



LA MESA CITY COUNCIL AGENDA

A Regular Meeting

Date: Tuesday, September 27, 2022, 6:00 p.m.
Location: City Council Chambers, 8130 Allison Avenue
La Mesa, California

Elected Officials: Mayor Mark Arapostathis
Vice Mayor Colin Parent
Councilmember Bill Baber
Councilmember Laura Lothian
Councilmember Jack Shu
City Treasurer Eldon Vogt

Staff: City Manager Greg Humora
City Attorney Glenn Sabine
City Clerk Megan Wiegelman

In-Person/Virtual Hybrid City Council Meeting Pursuant to AB 361 (Government Code Section 54953(e)(1)-(2))

The City Council meeting may be viewed in-person or live on Cox Cable Channel 24 (within La Mesa City limits), AT&T U-Verse Channel 99 (in the San Diego Region), the City's website (www.cityoflamesa.us), Facebook Live (www.facebook.com/lamesaca) or using the following Zoom Webinar options:

The public may view the meeting live using the following remote options:

Teleconference Meeting Webinar

<https://us06web.zoom.us/j/84472650722>

Telephone (Audio only)

(669) 900-6833 or (253) 215-8782 Webinar ID: 844 7265 0722

Copy and paste the webinar link into your internet browser if the webinar link does not work directly from the agenda.

PUBLIC COMMENTS

- **In-Person comments during the meeting:** Join us for the City Council meeting at the time and location specified on this agenda to make your comments. Please complete a “Request to Speak” card and submit it to the Council Hostess. When the Mayor calls your name, step to the podium and state your name for the record. Comments will be limited to three (3) minutes.
- **Zoom Audio Comments:** To provide oral public comments during the meeting, join the Zoom meeting by computer, mobile phone, or dial in number. On Zoom video conference by computer or mobile phone, use the “Raise Hand” feature. This will notify the moderator that you wish to speak during a specific item on the agenda or during non-agenda Public Comment. Members of the public will not be shown on video but will be able to speak when called upon. If joining the meeting using the Zoom dial-in number, you may raise your hand by pressing *9. Comments will be limited to three (3) minutes. No further comments will be entertained after the Mayor closes public comment.
- **How to submit eComments:** eComments are available once an agenda is published. Locate the meeting in "upcoming meetings" and click the comment bubble icon. Click on the item you wish to comment on. eComments can be submitted when the agenda is published and until **24 hours prior** to the meeting. eComments are limited to 500 words. eComments may be viewed by the City Council and members of the public following the close of the eComment submission period (24 hours prior to the meeting). Email your comment to comments@cityoflamesa.us if you have difficulty submitting an eComment. eComments will not be read aloud as a regular meeting item; however any member of the Council or member of the public may do so during their respective comment time.

Citizens who wish to make an audio/visual presentation pertaining to an item on the agenda, or during Public Comments, should contact the City Clerk’s office at 619.667.1120, no later than 5:00 p.m., the Thursday prior to the meeting day. Advance notification will ensure compatibility with City equipment and allow Council meeting presentations to progress smoothly and in a consistent and equitable manner. Please note that all presentations/digital materials are considered part of the maximum time limit provided to speakers.

Agenda reports for items on this agenda are available for public review at the City Clerk's Office, 8130 Allison Avenue, during normal business hours.

Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk’s Office, 8130 Allison Avenue, during normal business hours.

ACCESSIBILITY: The City of La Mesa encourages the participation of disabled individuals in the

services, activities and programs provided by the City. Individuals with disabilities, who require reasonable accommodation in order to participate in the City Council meetings, should contact the City's Americans with Disabilities Act (ADA) Coordinator, Rida Freeman, Director of Administrative Services, 48 hours prior to the meeting at 619.667.1175, fax 619.667.1163, or rfreeman@cityoflamesa.us.

Hearing assisted devices are available for the hearing impaired. A City staff member is available to provide these devices upon entry to City Council meetings, commission meetings or public hearings held in the City Council Chambers. A photo i.d. or signature will be required to secure a device for the meeting.

Pages

1. CALL TO ORDER

1.1. INVOCATION - COUNCILMEMBER BABER

1.2. PLEDGE OF ALLEGIANCE

2. REPORT FROM CLOSED SESSION

3. CITY MANAGER COMMENTS

4. COMMUNITY BULLETIN REPORTS

5. ADDITIONS AND/OR DELETIONS TO THE AGENDA

6. PRESENTATIONS

6.1. PROCLAIMING THE WEEK OF OCTOBER 9 THROUGH 15, 2022, AS FIRE PREVENTION WEEK

6.2. PRESENTATION OF THE EMPLOYEES OF THE YEAR

7. PUBLIC COMMENTS – (TOTAL TIME – 15 MINUTES)

NOTE: In accordance with state law, an item not scheduled on the agenda may be brought forward by the general public for comment; however, the City Council will not be able to discuss or take any action on the item at this meeting. If appropriate, the item will be referred to Staff or placed on a future agenda.

8. CONFLICT DISCLOSURES

9. BOARD AND COMMISSION APPOINTMENTS

9.1. RESOLUTION APPOINTING A MEMBER TO FILL A VACANCY ON THE LA MESA COMMUNITY PARKING COMMISSION

1

Staff Reference: Ms. Wiegelman

Recommended Motion:

Approve the appointment of Scott Favero to the La Mesa Community Parking Commission and adopt Resolution confirming the appointment.

10. BOARD AND COMMISSION INTERVIEWS

10.1. ANNUAL INTERVIEW OF APPLICANTS FOR OPENINGS ON THE YOUTH ADVISORY COMMISSION

5

Staff Reference: Ms. Wiegelman

11. CONSENT CALENDAR

(Items 11.1 through 11.10)

The Consent Calendar includes items considered to be routine. Unless discussion is requested by members of the Council or audience, all Consent Calendar items may be approved by one motion.

Recommended Motion:

Approve Consent Calendar Items 11.1 through 11.10.

11.1. APPROVAL OF MOTION TO WAIVE THE READING OF THE TEXT OF ALL ORDINANCES AND RESOLUTIONS AT THIS MEETING

Recommended Motion:

Approve.

11.2. APPROVAL OF THE MINUTES FOR THE CITY COUNCIL SPECIAL MEETING HELD TUESDAY, SEPTEMBER 13, 2022

8

Recommended Motion:

Approve.

11.3. APPROVAL OF THE MINUTES FOR THE CITY COUNCIL REGULAR MEETING HELD TUESDAY, SEPTEMBER 13, 2022

10

Recommended Motion:

Approve.

11.4. RESOLUTION MAKING FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 54953, AS AMENDED BY ASSEMBLY BILL 361, AND RE-AUTHORIZING THE CONTINUED USE OF VIRTUAL AND/OR HYBRID MEETINGS OF THE LEGISLATIVE BODIES BEGINNING OCTOBER 1, 2022 THROUGH OCTOBER 31, 2022

18

Staff Reference: Ms. Wiegelman

Recommended Motion:

Adopt Resolution.

11.5. RESOLUTION APPROVING AND ADOPTING AMENDMENTS TO THE BODY AND APPENDIX OF THE CITY'S AMENDED LOCAL CONFLICT OF INTEREST CODE

22

Staff Reference: Ms. Wiegelman

Recommended Motion:

Adopt Resolution.

**11.6. PROPOSED LEASE AMENDMENT WITH THE UNITED STATES
POSTAL SERVICE**

49

**RESOLUTION APPROVING A THIRD AMENDMENT TO THE LEASE
AGREEMENT BETWEEN THE CITY OF LA MESA AND THE UNITED
STATES POSTAL SERVICE FOR THE PROPERTY LOCATED AT
8064 ALLISON AVENUE AND APPROPRIATING GENERAL FUND
RESERVES TO FUND BROKERAGE COMMISSION FEES RELATED
TO THE LEASE AMENDMENT**

Staff Reference: Mr. Tomaino

Recommended Motion:

Adopt Resolution.

**11.7. RESOLUTION APPROVING THE MEMORANDUM OF
UNDERSTANDING FOR CENTRAL ZONE JOINT EMERGENCY
RESPONSES FOR FIRE AND RESCUE RESOURCES**

62

Staff Reference: Chief Swaney

Recommended Motion:

Adopt Resolution.

**11.8. 2022-2023 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM
GRANT**

81

**RESOLUTION AUTHORIZING THE ACCEPTANCE AND
APPROPRIATION OF A GRANT FROM THE CALIFORNIA OFFICE OF
TRAFFIC SAFETY TO CONDUCT A LOCAL TRAFFIC SAFETY, DUI
ENFORCEMENT AND AWARENESS PROGRAM BY APPROVING
THE ADDITION OF THE GRANT FUNDS TO THE FISCAL YEAR
2022-2023 BUDGET**

Staff Reference: Chief Sweeney

Recommended Motion:

Adopt Resolution.

- 11.9. RESOLUTION AMENDING SECTION 12.44.130 OF THE LA MESA MUNICIPAL CODE INSTALLING A DISABLED PERSONS PARKING SPACE AT 4817 71ST STREET 101

Staff Reference: Mr. Throne

Recommended Motion:

Adopt Resolution.

- 11.10. RESOLUTION AMENDING SECTION 12.52.050 OF THE LA MESA MUNICIPAL CODE LIMITING THE GROSS VEHICLE WEIGHT OF A PORTION OF SENECA PLACE BETWEEN JESSIE AVENUE AND POMONA AVENUE TO THREE TONS 105

Staff Reference: Mr. Throne

Recommended Motion:

Adopt Resolution.

12. **STAFF REPORT**

- 12.1. CONSIDERATION OF RESOLUTION APPROVING PHASE 3 EXPENDITURE RECOMMENDATIONS FROM THE CITY COUNCIL AMERICAN RESCUE PLAN ACT AD-HOC SUBCOMMITTEE 109

Staff Reference: Mr. Tomaino

Recommended Motion:

(1) Adopt Resolution to authorize the proposed Phase 3 American Rescue Plan Act expenditures; (2) Approve the proposed Commercial Façade Improvement Program Guidelines substantially in the form included in the staff report as Attachment B; and (3) Authorize staff to issue a Request for Proposals for a Litter Cleanup Program.

13. **COUNCIL COMMITTEE REPORTS (3 MINUTE LIMIT)**

14. **AB 1234 REPORTS (GC 53232.3 (d))**

15. **CITY ATTORNEY REMARKS**

16. **ADJOURNMENT**



CITY OF
LA MESA

JEWEL of the HILLS

INTEROFFICE MEMO

DATE: September 27, 2022

TO: Mayor and Members of the City Council

FROM: Megan Wiegelman, CMC, City Clerk *mw*

VIA: Greg Humora, City Manager *GH*

SUBJECT: APPOINTMENT OF APPLICANT TO FILL A VACANCY ON THE
LA MESA COMMUNITY PARKING COMMISSION

On September 13th, the City Council interviewed an applicant who was interested in being appointed to fill a vacancy on the City's Community Parking Commission. At the Council meeting on September 27th, the Mayor will make the appointment with the approval of the City Council.

Attached is a brief description of the requirements, the number of openings, and the name of the applicant seeking to be appointed.

Staff recommends the Mayor make the appointment to fill a vacancy, with the approval of the Council, and adopt the attached resolution confirming the appointment.

Attachments

La Mesa Community Parking Commission: 1 position – four-year term

One position shall be a business representative, property owner, or resident residing in the CD/D Downtown Commercial Zone.

Two members shall be at-large members and three members shall be business representatives, property owners, or residents residing in the CD/D Downtown Commercial Zone. Members are subject to the Conflict of Interest Code.

