

City of Lemon Grove
City Council Regular Meeting Agenda
Tuesday, February 20, 2018, 6:00 p.m.
Lemon Grove Community Center
3146 School Lane, Lemon Grove, CA

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

Call to Order

Pledge of Allegiance

Changes to the Agenda

Presentations

Lemon Grove History Minute #13

Award Certificate to Stevie Burgueno for achieving his Boy Scout Merit Badge

Introduction New Employee

C. Resolution Designating Deputy City Attorneys

The City Council will consider the approval of a Resolution designating Deputy City Attorneys.

Reference: James P. Lough, City Attorney
Recommendation: Adopt Resolution

2. Ordinance Adding Chapter 2.36 (Planning Commission) to the Lemon Grove Municipal Code

The City Council will consider an Ordinance that reestablishes the Planning Commission to act as the Planning Agency for the City pursuant to California Government Code Section 65101.

Reference: James P. Lough, City Attorney and Lydia Romero, City Manager
Recommendation: Discuss and Provide Direction to Staff

3. Planning Commission Analysis

The City Council will receive a draft timeline to reestablishment the Planning Commission. .

Reference: Lydia Romero, City Manager
David De Vries, Development Services Director
Recommendation: Receive report and provide direction

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

Conference with Legal Counsel

City of Lemon Grove Demands Summary

Approved as Submitted:

Al Burrell, Interim Financial Consultant
 For Council Meeting: 02/20/18

ACH/AP Checks 01/29/18-02/12/18

800,984.81

Payroll - 01/30/18

133,059.15

Total Demands

934,043.96

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	Dec17	Chase Bank	01/29/2018	Workers' Comp Claims - Dec'17	4,388.13	4,388.13
ACH	Jan18	Wage Works	01/29/2018	FSA Reimbursement - Jan'18	1,236.59	1,236.59
ACH	Refill 1/25/18	Pitney Bowes Global Financial Services LLC	01/29/2018	Postage Usage 1/25/18	250.00	250.00
ACH	52742320	WEX Bank	01/30/2018	Fuel - Fire Dept - Dec'17	729.06	729.06
ACH	800456	Aflac	01/31/2018	AFLAC Insurance 01/19/18	794.78	794.78
ACH	8054033	LEAF	01/31/2018	Ricoh C3502 Copier System-PW Yard - Jan'18	160.51	160.51
ACH	Jan 18	Southern CA Firefighters Benefit Trust	01/31/2018	LG Firefighters Benefit Trust - 1/4, 1/18	1,753.70	1,753.70
ACH	Jan16 18	Employment Development Department	01/31/2018	State Taxes 1/16/18	8,347.98	8,347.98
ACH	Jan30 18	US Treasury	02/01/2018	Federal Taxes 1/30/18	21,723.70	21,723.70
ACH	Jan30 18	Employment Development Department	02/01/2018	State Taxes 1/30/18	6,915.52	6,915.52
ACH	Jan18	Power Pay Biz/Evo	02/01/2018	Online Credit Card Processing - Jan'18	60.46	60.46
ACH	Jan18	Dharma Merchant Services	02/02/2018	Merchant Fees - Jan'18	463.73	463.73
ACH	Jan18	Authorize.Net	02/02/2018	Merchant Fees In-Store & Online - Jan'18	52.92	52.92
ACH	Feb 2018	Pers Health	02/02/2018	Pers Health Insurance - Feb 18	54,786.38	54,786.38
ACH	Refill 2/2/18	Pitney Bowes Global Financial Services LLC	02/02/2018	Postage Usage 2/2/18	250.00	250.00
ACH	Dec17	San Diego County Sheriff's Department	02/06/2018	Law Enforcement Services - Dec'17	459,352.65	459,352.65
ACH	4154920380 3568860625	SDG&E	02/07/2018	Electric Usage:St Light 12/31/17-1/31/18 Electric Usage:St Light 12/31/17-1/31/18	1,876.74 1,283.77	3,160.51
ACH	L1326312736	Employment Development Department	02/07/2018	Unemployment Insurance - Oct-Dec'17	1,920.00	1,920.00
ACH	Jan3-Jan30 18	California Public Empl Retirement System	02/12/2018	Pers Retirement 1/3/18-1/30/18	66,359.63	66,359.63
ACH	Jan3-Jan16 18	Calpers Supplemental Income 457 Plan	02/12/2018	457 Plan 1/3/18-1/16/18	5,026.16	5,026.16
ACH	Jan17-Jan30 18	Calpers Supplemental Income 457 Plan	02/12/2018	457 Plan 1/17/18-1/30/18	5,046.16	5,046.16
ACH	Refill 2/8/18	Pitney Bowes Global Financial Services LLC	02/12/2018	Postage Usage 2/8/18	250.00	250.00
ACH	Jan18	Wells Fargo Bank	02/12/2018	Bank Service Charge - Jan'18	514.31	514.31
8996	013018	Black Mountain Bicycles, Inc.	01/30/2018	Bicycles & Gear/Sheriff Bicycle Patrol/DOJ Grant	7,201.34	7,201.34
8997	12291	AAA Imaging	01/31/2018	Business Cards	113.14	113.14
8998	202228	Allstar Fire Equipment Inc.	01/31/2018	Self Contained Breathing Apparatus	18,196.82	18,196.82
8999	10797349	AT&T	01/31/2018	Phone Service- 12/13/17-1/12/18	81.24	81.24
9000	5656092698 5656094572	AutoZone, Inc.	01/31/2018	Solenoid Switch - LGPW#19 Fuel Cap - LGPW#20	21.00 11.35	32.35
9001	31323	Aztec Landscaping Inc.	01/31/2018	Landscape Mgmt Svc Dec '17	9,629.00	9,629.00
9002	5792 5793	Bear Electrical Solutions, Inc.	01/31/2018	Traffic Signal Maint.-Response- Dec 2017 Traffic Signal Maint.- Routine - Dec 2017	1,061.50 1,144.00	2,205.50
9003	4661556	Bearcom	01/31/2018	Portable Radios Monthly Contract 1/22/18-2/21/18	150.00	150.00
9004	835358-9	BJ's Rentals	01/31/2018	Propane	20.74	52.80

