



City of Lemon Grove  
City Council Regular Meeting Agenda  
Tuesday, October 1, 2019, 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*

Call to Order

Pledge of Allegiance:

Changes to the Agenda:

Presentation:

Proclamation recognizing Fire Prevention Week

Video Federation and Integration Presentation by LT. Mike Rand, San Diego County Sheriff's Office Lemon Grove Substation.

Introduction of new employee, Audrey Malone, Executive Assistant in the City Manager's Office.

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.)

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

(GC 53232.3 (d)) (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.)

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.)

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

Reference: Kristen Steinke, City Attorney

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

B. City of Lemon Grove Payment Demands

Reference: Molly Brennan, Finance Director

*Recommendation: Ratify Demands*

C. Approval of Meeting Minutes

Regular Meeting  
August 20, 2019  
September 17, 2019

Reference: Shelley Chapel, City Clerk  
*Recommendation: Approve Minutes*

D. Extension of Time for Conditional Use Permit CUP 180-0002, Medical Marijuana Dispensary located at 6859 Federal Avenue.

Reference: Noah Alvey, Community Development Manager  
*Recommendation: Adopt a Resolution entitled, "A Resolution of the City Council of the City of Lemon Grove, California, Approving a Time Extension of Approved Conditional Use Permit CUP-180-0002 located at 6859 Federal Boulevard," extending the expiration date of Conditional Use Permit CUP-180-0002 from September 4, 2019 to September 4, 2020.*

Public Hearing

2. Public Hearing to Consider Ordinance No. 2019-453 to Repeal and Replace Chapter 9.08 of the Lemon Grove Municipal Code Regarding Election Campaign Regulations.

Reference: Kristen Steinke, City Attorney  
*Recommendation: Conduct the Public Hearing, receive public comment, and Introduce Ordinance No. 2019-453.*

Adjournment

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In compliance with the Americans with Disabilities Act (ADA), the City of Lemon Grove will provide special accommodations for persons who require assistance to access, attend and/or participate in meetings of the City Council. If you require such assistance, please contact the City Clerk at (619) 825-3800 or email [schapel@lemongrove.ca.gov](mailto:schapel@lemongrove.ca.gov). A full agenda packet is available for public review at City Hall.

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AFFIDAVIT OF NOTIFICATION AND POSTING

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO) SS  
CITY OF LEMON GROVE)

I, Shelley Chapel, MMC, City Clerk of the City of Lemon Grove, hereby declare under penalty of perjury that a copy of the above Agenda of the Regular Meeting of the City Council of the City of Lemon Grove, California, was delivered and/or notice by email not less than 72 hours before the hour of 5:30 p.m. on September 26, 2019, to the members of the governing agency, and caused the agenda to be posted on the City's website at [www.lemongrove.ca.gov](http://www.lemongrove.ca.gov) and at Lemon Grove City Hall, 3232 Main Street Lemon Grove, CA 91945.

**/s/ Shelley Chapel**

Shelley Chapel, MMC, City Clerk



# *CITY OF LEMON GROVE*

## CITY COUNCIL STAFF REPORT

Item No. 1.A

Meeting Date: October 1, 2019

Submitted to: Honorable Mayor and Members of the City Council

Department: **City Manager's Office**

Staff Contact: Kristen Steinke, City Attorney

Item Title: Waive the Full Text Reading of all Ordinances

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

Environmental Review:

Not subject to review

Negative Declaration

Categorical Exemption, Section |

Mitigated Negative Declaration

Fiscal Impact: None.

Public Notification: None.



# CITY OF LEMON GROVE

## CITY COUNCIL STAFF REPORT

**Item No. 1.B**

**Meeting Date:** October 1, 2019  
**Submitted to:** Honorable Mayor and Members of the City Council  
**Department:** City Manager's Office  
**Staff Contact:** Molly Brennan, Administrative Services Director  
<mailto:MBrennan@lemongrove.ca.gov>

**Item Title:** **City of Lemon Grove Payment Demands**

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**Recommended Action: Ratify Demands.**

**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 |

**Fiscal Impact:** None.

**Public Notification:** None.

**City of Lemon Grove Demands Summary**

Approved as Submitted:

Molly Brennan, Administrative Services Director

For Council Meeting: 10/01/19

ACH/AP Checks 09/06/19-09/18/19

249,051.18

Payroll - 09/10/19

140,717.27

Total Demands

389,768.45

CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
ACH	L0547404384	Employment Development Department	09/06/2019	Unemployment Insurance	4,669.00	4,669.00
ACH	Refill 9/5/19	Pitney Bowes Global Financial Services LLC	09/06/2019	Postage Usage 9/5/19	250.00	250.00
ACH	1000265205	City of San Diego	09/10/2019	Metro Sewer System FY20-Qtr1 - 7/1/19-9/30/19	697,294.00	697,294.00
ACH	4154920380/0919 3568860625/0919	SDG&E	09/10/2019	Electric Usage:St Light 7/31/19-8/31/19 Electric Usage:St Light 7/31/19-8/31/19	1,875.85 1,283.64	3,159.49
ACH	1015779425	California Public Empl Retirement System	09/10/2019	Fees for GASB-68 Reports & Schedules	1,750.00	1,750.00
ACH	Aug19 Aug19-CC Aug19-CC	Wells Fargo	09/12/2019	Bank Service Charge - Aug'19 Credit Card Processing-Mo.Svc - Aug'19 Credit Card Transaction Fees- Aug'19	367.36 9.95 826.98	1,204.29
ACH	Sep10 19	Employment Development Department	09/12/2019	State Taxes 9/10/19	8,284.98	8,284.98
ACH	Aug28-Sep10 19	Calpers Supplemental Income 457 Plan	09/12/2019	457 Plan 8/28/19-9/10/19	6,735.28	6,735.28
ACH	Sep10 19	US Treasury	09/17/2019	Federal Taxes 9/10/19	28,840.04	28,840.04
11937	6553 6554	Aguirre & Associates	09/11/2019	8230 Golden Avenue Map Review - Aug'19 7815 Barton Easement Vacation - Aug'19	172.50 115.00	287.50
11938	1171618	Alliant Insurance Services, Inc.	09/11/2019	Pee Wee Sports Program Insurance 1/1/19-1/1/20	1,607.00	1,607.00
11939	L1072895TI	American Messaging	09/11/2019	Pager Replacement Program 9/1/19-9/30/19	50.03	50.03
11940	33939-IN	Aztec Landscaping Inc.	09/11/2019	Landscape Mgmt Svc - Jul'19	9,629.00	9,629.00
11941	083119	Berens-Tate Consulting Group	09/11/2019	Prof Svcs: Arbitrage Rebate Report/Tax Allocation Bonds-2014	3,000.00	3,000.00
11942	9/10/19	California State Disbursement Unit	09/11/2019	Wage Withholding Pay Period Ending 9/10/19	161.53	161.53
11943	4030239733 4030245662	Canon Solutions America, Inc.	09/11/2019	Canon Maintenance-Copier-Usage 5/26/19-8/25/19 Canon Maintenance-Copier Usage 5/27/19-8/26/19	115.05 789.97	905.02
11944	Chavez	Chavez, Marco	09/11/2019	Refund/Chavez, Marco/Deposit - LBH- 8/31/19	200.00	200.00
11945	21372 21372 21372 21372 21372 21372 21372 21372 21372 21372 21372 21372	City of La Mesa	09/11/2019	Overtime Reimbursement - Kleist 7/12/19 Overtime Reimbursement - Weinrich 7/20/19 Overtime Reimbursement - Baum 7/27/19 Overtime Reimbursement - Baum 7/28/19 Overtime Reimbursement - Deitz 7/28/19 Overtime Reimbursement - Sergeant 7/31/19 Overtime Reimbursement - Granger 8/1/19 Overtime Reimbursement - Kleist 8/3/19 Overtime Reimbursement - Kleist 8/7/19 Overtime Reimbursement - Tidball 8/7/19 Overtime Reimbursement - Lima 8/15/19	1,478.17 1,091.48 1,478.17 246.36 1,310.41 109.20 1,091.48 1,478.17 1,478.17 1,387.75 1,310.41	12,459.77
11946	1000267780	City of San Diego	09/11/2019	Contractual Agreement- 2 AEDs - 6/13/19-6/12/20	100.00	100.00
11947	81983103	Corelogic Solutions, LLC.	09/11/2019	RealQuest Graphics Package - Aug'19	300.00	300.00
11948	52772	Daley & Heft LLP	09/11/2019	Legal Svcs: GHC0025432- Svcs thru 8/9/19	2,047.20	2,047.20
11949	09042019560	DAR Contractors	09/11/2019	Animal Disposal- Aug'19	162.00	162.00
11950	26912	Excell Security, Inc.	09/11/2019	Senior Center Security Guard - 8/31/19	84.83	84.83
11951	Hamilton	Hamilton, Linda	09/11/2019	Refund/Hamilton, Linda/Deposit - Community Ctr- 8/31/19	300.00	300.00
11952	SS000207554	Hawthorne Machinery Co	09/11/2019	Equip Maint- CAT 420E Backhoe- Oil/Filter/Replace Cutting Edge	2,010.84	2,010.84

