the city. No permit, whether conditional or otherwise, shall be issued for the establishment of such activity. This prohibition includes the cultivation, manufacture, transportation, storage, distribution, sale of Recreational marijuana and associated activities. Any delivery that takes place in violation of any provision of this chapter is unlawful, and is hereby declared a public nuisance. Nothing in this chapter is intended to, nor shall it be construed to, make legal any delivery activity that is otherwise prohibited under California law. Nothing herein prevents the use of public streets within the City of Lemon Grove by lawful businesses pursuant to state law. (Ord. No. 443 § 2, 2017; Ord. 437 § 2, 2016.)

Section 3. Lemon Grove Municipal Code Section 17.12.070 is amended to read as follows:

17.12.070 Uncertainty of use classifications.

A. It is recognized that in the development of a comprehensive zoning ordinance, not all uses of land can be listed, nor can all future uses of lands be anticipated. The listings of uses permitted or permitted subject to a conditional use permit in each zone, or subject to a conditional use permit, are illustrative and meant to indicate the types and scales of development intended for each district. A use may have been omitted from the list of those specified as permissible in each of the various districts herein designated, or ambiguity may arise concerning the appropriate classification of a particular use within the meaning and intent of this chapter. Where such uncertainty exists, the development services director shall determine the appropriate classification for any such use.

B. If the development services director believes that the determination of the appropriateness of a particular use in a zone should be made by the city council, all pertinent facts shall be transmitted to the city council for consideration at its next regular meeting. Any

Attachment B

decision of the development services director may be appealed pursuant to Section 17.28.020 of this title. (Ord. No. 443 § 2, 2017; Ord. 434 § 2, 2015; Ord. 426 § 2, 2014; Ord. 386 § 3, 2009)

Section 4. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 5. This Ordinance, in its ban on recreational marijuana businesses, is declarative of existing law.

Section 6. This Ordinance shall be effective thirty (30) days following its adoption. Within fifteen (15) days following its adoption, the City Clerk shall publish this Ordinance, or the title thereof, as a summary as required by state law.

INTRODUCED by the City Council on January 17, 2017. **PASSED AND ADOPTED** by the City Council of the City of Lemon Grove, State of California, on February 7, 2017 by the following vote:

AYES:

NOES:

ABSENT:

Racquel Vasquez, Mayor

Attest: _____

Susan Garcia, City Clerk

Approved as to form:

James P. Lough, City Attorney

Chapter 8.64 PROHIBITION OF MEDICAL RECREATIONAL MARIJUANA DISPENSARIES, DELIVERIES BUSINESSES, AND COMMERCIAL CULTIVATION

8.64.010 Definitions.

A. “MedicalRecreational marijuana dispensarybusiness” or “dispensarybusiness” means any facility or location, whether fixed or mobile, where medicalRecreational marijuana is made available, grown, processed to or sold for any non-medicinal ~~purposedistributed by or distributed to one or more of the following: a primary caregiver, a qualified patient, or a patient with an identification card. All three of these terms are identified in strict accordance with California Health and Safety Code Section 11362.5 et seq. A “medical marijuana dispensary” shall not include the following uses, as long as the location of such uses is otherwise regulated by this code or applicable law, a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a healthcare facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as such use complies strictly with applicable law, including, but not limited to, Health and Safety Code Section 11362.5 et seq., and the Lemon Grove Municipal Code, including, but not limited to, the city’s Zoning Code (Title 17) and citywide regulations (Title 18).~~

B. As used in this Chapter, “recreational mMarijuana cultivation” or “cultivation” means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof, and any and all associated business and/or operational activities, either as a for profit or non-profit operation.

C. “Marijuana delivery” or “delivery” means the commercial delivery, transfer or transport, or arranging for the delivery, transfer or transport, or the use of any technology platform to arrange for or facilities the commercial delivery, transfer or transport of marijuana, marijuana edibles, and/or any marijuana products to or from any location within the jurisdictional limits of the city of Lemon Grove, and any and all associated business and/or operational activities, either as a for profit or non-profit operation.

8.64.020 MedicalRecreational marijuana dispensaries as a prohibited use and/or activity.

A ~~medical~~Recreational marijuana dispensary business as defined in Section 8.64.010 is prohibited in all zones within the city's jurisdictional limits. No permit, whether conditional or otherwise, shall be issued for the establishment of such use. This ban includes the cultivation, manufacture, transportation, storage, distribution, processing, sale of ~~medical~~Recreational marijuana, and associated activities. This Chapter shall not regulate businesses with a valid Conditional Use Permit issued pursuant to Chapter 17.3253 of the Lemon Grove Municipal Code.