	835756-9			Propane		22.63	
	835996-9			Propane		9.43	
9005	6070152	Bob Stall Chevrolet	01/31/2018	LGPW#20 - Seatbelt Repair/Replace Temp Sensor & Door Handle		528.31	528.31
9006	Oct-Dec 17	California Building Standards Commission	01/31/2018	BSA Fees: Oct-Dec'17		179.10	179.10
9007	01/16/18 01/30/18	California State Disbursement Unit	01/31/2018	Wage Withholding Pay Period Ending 1/16/18 Wage Withholding Pay Period Ending 1/30/18		161.53 161.53	323.06
9008	18178796	Canon Financial Services Inc.	01/31/2018	Canon Plotter Contract Charge 1/20/18-2/19/18		144.00	144.00
9009	19818	City of La Mesa	01/31/2018	Household Hazardous Waste Event- 12/9/17		999.00	999.00
9010	34632	Colantuono, Highsmith & Whatley, PC	01/31/2018	Legal Svcs - thru Dec '17		3.47	3.47
9011	Cruz	Cruz, Rachel	01/31/2018	Refund/Cruz, Rachel/Deposit - LBH- 12/15/17		300.00	300.00
9012	4044 4054 4055 4056 4057 4058 4059 4060	D- Max Engineering Inc.	01/31/2018	D-Max Stormwater Prof Svcs thru 12/31/17 Grove Lofts Stormwater Construction Inspection thru 12/31/17 Golden Doors Stormwater Construction Inspection thru 12/31/17 Ildica Stormwater Construction Inspection thru 12/31/17 Center Hilltop Stormwater Construction Inspctns thru 12/31/17 LGA Stormwater Inspection thru 12/31/17 2065 69th St Review Erosion Control Plan 1/11/18 thru 1/19/18 8055 Golden Ave Stormwater Review 1/11/18 thru 1/19/18		1,250.00 252.32 224.82 334.28 306.24 449.10 90.00 120.00	3,026.76
9013	Oct-Dec 17	Department of Conservation	01/31/2018	Qtrly SMIP Fees - Oct-Dec'17		627.69	627.69
9014	1217.10.1322	Dexter Wilson Engineering, Inc.	01/31/2018	Metro JPA Wastewater Issues - Dec '17		5,962.50	5,962.50
9015	0123182305	Domestic Linen- California Inc.	01/31/2018	Shop Towels & Safety Mats - 1/23/18		73.60	73.60
9016	1/16-18/18	Esgil Corporation	01/31/2018	75% Building Fees- 1/16/18-1/18/18		1,264.67	1,264.67
9017	57863	EW Truck & Equipment Company, Inc.	01/31/2018	LGPW# 32 '14 GapVax-Repair Exhaust Leak		170.69	170.69
9018	25819	Excell Security, Inc.	01/31/2018	Senior Center Security Guards - 12/15/17		279.44	279.44
9019	10439	Infrastructure Engineering Corporation	01/31/2018	Prof Svc: LGA Realignment 11/25/17-12/29/17		20,107.45	20,107.45
9020	178913	League of California Cities	01/31/2018	League Membership Dues for 2018		10,118.00	10,118.00
9021	1619 1619	League of California Cities,SD Division	01/31/2018	2018 League Membership Dues- SD County Division 2018 League Luncheon Meetings- SD Cnty Div. -Vasquez,Romero		600.00 600.00	1,200.00
9022	07-2354	Lemon Grove School District	01/31/2018	Fuel Services-PW: Dec '17		1,767.70	1,767.70
9023	1452571	Liebert Cassidy Whitmore	01/31/2018	Prof Svcs: LE050-00003 thru 12/31/17		875.00	875.00
9024	415	Local Government Consultants, LLC	01/31/2018	State Mandated Cost Svc- FY17-18 Full Contracted Amount		3,000.00	3,000.00
9025	Manchan	Manchan, Yvonne	01/31/2018	Refund/Manchan, Yvonne/Deposit - LeeHouse- 2/24/18		100.00	100.00
9026	Maseuli	Maseuli, Faustina	01/31/2018	Refund/Maseuli, Faustina/Deposit - LBH- 6/23/18		200.00	200.00
9027	Matthews	Matthews, Jacquelyne	01/31/2018	Refund/Matthews, Jacquelyne/Deposit - LBH- 12/16/17		200.00	200.00
9028	147119	Pacific Sweeping	01/31/2018	Street Sweeping/Parking Lot/Power Washing - Dec '17		6,655.15	6,655.15
9029	31337408	RCP Block & Brick, Inc.	01/31/2018	Bulk Concrete Sand - Fire Station		95.04	95.04
9030	Romero	Romero, Gabriela	01/31/2018	Refund/Romero, Gabriela/Deposit - CommCtr- 11/18/17		300.00	300.00
9031	Jan-18	Standard Insurance Company	01/31/2018	Long Term Disability Insurance - Jan18		1,638.40	1,638.40
9032	926350	Superior Ready Mix Concrete LP	01/31/2018	Asphalt - 3300 Olive St		500.02	500.02
9033	SHFR0320	The Padcaster, LLC	01/31/2018	Padcaster Ultimate Studio Pro/Dolly Wheel/Wireless Kit-PCRL01		1,642.98	1,642.98
9034	Jan16 18 Jan30 18	Vantage Point Transfer Agents-457	01/31/2018	ICMA Deferred Compensation Pay Period Ending 1/16/18 ICMA Deferred Compensation Pay Period Ending 1/30/18		580.77 580.77	1,161.54
9035	9799794440	Verizon Wireless	01/31/2018	City Phone Charges- 12/13/17-1/12/18		325.63	325.63
9036	71704639 71706056 71708407 71711638 71711639	Vulcan Materials Company	01/31/2018	Asphalt Asphalt Asphalt/SS1H 4.5 Gallon Bucket Asphalt/SS1H 4.5 Gallon Bucket Asphalt/SS1H 4.5 Gallon Bucket		151.82 192.23 143.95 375.19 382.94	1,246.13
9037	0144 0148 6473	A Aaron Lock & Key	02/07/2018	Keys - Comm Ctr Keys - Comm Ctr Keys - Rec Ctr		30.09 17.28 64.73	112.10