11953	0031987-IN 0031987-IN	Hinderliter De Llamas & Associates	09/11/2019	Sales Tax Audit Services - Qtr 1 2019 Contract Services - Sales Tax - Qtr 3	251.36 1,350.00	1,601.36
11954	Sep10 19	ICMA	09/11/2019	ICMA Deferred Compensation Pay Period Ending 9/10/19	680.77	680.77
11955	1913	Law Offices of James F. Holtz, APC	09/11/2019	Legal Svcs: GH0023058- Svcs thru 7/31/19	1,635.00	1,635.00
11956	1476124 1483116	Liebert Cassidy Whitmore	09/11/2019	Prof Svcs: LE 050-00201 FLSA Audit thru 3/31/19 Prof Svcs: LE 050-00201 FLSA Audit thru 7/31/19	1,017.80 909.50	1,927.30
11957	Medina	Medina, Gabriel	09/11/2019	Refund/Medina, Gabriel/Diversion Deposit - CD1-700-0007	500.00	500.00
11958	165907	MJC Construction	09/11/2019	Stormdrain Improvements/Dain Drive between 2201 & 2199	22,470.00	22,470.00
11959	1583	Municipal Management Assn of Southern Ca.	09/11/2019	MMASC Annual Membership Renewal - Olivas	85.00	85.00
11960	75569	Pacific Safety Center	09/11/2019	Annual Membership Renewal 11/1/19-6/30/20	145.00	145.00
11961	150307	Pacific Sweeping	09/11/2019	Street Sweeping/Parking Lot - Jul'19	6,428.55	6,428.55
11962	421202 421210 421397 421407	Peterson Reporting Video & Litigation Svcs	09/11/2019	Legal Svcs: 5/9/19 Legal Svcs: 5/2/19 Legal Svcs: 5/13/19 Legal Svcs: 5/13/19	364.75 531.00 477.50 407.00	1,780.25
11963	INV00004956	RapidScale Inc.	09/11/2019	Virtual Hosting/Back Up Svc/Cloud Storage 8/31/19-9/30/19	3,675.78	3,675.78
11964	0069328 0069723 18473A(5) 18473A(8) 18473B(1)	Rick Engineering Company	09/11/2019	Prof Svc: 20A UG Dist Project 6/29/19-7/26/19 Prof Svc: City Engineer As-Needed Svcs 6/29/19-7/26/19 Prof Svc: CLG Drainage Master Plan 3/30/19-4/26/19 Prof Svc: CLG Drainage Master Plan 6/29/19-7/26/19 Prof Svc: CLG Drainage Master Plan Phase II 6/29/19-7/26/19	805.00 58,069.20 47,978.33 1,000.00 8,295.00	116,147.53
11965	7/16/19	RXR Plumbing, Inc.	09/11/2019	Plumbing Repair/Clogged Lavatory - Fire Stn	285.00	285.00
11966	Sells	Sells, Richard	09/11/2019	Refund/Sells, Richard/Sewer Service Fee Overcharged	1,835.49	1,835.49
11967	402048	State of California- Department of Justice	09/11/2019	Fingerprint Apps - Leal - Aug '19	32.00	32.00
11968	820190388	Underground Service Alert of Southern Ca.	09/11/2019	108 New Ticket Charges - Aug'19	188.20	188.20
11969	12297	AdminSure	09/18/2019	Workers' Compensation Claims Administration - Oct'19	453.34	453.34
11970	01-5337981 01-5347488 01-5352369	AppleOne Employment Services	09/18/2019	Temp Replacement/Exec Asst 8/19/19-8/24/19 Temp Replacement/Exec Asst 8/26/19-8/31/19 Temp Replacement/Exec Asst 9/2/19-9/7/19	877.44 877.44 658.08	2,412.96
11971	Sep2019 Sep2019	BCC	09/18/2019	LTD Insurance - Sep19 LTD Insurance - Sep19	82.11 699.67	781.78
11972	Oct 2019	California Dental Network Inc.	09/18/2019	California Dental Insurance -Oct19	227.72	227.72
11973	4030245663	Canon Solutions America, Inc.	09/18/2019	Canon Maintenance-Copier Usage 5/27/19/8/26/19	21.92	21.92
11974	0000014601	City of El Cajon	09/18/2019	Vehicle Supplies/Electrolyte Hydration - Fire/Lemon Grove Share	63.99	63.99
11975	21402	City of La Mesa	09/18/2019	Reimb for Fire Prevention Supplies: Helmets - LG Portion 2019	749.74	749.74
11976	20CTOFLGN02	County of San Diego- RCS	09/18/2019	800 MHZ Network - Aug '19	2,878.50	2,878.50
11977	20400024	CSAC Excess Insurance Authority	09/18/2019	Employee Assistance Program - Jul-Sep 19	316.68	316.68
11978	Reimb 9/17/19	Dow, Casey	09/18/2019	Reimb: Meals/Bike Patrol Training/Orange, Ca 9/10-12/19	158.37	158.37
11979	26923	Excell Security, Inc.	09/18/2019	Senior Center Security Guard - 9/7/19	69.86	69.86
11980	AR010351	Grossmont Union High School District	09/18/2019	Buses for Summer Day Camp Field Trips- Aug'19	1,076.25	1,076.25
11981	1485308 1485309	Liebert Cassidy Whitmore	09/18/2019	Prof Svcs: LE050-00001 thru 8/31/19 Prof Svcs: LE050-00201 FLSA Audit thru 8/31/19	52.00 878.00	930.00
11982	Reimb 9/17/19	Montan, Aaron	09/18/2019	Reimb: Transp/Meals/Bike Patrol Trng/Orange, Ca 9/10-12/19	245.53	245.53
11983	IN1374958 IN1375436 IN1375437 IN1376338 IN1376779	Municipal Emergency Services Inc.	09/18/2019	2 Scott AV300HT 4 Point Kevlar Rt Bracket Masks SCBA Fit Tests SCBA Flow Tests Custom RAE System/Multi-Gas Monitor/Wireless 900 MHz - E10 SCBA Repair/Cover Assembly/Diaphragm & Valve/Hose w/HUD & Plug	613.25 480.00 1,025.00 1,210.03 1,537.77	4,866.05
11984	65323583	Occupational Health Centers of CA, A Medical Cc	09/18/2019	Annual DMV Medical Exam - 8/28/19	103.00	103.00
11985	WO-61051-1	Office Advantage, Inc.	09/18/2019	Office Supplies - Fire	167.76	167.76