First Appointed	Number of Terms
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Scott Favero

APPLICATION IS AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE

RESOLUTION NO. 2022-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA APPOINTING
A MEMBER TO FILL A VACANCY ON THE LA MESA COMMUNITY PARKING
COMMISSION

WHEREAS, a term on the City of La Mesa Community Parking Commission has been vacated; and

WHEREAS, the person below has been recommended to the City Council for appointment to said City of La Mesa Commission.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the City Council of the City of La Mesa, California, that the following is hereby appointed as a member of the City of La Mesa Community Parking Commission, with their term to commence after the oath or affirmation of allegiance for public officers or employees is executed as required by Article XX, Section 3 of the Constitution of the State of California, and to expire on the dates stated below, or until their successors are appointed and qualified:

La Mesa Community Parking Commission: 1 appointment

Scott Favero is appointed as a business representative, property owner, or resident residing in the CD/D Downtown Commercial Zone for term ending June 30, 2026

PASSED AND ADOPTED at a Regular meeting of the City Council of the City of La Mesa, California, held the 27th day of September 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

CERTIFICATE OF CITY CLERK

I, MEGAN WIEGELMAN, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2022-, duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)



DATE: September 27, 2022

TO: Mayor and Members of the City Council

FROM: Megan Wiegelman, CMC, City Clerk *MW*

VIA: Greg Humora, City Manager *GH*

SUBJECT: Annual Interview of Applicants for Openings on the Youth Advisory Commission

Attached are applications from citizens who wish to be considered for appointment or reappointment to the Youth Advisory Commission. The applicants have been invited to attend the meeting and make a brief three-minute presentation describing their qualifications and interest in serving on the Commission.

The applicants will be called forward for their interviews by the City Clerk. After each presentation you may ask questions of the applicants, if you wish.

The appointments will be made at the City Council meeting on October 11th.

Attachments

Youth Advisory Commission: 8 positions – two-year terms

Members must be between the ages of 13 and 20 years and reside within the City of La Mesa or attend school in the City of La Mesa.
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	First Appointed	Number of Terms
Fahim Chakibou		
Mustafa Dost	04/26/2022	partial
Camille Forga		
Samantha Luevano		
Anthony Martinez		
Grace Reagan		
Elyse Wainscott		

APPLICATIONS ARE AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE



La Mesa City Council

Minutes of a Special Meeting

Date: September 13, 2022, 5:30 p.m.
Location: Council Chambers and City Manager's Conference Room
City Hall, 8130 Allison Avenue
La Mesa, California

Present: Mayor Arapostathis
Vice Mayor Parent
Councilmember Baber
Councilmember Lothian
Councilmember Shu

Staff: City Manager Humora
Assistant City Manager Tomaino
City Attorney Sabine
City Clerk Wiegelman

This meeting was conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as amended by Assembly Bill 361, in relation to the COVID-19 State of Emergency and recommended social distancing measures.

1. CALL TO ORDER

Mayor Arapostathis called the meeting to order at 5:30 p.m.

1.1 PLEDGE OF ALLEGIANCE

2. PUBLIC COMMENTS

There were no public comments.

3. OPEN SESSION

3.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

AUTHORITY: Government Code 54956.8

PROPERTY: 8064 Allison Avenue, La Mesa, CA 91942 / U.S. Post Office

CITY NEGOTIATOR: Greg Humora, City Manager

TO NEGOTIATE WITH: Sarah West

UNDER NEGOTATION: Possible Amendment to Price and Terms of an existing Ground Lease Agreement related to above referenced property

Mayor Arapostathis adjourned the meeting to Closed Session at 5:30 p.m.

4. CLOSED SESSION

4.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

AUTHORITY: Government Code 54956.8

PROPERTY: 8064 Allison Avenue, La Mesa, CA 91942 / U.S. Post Office

CITY NEGOTIATOR: Greg Humora, City Manager

TO NEGOTIATE WITH: Sarah West

UNDER NEGOTATION: Possible Amendment to Price and Terms of an existing Ground Lease Agreement related to above referenced property

Councilmember Baber arrived to the meeting at 5:33 p.m.

The meeting reconvened at 5:35 p.m. with all members present.

City Attorney Sabine announced there were no reportable actions.

5. ADJOURNMENT

Mayor Arapostathis adjourned the meeting at 5:35 p.m.

City Clerk



La Mesa City Council

Minutes of a Regular Meeting

Date: September 13, 2022, 6:00 pm
Location: City Council Chambers, 8130 Allison Avenue
La Mesa, California

Present: Mayor Arapostathis
Vice Mayor Parent
Councilmember Baber
Councilmember Lothian
Councilmember Shu

Staff: City Manager Humora
Assistant City Manager Tomaino
City Attorney Sabine
City Clerk Wiegelman

This meeting was conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as amended by Assembly Bill 361, in relation to the COVID-19 State of Emergency and recommended social distancing measures.

1. CALL TO ORDER

The City Council minutes are prepared and ordered to correspond to the City Council Agenda. Agenda Items can be taken out of order during the meeting.

The Agenda Items were considered in the order presented.

Mayor Arapostathis called the meeting to order at 6:00 p.m.

1.1 INVOCATION - COUNCILMEMBER BABER

1.2 PLEDGE OF ALLEGIANCE

2. REPORT FROM CLOSED SESSION

City Attorney Sabine announced there were no reportable actions.

3. CITY MANAGER COMMENTS

There were no comments.

4. COMMUNITY BULLETIN REPORTS

The Mayor, Council and staff made announcements and reported on various events taking place in the City. No action was taken.

5. ADDITIONS AND/OR DELETIONS TO THE AGENDA

Consent Calendar Item 10.9 was deleted from the agenda.

6. PRESENTATIONS

6.1 PROCLAIMING SEPTEMBER AS NATIONAL PREPAREDNESS MONTH

Mayor Arapostathis read the proclamation proclaiming September as National Preparedness Month.

6.2 POLICE CHIEF'S QUARTERLY OPERATIONS REPORT

Chief Sweeney presented the crime statistics for the quarter ending June 30, 2022, explained the statistics in the various crime categories and highlighted recently solved cases. Chief Sweeney briefly discussed the Department's proactive operations and strategic enforcement to help reduce crime and also reviewed various community outreach activities that took place. Chief Sweeney announced the recent graduations and recognitions of service of Police Department team members.

Following Council questions and comments, no action was taken.

7. PUBLIC COMMENTS – (TOTAL TIME – 15 MINUTES)

There were no public comments.

8. CONFLICT DISCLOSURES

There were no conflict of interest disclosures.

9. BOARD AND COMMISSION INTERVIEWS

9.1 INTERVIEW OF APPLICANT FOR A VACANCY ON THE LA MESA COMMUNITY PARKING COMMISSION

City Clerk Wiegelman briefly explained the interview process.

Scott Favero spoke regarding their qualifications and interest in being appointed to the La Mesa Community Parking Commission as the

business representative, property owner, or resident residing in the CD/D Downtown Commercial Zone.

City Clerk Wiegelman said the appointment would be made at the September 27th City Council meeting.

Following the interview, no action was taken.

10. CONSENT CALENDAR

(Items 10.1 through 10.10)

Bonnie Baranoff spoke on Item 10.6 regarding the agreement between the City of La Mesa and Home Start, Inc. for housing navigation services.

Council questions and comments ensued.

Don Wood submitted a comment on Item 10.9 regarding the adoption of the Housing Element of the General Plan 6th Cycle Update.

Moved By Mayor Arapostathis

Seconded By Vice Mayor Parent

Approve Consent Calendar Items 10.1 through 10.10, except for Item 10.9.

For (5): Mayor Arapostathis, Vice Mayor Parent, Councilmember Baber, Councilmember Lothian, and Councilmember Shu

Approved (5 to 0)

10.1 APPROVAL OF MOTION TO WAIVE THE READING OF THE TEXT OF ALL ORDINANCES AND RESOLUTIONS AT THIS MEETING

Approve.

10.2 APPROVAL OF THE MINUTES FOR THE CITY COUNCIL REGULAR MEETING, LA MESA PUBLIC FINANCING AUTHORITY SPECIAL MEETING, AND CITY OF LA MESA SUCCESSOR AGENCY SPECIAL MEETING HELD TUESDAY, JUNE 28, 2022

Approve.

10.3 APPROVAL OF THE MINUTES FOR THE CITY COUNCIL SPECIAL MEETINGS HELD TUESDAY, JUNE 28 AND AUGUST 9, 2022

Approve.

10.4 APPROVAL OF THE MINUTES FOR THE CITY COUNCIL REGULAR MEETINGS HELD TUESDAY, JULY 12, JULY 26 AND AUGUST 9, 2022

Approve.

10.5 RESOLUTION APPOINTING THE GROSSMONT UNION HIGH SCHOOL DISTRICT REPRESENTATIVE TO THE COMMUNITY SERVICES COMMISSION

Resolution No. 2022-095

Adopt Resolution.

10.6 RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF LA MESA AND HOME START, INC. FOR HOUSING NAVIGATION SERVICES FOR THE CITY OF LA MESA

Resolution No. 2022-096

Adopt Resolution.

10.7 RESOLUTION AWARDING THE PURCHASE OF FOUR FORD POLICE INTERCEPTOR HYBRID UTILITY VEHICLES FOR THE POLICE DEPARTMENT AND TWO FORD F-150 TRUCKS FOR THE PUBLIC WORKS DEPARTMENT TO PENSKE FORD

Resolution No. 2022-097

Adopt Resolution.

10.8 RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE FY 2021 STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP) GRANT OF \$46,234 FOR TERRORISM PREPAREDNESS

Resolution No. 2022-098

Adopt Resolution.

10.10 RESOLUTION ACCEPTING GRANT OF \$40,000 FROM SAN DIEGO FOUNDATION AND APPROPRIATING FUNDS FOR PURCHASE AND INSTALLATION OF FITNESS EQUIPMENT AT LA MESITA PARK

Resolution No. 2022-099

Adopt Resolution.

10.9 RESOLUTION ADOPTING THE HOUSING ELEMENT OF THE GENERAL PLAN 6TH CYCLE UPDATE

This item was deleted from the agenda.

11. STAFF REPORT

11.1 LA MESA VILLAGE ENHANCEMENT FUND PROGRAM

**CONSIDERATION OF LA MESA COMMUNITY PARKING COMMISSION
RECOMMENDATION FOR LA MESA VILLAGE ENHANCEMENT FUND
PROGRAM FUNDING AND APPROVING RESOLUTION
APPROPRIATING FUNDS FROM THE DOWNTOWN PARKING FUND
TO THE FISCAL YEAR 2022-2023 DOWNTOWN VILLAGE
ENHANCEMENT FUND BUDGET**

Assistant to the City Manager Dedmon provided a PowerPoint presentation on the La Mesa Village Enhancement Fund Program ("Program"), highlighting the key elements of the Program guidelines, the annual application timeline, and the Program funding history. Assistant to the City Manager Dedmon said four applications were received; three applications were for special events and one application was for a Downtown Village advertisement campaign. The four applications were for the 2022 Oktoberfest, 2022 Holiday in the Village, 2023 Classic Car Show, and 2022-2023 Downtown Village Advertisement Campaign. Assistant to the City Manager Dedmon summarized the La Mesa Community Parking Commission's recommendation for the allocation of the La Mesa Village Enhancement Fund Program funding.

Council questions and comments ensued.

Resolution No. 2022-100

Moved By Mayor Arapostathis

Seconded By Vice Mayor Parent

(1) Approve the following allocation of the La Mesa Village Enhancement Fund Program funding as recommended by the La Mesa Community Parking Commission: \$20,000 for the 2022 Oktoberfest, \$15,000 for the 2022 Holiday in the Village, \$7,000 for the 2023 Classic Car Show, and \$12,910 for the 2022-2023 Downtown Village Advertisement Campaign; and (2) Adopt the Resolution appropriating \$54,910 from the Downtown Parking Fund to the Fiscal Year 2022-2023 Downtown Village Enhancement Fund budget.

For (5): Mayor Arapostathis, Vice Mayor Parent, Councilmember Baber, Councilmember Lothian, and Councilmember Shu

Approved (5 to 0)

12. HEARING

**12.1 CONSIDERATION OF RESOLUTION ORDERING THE SUMMARY
VACATION OF EXCESS RIGHT-OF-WAY FOR PUBLIC ROAD
PURPOSES OF SENECA PLACE, NORTH OF LOT 1 OF SENECA
TRACT, MAP NO. 1441 AND EAST OF LOT C, PARCEL MAP 1426**

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Mayor Arapostathis opened the hearing for Item 12.1.

Director of Public Works/City Engineer Throne explained the purpose and process of the vacation and described the location of the property.

Council questions and comments ensued.

Moved By Mayor Arapostathis

Seconded By Vice Mayor Parent

Close the hearing.