9038	12307	AAA Imaging	02/07/2018	Business Cards/Mayor Vasquez	75.43	75.43
9039	5951 5952 5953 5954	Aguirre & Associates	02/07/2018	2065 69th Street Map Review - Jan '18 Realignment -Legal/Plat Map Review - Jan '18 Celsius II Map Review - Jan '18 2672 Grange Street Dedication - Jan '18	115.00 195.00 575.00 235.00	1,120.00
9040	FY19	ASCAP	02/07/2018	Annual Music License Fee - 7/1/18-6/30/19 FY19	348.00	348.00
9041	1/22/2018 10827953	AT&T	02/07/2018	Backup City Hall Internet- 12/23/17-1/22/18 Fire Backup Phone Line- 12/22/17-1/21/18	84.00 38.98	122.98
9042	817890-9 836983-9 837889-9	BJ's Rentals	02/07/2018	Light Towers Rental - Holiday Bonfire 12/1/17 Propane Propane	1,395.79 11.31 26.40	1,433.50
9043	1152855-IN	Boot World Inc.	02/07/2018	Work Boots - Porfirio-Vilgis	250.00	250.00
9044	82754684 82754685	Boundtree Medical LLC	02/07/2018	Medical Supplies-Nitrile Gloves/Defib Pads/Safety Glasses Medical Supplies - Small Wrenches	2,242.40 15.30	2,257.70
9045	Buckland	Buckland, Gary	02/07/2018	Refund/Buckland, Gary/Deposit - Rec Ctr- 1/6/18 2/2/18	200.00	200.00
9046	18217516	Canon Financial Services Inc.	02/07/2018	Canon Copier Contract Charge 3/1/18	642.60	642.60
9047	020D512337B	Cintas Corp 2	02/07/2018	Annual Fire Alarm Sys Insp- Final - Rec Ctr 10/24/17	78.54	78.54
9048	694446059 694448983	Cintas Corporation #694	02/07/2018	Janitorial Supplies - 1/25/18 Janitorial Supplies - 2/1/18	213.06 213.06	426.12
9049	HFTA000058	City of El Cajon	02/07/2018	HFTA Fees - QTR 3 FY17/18	4,888.00	4,888.00
9050	1000217665	City of San Diego	02/07/2018	Municipal Sewer Transportation- FY18- 2nd Qtr 10/1/17-12/31/17	7,172.02	7,172.02
9051	81866485	Corelogic Solutions, LLC.	02/07/2018	RealQuest Graphics Package - Jan '18	300.00	300.00
9052	1/19/2018 2/1/2018 1/18/2018	Cox Communications	02/07/2018	Phone/PW Yard/2873 Skyline- 1/19/18-2/18/18 Phone/City Hall- 2/1/18-2/28/18 Copy Room Fax Line- 1/18/18-2/17/18	212.14 974.10 6.02	1,192.26
9053	4070	D- Max Engineering Inc.	02/07/2018	Celsius II SWQMP Erosion Control Plan Review thru 1/26/18	930.00	930.00
9054	1/22-25/18	Esgil Corporation	02/07/2018	75% Building Fees- 1/22/18-1/25/18	4,795.86	4,795.86
9055	109044647	Globalstar USA, Inc.	02/07/2018	Satellite Service 12/16/17-1/15/18	166.23	166.23
9056	0024834-IN 0024942-IN	HDL Coren & Cone	02/07/2018	Business License Fee Refund/2018- Per Contract Contract Services Property Tax - Jan-Mar 2018	102.00 2,073.06	2,175.06
9057	00049972	Hudson Safe-T- Lite Rentals	02/07/2018	Orange Delineators/Yellow 9 Dot Signs -Madera/Shirley Lane Fence	317.17	317.17
9058	125874 125875 125876 125851 125852	Knott's Pest Control, Inc.	02/07/2018	On Call Gopher Control- Berry St Park - Jan 18 Initial Visit On Call Gopher Control- Berry St Park - Jan 18 On Call Gopher Control- Berry St Park - Feb 18 Final Visit Monthly Bait Stations- Civic Ctr - Feb 18 Monthly Bait Stations- Sheriff - Feb 18	200.00 200.00 200.00 60.00 45.00	705.00
9059	Lee	Lee, Jenifer	02/07/2018	Refund/Lee, Jenifer/Deposit - CommCtr- 1/20/18	200.00	200.00
9060	07-2362	Lemon Grove School District	02/07/2018	Fuel Services-PW: Jan '18	2,102.68	2,102.68
9061	INV151479	LN Curtis & Sons	02/07/2018	SCBA/Non-Ambiant Air Check 12/19/17	134.69	134.69
9062	INV20076	Logiccopy	02/07/2018	Ricoh C3502 Copier Contract Charge- PW Yard- 2/7/18-3/6/18	50.41	50.41
9063	1/31/18	MV Cheng & Associates Inc.	02/07/2018	Prof Svcs: Interim Finance Director - Jan '18	7,790.00	7,790.00
9064	605033001	Nichols Consulting Engineers, CHTD	02/07/2018	Prof Svc: Pavement Mgmt Prog 2018 Update thru 1/5/18	2,730.00	2,730.00
9065	3010267485	Parkhouse Tire Inc.	02/07/2018	420E Backhoe - Fleet Service/Tire- Trac Load	453.48	453.48
9066	0059204	Rick Engineering Company	02/07/2018	Prof Svc: LGA Realignment & 20A UG Dist Projs 11/25/17-12/31/17	7,163.04	7,163.04
9067	1/22/2018 1/22/2018	SDG&E	02/07/2018	3225 Olive- 12/18/17-1/18/18 3500 1/2 Main- 12/18/17-1/18/18	128.95 253.78	382.73
9068	84142443	SiteOne Landscape Supply, LLC	02/07/2018	Grounds Maintenance Supplies/Sprinkler Heads	355.72	355.72
9069	Feb2018	Standard Insurance Company	02/07/2018	Long Term Disability Insurance - Feb18	1,638.40	1,638.40
9070	Feb-18	Sun Life Financial	02/07/2018	Life Insurance - Feb18	120.06	120.06
9071	00059209	The East County Californian	02/07/2018	Ordinance No. 447 -Traffic Advisory Comm Amendmt Notice 12/28/17	133.00	133.00

9072	120180388	Underground Service Alert of Southern Ca	02/07/2018	47 New Ticket Charges - Jan '18	87.55	87.55
9073	9799795033 9800218944 9800236901 9799794441	Verizon Wireless	02/07/2018	Mobile Broadband Access- 12/13/17-1/12/18 Fire Prevention Phone Line-12/21/17-1/20/18 MDC Engine Tablets- 12/21/17-1/20/18 PW Tablets- 12/13/17-1/12/18	76.02 531.70 190.05 188.78	986.55
9074	95480	Vinyard Doors, Inc.	02/07/2018	Sectional Door Repair- Door 6 - Fire Station	278.00	278.00
9075	71699287 71716301 71718641	Vulcan Materials Company	02/07/2018	Asphalt/SS1H 4.5 Gallon Bucket Asphalt Asphalt	189.53 108.18 151.82	449.53
					800,984.81	800,984.81

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.B
Dept. City Attorney

Item Title: Waive Full Text Reading of All Ordinances on the Agenda.