11986	Rodriguez	Rodriguez, Sonia	09/18/2019	Refund/Rodriguez, Sonia/Deposit - LBH- 8/17/19 Refund/Rodriguez, Sonia/Rental Overpayment - LBH- 8/17/19	300.00 115.00	415.00
11987	Aug19	SDG&E	09/18/2019	Gas & Electric 7/22/19-8/20/19	24,492.85	24,492.85
11988	FY19	State Controller	09/18/2019	FY19 Payment Listing/Audit Request	150.00	150.00
11989	51601	Tyson & Mendes, LLP	09/18/2019	Legal Svcs: GHC0019886 thru 8/5/19	15,733.45	15,733.45
11990	9837339111	Verizon Wireless	09/18/2019	Modems- Cardiac Monitors - 8/4/19-9/3/19	14.48	14.48
					249,051.18	249,051.18



# CITY OF LEMON GROVE

## CITY COUNCIL STAFF REPORT

**Item No. 1.C**

**Meeting Date:** October 1, 2019  
**Submitted to:** Honorable Mayor and Members of the City Council  
**Department:** City Manager's Office  
**Staff Contact:** Shelley Chapel, City Clerk  
[Schapel@lemongrove.ca.gov](mailto:Schapel@lemongrove.ca.gov)

**Item Title:** **Approval of City Council Meeting Minutes**

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**Recommended Action: Approval of City Council Meeting Minutes.**

**Environmental Review:**

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

**Fiscal Impact:** None.

**Public Notification:** None.



**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL  
TUESDAY, AUGUST 20, 2019**

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

**Call To Order:**

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

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

**Absent:** None.

**Staff Members Present:**

Lydia Romero, City Manager, Kristen Steinke, City Attorney, Mike James, Assistant City Manager/Public Works Director, Noah Alvey, Community Development Manager, Steven Swaney, Fire Chief, Lieutenant M. Rand, San Diego County Sheriff's Office - Lemon Grove Substation, Roberto Hidalgo, Human Resources Manager, and Molly Brennan, Administrative Services Director.

**Pledge of Allegiance:**

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

**Public Comments:**

Appeared to comment were: John L. Wood, and Mary Sessom

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

**Councilmember J. Mendoza** attended the following meetings and events:

- Annual American Cancer Society Breakfast
- Mayor's State of the City Address
- Lemon Grove Clergy Association Meeting
- Lions Club served Hot Dogs and Nachos at the Concert in the Park

**Councilmember Jones** attended the following meetings and events:

- Independent Rates Oversight Committee for the City of San Diego

**Mayor Pro Tem Arambula** attended the following meetings and events:

- Community Clean-up sponsored by Lions Club and Heal Zone

**Mayor Vasquez** attended the following meetings and events:

- Mayor's State of the City Address
- Movies in the Park
- Concert in the Park

**City Manager Romero** attended the following meeting:

- League of California Cities Division Meeting in attendance as an alternate for Mayor Vasquez and Councilmember Mendoza

**Consent Calendar:**

- A. Waive Full Text Reading of All Ordinances on the Agenda.
- B. Ratification of Payment of Demands
- C. City Council Meeting Minutes for the Regular Meeting of August 6, 2019.
- D. Approval of Resolution No. 2019-3680, Authorizing the Submittal of a Grant Application to the Department of Justice (DOJ) for the Edward Byrne Justice Assistance Grant (JAG) for Fiscal Year (FY) 2019. Also, Direct City Manager or her Designee to Execute any Grant Related Documents Upon Receipt of Potential Award.

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

**The motion passed by the following vote:**

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

**Noes: None**

**Public Hearing:**

- 2. TransNet Amendment No. 8

City Manager Lydia Romero introduced Molly Brennan, Administrative Services Director who presented the staff report and PowerPoint Presentation.

Mayor Vasquez opened the Public Hearing at 6:18 p.m.

Appeared to comment was: John L. Wood

Conduct a Public Hearing, Receive Public Comment, Adopt Resolution entitled, "A Resolution of the City Council of the City of Lemon Grove, California, Adopting/Approving an Amendment to the TransNet Local Street Improvement Program of Projects for Fiscal Year 2019-2023," and Direct the City Manager or her Designee to Amend the City Budget for Fiscal year 2019-2020, if approved by the SANDAG Board of Directors, to reflect TransNet Budget Adjustments Reflected in Amendment No. 8."

**Action: The public hearing was closed at 6:25 p.m. on a motion by Councilmember Jones and second by Mayor Pro Tem Arambula to adopt Resolution No. 2019-3681, "A Resolution of the City Council of the City of Lemon Grove, California, Adopting/Approving an Amendment to the TransNet Local Street Improvement Program of Projects for Fiscal Year 2019-2023"**

**The motion passed by the following vote:**

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

**Noes: None**

**Reports to Council:**

- 3. Regional Housing Needs Assessment

Noah Alvey, Community Development Manager, who presented the staff report.

Mayor Vasquez invited Executive Director Hasan Ikhata and Regional Planner Seth Litchney, of SANDAG reported out on SANDAGs Regional Housing Needs Assessment (RHNA) Subcommittee Draft Methodology Process.

The SANDAG representatives responded to questions of the City Council.

Appeared to comment were: Barbara Benziger, Brenda Gray, James Bailey, Mary Sessom, Melanie Lucero, Carol MacMillan, Jack Lucero, John L. Wood and Pauline Hankel

Recommendation: That the City Council Receives the Report and Provides Direction on the Submittal of Comments to the San Diego Association of Governments (SANDAG) Regarding the Regional Housing Needs Assessment (RHNA) Draft Methodology.

**Action: Motion by Councilmember J. Mendoza, seconded by Councilmember Jones to direct staff to submit comments to SANDAG to regarding the RHNA Methodology. The motion passed by the following vote:**

**Ayes: Vasquez, Arambula, Jones, J. Mendoza, M. Mendoza**  
**Noes: None**

4. Amendment to the Joint Use Agreement Between the City of Lemon Grove and the Lemon Grove School District

Mike James, Assistant City Manager/Public Works Director

Recommendation: Adopt a Resolution entitled, "A Resolution of the City Council of the City of Lemon Grove, California, Approving the Joint Use Agreement between the City of Lemon Grove and the Lemon Grove School District for the Use of the Recreation Facilities on the Lemon Grove Middle School Campus."

**Action: The motion by Mayor Pro Tem Arambula and second by Councilmember Jones to adopt Resolution No. 2019-3682.**

**The motion passed by the following vote:**

**Ayes: Vasquez, Arambula, Jones, J. Mendoza, M. Mendoza**  
**Noes: None**

Mayor Vasquez announced that the Regular Meeting of the City Council scheduled for Tuesday, September 3, 2019 will be cancelled due to the Labor Day Holiday.

**Closed Session:**

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Government Code Section 54956.9  
Name of Case: Hatsuko Hoss v. City of Lemon Grove  
Case Number: 37-2019-00002078-CU-PO-CTL
2. PUBLIC EMPLOYEE EMPLOYMENT  
Government Code Section 54957  
Performance Evaluation: City Manager

City Attorney Kristen Steinke announced the City Council will be adjourning to closed session at 8:50 p.m. for the purposes above.

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

**Adjournment:**

There being no further business to come before the Council, the meeting was adjourned at 10:00 p.m. to a meeting to be held Tuesday, September 17, 2019, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular Meeting.

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Shelley Chapel, MMC  
City Clerk

**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL  
TUESDAY, SEPTEMBER 17, 2019**

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

**Call To Order:**

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

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

**Absent:** Mayor Racquel Vasquez and Councilmember Mendoza

**Staff Members Present:**

Lydia Romero, City Manager, Kristen Steinke, City Attorney, Mike James, Assistant City Manager/Public Works Director, Noah Alvey, Community Development Manager, Shelley Chapel, City Clerk, Steven Swaney, Fire Chief, Lieutenant M. Rand, San Diego County Sheriff's Office - Lemon Grove Substation, Roberto Hidalgo, Human Resources Manager, and Molly Brennan, Administrative Services Director.

**Pledge of Allegiance:**

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

**Presentations:**

Mayor Pro Tem Arambula presented Stacie Bishop, MTS Marketing Specialist the MTS representative with a Proclamation recognizing Wednesday, October 2, 2019 as MTS Free Ride Day.