For (5): Mayor Arapostathis, Vice Mayor Parent, Councilmember Baber, Councilmember Lothian, and Councilmember Shu

Approved (5 to 0)

Resolution No. 2022-101

Moved By Mayor Arapostathis

Seconded By Vice Mayor Parent

Adopt Resolution.

For (5): Mayor Arapostathis, Vice Mayor Parent, Councilmember Baber, Councilmember Lothian, and Councilmember Shu

Approved (5 to 0)

13. COUNCIL INITIATED

13.1 DISCUSSION REGARDING ENSURING LA MESA MAKES A PROMPT, GOOD FAITH, AND ENTIRELY COMPLIANT SUBMISSION FOR OUR UPDATED HOUSING ELEMENT – VICE MAYOR PARENT

Vice Mayor Parent explained the purpose for bringing forth the discussion on the updated Housing Element.

Council questions and comments ensued.

Dianne Osterling spoke regarding affordable housing and data on short term housing in La Mesa.

Moved By Vice Mayor Parent
Seconded By Mayor Arapostathis

Direct staff to make a prompt, good faith, and entirely compliant submission for the City's updated Housing Element.

For (5): Mayor Arapostathis, Vice Mayor Parent, Councilmember Baber, Councilmember Lothian, and Councilmember Shu

Approved (5 to 0)

14. COUNCIL COMMITTEE REPORTS (3 MINUTE LIMIT)

The Mayor and Council reported on various outside boards, commissions and committee meetings they attended. No action was taken.

15. AB 1234 REPORTS (GC 53232.3 (d))

Councilmember Lothian reported on her trip to Long Beach on September 7 through September 9, 2022, for the League of California Cities Annual Conference.

16. CITY ATTORNEY REMARKS

There were no remarks.

17. ADJOURNMENT

Mayor Arapostathis adjourned the meeting at 6:53 p.m.

City Clerk



DATE: September 27, 2022

TO: Mayor and Members of the City Council

FROM: Megan Wiegelman, City Clerk *mw*

VIA: Greg Humora, City Manager *GH*

SUBJECT: ADOPTION OF RESOLUTION MAKING FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 54953, AS AMENDED BY ASSEMBLY BILL 361, AND AUTHORIZING THE CONTINUED USE OF VIRTUAL AND/OR HYBRID MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF LA MESA FOR THE 30-DAY PERIOD B

The City Council, Board and Commission meetings returned to in-person meetings on April 12, 2022. On February 22, 2022, it was the consensus of the Council to permit hybrid meetings of the legislative bodies of the City of La Mesa. A city may meet remotely or use a combination of in-person/virtual (hybrid) platform under AB 361 during a declared state of emergency by the Governor via Government Code § 54953(e) *et seq.* The attached Resolution (**Attachment A**) would need to be adopted by Council to allow for hybrid meetings, in which Councilmembers and/or Board and Commission Members may choose to continue to attend meetings virtually while still allowing the public to attend in-person.

On September 28, 2021, the City Council was apprised of the latest Assembly Bill No. 361 (AB 361) signed by Governor Newsom allowing legislative bodies to continue to utilize remote/virtual platforms for meetings as long as one of the following three criteria was met:

- State or local officials have imposed or recommended measures to promote social distancing; or
- For the purpose of determining, by majority vote, whether as a result of the state of emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- The City Council has previously determined, by majority vote, that, as a result of the state of emergency, meeting in person would present imminent risks to the health or safety of attendees.

Based on the above criteria, the City Council adopted Resolution No. 2021-115 to allow continued remote teleconference meetings of the legislative bodies of the City of

La Mesa for the month of October 2021 at its September 28, 2021 meeting. Subsequently, the City Council adopted Resolution Nos. 2021-129, 2021-153, 2022-006, and 2022-018, to allow continued remote teleconference meetings of the legislative bodies of the City of La Mesa for the months of November and December 2021 and January, February, and March 2022. Similarly, the City Council adopted Resolution Nos. 2022-020, 2022-028, 2022-042, 2022-063, 2022-083, and 2022-087 to allow hybrid meetings of the legislative bodies of the City of La Mesa for April, May, June, July, August, and September 2022.

To continue meeting based on the parameters set forth in AB 361, the City Council must adopt subsequent resolutions each month prior to the expiration date of the previously adopted resolutions requesting the same. The adoption of the proposed Resolution is required to allow the City's legislative bodies to hold hybrid meetings in which Councilmembers, Board Members, and Commissioners may choose to continue to participate virtually. Staff recommends adopting the attached draft resolution this evening to allow the hybrid meeting option for the month of October.

Attachment: A. Draft Resolution

RESOLUTION NO. 2022-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA MAKING FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 54953, AS AMENDED BY ASSEMBLY BILL 361, AND RE-AUTHORIZING THE CONTINUED USE OF VIRTUAL AND/OR HYBRID MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF LA MESA FOR THE 30-DAY PERIOD BEGINNING OCTOBER 1, 2022 THROUGH OCTOBER 31, 2022

WHEREAS, as a result of the COVID-19 pandemic, the Governor issued Executive Order Nos. N-08-21, N-25-20 and N-29-20, which suspended certain provisions of the Ralph M. Brown Act to allow legislative bodies to conduct public meetings without strict compliance with the teleconferencing provisions of the Brown Act;

WHEREAS, Assembly Bill 361, which was signed into law on September 16, 2021, amended Government Code section 54953, to provide relief from the teleconferencing provisions of the Brown Act under certain circumstances provided the legislative body makes certain findings;

WHEREAS, as a result of the COVID-19 pandemic, the Governor proclaimed a state of emergency on March 4, 2020, in accordance with the section 8625 of the California Emergency Services Act, and the state of emergency remains in effect; and

WHEREAS, as a result of the COVID-19 pandemic, the California Department of Health and County of San Diego Public Health Services continue to recommended measures to promote social distancing.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of La Mesa as follows:

1. That the Council has reconsidered the circumstances of the previously declared and existing state of emergency arising from the COVID-19 pandemic;
2. That the state of emergency continues to directly impact the ability of the members of the Council to meet safely in person, and further that local officials continue to impose or recommend measures to promote social distancing;
3. That the legislative bodies of the City may continue to conduct public meetings in accordance with Government Code section 54953(e); and
4. That the Council will reconsider the above findings within 30-days of this Resolution.

PASSED AND ADOPTED at a Regular meeting of the City Council of the City of La Mesa, California, held the 27th day of September 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

CERTIFICATE OF THE CITY CLERK

I, MEGAN WIEGELMAN, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2022-__, duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)



DATE: September 27, 2022

TO: Mayor and Members of the City Council

FROM: Megan Wiegelman, City Clerk *mw*

VIA: Greg Humora, City Manager *GH*

SUBJECT: Update of the Conflict of Interest Code and Appendix

The Political Reform Act requires every local agency to review its Conflict of Interest Code every even-numbered year to ensure that it is current and accurate. The City has adopted the state's standardized Conflict of Interest Code and its amendments by reference. The attached Resolution amends the City's Code to reflect the current wording of Section 18730 of Title 2 of the California Code of Regulations and updates the Appendix to bring it into conformity with current positions and titles. Recommended changes to the Appendix are as follows:

- The following positions are being added:
 - Assistant to the City Manager
 - Assistant Director of Community Development
 - Communications Manager
 - Finance Manager
- The position of Senior Management Analyst (Finance) is being removed since the position is a duplicate of Management/Senior Management Analyst which is listed on the Appendix with the same Disclosure Category.
- Arts and Culture Commission is being added.
- Community Police Oversight Board is being added.
- Traffic and Mobility Commission is being amended to Mobility Commission.

It is recommended that the Council adopt the attached Resolution.

Attachment A: Resolution

Attachment B: Conflict of Interest Code

RESOLUTION NO. 2022-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA APPROVING
AND ADOPTING AMENDMENTS TO THE BODY AND APPENDIX OF THE CITY'S
AMENDED LOCAL CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act requires every local government agency to review its conflict of interest code to determine if it is accurate and current or, alternatively, that the code must be amended;

WHEREAS, the City of La Mesa has adopted the State standardized Conflict of Interest Code and any State code amendments by reference; and

WHEREAS, amendments to the Appendix of the City's Code were made in order to update the positions affected.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of La Mesa that:

1. The terms of California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference; and

2. The Appendix of the Amended Local Conflict of Interest Code of the City of La Mesa is hereby amended.

PASSED AND ADOPTED at a Regular meeting of the City Council of the City of La Mesa, California, held the 27th day of September 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

CERTIFICATE OF CITY CLERK

I, MEGAN WIEGELMAN, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2022-__, duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)



CONFLICT-OF-INTEREST CODE

Published by the Office of the City Clerk

September 2022



City of La Mesa

Conflict-of-Interest Code

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) that contains the terms of a standard conflict-of-interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designating positions and establishing disclosure requirements, shall constitute the Conflict-of-Interest Code of the City of La Mesa.

Individuals holding designated positions shall file their statements with the Office of the City Clerk, which will retain the statements and make the statements available for public inspection and reproduction (Gov. Code Section 81008.)

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in the employee's statement of economic interests those economic interests the employee has which are of the kind described in the disclosure categories to which the employee is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's

disclosure categories are the kinds of economic interests which the employee foreseeably can affect materially through the conduct of the employee's office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following the person's return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that the person is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of the person's military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided the person did not make or participate in the making of, or use the person's position to influence any decision and did not receive or become entitled to receive any form of payment as a result of the person's appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation the person did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;

2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which the employee is a director, officer, partner, trustee, employee, or in which the employee holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

(D) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$520.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$520 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from

any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control.

This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while the official holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of the officer's election to office through the date the officer vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

- a. The date the loan was made.
- b. The date the last payment of \$100 or more was made on the loan.
- c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

- 1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
- 2. A loan that would otherwise not be a gift as defined in this title.
- 3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
- 4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
- 5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use the employee's official position to influence the making of any governmental decision which the employee knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of the official's immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$500 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent the employee's participation is legally required for the decision to be made.

The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make the employees' participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use the official's position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of the official's immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that the employee should not make a governmental decision because the employee has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of the duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for the employee's agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

² See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes the employee's community property interest in the income of the employee's spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14).
Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).

9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).

18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).

19. Editorial correction of subsection (a) (Register 98, No. 47).

20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).

21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).

22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).

23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).

24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District,

nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).

25. Editorial correction of History 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).

27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).

28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).

29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of*

Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).

32. Amendment of section heading and subsections (a)-(b)(1), (b)(3)-(4), (b)(5)(C), (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) and amendment of footnote 1 filed 1-8-2013; operative 2-7-2013.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2013, No. 2).

33. Amendment of subsections (b)(8.1)-(b)(8.1)(A), (b)(8.2)(E)3. and (b)(9)(E) filed 12-15-2014; operative 1-1-2015 pursuant to section 18312(e)(1)(A), title 2, California Code of Regulations.

Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2014, No. 51).

34. Redesignation of portions of subsection (b)(8)(A) as new subsections (b)(8)(B)-(D), amendment of subsections (b)(8.1)-(b)(8.1)(A), redesignation of portions of subsection (b)(8.1)(A) as new subsections (b)(8.1)(B)-(C) and amendment of subsection (b)(9)(E) filed 12-1-2016; operative 12-31-2016 pursuant to Cal. Code Regs. tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision,

April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 49).

35. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-12-2018; operative 1-11-2019 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2018, No. 50).

36. Amendment of subsections (b)(8.1)-(8.1)(A) filed 12-23-2020; operative 1-1-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2020, No. 52).

37. Amendment of subsections (b)(3)(C), (b)(5)(C), (b)(5.5), (b)(5.5)(A)(2), (b)(7)(D), (b)(8)(A), (b)(8.1)(A), (b)(8.2)(A), (b)(8.2)(C)-(D), (b)(8.3)(A), (b)(9), (b)(9.3), (b)(9.5), (b)(10) and (b)(11) and footnote 5 filed 5-12-2021; operative 6-11-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974

Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2021, No. 20).