Staff Contact: 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 only.

Fiscal Impact:

None.

Environmental Review:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorical Exemption, Section | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting | |

Attachments:

None

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.C
Mtg. Date February 20, 2018
Dept. City Attorney's Office

Item Title: **RESOLUTION DESIGNATING DEPUTY CITY ATTORNEYS**

Staff Contact: James P. Lough, City Attorney

Recommendation:

Adopt Resolution Designating Deputy City Attorneys.

Item Summary:

This Resolution designates two Deputy City Attorneys. One will primarily serve as a City Prosecutor and the other as the first back up for the City Attorney on civil advisory issues. Both will be required to file Fair Political Practices Commission ("FPPC") Form 700 conflict of interest forms.

Fiscal Impact:

None.

Environmental Review:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorical Exemption, Section | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting | |

Attachments:

- A. Staff Report
- B. Resolution Designating Two Deputy City Attorneys.

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. _____

Mtg. Date February 6, 2018

Item Title: **RESOLUTION DESIGNATING DEPUTY CITY ATTORNEYS**

Staff Contacts: James P Lough, City Attorney

Background:

The City Attorney serves at the pleasure of the City Council. Since 2010, the City Council has contracted with Lounsbery, Ferguson, Altona & Peak ("City Attorney Firm") to provide City Attorney services. The contract designates that Of Counsel James P. Lough serve as the City Attorney. The contract does not specifically name deputies of the City Attorney. If no firm members have a conflict of interest and possess the appropriate expertise to handle a particular City matter, the City Attorney, in consultation with the City Manager, assigns work to various Partners or Associates of the City Attorney Firm.

Analysis:

As the workload for legal matters has changed over the past fifteen years, the City Attorney has used certain members of the City Attorney Firm for the specialized tasks within their expertise. This Agenda item is intended to formalize two assignments that interact with the same types of legal matters on a regular basis.

City Prosecutor:

In addition to providing civil litigation and advisory services, the City Attorney is the criminal prosecutor for violations of the Lemon Grove Municipal Code. The alleged code violations can either be prosecuted as misdemeanors or infractions. The cases are filed in the name of the People of the State of California. By state law, the discretion to file Lemon Grove Municipal Code violations rests with the City Attorney. If delegated, this authority can be vested in a Deputy City Attorney.

It is the policy of the City Attorney to use the civil administrative effort option first. Depending upon the severity of the alleged violations, the City Attorney will sometimes seek City Council approval to bring civil injunction cases against repeated violators of the City Municipal Code.

Most criminal filings arise out of citations issued by the Sheriff's Department. They are usually filed as infractions in that most involve single incidents. In the case of multiple incidents or other behavior that merits it, the City Attorney will file the case as a misdemeanor. These decisions are made after consultation with the City staff and/or the Sheriff's Department.

Matthew C. Starr is requested to be designated as the Deputy City Attorney to assist in handling criminal matters. He also handles criminal matters for the City of San Marcos. Mr. Starr reviews

Attachment A

and makes recommendations for the filing of criminal matters. He has been handling these cases for the last two years, working with City and Sheriff's Department staff.

Advisory Deputy City Attorney:

Currently, the City Attorney delegates certain civil matters to attorneys at the City Attorney Firm based on expertise. For instance, Michael Wapner has handled real estate matters based on his knowledge of the subject matter as an attorney that handles public and private real estate transactions. Litigation is delegated to attorneys who specialize in the issues of each case. General advisory work has usually been handled by the City Attorney.

Kristen S. Steinke currently is handling many advisory items as well as City civil litigation. She has been attending City Council meetings and serves in a primary role in many advisory matters. Ms. Steinke would serve as the advisory Deputy City Attorney. Since she has been assigned to cover City Council meetings in the absence of the City Attorney

Environmental Impact:

This Ordinance is not a project as defined under the California Environmental Quality Act. There are no physical changes made to the environment by this Agenda item.

Costs

None.

Conclusion:

Staff recommends that the City Council approve the attached Resolution (Attachment "B").

ATTACHMENT B

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, APPOINTING KRISTEN S. STEINKE AND MATTHEW C. STARR AS DEPUTY CITY ATTORNEYS

WHEREAS, the City Council desires to appoint two Deputy City Attorneys to handle various matters on behalf of the City; and

WHEREAS, the City Council desires to appoint Ms. Kristen S. Steinke as a Deputy City Attorney primarily handling advisory matters and civil litigation for the City of Lemon Grove; and

WHEREAS, the City Council desires to appoint Mr. Matthew C. Starr as a Deputy City Attorney primarily handling criminal and civil code enforcement matters.

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

Section 1. The foregoing recitals are true and correct.

Section 2. Ms. Kristen S. Steinke is hereby appointed as Deputy City Attorney.

Section 3. Mr. Matthew C. Starr is hereby appointed as Deputy City Attorney.

PASSED AND ADOPTED by the City Council of the City of Lemon Grove, State of California, on _____ by the following vote:

AYES:

NOES:

ABSENT:

Racquel Vasquez, Mayor

Attest: _____

Susan Garcia, City Clerk

Approved as to form:

James P. Lough, City Attorney

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 2
Mtg. Date February 20, 2018
Dept. City Attorney's Office

**Item Title: ORDINANCE ADDING CHAPTER 2.36 (PLANNING COMMISSION) TO THE
LEMON GROVE MUNICIPAL CODE**

Staff Contact: James P. Lough, City Attorney

Recommendation:

Introduce Ordinance No. 448 (**Attachment B**) adding Chapter 2.36 (Planning Commission) to the Lemon Grove Municipal Code. Determine whether to add **Attachment C** (Option One) or **Attachment D** (Option Two) as the text of the Ordinance.

Item Summary:

This Ordinance adds Chapter 2.36 to the Lemon Grove Municipal code. Once the Ordinance is effective (adopted plus thirty days), the Planning Commission is established. Further ordinance changes will be needed to clarify the role of the Commission and the breadth of its authority.