Mayor Pro Tem Arambula presented a Proclamation recognizing September as National Preparedness Month. Andy McKeller, Emergency Preparedness Coordinator, Heartland Fire & Rescue accepted the proclamation and gave a short presentation.

**Public Comments:**

Appeared to comment were: John L. Wood, Liana LeBaron, Tonya Harris, Mr. Harris, Theresa Bender, Steve Martin, Linda Martin, and Victor Vega.

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

**Councilmember J. Mendoza** attended the following meetings and events:

- Picnic in the Park at Civic Center Park
- SANDAG Board Meeting with Mayor Vasquez and Councilmember Jones
- League of California Cities Meeting – Regional Transportation – Terminal 1 Airport
- Lemon Grove Interfaith Clergy Group meeting with City Manager Romero
- Interfaith Shelter Network – House Homeless
- Press Conference for Vision Zero

**Councilmember Jones** attended the following meetings and events:

- Workshop with the Metro Waste Water Commission
- SANDAG Board Meeting with Mayor Vasquez and Councilmember J. Mendoza

**Mayor Pro Tem Arambula** attended the following meetings and events:

- SANDAG Transportation Committee Meeting

**Consent Calendar:**

- A. Waive Full Text Reading of All Ordinances on the Agenda.
- B. Ratification of Payment of Demands
- C. Adopted Resolution No. 2019-305 to Purchase an OZ-III Camera and Compact Pipe Ranger Crawler (Sanitation District Item)
- D. Adopted Resolution No. 2019-3683 to Vacate and Abandon 12-Foot Public Utility Easement Across 7815 Barton Street.
- E. Adopted Resolution No. 2019-306 Amending the Agreement with Michael Baker International to Design the FY 2018-19 Sewer Capital Improvement Project. (Sanitation District Item)
- F. Local Agency Improvement Fee Report Fiscal Year 2018-2019
- G. Wildflower District Property Damage Repair and Interfund Loan

**Action: Motion by Councilmember Jones, seconded by Councilmember J. Mendoza to approve Consent Calendar Items A-G.**

**The motion passed by the following vote:**

**Ayes: Arambula, Jones, J. Mendoza**

**Noes: None.**

**Absent: Vasquez, and M. Mendoza**

**Reports to Council:**

2. Tax Allocation Refunding Bonds, Issue of 2019

City Manager Romero introduced Molly Brennan, Administrative Services Director who presented the report and provided a PowerPoint Presentation. Consultants from Stradling Yocca Carlson & Rauth as bond and disclosure counsel, Doug Anderson with Urban Futures, Inc. as municipal advisor and fiscal consultant, and Leslie Bloom with Raymond James & Associates as underwriter were also available for questions.

**Action: The motion by Councilmember Jones and second by Councilmember J. Mendoza to Adopt Resolution No. 2019-01, entitled, "Resolution of the Board of Directors of the Successor Agency to the Lemon Grove Community Development Agency Authorizing the Issuance and Sale of Tax Allocation Refunding Bonds, and Approving the Form of an Indenture of Trust, Continuing Disclosure Certificate, Escrow Agreements and Related Documents and Authorizing Certain Other Actions in Connection Therewith."**

**The motion passed by the following vote:**

**Ayes: Arambula, Jones, J. Mendoza**

**Noes: None.**

**Absent: Vasquez, and M. Mendoza**

3. Promenade Park Rejuvenation Plan Final Report

City Manager Romero introduced Mike James, Assistant City Manager / Public Works Director who gave a report and invited the project team from Urban Design Club to give a report on the project.

**Closed Session:**

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Government Code Section 54956.9  
Name of Case: Pedro Azaueta & Nicolosa Zazueta v. City of Lemon Grove et al.  
(CASE NO. 37-2017-000466566-CU-PO-CTL)
  
2. CONFERENCE WITH REAL PROPERTY NEGOTIATIONS  
Government Code Section 54956.8  
Property: 3600 block of Olive, Lemon Grove, CA 91945  
Agency Negotiation: City of Lemon Grove  
Negotiating Parties: City Manager, Lydia Romero, and Assistant City Manager, Mike James  
Under Negotiation: Instruction to Negotiate

City Attorney Kristen Steinke announced the City Council will be adjourning to closed session at 7:26 p.m. for the purposes above.

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

**Adjournment:**

There being no further business to come before the Council, the meeting was adjourned at 7:45 p.m. to a meeting to be held Tuesday, February 5, 2019, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular Meeting.

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Shelley Chapel, MMC  
City Clerk



# CITY OF LEMON GROVE

## CITY COUNCIL STAFF REPORT

**Item No. 1.D**

**Meeting Date:** October 1, 2019

**Submitted to:** Honorable Mayor and Members of the City Council

**Department:** Community Development Department

**Staff Contact:** Noah Alvey, Community Development Manager

[nalvey@lemongrove.ca.gov](mailto:nalvey@lemongrove.ca.gov)

**Item Title:** Conditional Use Permit CUP-180-0002 Time Extension

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**Recommended Action:** Adopt a resolution entitled, "A Resolution of the City Council of the City of Lemon Grove, California, Approving a Time Extension of Approved Conditional Use Permit CUP-180-0002 located at 6859 Federal Boulevard," extending the expiration date of Conditional Use Permit CUP-180-0002 from September 4, 2019 to September 4, 2020.

**Summary:**

On September 4, 2018, the City Council adopted Resolution No. 2018-3605 (resolution) thereby approving Conditional Use Permit (CUP) application CUP-170-0001 authorizing the establishment of a Medical Marijuana Dispensary (MMD) at 6859 Federal Boulevard. Per Section 2, Condition J, of the resolution, CUP-180-0002 "...expires on September 4, 2019 (or such longer period as may be approved by the City Council of the City of Lemon Grove prior to said expiration date) unless all requirements of the CUP have been met prior to said expiration date." Tenant Improvement Building Permit B18-000-0673 was submitted on November 13, 2018, but the permit has not been issued and the applicant was not able to satisfy all resolution conditions required to commence operations before the September 4, 2019 expiration date. A one-year time extension will allow the applicant to obtain a building permit, complete the permitted tenant improvements, satisfy remaining conditions of approval, and commence operations.

**Discussion:**

In November 2016, voters in the City of Lemon Grove passed Measure V, an initiative removing the City's the prohibition of medical marijuana dispensaries and establishing performance standards and a permit process by which a MMD may be established. Measure V was subsequently codified in Chapter 17.32 of the Lemon Grove Municipal Code (LGMC), which identifies a CUP as the required permit process.



Pursuant to LGMC Chapter 17.32, City Council held a duly noticed public hearing on September 4, 2018, for Conditional Use Permit application CUP-180-0002 for a MMD at 6859 Federal Boulevard and ultimately adopted Resolution 2018-3605 conditionally approving the application. CUP-180-0002 authorizes the establishment of a MMD at the aforementioned address, which is an approximately 0.64 acre parcel in the General Commercial zone. The approved CUP incorporates tenant improvements for the conversion of a portion of the existing building into a MMD facility and exterior site improvements like screening, landscaping and Stormwater improvements, and parking area improvements. In-lieu of the immediate street improvements required pursuant to LGMC Chapter 12.10 and Section 17.24.010(H), the approval resolution includes a requirement to pay an in-lieu fair-share contribution toward utility undergrounding and weed abatement along Federal Blvd. and Chollas Creek.

An environmental assessment was also prepared for CUP-180-0002 as required by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and the State CEQA guidelines, Section 15000 et seq. of the California Code of Regulations, and certified with the resolution. Initial Environmental Study and Mitigated Negative Declaration of Environmental Impact ND18-03 identified mitigation measures to reduce potential impacts to Air Quality, Biological Resources, Transportation and Traffic, and Mandatory Findings of Significance, below the threshold of significance. These mitigation measures were incorporated into the approved project design and resolution as conditions to ensure that potential project impacts are addressed.