APPENDIX TO THE AMENDED LOCAL CONFLICT OF INTEREST CODE OF THE CITY OF LA MESA

The positions and categories within the City listed in this appendix are "designated positions." Any person whose position with the City is a designated position, is a designated employee. Designated employees shall disclose in the manner provided in the Amended Local Conflict of Interest Code of the City of La Mesa those financial interests that are within the categories represented by the letter following the listed position. The disclosure categories are as follows:

"A" - All investments and business positions in business entities, interests in real property, and sources of income, including gifts, loans, and travel payments; and

"B" - All investments and business positions in business entities, and income, including gifts, loans, and travel payments, from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the City.

<u>Position</u>	<u>Disclosure Categories</u>
City Attorney's Office:	
General Counsel, La Mesa Public	
Financing Authority	A
General Counsel, La Mesa Successor Agency	A
Assistant City Attorney	A
City staff under City Manager:	
Assistant City Manager	A
Assistant to the City Manager	A
Assistant Director of Public Works	A
Assistant Director of Community Development	A
Building Inspector I/II	B
Building Inspection Supervisor	B
Building Maintenance Supervisor	B
Building Official	A
Business License Officer	B
City Clerk	A
Code Compliance Officer I/II	B
Communications Manager	B
Community Development Program Coordinator	B
Deputy Fire Marshal	B
Director of Administrative Services	A
Director of Community Development	A
Director of Community Services	A
Director of Finance	A
Director of Public Works/City Engineer	A
Engineering Project Manager	B
Environmental Program Manager	B
Finance Manager	B
Fire Chief	A
Fire Division Chief	B
Fire Marshal	B
<u>Position</u>	<u>Disclosure Categories</u>

Fire Inspector I/II	B
Fleet Maintenance Supervisor	B
Human Resources/Risk Manager	B
Information Technology Manager	B
Management/Senior Management Analyst	B
Park Maintenance Supervisor	B
Police Captain	B
Police Chief	A
Police Lieutenant	B
Police Services Manager	B
Public Works Crew Leader	B
Public Works Maintenance Supervisor	B
Public Works Operations Manager	B
Purchasing Officer	A
Recreation Supervisor	B
Risk Manager	A
Senior Accountant	B
Senior Building Inspector	B
Senior Management Analyst (Finance)	B
Senior Planner	B
Storm Water Program Manager	B

City Agencies, Authorities, Boards, Commissions and Committees:

<u>Arts and Culture Commission</u>	<u>A</u>
<u>Community Police Oversight Board</u>	<u>A</u>
Community Services Commission	A
Design Review Board	A
Historic Preservation Commission	A
La Mesa Community Parking Commission	A
La Mesa Public Financing Authority	A
Loan Committee for Real Estate Rehabilitation	A
Oversight Board of the La Mesa Successor Agency	A
Personnel Appeals Board	A
La Mesa Successor Agency	A
Traffic and Mobility Commission	A

Consultants: A Consultant is any natural person who provides under contract information, advice, recommendation or counsel to any agency, and shall report according to category "A." However, the disclosure to be made by the consultant shall be determined on a case-by-case basis by the City Manager.

Please note: the City Council, City Manager, City Attorney, City Treasurer and Planning Commission are covered by other regulations (GC 87200) and, therefore, are not included in the City's Conflict of Interest Code.



REPORT to the MAYOR and MEMBERS of the CITY COUNCIL
From the CITY MANAGER

DATE: September 27, 2022

SUBJECT: Proposed Lease Amendment with the United States Postal Service

DESCRIPTION: THIRD AMENDMENT TO THE LEASE BETWEEN THE CITY OF LA MESA AND THE UNITED STATES POSTAL SERVICE FOR THE PROPERTY LOCATED AT 8064 ALLISON AVENUE AND APPROPRIATING GENERAL FUND RESERVES TO FUND BROKERAGE COMMISSION FEES RELATED TO THE LEASE AMENDMENT

ISSUING DEPARTMENT: City Manager's Office

SUMMARY:

Issues:

1. Should the City Council approve an amendment to the existing lease between the City of La Mesa and the United States Postal Service for the property located at 8064 Allison Avenue?
2. Should the City Council adopt a resolution appropriating \$40,140 from General Fund Reserves to pay for brokerage commission fees related to the proposed lease amendment?

Recommendation:

1. Approve an amendment to the existing lease between the City of La Mesa and the United States Postal Service for the property located at 8064 Allison Avenue.
2. Adopt a resolution appropriating \$40,140 from General Fund Reserves to pay for brokerage commission fees related to the proposed lease amendment.

Fiscal Impact:

There is a positive fiscal impact associated with the recommended actions. The proposed lease amendment would generate an additional \$49,646 in net annual revenues over the five-year term, inclusive of commission fees. Staff is requesting the City Council authorize an appropriation of \$40,140 from General Fund Reserves to cover the cost of the required 4% commission fee. The funding would be allocated to the Fiscal Year 2022-2023 budget in account 1309-6430.

City's Strategic Goals:

- Maintain a financially sound and affordable city government
- Continue to improve high quality municipal services

BACKGROUND:

The City leases the property located at 8084 Allison Avenue to the United States Postal Service (USPS). The post office is located within the same building structure as the La Mesa Branch Library. The City entered into the initial lease in 2002 when the Post Office was located at 4800 Nebo Drive which was a free-standing building totaling 9,011 square feet. The lease provides for a fixed 20-year term with four 5-year extensions at the tenant's option; this means that the tenant and not the landlord has a right to exercise an extension with appropriate notice. The initial lease provided the City with rent totaling \$125,000 per year; there were no annual or regular escalations provided for in the lease.

Once the City constructed the new building where the library and post office are currently located on Allison Avenue, the City and USPS executed the First Amendment to reflect the change in location and increased rent to \$143,000 per year. In preparation for anticipated lease negotiations, the lease was amended earlier this year to clarify outdated language regarding the appraisal process and market rate evaluation methodology. The Second Amendment also waived the 180-day notice period for the first renewal to provide the parties with a more flexible schedule. All other terms, conditions, and responsibilities between both parties remained unchanged.

DISCUSSION:

USPS notified the City of its intent to exercise its first 5-year renewal option. Staff requested that USPS prepare a formal offer to share with the City Council for consideration. The initial offer provided by USPS increased rent to \$2.15 per square foot based on an appraisal dated May 2021. The City Council considered the initial offer and directed staff to procure an additional appraisal to assess the current market

value of the lease. The City's appraisal considered factors such as the unique use of the tenant space, limited regional availability, comparable lease deals, and potential future movement in the commercial real estate market. The updated City appraisal arrived at a market value of \$2.60 per square foot. The City Council provided further direction to staff to continue with the negotiation process. Staff returned with an updated offer from USPS of \$2.37 per square foot which equals \$200,673 per year. This offer represents a 41% increase in rent compared to the current annual rent. Based upon the current rental market, including comparable lease agreement in the San Diego region, staff believes the proposed consideration over the five-year term is reasonable.

CONCLUSION:

The proposed lease amendment would generate \$1,003,365 in gross rent over the five-year term; the City is required to pay a commission totaling 4% of this amount. The City's net rental proceeds over the next five years would be \$963,231. Subject to the execution of the proposed Third Amendment, the effective date would be from December 1, 2022, through November 30, 2027.

Reviewed by:



Greg Humora
City Manager

Respectfully submitted by:



Carlo Tomaino
Assistant City Manager

Attachments:

- A. Lease Amendment
- B. Resolution

DISCLOSURE REGARDING REAL ESTATE AGENCY RELATIONSHIP
(As Required by the California Civil Code)

When you enter into a discussion with a real estate agent regarding a real estate transaction, you should from the outset understand what type of agency relationship or representation you wish to have with the agent in the transaction.

SELLER'S AGENT

A Seller's agent under a listing agreement with the Seller acts as the agent for the Seller only. A Seller's agent or a subagent of that agent has the following affirmative obligations:

To the Seller:

- a. A fiduciary duty of utmost care, integrity, honesty, and loyalty in dealings with the Seller. To the Buyer and the Seller:
 - a. Diligent exercise of reasonable skill and care in performance of the agent's duties.
 - b. A duty of honest and fair dealing and good faith.
 - c. A duty to disclose all facts known to the agent materially affecting the value or desirability of the property that are not known to, or within the diligent attention and observation of, the parties.
- An agent is not obligated to reveal to either party any confidential information obtained from the other party that does not involve the affirmative duties set forth above.

BUYER'S AGENT

A selling agent can, with a Buyer's consent, agree to act as agent for the Buyer only. In these situations, the agent is not the Seller's agent, even if by agreement the agent may receive compensation for services rendered, either in full or in part from the Seller. An agent acting only for a Buyer has the following affirmative obligations:

To the Buyer:

- a. A fiduciary duty of utmost care, integrity, honesty, and loyalty in dealings with the Buyer. To the Buyer and the Seller:
 - a. Diligent exercise of reasonable skill and care in performance of the agent's duties.
 - b. A duty of honest and fair dealing and good faith.
 - c. A duty to disclose all facts known to the agent materially affecting the value or desirability of the property that are not known to, or within the diligent attention and observation of, the parties.
- An agent is not obligated to reveal to either party any confidential information obtained from the other party that does not involve the affirmative duties set forth above.

AGENT REPRESENTING BOTH SELLER AND BUYER

A real estate agent, either acting directly or through one or more associate licensees, can legally be the agent of both the Seller and the Buyer in a transaction, but only with the knowledge and consent of both the Seller and the Buyer. In a dual agency situation, the agent has the following affirmative obligations to both the Seller and the Buyer:

- a. A fiduciary duty of utmost care, integrity, honesty and loyalty in the dealings with either the Seller or the Buyer.
 - b. Other duties to the Seller and the Buyer as stated above in their respective sections.
- In representing both Seller and Buyer, the agent may not, without the express permission of the respective party, disclose to the other party that the Seller will accept a price less than the listing price or that the Buyer will pay a price greater than the price offered.

The above duties of the agent in a real estate transaction do not relieve a Seller or Buyer from the responsibility to protect his or her own interests. You should carefully read all agreements to assure that they adequately express your understanding of the transaction. A real estate agent is a person qualified to advise about real estate. If legal or tax advice is desired, consult a competent professional.

Throughout your real property transaction you may receive more than one disclosure form, depending upon the number of agents assisting in the transaction. The law requires each agent with whom you have more than a casual relationship to present you with this disclosure form. You should read its contents each time it is presented to you, considering the relationship between you and the real estate agent in your specific transaction.

This disclosure form includes the provisions of Sections 2079.13 to 2079.24, inclusive, of the Civil Code set forth on the reverse hereof. Read it carefully.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS DISCLOSURE AND THE PORTIONS OF THE CALIFORNIA CIVIL CODE PRINTED ON THE FOLLOWING PAGE.

We acknowledge that Agent represents us as (check one):

☒ Tenant/Buyer ☐ Landlord/Seller _____ Date _____

Agent: Jones Lang LaSalle Brokerage Inc.