8.64.030 Violations.

The provisions of this chapter shall be enforced by means of administrative, civil, and/or criminal remedies. Such remedies are cumulative and not exclusive.

8.64.040 Cultivation of marijuana as a prohibited use and/or activity.

Except as specifically allowed under a valid permit issued pursuant to Chapter 17.3253 of the Lemon Grove Municipal Code, mMarijuana cultivation by any person or entity, including clinics, collectives, cooperatives and dispensaries, is prohibited in all zones within the city's jurisdictional limits. No permit, whether conditional or otherwise, shall be issued for the establishment of such activity. Any cultivation that takes place in violation of any provision of this chapter is unlawful, and is hereby declared a public nuisance. This prohibition includes the cultivation, manufacture, transportation, storage, distribution, sale of ~~medical~~Recreational marijuana, and associated activities. Nothing in this chapter is intended to, nor shall it be construed to, make legal any cultivation activity that is otherwise prohibited under California law. Nothing in this chapter is intended to, nor shall it be construed to, preclude any landlord from limiting or prohibiting marijuana cultivation by their tenants.

8.64.050 Delivery of marijuana as a prohibited use and/or activity.

Recreational mMarijuana delivery by any person or entity, including clinics, collectives, cooperatives and dispensaries, is prohibited in the city. No permit, whether conditional or otherwise, shall be issued for the establishment of such activity. This prohibition includes the cultivation, manufacture, transportation, storage, distribution, sale of ~~medical~~Recreational marijuana and associated activities. Any delivery that takes place in violation of any provision of this chapter is unlawful, and is hereby declared a public nuisance. Nothing in this chapter is intended to, nor shall it be construed to, make legal any delivery activity that is otherwise prohibited under California law. Nothing herein prevents the use of public streets within the City of Lemon Grove by lawful businesses pursuant to state law.

17.12.070 Uncertainty of use classifications.

A. It is recognized that in the development of a comprehensive zoning ordinance, not all uses of land can be listed, nor can all future uses of lands be anticipated. The listings of uses permitted or permitted subject to a conditional use permit in each zone, or subject to a conditional use permit, are illustrative and meant to indicate the types and scales of development intended for each district. A use may have been omitted from the list of those specified as permissible in each of the various districts herein designated, or ambiguity may arise concerning the appropriate classification of a particular use within the meaning and intent of this chapter. Where such uncertainty exists, the development services planning director shall determine the appropriate classification for any such use.

B. If the development services director believes that the determination of the appropriateness of a particular use in a zone should be made by the city council, all pertinent facts shall be transmitted to the city council planning commission for consideration at its next regular meeting. Any decision of the development services director may be appealed pursuant to Section 17.28.020 of this title.

~~C. No provision of this title allows for the location of a marijuana dispensary or marijuana collective within any zone within the city. No further determination is required by the development services director or city council regarding such uses at any location within the city. This provision is declarative of existing law in that such uses have never been interpreted to be allowed in the city and this title has not made provision for these uses since the adoption of the Compassionate Use Act by the voters of California in 1996. In November 2012, the voters of the city rejected Propositions "Q" and "T," which would have allowed such uses. Said rejection of these measures is evidence of the intent of the voters to continue the prohibition of marijuana dispensaries or marijuana collectives. (Ord. 434 § 2, 2015; Ord. 426 § 2, 2014; Ord. 386 § 3, 2009)~~

Chapter 8.64 PROHIBITION OF MEDICAL RECREATIONAL MARIJUANA DISPENSARIES, DELIVERIES BUSINESSES, AND COMMERCIAL CULTIVATION

8.64.010 Definitions.

A. “MedicalRecreational marijuana dispensarybusiness” or “dispensarybusiness” means any facility or location, whether fixed or mobile, where medicalRecreational marijuana is made available, grown, processed to or sold for any non-medicinal purposedistributed by or distributed to one or more of the following: a primary caregiver, a qualified patient, or a patient with an identification card. All three of these terms are identified in strict accordance with California Health and Safety Code Section 11362.5 et seq. A “medical marijuana dispensary” shall not include the following uses, as long as the location of such uses is otherwise regulated by this code or applicable law, a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a healthcare facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as such use complies strictly with applicable law, including, but not limited to, Health and Safety Code Section 11362.5 et seq., and the Lemon Grove Municipal Code, including, but not limited to, the city’s Zoning Code (Title 17) and citywide regulations (Title 18).