Among the conditions set forth in the resolution are two separate provisions which limit the term of CUP-180-0002. Section 2, Condition J, of the resolution states that the CUP expires on September 4, 2019 (or such longer period as may be approved by the City Council of the City of Lemon Grove prior to said expiration date), unless all requirements of the CUP have been met prior to said expiration date. Separately, Section 2, Condition G (22) establishes a requirement to renew the Conditional Use Permit every three years and reserves for City Council the right to review the renewal.

The applicant applied for Building Permit B18-000-0673 for the Tenant Improvement on November 13, 2018, and continues to demonstrate progress toward perfection of the CUP, but was unable to satisfy all resolution requirements by September 4, 2019. A time extension request, dated September 1, 2019, was submitted to allow the applicant to complete all resolution requirements.

As such, staff recommends the City Council grant a one-year extension to the September 4, 2020, expiration date in Section 2, Condition J, pursuant to the authority to authorize a longer term reserved to the City Council in the precedent condition. No modifications to the periodic renewal requirement in Section 2, Condition G (22) of the resolution are recommended.

**Environmental Review:**

Not subject to review

Negative Declaration

Categorical Exemption

Mitigated Negative Declaration ND-18-03

**Fiscal Impact:** None.

**Public Notification:** None.

**Staff Recommendation:** Adopt a resolution extending the expiration date of Conditional Use Permit CUP-180-0002 from September 4, 2019 to September 4, 2020.

**Attachments:**

**Attachment A** – Resolution Approving a One-Year Time Extension for CUP-180-0002

**Attachment B** – Time Extension Request dated September 1, 2019

**RESOLUTION NO. 2019-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,  
CALIFORNIA, APPROVING A TIME EXTENSION OF APPROVED  
CONDITIONAL USE PERMIT CUP-180-0002 LOCATED AT 6859 FEDERAL  
BOULEVARD**

**WHEREAS**, on September 4, 2018, the City Council approved Conditional Use Permit CUP-180-0002 authorizing the establishment of a Medical Marijuana Dispensary on a 1.64 acre lot in the General Commercial zone at 6859 Federal Boulevard pursuant to Chapter 17.32 of the Lemon Grove Municipal Code; and

**WHEREAS**, City Council certified a Mitigated Negative Declaration of Environmental Impact (ND18-03) that found the project, as mitigated, would have no significant effect on the environment with the original approval; and

**WHEREAS**, Building Permit B18-000-0673 for the required interior Tenant Improvement and exterior site improvements was applied for on November 13, 2018; and

**WHEREAS**, the applicant is progressing toward satisfaction of all applicable requirements of Conditional Use Permit CUP-180-0002 as outlined in City Council approval Resolution No. 2018-3605; and

**WHEREAS**, the project has not been modified since the original City Council approval; and

**WHEREAS**, the existing conditions and/or circumstances which informed City Council approval have not changed; and

**WHEREAS**, Resolution No. 2018-3605 requires the satisfaction of all requirements enumerated therein by September 4, 2019, or such longer period as may be approved by the City Council; and

**WHEREAS**, a time extension request, dated September 1, 2019, was submitted to allow the applicant to complete all resolution requirements; and

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

1. Approves a one-year extension of the expiration date stated in Resolution No. 2018-3605, Section 2, Condition J to September 4, 2020, subject to all other remaining requirements and conditions enumerated in Resolution No. 2018-3605.

***PASSED AND ADOPTED*** on \_\_\_\_\_, 2019, the City Council of the City of Lemon Grove, California, adopted Resolution No. \_\_\_\_\_, passed by the following vote:

***AYES:***

***NOES:***

***ABSENT:***

***ABSTAIN:***

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***Racquel Vasquez, Mayor***

***Attest:***

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***Shelley Chapel, MMC, City Clerk***

***Approved as to Form:***

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***Kristen Steinke, City Attorney***

RoyDavies  
**Architect**

Mr. Noah Alvey  
City Lemon Grove  
Community Development Department

Date: Sept 01, 2019

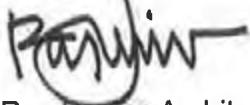
Subject: C.U.P. Extension Request  
6859 Federal Blvd.

Mr. Alvey

We respectfully request a 365 day extension to C.U.P. #180-0002. We have worked diligently with the Planning and Building Depts to get all Permits Approved and are almost through this process.

Please Call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Davies", with a horizontal line extending to the right.

Roy Davies Architect  
C21487



# CITY OF LEMON GROVE

## CITY COUNCIL STAFF REPORT

### Item No. 2

**Meeting Date:** October 1, 2019  
**Submitted to:** Honorable Mayor and Members of the City Council  
**Department:** City Attorney's Office  
**Staff Contact:** Kristen Steinke, City Attorney  
[KSS@LFAP.COM](mailto:KSS@LFAP.COM)

**Item Title: Public Hearing to Consider Ordinance No. 2019-453 to Repeal and Replace Chapter 9.08 of the Lemon Grove Municipal Code Regarding Election Campaign Regulations**

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**Recommended Action:** Conduct the Public Hearing, receive public comment, and Introduce Ordinance No. 2019-453.

**Summary:** The existing Lemon Grove Municipal Code (LGMC) Title 9, Chapter 9.08 governs the City's election campaign regulations, including, but not limited to, campaign contribution limitations and disclosures, as well as violations of the Chapter and penalties associated therewith.

The City last updated the election campaign regulations of Chapter 9.08 in 2011. The proposed Ordinance repeals and replaces Chapter 9.08 in its entirety to align the Code with current State laws and to ensure the City's code is clear, concise and up to date.

**Discussion:** Since the last update to Chapter 9.08 was completed in 2011, it is important for the City Council to consider refreshing it and ensuring that it is current and aligned with State law so as to avoid challenges, but also to ensure the ongoing fairness of local elections and the campaign process.

The proposed Ordinance amends the following LGMC provisions governing elections campaign regulations:

- 
- LGMC § 9.08.010 – Purpose and Intent.

- Clarifies that the City’s election campaign regulations under LGMC Chapter 9.08 were enacted pursuant to the California Elections Code, and Section 81013 of the California Government Code, and that Chapter 9.08 is intended to supplement the provisions of the Political Reform Act of 1974 (California Government Code Sections 81000 et seq.), as amended (Act), and the regulations adopted by the Fair Political Practices Commission (FPPC) (California Code of Regulations, Title 2, Division 6, Sections 18110 through 18997) with regard to making and reporting of campaign contributions and expenditures.
- Amends the existing findings, which are used as guidelines for regulating the election and campaign process, to add the following:
  - Candidates should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them.
  - Chapter 9.08 shall not apply to contributions given to a committee organized solely for the purpose of supporting or opposing the qualifications for the ballot or the adoption of one or more City measures.
- LGMC § 9.08.020 – Definitions.
  - Specifies that the definitions used in Chapter 9.08 shall have the same definitions as provided for the terms under the Act and the FPPC regulations, unless otherwise indicated. Includes specific definitions for the terms “Candidate”, “City Election”, “Committee”, “Independent Committee”, “Electioneering”, “Elective City Office”, and “Enforcement Authority”.
- LGMC § 9.08.030 – Campaign Statements and Filing Fees.
  - Includes regulations governing the requirement for candidates and committees to file campaign statements with the City Clerk pursuant to the Act, which shall be posted on the City’s website and become a public record, as well as the penalties for the late filing of campaign statements, and the associated nomination paper filing fees.
- LGMC § 9.08.040 – Campaign Contributions – Limitations and Disclosures.
  - Clarifies that in addition to prohibiting any person from making a contribution exceeding \$1,000.00 per year to a candidate or controlled committee, it is a violation of Chapter 9.08 for a candidate or controlled committee to accept or solicit a contribution exceeding \$1,000.00 per year from any person.