CA Civil Code Sections 2079.13 through 2079.24 (2079.16 appears on the front)

As used in Sections 2079.14 to 2079.24, inclusive, the following terms have the following meanings: (a) **"Agent"** means a person acting under provisions of Title 9 (commencing with Section 2295) in a real property transaction, and includes a person who is licensed as a real estate broker under Chapter 3 (commencing with Section 10130) of Part 1 of Division 4 of the Business and Professions Code, and under whose license a listing is executed or an offer to purchase is obtained. (b) **"Associate licensee"** means a person who is licensed as a real estate broker or salesperson under Chapter 3 (commencing with Section 10130) of Part 1 of Division 4 of the Business and Professions Code and who is either licensed under a broker or has entered into a written contract with a broker to act as the broker's agent in connection with acts requiring a real estate license and to function under the broker's supervision in the capacity of an associate licensee. The agent in the real property transaction bears responsibility for his or her associate licensees who perform as agents of the agent. When an associate licensee owes a duty to any principal, or to any buyer or seller who is not a principal, in a real property transaction, that duty is equivalent to the duty owed to that party by the broker for whom the associate licensee functions. (c) **"Buyer"** means a transferee in a real property transaction, and includes a person who executes an offer to purchase real property from a seller through an agent, or who seeks the services of an agent in more than a casual, transitory, or preliminary manner, with the object of entering into a real property transaction. "Buyer" includes vendee or lessee. (d) **"Commercial real property"** means all real property in the state, except single-family residential real property, dwelling units made subject to Chapter 2 (commencing with Section 1940) of Title 5, mobilehomes, as defined in Section 798.3, or recreational vehicles, as defined in Section 799.29. (e) **"Dual agent"** means an agent acting, either directly or through an associate licensee, as agent for both the seller and the buyer in a real property transaction. (f) **"Listing agreement"** means a contract between an owner of real property and an agent, by which the agent has been authorized to sell the real property or to find or obtain a buyer. (g) **"Listing agent"** means a person who has obtained a listing of real property to act as an agent for compensation. (h) **"Listing price"** is the amount expressed in dollars specified in the listing for which the seller is willing to sell the real property through the listing agent. (i) **"Offering price"** is the amount expressed in dollars specified in an offer to purchase for which the buyer is willing to buy the real property. (j) **"Offer to purchase"** means a written contract executed by a buyer acting through a selling agent that becomes the contract for the sale of the real property upon acceptance by the seller. (k) **"Real property"** means any estate specified by subdivision (1) or (2) of Section 761 in property that constitutes or is improved with one to four dwelling units, any commercial real property, any leasehold in these types of property exceeding one year's duration, and mobilehomes, when offered for sale or sold through an agent pursuant to the authority contained in Section 10131.6 of the Business and Professions Code. (l) **"Real property transaction"** means a transaction for the sale of real property in which an agent is employed by one or more of the principals to act in that transaction, and includes a listing or an offer to purchase. (m) **"Sell," "sale," or "sold"** refers to a transaction for the transfer of real property from the seller to the buyer, and includes exchanges of real property between the seller and buyer, transactions for the creation of a real property sales contract within the meaning of Section 2985, and transactions for the creation of a leasehold exceeding one year's duration. (n) **"Seller"** means the transferor in a real property transaction, and includes an owner who lists real property with an agent, whether or not a transfer results, or who receives an offer to purchase real property of which he or she is the owner from an agent on behalf of another. "Seller" includes both a vendor and a lessor. (o) **"Selling agent"** means a listing agent who acts alone, or an agent who acts in cooperation with a listing agent, and who sells or finds and obtains a buyer for the real property, or an agent who locates property for a buyer or who finds a buyer for a property for which no listing exists and presents an offer to purchase to the seller. (p) **"Subagent"** means a person to whom an agent delegates agency powers as provided in Article 5 (commencing with Section 2349) of Chapter 1 of Title 9. However, "subagent" does not include an associate licensee who is acting under the supervision of an agent in a real property transaction.

Listing agents and selling agents shall provide the seller and buyer in a real property transaction with a copy of the disclosure form specified in Section 2079.16, and, except as provided in subdivision (c), shall obtain a signed acknowledgment of receipt from that seller or buyer, except as provided in this section or Section 2079.15, as follows: (a) The listing agent, if any, shall provide the disclosure form to the seller prior to entering into the listing agreement. (b) The selling agent shall provide the disclosure form to the seller as soon as practicable prior to presenting the seller with an offer to purchase, unless the selling agent previously provided the seller with a copy of the disclosure form pursuant to subdivision (a). (c) Where the selling agent does not deal on a face-to-face basis with the seller, the disclosure form prepared by the selling agent may be furnished to the seller (and acknowledgment of receipt obtained for the selling agent from the seller) by the listing agent, or the selling agent may deliver the disclosure form by certified mail addressed to the seller at his or her last known address, in which case no signed acknowledgment of receipt is required. (d) The selling agent shall provide the disclosure form to the buyer as soon as practicable prior to execution of the buyer's offer to purchase, except that if the offer to purchase is not prepared by the selling agent, the selling agent shall present the disclosure form to the buyer not later than the next business day after the selling agent receives the offer to purchase from the buyer.

In any circumstance in which the seller or buyer refuses to sign an acknowledgment of receipt pursuant to Section 2079.14, the agent, or an associate licensee acting for an agent, shall set forth, sign, and date a written declaration of the facts of the refusal.

(a) As soon as practicable, the selling agent shall disclose to the buyer and seller whether the selling agent is acting in the real property transaction exclusively as the buyer's agent, exclusively as the seller's agent, or as a dual agent representing both the buyer and the seller. This relationship shall be confirmed in the contract to purchase and sell real property or in a separate writing executed or acknowledged by the seller, the buyer, and the selling agent prior to or coincident with execution of that contract by the buyer and the seller, respectively. (b) As soon as practicable, the listing agent shall disclose to the seller whether the listing agent is acting in the real property transaction exclusively as the seller's agent, or as a dual agent representing both the buyer and seller. This relationship shall be confirmed in the contract to purchase and sell real property or in a separate writing executed or acknowledged by the seller and the listing agent prior to or coincident with the execution of that contract by the seller. (c) The confirmation required by subdivisions (a) and (b) shall be in the following form:

(DO NOT COMPLETE, SAMPLE ONLY) is the agent of (check one):
(Name of Listing Agent) ☐ the landlord/seller exclusively
☐ both the tenant/buyer and landlord/seller

(DO NOT COMPLETE, SAMPLE ONLY) is the agent of (check one): (Name of Selling Agent if
not the same as Listing Agent) ☐ the tenant/buyer exclusively
☐ the landlord/seller exclusively
☐ both the tenant/buyer and the landlord/seller

(d) The disclosures and confirmation required by this section shall be in addition to the disclosure required by Section 2079.14.

No selling agent in a real property transaction may act as an agent for the buyer only, when the selling agent is also acting as the listing agent in the transaction.

The payment of compensation or the obligation to pay compensation to an agent by the seller or buyer is not necessarily determinative of a particular agency relationship between an agent and the seller or buyer. A listing agent and a selling agent may agree to share any compensation or commission paid, or any right to any compensation or commission for which an obligation arises as the result of a real estate transaction, and the terms of any such agreement shall not necessarily be determinative of a particular relationship.

Nothing in this article prevents an agent from selecting, as a condition of the agent's employment, a specific form of agency relationship not specifically prohibited by this article if the requirements of Section 2079.14 and Section 2079.17 are complied with.

A dual agent shall not disclose to the buyer that the seller is willing to sell the property at a price less than the listing price, without the express written consent of the seller. A dual agent shall not disclose to the seller that the buyer is willing to pay a price greater than the offering price, without the express written consent of the buyer. This section does not alter in any way the duty or responsibility of a dual agent to any principal with respect to confidential information other than price.

Nothing in this article precludes a listing agent from also being a selling agent, and the combination of these functions in one agent does not, of itself, make that agent a dual agent.

(a) A contract between the principal and agent may be modified or altered to change the agency relationship at any time before the performance of the act which is the object of the agency with the written consent of the parties to the agency relationship. (b) A lender or an auction company retained by a lender to control aspects of a transaction of real property subject to this part, including validating the sales price, shall not require, as a condition of receiving the lender's approval of the transaction, the homeowner or listing agent to defend or indemnify the lender or auction company from any liability alleged to result from the actions of the lender or auction company. Any clause, provision, covenant, or agreement purporting to impose an obligation to defend or indemnify a lender or an auction company in violation of this subdivision is against public policy, void, and unenforceable.

Nothing in this article shall be construed to either diminish the duty of disclosure owed buyers and sellers by agents and their associate licensees, subagents, and employees or to relieve agents and their associate licensees, subagents, and employees from liability for their conduct in connection with acts governed by this article or for any breach of a fiduciary duty or a duty of disclosure.

AGENCY CONFIRMATION
CONFIRMATION OF REAL ESTATE AGENCY RELATIONSHIP(S)
(As required by California Civil Code)

Subject Property Address: 8064 Allison Avenue, La Mesa CA

THE FOLLOWING AGENCY RELATIONSHIP(S) IS/ARE HEREBY CONFIRMED:

N/A is the agent of (check one)
Name of **Listing** Agent (Company)

- ☐ The landlord/seller exclusively
☐ Both the tenant/buyer and the landlord/seller *

Name of Individual Broker(s)

JONES LANG LASALLE BROKERAGE INC is the agent of (check one)
Name of **Selling** Agent (Company)

- ☒ The tenant/buyer exclusively
☐ The landlord/seller exclusively
☐ Both the tenant/buyer and the landlord/seller*
☐ Tenant/Buyer is NOT represented by a broker

Erik Westedt
Name of Individual Broker(s)

AGENT REPRESENTING BOTH THE BUYER/TENANT AND THE SELLER/LANDLORD*:

A real estate agent, either acting directly or through one or more associate licensees, can legally be the agent of both the Seller and the Buyer in a transaction, but only with the knowledge and consent of both the Seller and the Buyer. In a dual agency situation, the agent has the following affirmative obligations to both the Seller and the Buyer:

- a. A fiduciary duty of utmost care, integrity, honesty and loyalty in the dealings with either the Seller or the Buyer.*
- b. Other duties to the Seller and the Buyer as stated above in their respective sections.*

In representing both Seller and Buyer, the agent may not, without the express permission of the respective party, disclose to the other party that the Seller will accept a price less than the listing price or that the Buyer will pay a price greater than the price offered.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS CONFIRMATION.

Tenant/Buyer: _____ **Date** _____

Landlord/Seller: _____ **Date** _____

Listing Agent: _____ **Date** _____

Selling Agent: _____ **Date** _____

August 15, 2022

COMMISSION AGREEMENT

This Agreement, made as of the last date written below, is between **CITY OF LA MESA** ("Lessor"), and **Jones Lang LaSalle Brokerage, Inc. ("Broker") as co-broker to Jones Lang LaSalle Americas, Inc. ("Agreement")**, and confirms the terms under which Lessor will pay a real estate brokerage commission to Broker for the lease ("Lease") between Lessor and the United States Postal Service ("Tenant") of that certain real property described as:

LA MESA FINANCE STATION, 8064 ALLISON AVE, LA MESA, CA

USPS Property ID 054158-001

1. Lessor will pay Broker, and Broker will accept as its full and only compensation for services rendered in connection with the Lease, an agreed upon rate that is in accordance with local business practices. The Lessor and Broker have agreed upon a commission equal to:

Annual Rent	Total Rent	Commission Rate	Amount Due
\$200,673.00	\$1,003,365.00	4%	\$40,134.60

2. The commission will be earned 100% upon full execution of the Lease and will be paid within thirty (30) days of execution without further condition or contingency.
3. The Aggregate Lease Value will include the initial rental to be paid by Tenant on all space leased by the Tenant and any fixed annual or other periodic bumps and/or fixed annual other periodic rent escalations occurring during the initial term of the Lease. The Aggregate Lease Value will not include any rental abatement, operating expenses and/or real estate taxes, any additional amounts paid by Tenant for services over and above those furnished by Lessor as part of the Lease, and option periods and/or lease terms beyond the initial term of the Lease. In no event shall the foregoing preclude Broker from receiving a commission for any extension, renewal, expansion or additional leasing in the event Tenant has engaged Broker to represent it.
4. Lessor agrees that it will not modify or in any way reduce the amount of Broker's commission hereunder. If either party institutes any action or proceeding against the other relating to the provisions of this Agreement, the unsuccessful party in the action or proceeding will reimburse the prevailing party all reasonable expenses, attorneys' fees, and disbursements. THE PARTIES HEREBY WAIVE TRIAL BY JURY.
5. This Agreement will continue to be in effect until the first anniversary of its full execution. If on the first anniversary the Lessor and Tenant are still negotiating for the Lease of the subject property, to the extent not prohibited by law, this Agreement will be automatically extended until such negotiations cease or a lease is fully executed.
6. This Agreement constitutes the entire agreement between Lessor and Broker and supersedes all prior discussions, negotiations, and agreements, whether oral or written. No amendment, alteration, or withdrawal of this Agreement will be valid or binding unless made in writing and signed by both Lessor and Broker. This Agreement will be binding upon the successors and assignees of the parties.
7. Lessor and Broker each represents and warrants to the other that, in connection with Tenant's Lease of the subject property, it has not employed or dealt with any broker, agent, or finder other than Broker. Lessor and Broker shall each indemnify and hold the other harmless from and against any claims for brokerage fees or other commissions asserted by any broker, agent or finder employed by Lessor or Broker, respectively, or with whom Lessor or Broker, respectively, has dealt.
8. Lessor and Broker agree not to disclose confidential financial information on commission, or any other information having an adverse effect on the agreement and will refrain from using the information for any other purpose than that for which it was furnished. The parties agree that there may be a client fee share, if allowed by applicable law.
9. Each party shall be responsible to the other party only for the reasonably foreseeable direct damages caused by its breach of this Agreement and in no event will either party be liable to the other for any loss of or damage to revenues, profits, or goodwill or other special, incidental, indirect, or consequential damage of any kind resulting from its performance or failure to perform pursuant to the terms of this Agreement. In no event shall Broker's liability for damages in connection with a claim made hereunder, including any indemnification obligation arising hereunder, exceed the amount of any commission actually received by Broker under this Agreement.
10. Each signatory to this Agreement represents and warrants that it has full authority to sign this Agreement on behalf of the party for whom it signs and that this Agreement binds such party.