B. As used in this Chapter, “recreational mMarijuana cultivation” or “cultivation” means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof, and any and all associated business and/or operational activities, either as a for profit or non-profit operation.

C. “Marijuana delivery” or “delivery” means the commercial delivery, transfer or transport, or arranging for the delivery, transfer or transport, or the use of any technology platform to arrange for or facilities the commercial delivery, transfer or transport of marijuana, marijuana edibles, and/or any marijuana products to or from any location within the jurisdictional limits of the city of Lemon Grove, and any and all associated business and/or operational activities, either as a for profit or non-profit operation.

8.64.020 MedicalRecreational marijuana dispensaries as a prohibited use and/or activity.

A ~~medical~~Recreational marijuana dispensary~~business~~ as defined in Section 8.64.010 is prohibited in all zones within the city's jurisdictional limits. No permit, whether conditional or otherwise, shall be issued for the establishment of such use. This ban includes the cultivation, manufacture, transportation, storage, distribution, processing, sale of ~~medical~~Recreational marijuana, and associated activities. This Chapter shall not regulate businesses with a valid Conditional Use Permit issued pursuant to Chapter 17.3253 of the Lemon Grove Municipal Code.

8.64.030 Violations.

The provisions of this chapter shall be enforced by means of administrative, civil, and/or criminal remedies. Such remedies are cumulative and not exclusive.

8.64.040 Cultivation of marijuana as a prohibited use and/or activity.

Except as specifically allowed under a valid permit issued pursuant to Chapter 17.3253 of the Lemon Grove Municipal Code, ~~m~~Marijuana cultivation by any person or entity, including clinics, collectives, cooperatives and dispensaries, is prohibited in all zones within the city's jurisdictional limits. No permit, whether conditional or otherwise, shall be issued for the establishment of such activity. Any cultivation that takes place in violation of any provision of this chapter is unlawful, and is hereby declared a public nuisance. This prohibition includes the cultivation, manufacture, transportation, storage, distribution, sale of ~~medical~~Recreational marijuana, and associated activities. Nothing in this chapter is intended to, nor shall it be construed to, make legal any cultivation activity that is otherwise prohibited under California law. Nothing in this chapter is intended to, nor shall it be construed to, preclude any landlord from limiting or prohibiting marijuana cultivation by their tenants.

8.64.050 Delivery of marijuana as a prohibited use and/or activity.

Recreational ~~m~~Marijuana delivery by any person or entity, including clinics, collectives, cooperatives and dispensaries, is prohibited in the city. No permit, whether conditional or otherwise, shall be issued for the establishment of such activity. This prohibition includes the cultivation, manufacture, transportation, storage, distribution, sale of ~~medical~~Recreational marijuana and associated activities. Any delivery that takes place in violation of any provision of this chapter is unlawful, and is hereby declared a public nuisance. Nothing in this chapter is intended to, nor shall it be construed to, make legal any delivery activity that is otherwise prohibited under California law. Nothing herein prevents the use of public streets within the City of Lemon Grove by lawful businesses pursuant to state law.

17.12.070 Uncertainty of use classifications.

A. It is recognized that in the development of a comprehensive zoning ordinance, not all uses of land can be listed, nor can all future uses of lands be anticipated. The listings of uses permitted or permitted subject to a conditional use permit in each zone, or subject to a conditional use permit, are illustrative and meant to indicate the types and scales of development intended for each district. A use may have been omitted from the list of those specified as permissible in each of the various districts herein designated, or ambiguity may arise concerning the appropriate classification of a particular use within the meaning and intent of this chapter. Where such uncertainty exists, the development services planning director shall determine the appropriate classification for any such use.

B. If the development services director believes that the determination of the appropriateness of a particular use in a zone should be made by the city council, all pertinent facts shall be transmitted to the city council planning commission for consideration at its next regular meeting. Any decision of the development services director may be appealed pursuant to Section 17.28.020 of this title.

~~C. No provision of this title allows for the location of a marijuana dispensary or marijuana collective within any zone within the city. No further determination is required by the development services director or city council regarding such uses at any location within the city. This provision is declarative of existing law in that such uses have never been interpreted to be allowed in the city and this title has not made provision for these uses since the adoption of the Compassionate Use Act by the voters of California in 1996. In November 2012, the voters of the city rejected Propositions "Q" and "T," which would have allowed such uses. Said rejection of these measures is evidence of the intent of the voters to continue the prohibition of marijuana dispensaries or marijuana collectives. (Ord. 434 § 2, 2015; Ord. 426 § 2, 2014; Ord. 386 § 3, 2009)~~