- Specifies that the contribution limitations do not apply to contributions from a candidate to his or her controlled committee or a candidate's expenditure of his or her personal funds on behalf of his or her candidacy.
- Prohibits candidates or controlled committees from accepting anonymous contributions and cash contributions totaling \$100.00 or more. Requires contributions totaling \$100.00 or more to be made by check, web portal or electronic application.
- Requires a candidate to report loans to his or her campaign on the applicable FPPC filing forms.
- Mandates that all contributions totaling \$25.00 or more include the full name and street address of the person making the contribution. For contributions totaling \$100.00 or more, the contributor's occupation and employer's name, or if self-employed, the name of the business, must also be recorded.
- Clarifies that contributions by spouses are treated as separate contribution and contributions from children under age 18 are treated as contributions attributed equally to each parent or guardian.
- LGMC § 9.08.050 – Identification of Expenditures by Independent Committees.
  - Requires independent committees that make expenditures for or against a candidate to divulge when material is paid for by the independent committee.
- LGMC § 9.08.060 – Election Campaign Accounts.
  - Mandates that candidates and committees who receive or expend more than \$2,000.00 must have a City election campaign account pursuant to the Act, and requires deposits to be made into the account within five days of receipt for use for campaign purposes only.
  - Requires the retention of campaign account records for five (5) years if unsuccessful and indefinitely if successful (to be consistent with the FPPC).



- LGMC § 9.08.070 – Enforcement Authority.
  - Capitalizes defined terms to clarify that the terms are defined under Chapter 9.08.
- LGMC § 9.08.080 – Violation – Penalty.
  - Specifies that any person who knowingly violates any provision of Chapter 9.08 may be prosecuted for an infraction or a misdemeanor, at the discretion of the prosecutor. Violators may also be liable for civil and criminal actions brought by special counsel retained by the City, known as the enforcement authority, and reasonable attorneys’ fees and costs incurred in such enforcement.
  - Clarifies that any willful or knowing violation of Chapter 9.08 is punishable by a fine of not less than \$1,000.00 for deposit into the City’s General Fund to defray the costs of City elections.
- LGMC § 9.08.090 – Rules of Construction.
  - Capitalizes defined terms to clarify that the terms are defined under Chapter 9.08.
- LGMC § 9.08.100 – Election Signs.
  - Requires candidates and committees to comply with the requirements of LGMC Chapter 18.12 for election signs, obtain a sign permit to place signs within City boundaries, and include the text “Paid for by Committee Name” on all signs and mailing materials. Provides that election signs must be removed within five days of an election or they are subject to removal and disposal by the City.
  - Imposes fines of \$10.00 per day for violation of the sign requirements.
- LGMC § 9.08.110 – Electioneering.
  - Prohibits electioneering on City-owned property or at a City-hosted or City-sponsored event.

**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 |

**Fiscal Impact:** None.

**Public Notification:** Notice published in the September 26, 2019 edition of the East County Californian.

**Staff Recommendation:** Conduct the Public Hearing and Introduce Ordinance No. 2019-453.

**Attachments:**

**Attachment A – Ordinance No. 2019-453**

**ORDINANCE NO. 453**

**A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, REPEALING AND REPLACING CHAPTER 9.08 (ELECTION CAMPAIGN REGULATIONS) OF THE LEMON GROVE MUNICIPAL CODE**

**WHEREAS**, this Chapter is enacted pursuant to Article XI, Section 7 of the California Constitution, Section 22808 of the California Elections Code, and Section 81013 of the California Government Code; and

**WHEREAS**, it is the intent of the City Council of the City of Lemon Grove in enacting this Chapter to supplement the provisions of the Political Reform Act of 1974 (California Government Code Sections 81000 et seq.), as amended, and the regulations adopted by the Fair Political Practices Commission (California Code of Regulations, Title 2, Division 6, Sections 18110 through 18997) with regard to making and reporting of campaign Contributions and Expenditures. In the event of a conflict between the provisions of the Political Reform Act or the Fair Political Practices Commission regulations and the provisions of this Chapter, the provisions of the Political Reform Act and/or the Fair Political Practices Commission regulations shall prevail; and

**WHEREAS**, monetary contributions to political campaigns are a legitimate form of participation in the American political process, but the financial strength of certain individuals or organizations should not permit them to exercise a disproportionate or controlling influence on the election of candidates. Candidates should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them; and

**WHEREAS**, limiting campaign contributions and expenditures in municipal elections helps ensure equal opportunities for all candidates, promotes diversity among candidates, and strengthens the community's trust that their government is representative; and

**WHEREAS**, Lemon Grove can best preserve its sense of community, safeguard its local democracy, and effectuate its commitment to fair public process by limiting all

campaign contributions and expenditures and requiring appropriate reporting requirements to ensure these limitations are enforced; and

**WHEREAS**, by enacting this Chapter, the City Council seeks to: (1) ensure that individuals have a fair and equal opportunity to participate in the municipal elective and governmental processes; (2) reduce the influence of large campaign contributors with a specific financial stake in matters before City governmental bodies; (3) curtail overall expenditures in campaigns; (4) reduce potential for the fundraising advantage of incumbents and thus encourage competition for elective office; (5) improve the disclosure of contribution sources in reasonable and effective ways; and (6) help maintain public trust in governmental and electoral institutions, and protect the integrity of the City election process; and

**WHEREAS**, this Chapter shall not apply to contributions given to a committee organized solely for the purpose of supporting or opposing the qualifications for the ballot or the adoption of one or more City measures.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Lemon Grove, California, does ordain as follows:

- Section 1. The foregoing recitals are true and correct.
- Section 2. Chapter 9.08 (Election Campaign Regulations) of the Lemon Grove Municipal Code is hereby repealed and replaced and shall read as shown in Exhibit A.
- 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.
- Section 4. The City Clerk is hereby directed to submit a copy of this Ordinance to the Fair Political Practices Commission following its adoption.

**INTRODUCED** by the City Council of the City of Lemon Grove on October 1, 2019.

**PASSED AND ADOPTED** on \_\_\_\_\_, 2019, the City Council of the City of Lemon Grove, California, adopted Ordinance No. 453, passed by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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**Racquel Vasquez, Mayor**

**Attest:**

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**Shelley Chapel, MMC, City Clerk**

**Approved as to Form:**

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**Kristen Steinke, City Attorney**



## **Title 9 PUBLIC WELFARE AND ELECTIONS**

- Chapter 9.08 Election Campaign Regulations**
- Chapter 9.12 Cardrooms and Gambling**
- Chapter 9.16 Urination or Defecation in Public**
- Chapter 9.20 Public Nudity**
- Chapter 9.24 Noise Abatement and Control**
- Chapter 9.26 Police Services at Parties, Gatherings or Events**
- Chapter 9.28 Obstructing Passage**
- Chapter 9.32 Prohibition of Application of Graffiti to Private or Public Property, and the Defacement of Private or Public Property**
- Chapter 9.36 Obstructing Free Movement, Soliciting, Camping and Storage of Personal Property**
- Chapter 9.40 Curfew—Minors**
- Chapter 9.44 Firearms**
- Chapter 9.48 Consumption of Alcohol**
- Chapter 9.49 Police and Fire Services at Parties and Events and Social Host Responsibilities Concerning the Consumption of Alcohol and Controlled Substances by Minors or Juveniles**
- Chapter 9.50 Spectators Prohibited at Illegal Speed Contests or Exhibitions of Speed**
- Chapter 9.70 Forfeiture of Nuisance Vehicles Engaged in Illegal Motor Vehicle Speed Contest or Exhibition of Speed**

## Title 9 PUBLIC WELFARE AND ELECTIONS

### Chapter 9.08 ELECTION CAMPAIGN REGULATIONS

#### Sections:

- 9.08.010 Purpose and intent.**
- 9.08.020 Definitions.**
- 9.08.030 Campaign statements and filing fees.**
- 9.08.040 Campaign contributions—Limitations and disclosures.**
- 9.08.050 Identification of expenditures by independent committees.**
- 9.08.060 Election campaign accounts.**
- 9.08.070 Enforcement authority.**
- 9.08.080 Violation—Penalty.**
- 9.08.090 Rules of construction.**
- 9.08.100 Election signs.**
- 9.08.110 Electioneering.**

#### **9.08.010 Purpose and intent.**

This Chapter is enacted pursuant to Article XI, Section 7 of the California Constitution, Section 22808 of the California Elections Code, and Section 81013 of the California Government Code. It is the intent of the City Council of the City of Lemon Grove in enacting this Chapter to supplement the provisions of the Political Reform Act of 1974 (California Government Code Sections 81000 et seq.), as amended, and the regulations adopted by the Fair Political Practices Commission (California Code of Regulations, Title 2, Division 6, Sections 18110 through 18997) with regard to making and reporting of campaign Contributions and Expenditures. In the event of a conflict between the provisions of the Political Reform Act or the Fair Political Practices Commission regulations and the provisions of this Chapter, the provisions of the Political Reform Act and/or the Fair Political Practices Commission regulations shall prevail.