BROKER:

Jones Lang LaSalle Brokerage, Inc.

By: _____

Name and Title

Dated: _____

LESSOR:

City of La Mesa

By: _____

Name and Title

Dated: _____

Facility Name/Location

FINANCE STATION (054158-001)
8064 ALLISON AVE, LA MESA, CA 91942-9994

Amendment No: 003

Lease: F00000093811

This refers to the Lease accepted by the United States Postal Service, hereinafter called the Postal Service, under date of 06/07/2001, whereby there is leased to the Postal Service the above-described facility.

WHEREAS, the Postal Service desires and Landlord is willing to amend the Lease as specified below;

NOW THEREFORE, in consideration of the mutual covenants and agreements herein set forth, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties do hereby agree as follows, effective on the date this document is executed by the Postal Service.

See Addendum.

In all other respects, the Lease shall remain the same and is hereby confirmed.

Facility Name/Location
FINANCE STATION (054158-001)
8064 ALLISON AVE, LA MESA, CA 91942-9994

County: San Diego
Lease: F00000093811

1. The Lease at Paragraph 4. Renewal Options, as it relates to the First Renewal Option, is hereby amended as follows:

The Annual Rent for the First Renewal Option for the period of 12/01/2022 through 11/30/2027 shall be \$200,673.00 per year.

The parties agree that notwithstanding any notice requirements to the contrary, for the purposes of exercising the First Renewal Option, the Postal Service's execution of this Lease Amendment shall be a legally sufficient exercise of the First Renewal Option.

2. The parties agree that if the signature(s) of either Landlord or the Postal Service on this Lease or any amendments, addendums, assignments, or other records associated with this Lease is not an original but is an electronic signature, scanned signature or a digitally encrypted signature, then such electronic signature, scanned signature or digitally encrypted signature shall be as enforceable, valid and binding as, and the legal equivalent to, an authentic original wet signature penned manually by its signatory. Signatures required under this Lease, or any amendments, addendums, assignments, or other records associated therewith, may be transmitted by email or by fax and, once received by the party to whom such signatures were transmitted, shall be binding on the party transmitting its signatures as though they were an original signature of such party.



Lease Amendment

EXECUTED BY LANDLORD this _____ day of _____, _____.

GOVERNMENTAL ENTITY

By executing this Lease Amendment, Landlord certifies that Landlord is not a USPS employee or contract employee (or an immediate family member of either), or a business organization substantially owned or controlled by a USPS employee or contract employee (or an immediate family member of either).

Name of Governmental Entity: CITY OF LA MESA

Name & Title

Name & Title

Name & Title

Name & Title

Name & Title

Name & Title

Name & Title

Name & Title

Landlord's Address: CITY OF LA MESA

8130 ALLISON AVE

LA MESA, CA

Zip+491942-5502

Landlord's Telephone Number(s): (619) 667 - 1450

Federal Tax Identification No.: XX-XXX0731

Witness

Witness

- a. Where the Landlord is a governmental entity or other municipal entity, the Lease must be accompanied by documentary evidence affirming the authority of the signatory(ies) to execute the Lease to bind the governmental entity or municipal entity for which he (or they) purports to act.
- b. Any notice to Landlord provided under this Lease or under any law or regulation must be in writing and submitted to Landlord at the address specified above, or at an address that Landlord has otherwise appropriately directed in writing. Any notice to the Postal Service provided under this Lease or under any law or regulation must be in writing and submitted to "Contracting Officer, U.S. Postal Service" at the address specified below, or at an address that the Postal Service has otherwise directed in writing.

ACCEPTANCE BY THE POSTAL SERVICE

Date: _____

Diana K Alvarado
Contracting Officer

Signature of Contracting Officer

Pacific FSO , , CA
Address of Contracting Officer

RESOLUTION NO. 2022-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA
APPROVING A THIRD AMENDMENT TO THE LEASE AGREEMENT BETWEEN
THE CITY OF LA MESA AND THE UNITED STATES POSTAL SERVICE FOR
THE PROPERTY LOCATED AT 8064 ALLISON AVENUE AND
APPROPRIATING GENERAL FUND RESERVES TO FUND BROKERAGE
COMMISSION FEES RELATED TO THE LEASE AMENDMENT

WHEREAS, the City leases real property totaling 7,056 square feet to the United States Postal Service located at 8064 Allison Avenue;

WHEREAS, the City entered into an initial 20-year lease with the United States Post Office with an effective term from December 1, 2002, through November 30, 2022;

WHEREAS, the City and the United States Postal Service mutually agreed to amend the lease, effective as of December 1, 2008, to provide for the relocation of the Post Office to its current location;

WHEREAS, the lease provides the United States Postal Service with up to four five-year term extensions at the Tenant's Option;

WHEREAS, the United States Postal Services exercised its right to its first five-year term extension and notified the City of its desire to continue operating in the existing leased space;

WHEREAS, the City administratively amended the lease to update outdated language regarding the appraisal process and waive the 180-day notice period to provide the parties with adequate time to negotiate a fair-market value price;

WHEREAS, the United States Postal Services provided the City with a formal offer and an initial appraisal assessing the commercial value of the property;

WHEREAS, the City Council directed staff to prepare an updated appraisal and negotiate with the United States Postal Service;

WHEREAS, the City and the United States Postal Service have agreed to a lease rate mutually acceptable to both parties including a brokerage commission fee totaling not more than 4% of the gross lease revenue of the five-year term payable to Jones, Lang, Lasalle Brokerage ("JLL") Incorporated; and

WHEREAS, an appropriation of General Fund Reserves in the amount of forty thousand one hundred and forty dollars (\$40,140) is necessary to fund the brokerage commission fees related to the lease amendment.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of La Mesa, California, that the Mayor is hereby authorized to approve a Third Amendment to the Lease Agreement with the United States Postal Service that provides valuable consideration totaling \$1,003,365 for the period commencing November 30, 2022, through December 1, 2027, and authorizing an appropriation of General Fund Reserves in the amount of

forty thousand one hundred and forty dollars ((\$40,140) to fund brokerage commission fees related to the lease amendment.

PASSED AND ADOPTED at a Regular meeting of the City Council of the City of La Mesa, California, held the 27th day of September 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

CERTIFICATE OF CITY CLERK

I, MEGAN WIEGELMAN, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2022-, duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)


CERTIFICATE OF CITY/DIRECTOR OF FINANCE

Certification of Unappropriated Reserves

I HEREBY CERTIFY that the money required for the appropriation of funds for the purpose as docketed is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unappropriated.

Amount \$ 40,140.00 Fund 1309-6430

Purpose: A 3rd Amendment to the Lease Agreement with the United States Postal Service for the Property at 8064 Allison Avenue is Going to City Council on September 27th. The City Hired and Entered into an Agreement with an Appraisal Company to Appraise the Property to Determine a Fair Market Value Lease Rate. As Part of the Agreement, the City is Required to Pay the Appraiser \$40,140.00 for Their Services.



Director of Finance
City of La Mesa

Date 9/27/2022 By Lyn Dedmon

Unappropriated Reserves Available Balance \$ _____

Certification of Unencumbered Balance

I HEREBY CERTIFY that the indebtedness and obligation as docketed can be incurred; that sufficient monies to meet the obligations are actually in the Treasury, or are anticipated to come into the Treasury to the credit of the appropriation from which the same are to be drawn; and that said monies now actually in the treasury, together with the monies anticipated to come into the Treasury, to the credit of said appropriation are otherwise unencumbered.

Amount Not to Exceed

Director of Finance
City of La Mesa

Date: By:

Fund: Dept./Activity:

Purpose:

CERTIFICATE NO. 1806

REPORT to the MAYOR and MEMBERS of the CITY COUNCIL
From the CITY MANAGER

DATE: September 27, 2022

SUBJECT: Resolution Authorizing Approval of the Memorandum of Understanding (MOU) for Central Zone Joint Emergency Responses for Fire and Rescue Resources

ISSUING DEPARTMENT: Fire

SUMMARY:

Issues:

Should the City Council accept and approve the updated Memorandum of Understanding (MOU)?

Recommendation:

That the City Council:

1. Adopt a resolution to approve the updated MOU for Central Zone Joint Emergency Responses for Fire and Rescue Resources.
2. Authorize the Mayor to execute the updated MOU.

Fiscal Impact: None.

City's Strategic Goals:

- Safe community

BACKGROUND:

In 1984, the City of La Mesa approved the Heartland Mutual Aid Agreement. This agreement authorized the sharing of fire and rescue resources between the Cities and Fire Protection Districts within the San Diego County operational area referred to as Zone 4. In 2007, the agreement was updated to include Fire agencies from the South Bay, along with the Tribal Nations of Viejas and Barona. San Diego County has since reorganized the Operational Areas, and Zone 4 is now referred to as Central Zone. The South Bay Fire agencies are not a part of Central Zone.

The updated MOU reflects the operational area name change from Zone 4 to Central Zone, along with the removal of the South Bay agencies. The MOU authorizes the sharing of resources with the cities of El Cajon, La Mesa, Lemon Grove, and Santee; the fire protection districts of Alpine, Bonita-Sunnyside, Lakeside, and San Miguel; and the tribal nations of Barona, Sycuan, and Viejas.

This updated MOU replaces the agreement of 2007, while authorizing the Mayor to continue the terms of sharing resources. The Fire Chief is authorized to coordinate the City's participation in the operational area plan for fire and rescue resources. This coordinated effort will continue to enhance the public safety of our community.

CONCLUSION:

The MOU for Central Zone Joint Emergency Responses for Fire and Rescue Resources allows for a coordinated effort of the participating agencies to continue to enhance the public safety of our community. Staff recommends that the City Council adopt a resolution to accept the updated MOU.

Reviewed by:



Greg Humora
City Manager

Respectfully submitted by:



Steve Swaney
Fire Chief

Attachments:

- A. Resolution
- B. Updated Central Zone MOU

RESOLUTION NO. 2022-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA APPROVING
THE MEMORANDUM OF UNDERSTANDING FOR CENTRAL ZONE JOINT
EMERGENCY RESPONSES FOR FIRE AND RESCUE RESOURCES

WHEREAS, in 1984, the City of La Mesa approved the Heartland Mutual Aid Agreement authorizing the sharing of fire and rescue resources between the Cities and Fire Protection Districts within the San Diego County operational area referred to as Zone 4;

WHEREAS, in 2007, the agreement was updated to include Fire agencies from the South Bay along with the Tribal Nations of Viejas and Barona;

WHEREAS, San Diego County has since reorganized the Operational Areas, and Zone 4 is now referred to as Central Zone. The South Bay Fire agencies are no longer a part of Central Zone;

WHEREAS, the updated Memorandum of Understanding (MOU) includes changes for the updated Zone name; Central Zone, and the removal of the South Bay Fire agencies due to the reorganization of the zones within the County; and

WHEREAS, the execution of this updated MOU will allow for the coordinated efforts to continue while enhancing the public safety of our community.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of La Mesa, California, that the City Council approves the Central Zone Joint Emergency Responses for Fire and Rescue Resources MOU, and authorizes the Mayor to execute the MOU.