Fiscal Impact:

Approximately \$45,000.00 per year in staff costs. Staff estimates approximately 60 percent of this expense will be reimbursable. This is a cost estimate.

Environmental Review:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorical Exemption, Section | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting | |

Attachments:

- A. Staff Report
- B. Ordinance No. 448
- C. New Text of Chapter 2.36
- D. Former Text of Chapter 2.08

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 2

Mtg. Date February 20, 2018

Item Title: **ORDINANCE ADDING CHAPTER 2.36 (PLANNING COMMISSION) TO THE LEMON GROVE MUNICIPAL CODE**

Staff Contacts: Lydia Romero, City Manager

James P Lough, City Attorney

Background:

On December 5, 2017, the City Council gave direction to Staff to bring back legislation to reinstitute the Planning Commission. Currently, the City Council is the official “planning agency” of the City. State Planning Law allows the Council to establish a Planning Commission to hear appeals of land use matters and to recommend changes in the General Plan to the City Council. Once effective, this Ordinance allows the City Council to appoint five citizens of the community to serve as unpaid volunteers for staggered terms of office.

On January 16, 2018, the Council discussed a proposed ordinance to reinstate the Planning Commission. At that time, the City Council gave direction and asked the return to the Council on February 20, 2018.

Analysis:

This Staff Report lays out two options. Option One is the draft ordinance presented at the January 2018 Council meeting. Option Two is the previous language in the Lemon Grove Municipal Code that established the Planning Commission in 1978 with amendments late as 1999.

Option One:

Under Option One, Ordinance No. 448 adds a new Chapter to the Lemon Grove Municipal Code. Chapter 2.36 (Planning Commission) reestablishing a Planning Commission to hear land use and planning matters on appeal from a staff determination or as the first approval body. LGMC Chapter 17 will need to be amended to provide for this additional land use process.

Creation and Appointment:

Section 2.36.010 creates the Planning Commission as the “planning agency” authorized by state law. It is recommended that the Commission have five members, which is the minimum allowed by law. The Council is required to make the appointment of members who are registered voters and residents in the City of Lemon Grove.

Terms of Office:

The initial appointments will be for staggered terms so that no more than two commissioner terms will expire in the same year. Section 2.36.030 sets the term of office at four years, expiring on June 30th. Initially, two Commissioners will be appointed for a four-year term. The other three

Attachment A

commissioners will be appointed for one, two and three-year initial terms. The Council can adjust the terms so that at least one commissioner term expires at the end of each fiscal year. Thereafter, all commissioners will serve full four-year terms. Vacancies prior to the expiration of a term can be made by the Council to fill the remainder of the unexpired term. If an appointment is not made prior to the expiration of a term of office, the officeholder will serve until her successor is appointed and qualified.

Ethics:

Each Commissioner must be a resident and registered voter in the City of Lemon Grove. Within thirty days of assuming office, commissioners must file a full Conflict of Interest Form (Form 700) for the California Fair Political Practices Commission ("FPPC"). Thereafter, they must file an annual update 700 Form. If they have a conflict of interest under the FPPC rules, they must abstain from any participation in the conflicted item. Campaign contributions to appointed Planning Commissioners trigger the conflict rules. Common law conflict ("bias") rules apply to commissioners as do the anti-contracting rules under Government Code Section 1090. The commissioners cannot hold another office where the duties are incompatible with the office of Planning Commissioner. In the past, the California Attorney General has opined that a sitting school board member with overlapping jurisdictional boundaries cannot simultaneously serve as a Planning Commissioner. The same restriction would likely apply to a sitting Board Member of the local water district.

Powers and Duties:

The Planning Commission, under state law, is the City's planning agency. The Government Code places the following responsibilities on a Planning Commission:

65103. Each planning agency shall perform all of the following functions:

- (a) Prepare, periodically review, and revise, as necessary, the general plan.
- (b) Implement the general plan through actions including, but not limited to, the administration of specific plans and zoning and subdivision ordinances.
- (c) Annually review the capital improvement program of the city or county and the local public works projects of other local agencies for their consistency with the general plan, pursuant to Article 7 (commencing with Section 65400).
- (d) Endeavor to promote public interest in, comment on, and understanding of the general plan, and regulations relating to it.
- (e) Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerning implementation of the general plan.
- (f) Promote the coordination of local plans and programs with the plans and programs of other public agencies.
- (g) Perform other functions as the legislative body provides, including conducting studies and preparing plans other than those required or authorized by this title.

Typically, a Planning Commission reviews land use legislation and makes recommendations to City Council for policy and development projects such as zoning ordinances, both text and map

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changes, General and Specific Plan amendments and major subdivisions with five lots or units or more. For some quasi-judicial matters, such as Temporary or Minor Use Permits, it is the approving body for the City. At present, hearings for Conditional Use Permits and Variances are heard by the City Council. Once the Planning Commission is established these hearings will first be conducted by the Planning Commission with the ability to appeal to the City Council. The rest will automatically be sent to the City Council with the Planning Commission adopting a Council recommendation rather than a final decision.

The language of the proposed Section 2.36.060 states that the Planning Commission hears all appealable decisions as follows:

Notwithstanding any other provision to the contrary, the Planning Commission shall be the initial appeal body for all appealable staff decisions under Lemon Grove Municipal Code Titles 15 (Buildings and Construction), 16 (Subdivisions), 17 (Zoning) and 18 (Citywide Regulations).

This Ordinance applies general rules to the appellate process.

The City Council will need to decide if the Planning Commission should hear land use and planning matters on appeal from a staff determination, as the first approval body (e.g., Planned Development Permits, Conditional Use Permits, Variances) with appeal rights to the City Council and/or as a recommending body to the City Council (e.g., Zoning Ordinance and General Plan Amendments and Tentative Maps). Title 17 is required to be amended to reestablish previous Planning Commission responsibilities.

Staff will provide an overview of options for Planning Commission responsibilities and authority and staff recommendations for City Council to review and consider updating Title 17 appropriately. These options will include Development Services Director, Planning Commission and City Council reviews, recommendations and/or decisions on appeals, revocations, planning permits, General and Specific Plan and Zoning Ordinance Amendments, the General Plan Annual Progress Report and the Capital Improvement Program. Amnesty for permits in process and the functions of the Community Advisory Commission will also be considered. Because Measure "V" was adopted when there was no Planning Commission, the Planning Commission will not hear applications for Conditional Use Permits or Zoning Clearances or Appeals under the initiative.