In enacting this Chapter, the City Council finds and declares the following:

A. Monetary Contributions to political campaigns are a legitimate form of participation in the American political process, but the financial strength of certain individuals or organizations should not permit them to exercise a disproportionate or controlling influence on the election of Candidates. Candidates should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them.

B. Limiting Campaign Contributions and Expenditures in municipal elections helps ensure equal opportunities for all Candidates, promotes diversity among Candidates, and strengthens the community's trust that their government is representative.

C. Lemon Grove can best preserve its sense of community, safeguard its local democracy, and effectuate its commitment to fair public process by limiting all campaign Contributions and Expenditures and requiring appropriate reporting requirements to ensure these limitations are enforced.

D. By enacting this Chapter, the City Council seeks to: (1) ensure that individuals have a fair and equal opportunity to participate in the municipal elective and governmental processes; (2) reduce the influence of large Campaign contributors with a specific financial stake in matters before City governmental bod-



ies; (3) curtail overall Expenditures in Campaigns; (4) reduce potential for the fundraising advantage of incumbents and thus encourage competition for elective office; (5) improve the disclosure of Contribution sources in reasonable and effective ways; and (6) help maintain public trust in governmental and electoral institutions, and protect the integrity of the City Election process.

E. This Chapter shall not apply to Contributions given to a Committee organized solely for the purpose of supporting or opposing the qualifications for the ballot or the adoption of one or more City measures.

#### **9.08.020 Definitions.**

The capitalized terms used in this Chapter shall have the same definitions as specified in the Political Reform Act of 1974 (Government Code Sections 81000 et seq.) and the Fair Political Practices Commission regulations (California Code of Regulations, Title 2, Division 6, Sections 18110 et seq.), unless otherwise specified in this Chapter. When used in this Chapter, the following words and terms shall be interpreted as follows, unless the text indicates a different meaning:

A. “Candidate,” as referred to in this Chapter, only applies to Persons seeking an Elective City Office.

B. “City Election” means any primary, general, or special election, including recall election, held within the City of Lemon Grove for Elective City Office. Each general or special election is a separate City Election for purposes of this Chapter.

C. “Committee” shall only mean a Candidate’s Controlled Committee or a Committee formed or primarily to support or oppose a Candidate, or a City general purpose Committee active only in the City, for purposes of all filing requirements in this Chapter.

D. “Electioneering” means the visible display or audible dissemination of information that advocates for or against any Candidate or measure on the ballot.

E. “Elective City Office” means member of the City Council, including the Mayor.

F. “Enforcement Authority” shall mean the special counsel, officer, agent or organization designated by action of the City Council to enforce the provisions of this Article. Nothing in this Article shall be construed as limiting the authority of any law enforcement agency or prosecuting attorney to enforce the provisions of this Article under any circumstances where such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.

G. “Independent Committee” shall mean a Committee that receives Contributions or makes Expenditures for the purpose of influencing or attempting to influence a City Election, which is not made with the cooperation, consultation or in concert with, or at the request or suggestion of, any Candidate or his or her Committee, or any of their agents.

#### **9.08.030 Campaign statements and filing fees.**

A. Campaign Statements. Each Candidate and each Committee shall be required to file those campaign statements required by the Political Reform Act of 1974 in the manner required by the Act. Campaign statements filed with the City Clerk shall be a matter of public record. The City Clerk shall, within three (3) City business days of the date of filing, post copies of campaign statements online at the City’s website.

B. Late Filing of Campaign Statements. If any Person files a campaign statement after any deadline imposed, he/she shall, in addition to any other penalties or remedies established by this Chapter, be liable to the City Clerk in the amounts as set forth by State guidelines per calendar day until the statement is filed. The City Clerk shall deposit any funds received under this Section into the general fund of the City to defray the cost of City Elections.

C. Filing Fees. A filing fee of twenty-five dollars (\$25.00) is established for a Candidate's nomination papers for City Elective Office. The filing fee shall be paid to the City Clerk by each Candidate for a City Elective Office at the time the Candidate's nomination paper is filed with the City Clerk, in addition to the Candidate statement fees determined in February of each odd numbered year. The City Clerk shall deposit all fees received into the general fund. All filing fees and Candidate statement fees are non-refundable. (Government Code Section 10228).

#### **9.08.040 Campaign contributions—Limitations and disclosures.**

A. Contributions by Persons to Candidates or Controlled Committees. No Person shall make any Contribution to a Candidate and/or the Candidate's Controlled Committee, with respect to any single City Election, which will cause the total amount contributed by such Person to the Candidate and the Candidate's Controlled Committee, when combined, to exceed one thousand dollars (\$1,000.00) in a calendar year.

B. Acceptance or Solicitation by Candidates or Controlled Committees. No Candidate or Controlled Committee, including the Candidate's campaign treasurer, shall solicit or accept any Contribution from any Person, with respect to any single City Election, which will cause the total amount contributed by such Person to the Candidate and the Candidate's Controlled Committee, when combined, to exceed one thousand dollars (\$1,000.00) in a calendar year.

C. Contributions by Candidates. The provisions of Subsections (A) and (B) of this Section shall not apply to contributions from a Candidate to his or her Controlled Committee nor to the expenditure, by the Candidate, of his or her personal funds on behalf of his or her candidacy.

D. Contributions to Committees. Contributions made to any Person or a Committee, and not to a Candidate or Controlled Committee, shall not be considered as Contributions to the Candidate or Controlled Committee, notwithstanding the fact that such Person or Committee supports the Candidate or uses the Contribution to bring about the nomination or election of the Candidate.

E. Anonymous Contributions. No Candidate or Controlled Committee, including the Candidate's campaign treasurer, shall accept anonymous Contributions of one hundred dollars (\$100.00) or more. No Person shall make a Contribution or loan for any other Person under an assumed name or under the name of any other Person.

F. Extensions of Credit. Extensions of credit for a period of more than thirty (30) days are prohibited. Extensions of credit of more than one thousand dollars annually are prohibited. Provided, however, a Candidate may personally borrow an unlimited amount and such funds shall be considered a Contribution by the Candidate to himself or herself; provided, further, that such transaction is fully disclosed and documented in accordance with applicable law.

G. Candidate Loan to Campaign. If a Candidate is loaning the campaign money, such loan is required to be reported on Fair Political Practices Commission (FPPC) campaign filing forms in accordance with the applicable State law.

H. Cash Contributions. No Candidate or Controlled Committee, including the Candidate's campaign treasurer, shall solicit or accept any cash Contribution from any Person totaling one-hundred dollars (\$100.00) or more. A cash Contribution shall not be deemed received if it is not negotiated or deposited, and is returned to the contributor before the closing date of the campaign statement on which the Contribution would otherwise be reported. If a cash Contribution, other than a late Contribution, as defined by Section 82036 of the Political Reform Act, is negotiated or deposited, it shall not be deemed received if it is refunded within seventy-two (72) hours of receipt. In the case of a late Contribution, as defined by Section 82036 of the Political Reform Act, it shall not be deemed received if it is returned to the Contributor within forty-eight (48) hours of receipt.