PASSED AND ADOPTED at a Regular meeting of the City Council of the City of La Mesa, California, held the 27th day of September 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

CERTIFICATE OF CITY CLERK

I, MEGAN WIEGELMAN, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2022-_____, duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)

**MEMORANDUM OF UNDERSTANDING
FOR
CENTRAL ZONE JOINT EMERGENCY RESPONSES
FOR FIRE AND RESCUE RESOURCES**

WHEREAS, certain cities, districts and tribal governments located in San Diego County maintain, as part of their staffing, an organized and equipped fire protection service charged with the duty of fire protection, emergency medical and rescue services within the limits of said jurisdictions, referred to below as the "Parties"; and

WHEREAS, it is the desire of the Parties to extend the fire suppression, emergency medical, and rescue services of each of their services be, in some circumstances, outside of the limits of their home jurisdictions, and into the jurisdictions of the other Parties; and

WHEREAS, the Parties desire that in some circumstances one or more of the other Parties will respond to fire suppression, emergency medical, and rescue incidents occurring within the limits of their home jurisdictions.

NOW, THEREFORE BE IT RESOLVED:

1. The Parties, as set forth individually in Exhibit "A", have agreed to respond to emergency alarms outside of their home jurisdictions with resources, and within the jurisdictional area of the other Parties in accordance with the terms and conditions hereinafter set forth.
2. Any party may, upon determining mutual benefit, agree to provide resources without regard to political and/or jurisdictional boundaries, and adhere to the procedures established in the Operational Plan for determining response patterns that are the subject of this Memorandum of Understanding. All alarms which deal with emergency responses shall adhere as closely as possible to the nearest unit concept, regardless of political jurisdiction.
3. The details as to the method of operation, procedures, type of units and responses, and other planning as may be necessary to effectuate this Memorandum of Understanding shall be covered by the Operational Plan agreed upon and adopted by the Fire Chiefs of the respective parties.

**MEMORANDUM OF UNDERSTANDING
FOR
CENTRAL ZONE JOINT EMERGENCY RESPONSES
FOR FIRE AND RESCUE RESOURCES**

4. There shall be an Operational Committee, consisting of a chief officer or his/her designee from each party, with the purpose of implementing the provisions of this Memorandum of Understanding relating to operational procedure. Each party shall furnish in writing to the others the name and rank of all participating officers.
5. The duties of Incident Commander shall be assumed by the Fire Officer from a participating party who arrives first at the scene of the incident, regardless of the jurisdiction in which the incident occurs. There shall be an orderly transfer of command when an Officer from the jurisdiction in which the incident occurs arrives at the scene, if said Officer agrees to assume Incident Command.
6. All non-tribal parties hereto agree to indemnify the other parties for any liability imposed upon the other parties pursuant to Government Code §895.2, for injury caused by a negligent or wrongful act or omission of the indemnifying party's officers, agents, or employees which occur during the performance of this Memorandum of Understanding. This indemnification provision is included herein pursuant to Government Code §895.4, and is intended to eliminate the prorate right of contribution described in Government Code §895.2 between the parties so that each party bears the liability and cost of its own negligence. Tribal parties to this Memorandum of Understanding agree to indemnify the other parties for any liability imposed upon the other parties in the manner and for the purposes described in Government Code Sections 895.2 and 895.4. Notwithstanding such agreement, tribal parties observance of the provisions of the Government Code described herein is not a waiver of the tribal parties sovereign immunity as an employee or in their individual capacity, and the tribal party retains the same sovereign immunity as a federally recognized Indian tribe or an arm of the tribe, nor does it imply that the tribal party is subject to the jurisdiction of the federal court, or the courts of any state or political subdivision thereof. Each party to this Memorandum of Understanding waives all claims against other parties to this Memorandum of Understanding for compensation for any equipment loss or damage, or physical injury or death which may result during the performance of this Memorandum of Understanding.

**MEMORANDUM OF UNDERSTANDING
FOR
CENTRAL ZONE JOINT EMERGENCY RESPONSES
FOR FIRE AND RESCUE RESOURCES**

7. Each party to this Memorandum of Understanding shall maintain proper Worker's Compensation Insurance, or the equivalent of Workers' Compensation, covering its own employees without cost to the other parties, and each party shall be responsible for all salaries and benefits for its own personnel without cost to the other parties.
8. Each of the parties shall be fully responsible for all repairs, maintenance and upkeep of its own equipment and vehicles which are used pursuant to this Memorandum of Understanding while said equipment and vehicles are used outside of its home jurisdiction, including gas, oil, lubrication, parts replacement and repair of casualty damage. However, during prolonged suppression activities, the recipient jurisdiction shall replenish chemical agents and fuel as needed; provide minor maintenance of fire suppression equipment; and provide for meals, hydration and the well-being of personnel involved in the suppression activity.
9. The assurance of mutual aid as set forth in this Memorandum of Understanding shall constitute the sole consideration for the performance of this Memorandum of Understanding. It is, therefore, understood and agreed that no money payments shall be made between the parties for services provided under the terms of this Memorandum of Understanding, that no charges shall be assessed by any party against any other party for services provided under the terms of this Memorandum of Understanding, and that each party shall be fully responsible for all of its costs in connection with the performance of this Memorandum of Understanding except as provided for in Section 8. This provision shall not be construed to prevent any party, or its representative, from billing patients for ambulance transport and other emergency medical services, provided that billing rates shall be consistent with the adopted fee schedule of the agency providing the services.
10. Nothing in this Memorandum of Understanding shall prevent any party from participating in separate agreements with other fire jurisdictions and shall have no effect upon the existing San Diego County Mutual Aid Agreement.

**MEMORANDUM OF UNDERSTANDING
FOR
CENTRAL ZONE JOINT EMERGENCY RESPONSES
FOR FIRE AND RESCUE RESOURCES**

11. Each party to the Memorandum of Understanding shall warrant that it has sufficient equipment and personnel to handle normal involvements for which it shall be responsible under this Memorandum of Understanding. It is not the intent of this Memorandum of Understanding for any agency to subsidize another agency with specialized equipment needed to protect their jurisdiction. The parties to this Memorandum of Understanding shall provide each responding apparatus with a minimum of three, full-time, paid professional firefighters. The parties shall provide a compliment of equipment according to the National Fire Protection Association standards for Pamphlet 1901.
12. This Memorandum of Understanding shall become effective upon the execution by each of the parties hereto and shall continue until terminated by mutual agreement of each of the individual parties, or until any party gives sixty (60) days written notice of intention to terminate to each of the other parties. No cause shall be required for any termination. Termination of this Memorandum of Understanding by any party shall not terminate the Memorandum of Understanding with respect to the remaining parties to the Memorandum of Understanding, each of which may determine its continued participation independently.
13. In order to standardize firefighting procedures among the co-signers of this Memorandum of Understanding and thus ensure efficient fire suppression and/or rescue operation at the incident where automatic aid is being rendered, the parties to this Memorandum of Understanding shall establish a system of standardized training for their fire suppression personnel.
14. It is mutually understood and agreed that this Memorandum of Understanding does not relieve any of the parties hereto from the necessity and obligation of providing adequate fire protection and/or equipment within their own area, and each party hereto agrees that it shall use reasonable diligence in maintaining its firefighting equipment in accordance with the minimum peacetime standards and requirements established by the Insurance Services Organization for jurisdictions of comparable size.

**MEMORANDUM OF UNDERSTANDING
FOR
CENTRAL ZONE JOINT EMERGENCY RESPONSES
FOR FIRE AND RESCUE RESOURCES**

IN WITNESS WHEREOF, this Memorandum of Understanding has been executed by the parties hereto by their duly authorized officers as indicated in Exhibit "A".

**MEMORANDUM OF UNDERSTANDING
FOR
CENTRAL ZONE JOINT EMERGENCY RESPONSES
FOR FIRE AND RESCUE RESOURCES**

EXHIBIT "A"

The signatures of duly authorized officers for the parties hereto participating in the Memorandum of Understanding for Central Zone Joint Emergency Responses for Fire and Rescue Resources

JURISDICTION: Alpine Fire Protection District

Approved: _____

Date

By: _____

Signature

Name: _____

Print

Title: _____

By: _____

Signature

Name: _____

Print

Title: Fire Chief

**MEMORANDUM OF UNDERSTANDING
FOR
CENTRAL ZONE JOINT EMERGENCY RESPONSES
FOR FIRE AND RESCUE RESOURCES**

EXHIBIT "A"

The signatures of duly authorized officers for the parties hereto participating in the Memorandum of Understanding for Central Zone Joint Emergency Responses for Fire and Rescue Resources

JURISDICTION: Barona Band of Mission Indians

Barona Fire Department

Approved: _____

Date

By: _____

Signature

Name: _____

Print

Title: _____

By: _____

Signature

Name: _____

Print

Title: Fire Chief_____

**MEMORANDUM OF UNDERSTANDING
FOR
CENTRAL ZONE JOINT EMERGENCY RESPONSES
FOR FIRE AND RESCUE RESOURCES**

EXHIBIT "A"

The signatures of duly authorized officers for the parties hereto participating in the Memorandum of Understanding for Central Zone Joint Emergency Responses for Fire and Rescue Resources

JURISDICTION: Bonita-Sunnyside Fire Protection District

Approved: _____
Date

By: _____
Signature

Name: _____
Print

Title: _____

By: _____
Signature

Name: _____
Print

Title: Fire Chief

**MEMORANDUM OF UNDERSTANDING
FOR
CENTRAL ZONE JOINT EMERGENCY RESPONSES
FOR FIRE AND RESCUE RESOURCES**

EXHIBIT "A"

The signatures of duly authorized officers for the parties hereto participating in the Memorandum of Understanding for Central Zone Joint Emergency Responses for Fire and Rescue Resources

JURISDICTION: City of El Cajon

Approved: _____
Date

By: _____
Signature

Name: _____
Print

Title: _____

By: _____
Signature

Name: _____
Print

Title: Fire Chief

**MEMORANDUM OF UNDERSTANDING
FOR
CENTRAL ZONE JOINT EMERGENCY RESPONSES
FOR FIRE AND RESCUE RESOURCES**

EXHIBIT "A"

The signatures of duly authorized officers for the parties hereto participating in the Memorandum of Understanding for Central Zone Joint Emergency Responses for Fire and Rescue Resources

JURISDICTION: City of La Mesa

Approved: _____
Date

By: _____
Signature

Name: _____
Print

Title: _____

By: _____
Signature

Name: _____
Print

Title: Fire Chief

**MEMORANDUM OF UNDERSTANDING
FOR
CENTRAL ZONE JOINT EMERGENCY RESPONSES
FOR FIRE AND RESCUE RESOURCES**

EXHIBIT "A"

The signatures of duly authorized officers for the parties hereto participating in the Memorandum of Understanding for Central Zone Joint Emergency Responses for Fire and Rescue Resources

JURISDICTION: Lakeside Fire Protection District

Approved: _____
Date

By: _____
Signature

Name: _____
Print

Title: _____

By: _____
Signature

Name: _____
Print

Title: Fire Chief

**MEMORANDUM OF UNDERSTANDING
FOR
CENTRAL ZONE JOINT EMERGENCY RESPONSES
FOR FIRE AND RESCUE RESOURCES**

EXHIBIT "A"

The signatures of duly authorized officers for the parties hereto participating in the Memorandum of Understanding for Central Zone Joint Emergency Responses for Fire and Rescue Resources

JURISDICTION: City of Lemon Grove

Approved: _____
Date

By: _____
Signature

Name: _____
Print

Title: _____

By: _____
Signature

Name: _____
Print

Title: Fire Chief

**MEMORANDUM OF UNDERSTANDING
FOR
CENTRAL ZONE JOINT EMERGENCY RESPONSES
FOR FIRE AND RESCUE RESOURCES**

EXHIBIT "A"

The signatures of duly authorized officers for the parties hereto participating in the Memorandum of Understanding for Central Zone Joint Emergency Responses for Fire and Rescue Resources

JURISDICTION: San Miguel Consolidated Fire Protection District

Approved: _____
Date

By: _____
Signature

Name: _____
Print

Title: _____

By: _____
Signature

Name: _____
Print

Title: Fire Chief

**MEMORANDUM OF UNDERSTANDING
FOR
CENTRAL ZONE JOINT EMERGENCY RESPONSES
FOR FIRE AND RESCUE RESOURCES**

EXHIBIT "A"