Organization and Administrative Issues:

Ordinance No. 448 establishes governance procedures that require the Commission to follow applicable state planning procedures and open meeting rules. The Government Code provides some guidance for the operation of the Commission. LGMC Section 2.36.080 allows the Commission to adopt its own operating procedure. If they do not adopt a rule to cover a particular

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situation, it can rely on the City Council rules in Title 2 of the LGMC. Any rules the Planning Commission adopts must be consistent with the LGMC and State law.

Under Option One, the Planning Commissioners do not get paid a per meeting stipend. However, training costs and expenses may be paid only if authorized by the City Council.

Commissioners will vacate their office if they have three consecutive unexcused absences. (LGMC Section 2.36.090.) A forfeiture of office will be filled by the Council using the normal appointment process to fill the unexpired term.

Section 2.36.100 sets decorum rules. In absence of a vote of the Commission, the Chair will have the authority to control the meeting if they do so in a manner consistent with law.

Lemon Grove relocation appeals board:

Each jurisdiction with the power of eminent domain must have an appeals board that allows a displaced property owner to challenge the amount of relocation benefits paid by the jurisdiction (City). The only times this procedure was ever used in Lemon Grove was by the former Redevelopment Agency for the realignment and the Home Depot projects. It is extremely unlikely that the City will ever need to use this procedure. However, the relocation appeals procedures should be put in place to comply with law if it is ever needed.

OPTION TWO:

Option Two incorporates the previous language found in the code prior to the elimination of the Planning Commission in 2015. This prior language is found in Attachment “D”. Upon adoption, the Council would have to make all appointments and the following section would be added to the Ordinance, as Section 3, to allow for the initial appointment of staggered terms as follows:

Section 3: The initial five members shall assume office when they are appointed and qualified for office. The initial appointments shall be of three members for full terms of three years. The other two initial appointments will be made for partial terms of one and two years respectively allowing for staggered terms.

This section would establish a three-year rotation for appointments as previously established by the City Council when it originally formed the Commission. The Ordinance in Attachment “C” would incorporate this new section three and bring back former Chapter 2.08 (Planning Commission) as the new Chapter 2.36.

Environmental Impact:

This Ordinance is not a project as defined under the California Environmental Quality Act. There are no physical changes made to the environment by this Agenda item.

Costs

Staff estimates that the cost per Planning Commission item is approximately \$4,000.00 and estimates 12 items per year on average based on an average over the last two and one-half years. This includes staff costs for Planning Commission training, project inquiries from the general public, applicants and Planning Commissioners, interdepartmental coordination, staff reports, presentations, environmental review, public noticing, agenda preparations and setup, public hearing preparation and the preparation of minutes. In total, approximately \$45,000.00 per

Attachment A

year is estimated in staff time and costs. Staff estimates approximately 60 percent of this expense will be reimbursable. At this time, staff estimates an additional 10 to 30 hours of additional staff time would be needed to support each Planning Commission item. Staff will provide the City Council with a more refined cost estimate, staffing and processing impact.

Conclusion:

Staff recommends that the City Council choose Option One, Option Two or a combination of the two options. Staff further recommends that the City Council introduce Ordinance No. 448 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, ADDING CHAPTER 2.36 (PLANNING COMMISSION) TO THE LEMON GROVE MUNICIPAL CODE

WHEREAS, the City Council of the City of Lemon Grove has determined to reestablish the Planning Commission to act as the Planning Agency for the City pursuant to California Government Code Section 65101; and

WHEREAS, the Planning Commission shall have five Lemon Grove residents who are registered voters as members for terms of office as specified herein; and

WHEREAS, the Planning Commission shall have the legal authority to review, approve and recommend matters as herein allowed in a manner consistent with the California Local Planning laws; and

WHEREAS, the City Council finds that the Planning Commission shall also serve as the Lemon Grove relocation appeals board.

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 adds Chapter 2.36 (Planning Commission) as fully set forth in Attachment C, which is fully incorporated herein by reference.

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Attachment B

Section 3. This Ordinance shall be effective thirty (30) days following its adoption. Within fifteen (15) days following its adoption, the City Clerk shall publish the title thereof, as a summary as required by state law.

INTRODUCED by the City Council on February 20, 2018. **PASSED AND ADOPTED** by the City Council of the City of Lemon Grove, State of California, on _____ 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 C

OPTION ONE: Lemon Grove Municipal Code Chapter 2.36 – Planning Commission

2.36.010 - Creation—Members—Vote.

Pursuant to the provisions of California Government Code Section 65101, as amended, the Lemon Grove Planning Commission (“Planning Commission”) is hereby created and established to consist of five members. All members shall be resident electors of the city. Each member shall be entitled to vote on matters before the Commission.

2.36.020 - Appointment.

The members of the Planning Commission shall be appointed by the City Council.

2.36.030 - Terms of office.

The term of office for each member shall be four years, which term shall commence on July 1 and terminate on June 30, four years thereafter. Members' terms shall be maintained so that no more than two terms shall expire in any given year.

The initial five members shall assume office when they are appointed and qualified for office. The initial appointments shall be of two members for full terms of four years. The other three initial appointments will be made for partial terms of one, two and three years respectively allowing for staggered terms. The Council shall lengthen or shorten the initial terms so that each term expires on June 30.

2.36.040 - Filling vacancies.

Each vacancy on the Planning Commission shall be filled for the unexpired portion of the term vacated in the manner set forth in Sections 2.36.020 and 2.36.030.

2.36.050 - Expiration of term.

Attachment C

In the event the reappointment in the manner set forth in Section 2.60.020 is not made upon the expiration of a term of office, a member shall continue in office until reappointment or until his successor is appointed and qualified.

2.36.060 – Ethics and Statement of economic interests.

Each appointee shall comply with the provisions of the Conflict of Interest Code of the City of Lemon Grove and the California Political Reform Act of 1974, as amended. Planning Commissioners shall abstain from any participation in matters in which they have a conflict of interest as determined by law.

2.36.060 - Powers and duties.