I. Contributions of One Hundred Dollars (\$100.00) or More. All Contributions totaling one hundred dollars (\$100.00) or more must be made by check, web portal, or electronic application which accepts Payments that are recordable. Contributions totaling one hundred dollars (\$100.00) or more made by money order, cashier's check, or traveler's cheque are prohibited and must be returned to the contributor.

J. Identification of Contributors. No Contribution shall be deposited into a Candidate or Committee's City Election campaign account totaling Twenty-Five Dollars (\$25.00) or more unless the full name, street address including zip code, are on file with the Candidate or Committee receiving the Contribution. For Contributions totaling One Hundred Dollars (\$100.00) or more, the contributor's occupation and employer's name, or if self-employed, the name of the business of the Person making the Contribution, must also be recorded.

K. Family Contributions. Contributions by spouses shall be treated as separate contributions and shall not be aggregated. Contributions by children under eighteen (18) years of age shall be treated as contributions attributed equally to each parent or guardian.

L. Applicability of Section to Candidate and Committees. The terms of this Section are applicable to any Contributions made to a Candidate or Committee hereunder, whether used by such Candidate or Committee to finance a current campaign, to pay deficits incurred in prior campaigns or otherwise.

M. Adjustment for Cost of Living. The Campaign Contribution limits and Contribution acceptance and solicitation limits specified in Subsections (A) and (B) of this Section, shall be adjusted in February of each odd numbered year commencing in 2013 for changes in the Consumer Price Index (CPI) over the previous two (2) year period. The City Clerk shall use the annual percent change in the CPI for All Urban Consumers (CPI-U) for the San Diego Metropolitan Area to determine the appropriate rate of increase or decrease. Adjustments made pursuant to this Subsection shall be rounded to the nearest five dollars (\$5.00) or other comparable cost of living index chosen by the City Council. (Ord. 406 § 3, 2011)

**9.08.050 Identification of expenditures by independent committees.**

Independent Committees which make Expenditures for or against a Candidate shall indicate clearly on any Independent Expenditure material published, displayed, or broadcast the name of the Independent Committee and the fact that the material was paid for by an Independent Committee, and the true name of any Person on whose behalf the Independent Expenditure is made, if made as the agent or intermediary of another.

**9.08.060 Election campaign accounts.**

A. City Election Campaign Account. Each Candidates' campaign treasurer and every Committee, whether composed of the Candidate alone, another single individual, or otherwise, that receives or expends

more than two thousand dollars (\$2,000.00), shall open only one (1) checking account at a State or Federally chartered bank, credit union, or savings and loan association. The account shall be identified as the City Election campaign account. The account number shall be provided to the City Clerk in writing within ten (10) days of the opening of such account. Any Committee that receives or expends more than two thousand dollars (\$2,000.00) shall file with the City Clerk a Statement of Organization Form (FPPC Form 410) not later than ten (10) days following the opening of the City Election campaign account.

B. Deposits of Contributions. All campaign Contributions accepted by a campaign treasurer or Committee shall be deposited within five (5) days of receipt into the election campaign account by the campaign treasurer, Committee or authorized agent.

C. Funds in the election campaign account shall not be considered for any purpose to be personal funds of a Candidate, campaign treasurer, or any other Person.

D. Surplus Funds shall be disbursed according to the guidelines provided by the Political Reform Act and reported accurately.

E. Retention of Records. The Candidate, Committee or authorized agent thereof shall retain all campaign records for a period of five (5) years, if unsuccessful, and indefinitely, if successful, after the election. This includes all receipts, and bank records.

**9.08.070 Enforcement authority.**

A. The Enforcement Authority appointed by the City Council shall enforce the provisions of this Chapter.

B. Any Person who believes that a violation of any portion of this Chapter has occurred may file a complaint with the Enforcement Authority by depositing such complaint in the Office of the City Clerk. The City Clerk shall forward the complaint to the Enforcement Authority within three (3) working days. If the Enforcement Authority determines that there is reason to believe a violation of this Chapter has occurred, it shall make an investigation. Whenever the Enforcement Authority has reason to believe a willful violation of this Chapter has occurred or is about to occur, it may institute such legal action at such time as it deems necessary to prevent further violations.

C. The Enforcement Authority shall have such investigative powers as are necessary for the performance of the duties prescribed in this Chapter and may demand records of campaign Contributions and Expenditures at any time.

D. The Enforcement Authority shall determine whether required statements and declarations have been filed as required, and, if so, whether they conform with the requirements of this Chapter.

E. The Enforcement Authority may enforce this Chapter using civil, administrative, or criminal remedies in its discretion. The Enforcement Authority may seek administrative remedies pursuant to Chapter 1.24 of the Lemon Grove Municipal Code. (Ord. 406 § 3, 2011)

**9.08.080 Violation—Penalty.**

A. Any Person who knowingly violates any provision of this Chapter may be prosecuted, either as an infraction or as a misdemeanor, at the discretion of the prosecutor. For purposes of this Chapter, the district attorney of the County is the civil and criminal prosecutor. In addition to any other penalty provided by

law, any willful or knowing violation of this Chapter, done with intent to mislead or deceive, shall be punishable by a fine of not less than one-thousand (\$1,000) dollars per occurrence payable to the City Clerk, who will deposit any funds received under this Section into the General Fund of the City to defray the costs of City Elections. The Chairperson and/or Treasurer of any Committee shall be both civil and criminally responsible for any violation of this Committee. These violations and penalties are in addition to any pursued by the State. (Ord. 406 § 3, 2011)

B. Any Person who violates any provision of this chapter shall be liable for civil and criminal actions brought by the Enforcement Authority, and shall be liable for the reasonable attorneys' fees and costs incurred by the Special Counsel in any civil proceeding filed to enforce these provisions.

C. All fines shall be deposited into the general fund of the City to defray the cost of City Elections.

#### **9.08.090 Rules of construction.**

This Chapter shall be construed liberally in order to effectuate its purposes. No error, irregularity, informality, neglect or omission of any officer in any procedure taken under this Chapter which does not directly affect the jurisdiction of the City to control campaign Contributions and Expenditures shall avoid the effect of this Chapter. This Chapter shall be interpreted in a manner consistent with the Federal Constitution, State Constitution, and the California Political Reform Act (Government Code Section 81000 et seq.) including its implementing regulations, as amended. (Ord. 406 § 3, 2011)

#### **9.08.100 Election signs.**

In conjunction with Chapter 18.12 (Signs) of the Lemon Grove Municipal Code, this Section is specific to election signs.

A. All Candidates and Committees are required to obtain a sign permit at no cost to place signs of any kind within the City boundaries. The sign permit will provide the City with a list of approved signs and approved locations to place signs, and a City staff contact and phone number.

B. All signs will follow the State guidelines on reporting "Paid for by Committee Name" at minimum and Committee Number issued by the Secretary of State will be included on all signs and mailing materials by all Candidates and Committees within the City boundaries.

C. Timing, Removal. Placement of signs shall be made no earlier than thirty (30) days prior to the election. All signs shall be removed within five (5) days after the election. If any sign is not removed within the specified time period, the City may remove and destroy or otherwise dispose of the sign without liability whatsoever to the City.

D. Fines. Those not in compliance with the sign requirements can be fined up to ten dollars (\$10.00) per calendar day.

#### **9.08.110 Electioneering.**

It is unlawful for any Person to participate in Electioneering as a Candidate, for a Candidate, Committee or any other election campaign on City-owned property or at a City-hosted or City-sponsored event. This includes but is not limited to, any of the following:

A. A display of a Candidate's name, likeness, or logo.

- B. A display of a ballot measure's number, title, subject, or logo.
- C. Buttons, hats, pencils, pens, shirts, signs, or stickers containing Electioneering information.
- D. Dissemination of audible Electioneering information.
- E. At vote by mail ballot drop boxes, loitering near or disseminating visible or audible Electioneering information.