The Planning Commission shall have and is hereby vested with all the powers and duties provided by this Chapter and amendments thereto, and such other powers and duties as may be conferred upon the Planning Commission by all laws of the State of California and the City Council. The Planning Commission shall follow the Ralph M. Brown Act Open Meeting Law when holding its meetings. It shall draft and administer the Lemon Grove General Plan in a manner consistent with State Planning laws and regulations. Notwithstanding any other provision to the contrary, the Planning Commission shall be the initial appeal body for all appealable staff decisions under Lemon Grove Municipal Code Titles 15 (Buildings and Construction), 16 (Subdivisions), 17 (Zoning) and 18 (Citywide Regulations). The City Council shall hear appeals from Planning Commission decisions.

2.36.070 – Travel and Training Expenses.

All members shall be paid such allowance for travel and training expenses incurred in their attendance if the City Council has authorized travel and training.

Attachment C

2.36.080 - Organization—Rules and procedures.

Pursuant to California Government Code Section 65103, the Planning Commission shall establish such rules, regulations, and procedures not inconsistent with this chapter for the transaction of business and shall keep a public record of its resolutions, transactions, findings and determinations. The Commission may adopt its own procedures in a manner that do not conflict with the Lemon Grove Municipal Code or applicable California laws and regulations. In the absence of any adopted procedures, the Planning Commission shall follow the procedures established for the City Council under Lemon Grove Municipal Code Chapter 2.14, as applicable.

2.36.090 - Absence from meetings.

If any member of the Planning Commission absents himself from three consecutive regular meetings of the Planning Commission without permission secured before the third meeting or absence granted by the vote of not less than three members of the Commission, her office shall become vacant, and shall be filled as any other vacancy as provided for herein.

2.36.100 - Decorum at meetings.

Members of the Commission and persons in attendance at meetings of the Commission shall conduct themselves in an orderly manner and in compliance with the Commission's rules or, in the absence of such rules, with the rulings of the presiding officer respecting applause, noise making, and conduct shall apply in a manner consistent with law.

2.36.110 – Lemon Grove relocation appeals board.

The Planning Commission shall also act as the "Lemon Grove relocation appeals board" and shall have the power when it acts in that capacity as provided by the by-laws for the relocation appeals board and shall carry out its duties and obligations pursuant to said by-laws. Said by-

Attachment C

laws shall be adopted at the first meeting of the Planning Commission acting as the relocation appeals board and shall not thereafter be amended without the prior approval of the City Council.

OPTION TWO: Former Chapter 2.08 (1978-1999 version)

2.08.010 Creation.

There is created in the city a planning commission referred to in this chapter as the commission.

(Ord. 52 § 1, 1980; Ord. 23 § 1, 1978)

2.08.020 Membership.

The commission shall consist of three permanent members who shall be residents of the city.

(Ord. 190, 1991)

2.08.030 Votes.

Each member of the commission shall have one vote. (Ord. 52 § 3, 1980; Ord. 23 § 3, 1978)

2.08.040 Terms.

Members of the commission shall be appointed by the city council and shall serve for a period of three years, or until reappointment or appointment of a successor. (Ord. 294, 1999; Ord. 190, 1991)

2.08.050 Vacancies.

Vacancies in the commission occurring other than by expiration of the term shall be filled by appointment by the council upon recommendation by the Mayor. (Ord. 52 § 7, 1980; Ord. 23 § 7, 1978)

2.08.060 Resignation upon unexcused absence.

Absence from three consecutive regular meetings may be deemed to constitute a resignation of such member unless excused by the City Council. Unless an absence is excused, the position shall be declared vacant. (Ord. 52 § 8, 1980; Ord. 23 § 8, 1978)

2.08.070 Quorum.

Three voting members shall constitute a quorum at any meeting. (Ord. 52 § 9, 1980; Ord. 23 § 9, 1978)

2.08.080 Compensation.

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Members will be compensated at a rate established by the city council. (Ord. 191, 1991)

2.08.090 Powers and duties.

The commission shall have all of the powers and duties established by state law, and by ordinances which the Council may enact. (Ord. 52 § 11, 1980; Ord. 23 § 10, 1978)

2.08.100 Rules and regulations.

The commission may prepare and adopt rules and regulations for the internal government of its business and designate the time and place for holding meetings. (Ord. 52 § 12, 1980; Ord. 23 § 11, 1978)

2.08.110 Plans.

It is the duty of the commission to adopt a general plan, as defined by state law, for the physical development of the city and to make such other plans, studies and recommendations as it may deem necessary to insure an orderly and beneficial development of the city. (Ord. 52 § 13, 1980; Ord. 23 § 12, 1978)

AFFP

61582 Ordinance No. 448

RECEIVED

MAR - 6 2018

CITY MANAGER DEPARTMENT

Affidavit of Publication

STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } SS

Summary of Ordinance No. 448

The City Attorney has prepared a Summary of Ordinance Number 448 as follows:

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principle clerk of the printer of East County Californian, Decree #51488, a newspaper of general circulation, published ONCE WEEKLY in the city of El Cajon , County of San Diego, which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California under the date of April 22, 1927, Case Number 447290; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

Ordinance No. 448 adds a new Chapter to the Lemon Grove Municipal Code. Chapter 2.36 (Planning Commission) establishes a Planning Commission to hear land use and planning matters either on appeal from a staff determination or as the first approval body. The Planning Commission also makes land use recommendations to the City Council on land use and zoning legislation including Zoning Ordinances and General Plan Amendments.

The new Lemon Grove Municipal Code Chapter will authorize the City Council to appoint five Lemon Grove citizens to the Planning Commission for four-year terms. The initial appointments will be for staggered terms so that no more than two commissioner terms will expire in the same year. Ordinance No. 448 also establishes governance procedures that require the Commission to follow applicable state planning procedures and open meeting rules.

March 01, 2018

This Ordinance was introduced at the February 20, 2018 City Council meeting and is scheduled for adoption at the March 6, 2018 City Council meeting. A copy of the Ordinance is on file and available for review at the Office of the City Clerk at 3232 Main Street, Lemon Grove, California.
ECC/Lemon Grove Review-3/1/2018- 61582

That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Marcela Owusu East County Californian

Subscribed to and sworn by me this 1st day of March 2018.

20100922 00061582

EC-CITY OF LEMON GROVE*LEGALS
3232 MAIN STREET
LEMON GROVE, CA 91945

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 3
Mtg. Date February 20, 2018
Dept. City Manager's Office

Item Title: **PLANNING COMMISSION ANALYSIS**

Staff Contact: Lydia Romero, City Manager
David De Vries, Development Services Director

Recommendation:

Review timeline and staff analysis regarding the Planning Commission reinstatement and provide direction as applicable.

Item Summary:

The City Council provided direction to staff to reinstate the Planning Commission. Staff prepared a timeline for Planning Commission reinstatement and items to consider as a part of the reinstatement. Further Municipal Code amendments will be required while the Planning Commissioners are selected to clarify the role of the Commission, staffing, costs and the breadth of its authority..

Fiscal Impact:

Approximately \$45,000.00 per year in staff costs. Staff estimates approximately 60 percent of this expense will be reimbursable.

Environmental Review:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorical Exemption, Section | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting | |

Attachments:

A. Staff Report

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 2

Mtg. Date February 20, 2018

Item Title: **PLANNING COMMISSION ANALYSIS**

Staff Contacts: Lydia Romero, City Manager

David De Vries, Development Services Director

Background:

On December 5, 2017, the City Council gave direction to Staff to bring back legislation to reinstitute the Planning Commission. Currently, the City Council is the official “planning agency” of the City. State Planning law allows the Council to establish a Planning Commission to hear appeals of land use matters and to recommend changes in the General Plan to the City Council. Once effective, the Ordinance allows the City Council to appoint five citizens of the community to serve as the Planning Commission for staggered terms of office.

Analysis:

Timeline

The City Council provided direction to staff to reinstate the Planning Commission. The following timeline outlines the next steps and appropriate dates to reinstate the Planning Commission:

February 20, 2018 – Conduct First Reading (Ordinance Reinstating the Planning Commission)

February 26, 2018 – Advertise Recruitment for five Planning Commissioners

March 6, 2018 – Conduct Second Reading (Ordinance Reinstating the Planning Commission)

March 8, 2018 – Recruitment for Planning Commissioners closes

March 13, 2018 – City Council Interviews for Planning Commission Appointments

March 20, 2018- Formal Appointments made at the City Council Meeting

April 5, 2018 – Ordinance Reinstating the Planning Commission Effective

April 16, 2018 – Planning Commission Organization Meeting

May 14, 2018 – 1st Official Planning Commission Meeting

Planning Commission Authority

Further Municipal Code amendments will be required while the Planning Commissioners are selected to clarify the breadth of its authority. During the Second Reading of Ordinance No. 448, staff will provide recommended Title 17 (Zoning Ordinance) amendments to reinstate the Planning Commission’s authority as it was prior to its dissolution. Of note, this would include that the

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Planning Commission is provided the final General Plan Annual Progress Report and Capital Improvement Program for review purposes only. Table 1 below shows the functions of the Planning Commission prior to its dissolution in 2015 that will be reinstated.

**Table 1
Planning Commission Prior Functions (2015), Except MMDs**

Permit Type	Approving Authority			
	Staff	DSD	PC	CC
General Plan Amendment			*	X
Zoning Amendment			*	X
Tentative Map (5 lots or more)			*	X
Tentative Parcel Map (4 lots or less with a remainder)		X		
Boundary Adjustment/Certificate of Compliance		X		
Planned Development Permit			X	
Conditional Use Permit			X	
Minor Use Permit		X		
Temporary Use Permit	X			
Variance			X	
Minor Modification		X		
Zoning Clearance		X		
Sign	X			
Beekeeping		X		
Director Appeal			X	
Medical Marijuana Dispensary (MMD) Appeals				X
Planning Commission Appeal				X
X - Approving Authority * - Planning Commission Recommendation Required DSD - Development Services Director PC - Planning Commission CC - City Council				

Applicability to Projects in process

Staff recommends that all discretionary permit applications with a notice of complete prior to the effective date of the Planning Commission reinstatement be subject to only City Council review and approval. Several projects may be subject to this provision including Celcius II revisions by CitiMark and a sign variance application by McDonald's.

Also, SANDAG grant funds for the Downtown Specific Plan will expire on May 20, 2018 and staff recommends that the Downtown Specific Plan be subject to City Council review and approval only regardless of extensions in order to ensure adoption is expedited since one extension has already been provided by SANDAG and further extensions will require review by

Attachment A

various SANDAG boards. The Climate Action Plan and General Plan Update will be reviewed by the Planning Commission with recommendations to the City Council.

Please note that due to provisions in Measure V, Marijuana Dispensary Director Appeals will be heard only by the City Council.

Staffing and Costs

Planning Commission meetings will require a record keeper, a manager or mid-level manager, the project planner(s), and depending on project needs the City Engineer, Fire Marshall or City Attorney. Currently the Development Services Director is the only Planning Division staff member that qualifies as a mid-level manager or higher. An associate level planner or higher would qualify as a mid-level manager. Currently there are two Assistant Planners under the Planning Division. The City Clerk or a designee by the City Manager will be designated as the record keeping duties of the planning commission. Staff estimates 54 hours staff time per Planning Commission item. For non-exempt employees, if current project levels are sustained, the staff costs will be paid at the overtime rate. Staff costs per meeting are estimated in Table 2 below. City Attorney costs are excluded from this table.

**Table 2
Planning Commission Staff Costs**

Per Planning Commission Item Costs	DSD	AP	CC	CE	FM	
Planning Commission Questions		2				
Project Inquiries		1	4			
Interdepartment Coordination		0.5	2	0.5	0.5	0.5
Staff Report		1	8	0.25		
Powerpoint Presentation and Practice		1	4	0.5		
Environmental Review		1	5			
Public Noticing		1	2	0.5		
Agenda Preparation		0.25	0.25	1		
Public Hearing Preparation		1	2	1		
Public Hearing		2	2	2	2	2
Prepare Minutes		0.5	0.5	2		
Total		11.25	29.75	7.75	2.5	2.5
x 12 items per year		135	357	93	30	30
Planning Commission Training per year		40				
Total Hours		175	357	93	30	30
Staff Hourly Bill Rate	\$ 73.00	\$ 47.00	\$ 59.00	\$ 210.00	\$ 95.00	Total Costs:
total Cost per staff member	\$ 12,775.00	\$ 16,779.00	\$ 5,487.00	\$ 6,300.00	\$ 2,850.00	\$ 44,191.00
DSD - Development Services Director						
AP - Assistant Planner						
CC - City Clerk						
CE - City Engineer						
FM - Fire Marshal						

Recommendation:

Staff recommends that the City Council review the timeline and staff analysis regarding the Planning Commission reinstatement and provide direction as applicable.