The signatures of duly authorized officers for the parties hereto participating in the Memorandum of Understanding for Central Zone Joint Emergency Responses for Fire and Rescue Resources

JURISDICTION: City of Santee

Approved: _____
Date

By: _____
Signature

Name: _____
Print

Title: _____

By: _____
Signature

Name: _____
Print

Title: Fire Chief

**MEMORANDUM OF UNDERSTANDING
FOR
CENTRAL ZONE JOINT EMERGENCY RESPONSES
FOR FIRE AND RESCUE RESOURCES**

EXHIBIT "A"

The signatures of duly authorized officers for the parties hereto participating in the Memorandum of Understanding for Central Zone Joint Emergency Responses for Fire and Rescue Resources

JURISDICTION: Sycuan Band of the Kumeyaay Nation
Sycuan Fire Department

Approved: _____
Date

By: _____
Signature

Name: _____
Print

Title: _____

By: _____
Signature

Name: _____
Print

Title: Fire Chief_____

**MEMORANDUM OF UNDERSTANDING
FOR
CENTRAL ZONE JOINT EMERGENCY RESPONSES
FOR FIRE AND RESCUE RESOURCES**

EXHIBIT “A”

The signatures of duly authorized officers for the parties hereto participating in the Memorandum of Understanding for Central Zone Joint Emergency Responses for Fire and Rescue Resources

JURISDICTION: Viejas Band of Kumeyaay Indians
Viejas Fire Department

Approved: _____
Date

By: _____
Signature

Name: _____
Print

Title: _____

By: _____
Signature

Name: _____
Print

Title: Fire Chief

REPORT to the MAYOR and MEMBERS of the CITY COUNCIL
From the CITY MANAGER

DATE: September 27, 2022

SUBJECT: Acceptance and appropriation of the Office of Traffic Safety
Grant for the 2022-2023 Selective Traffic Enforcement
Program

ISSUING DEPARTMENT: Police Department

SUMMARY:

Issues:

Should the City Council accept and appropriate funds from the 2022-2023 California Office of Traffic Safety Grant to pay for overtime and training expenses incurred during the twelve (12) month Selective Traffic Enforcement Program?

Recommendation:

Staff recommends that the Council accepts and appropriates funds from the 2022-2023 California Office of Traffic Safety Grant for a Selective Traffic Enforcement Program in the amount of \$100,000 for overtime and training expenses incurred during the twelve (12) month program as outlined in the staff report. The funds will be appropriated in fund 213, Public Safety Grants.

Fiscal Impact:

Participation by the La Mesa Police Department will be limited to paid overtime for Police Sergeant(s), Police Officer(s), Community Service Officer(s), Downtown Operations Assistant(s), Communication Supervisor(s) and Police Dispatcher(s) for selected traffic enforcement operations during the twelve (12) month period of October 1, 2022 thru September 30, 2023. Monies will also be used for specified equipment purchases and training in the enforcement of drug and alcohol impaired driving.

Total costs are not to exceed the final grant award of \$100,000 and will be reimbursed by billing the Office of Traffic Safety. With City Council approval, the maximum amount that the Office of Traffic Safety would reimburse the City of La Mesa would be \$100,000. The funds will be appropriated and expended from the Public Safety Grant (213) Fund.

City's Strategic Goals:

- Safe community

BACKGROUND:

On September 25, 2018, the La Mesa City Council approved a resolution to adopt a Vision Zero plan to reduce traffic fatalities to zero in the City of La Mesa by the year 2025.

In January of 2022, the La Mesa Police Department applied for this grant through the Office of Traffic Safety. This is a competitive Grant that many cities apply for and it was awarded to the City of La Mesa for driving under the influence, speed, distracted driving and pedestrian/bicycle safety enforcement. The goal is to improve public safety in the above areas by using selective enforcement techniques to address problems.

The Selective Traffic Enforcement Program's overall goal is to reduce the number of persons killed and/or injured in collisions related to the listed enforcement areas. This grant is designed to use local police resources within their primary jurisdictions on an overtime basis to conduct "best practice" strategies, including community education, DUI checkpoints, speed enforcement, distracted driver enforcement and pedestrian safety enforcement. All of these operations will take place at various times during a twelve (12) month period from October 1, 2022 thru September 30, 2023.

During the same period in 2021, the La Mesa Police Department investigated a total of 170 traffic collisions, 22 involving alcohol or drugs, resulting in 27 injuries. The number one collision factor associated with these collisions was driving under the influence of alcohol/drugs. There were 50 collisions where speed was the primary collision factor resulting in 36 injuries and 1 fatality, and 28 collisions involving pedestrians, which resulted in 28 injuries and 1 fatality. Both fatalities were alcohol and drug related.

During this grant's twelve (12) month enforcement program, the La Mesa Police Department will be scheduling approximately two (2) DUI checkpoints, eleven (11) Driving Under the Influence saturation patrols, four (4) "Know Your Limit" DUI education campaigns, eight (8) enforcement operations targeting, but not limited to, primary collision factor "PCF" violations, two (2) enforcement operations targeting bicyclists and pedestrian violations, one (1) enforcement operation targeting motorcycle safety and two (2) enforcement operations focusing on violations of "distracted driving." All of these operations will be conducted in the City of La Mesa on an overtime basis where the officers will be working above and beyond the normal patrol staffing levels. In addition, we will participate in a county-wide law enforcement collaborative targeting drunk drivers all over the County of San Diego. In doing so La Mesa Police Officers will partner with allied agencies to staff DUI checkpoints and Driving Under the Influence Saturation Patrols, in various cities, at least once a month.

CONCLUSION:

Staff recommends that the City Council approve the acceptance of this grant and appropriation of the related funds.

Reviewed by:



Greg Humora
City Manager

Respectfully submitted by:



Ray Sweeney
Chief of Police

Attachments: A. Resolution
 B. Grant Agreement

RESOLUTION NO. 2022-__

RESOLUTION OF THE CITY OF LA MESA AUTHORIZING THE ACCEPTANCE AND APPROPRIATION OF A GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY TO CONDUCT A LOCAL TRAFFIC SAFETY, DUI ENFORCEMENT AND AWARENESS PROGRAM BY APPROVING THE ADDITION OF THE GRANT FUNDS TO THE FISCAL YEAR 2022-2023 BUDGET

WHEREAS, on September 25, 2018, the La Mesa City Council approved a resolution to adopt a Vision Zero plan to reduce traffic fatalities to zero in the City of La Mesa by the year 2025;

WHEREAS, intoxicated, distracted and speeding drivers create significant traffic safety problems;

WHEREAS, the California Office of Traffic Safety has awarded to the City of La Mesa grant funds for a Selective Traffic Enforcement Program for Local Law Enforcement Agencies;

WHEREAS, the participating law enforcement agency is the La Mesa Police Department; and

WHEREAS, the City Council of the City of La Mesa has agreed that increasing selective traffic enforcement is an important element in improving public safety.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of La Mesa, that the City Council authorizes the acceptance and appropriation of a grant from the Office of Traffic Safety, in the amount of \$100,000 to conduct a twelve (12) month Selective Traffic Enforcement Program; provided, however, that if the actual revenue received from the source specified should be more or less than the amount set forth herein, that the appropriations shall be adjusted to equal the amount actually received. The appropriation will be in fund 213, Public Safety Grants.

BE IT FURTHER RESOLVED that the City Council approves the addition of the grant funds to FY 2022-2023 budget in fund 213, Public Safety Grants.

PASSED AND ADOPTED at a Regular meeting of the City Council of the City of La Mesa, California, held the 27th day of September 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

CERTIFICATE OF CITY CLERK

I, Megan Wiegelman, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2022-___, duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)

GRANT AGREEMENT

PT23117

1. GRANT TITLE Selective Traffic Enforcement Program (STEP)			
2. NAME OF AGENCY La Mesa		3. Grant Period From: 10/01/2022 To: 09/30/2023	
4. AGENCY UNIT TO ADMINISTER GRANT La Mesa Police Department			
5. GRANT DESCRIPTION Best practice strategies will be conducted to reduce the number of persons killed and injured in crashes involving alcohol and other primary crash factors. The funded strategies may include impaired driving enforcement, enforcement operations focusing on primary crash factors, distracted driving, night-time seat belt enforcement, special enforcement operations encouraging motorcycle safety, enforcement and public awareness in areas with a high number of bicycle and pedestrian crashes, and educational programs. These strategies are designed to earn media attention thus enhancing the overall deterrent effect.			
6. Federal Funds Allocated Under This Agreement Shall Not Exceed: \$100,000.00			
7. TERMS AND CONDITIONS: The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement: <ul style="list-style-type: none"> Schedule A – Problem Statement, Goals and Objectives and Method of Procedure Schedule B – Detailed Budget Estimate and Sub-Budget Estimate (if applicable) Schedule B-1 – Budget Narrative and Sub-Budget Narrative (if applicable) Exhibit A – Certifications and Assurances Exhibit B* – OTS Grant Program Manual Exhibit C – Grant Electronic Management System (GEMS) Access <p>*Items shown with an asterisk (*), are hereby incorporated by reference and made a part of this agreement as if attached hereto.</p> <p>These documents can be viewed at the OTS home web page under Grants: www.ots.ca.gov.</p> <p>We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions.</p> <p>IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.</p>			
8. Approval Signatures			
A. GRANT DIRECTOR NAME: William Wilson TITLE: Sergeant EMAIL: wwilson@cityoflamesa.us PHONE: (619) 667-7551 ADDRESS: 8085 University Avenue La Mesa, CA 91942 <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%; text-align: center;"> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <i>(Signature)</i> </div> <div style="width: 45%; text-align: center;"> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <i>(Date)</i> </div> </div> C. FISCAL OFFICIAL NAME: Tammi Royales TITLE: Director of Finance EMAIL: troyales@cityoflamesa.us PHONE: (619) 667-1122 ADDRESS: 8085 University Avenue La Mesa, CA 91942 <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%; text-align: center;"> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <i>(Signature)</i> </div> <div style="width: 45%; text-align: center;"> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <i>(Date)</i> </div> </div>		B. AUTHORIZING OFFICIAL NAME: Raymond Sweeney TITLE: Chief of Police EMAIL: rsweeney@cityoflamesa.us PHONE: 619-667-7514 ADDRESS: 8085 University Avenue La Mesa, CA 91942 <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%; text-align: center;"> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <i>(Signature)</i> </div> <div style="width: 45%; text-align: center;"> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <i>(Date)</i> </div> </div> D. AUTHORIZING OFFICIAL OF OFFICE OF TRAFFIC SAFETY NAME: Barbara Rooney TITLE: Director EMAIL: barbara.rooney@ots.ca.gov PHONE: (916) 509-3030 ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758 <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%; text-align: center;"> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <i>(Signature)</i> </div> <div style="width: 45%; text-align: center;"> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <i>(Date)</i> </div> </div>	

E. ACCOUNTING OFFICER OF OFFICE OF TRAFFIC SAFETY NAME: Carolyn Vu ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758	9. SAM INFORMATION SAM #: YZG4GLD1LTA1 REGISTERED ADDRESS: 8130 Allison Avenue CITY: La Mesa ZIP+4: 91942-5502
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10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
164AL-23	20.608	0521-0890-101	2022	43/22	BA/22	\$55,000.00
402PT-23	20.600	0521-0890-101	2022	43/22	BA/22	\$45,000.00
				AGREEMENT TOTAL		\$100,000.00
<i>I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.</i>				AMOUNT ENCUMBERED BY THIS DOCUMENT		
				\$100,000.00		
				PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT		
					\$ 0.00	
OTS ACCOUNTING OFFICER'S SIGNATURE			DATE SIGNED		TOTAL AMOUNT ENCUMBERED TO DATE	
					\$100,000.00	

1. PROBLEM STATEMENT

The City Of La Mesa is nine square miles with an updated population of 65,000 people. The City has increased its population density around transit centers, and has increased the amount of pedestrian dense areas. The City of La Mesa is expanding programs to increase and encourage more bicycle traffic and pedestrian traffic. The City has also expanded its cannabis licensing to include 9 cannabis retail dispensaries. Over the last 2 years we have experienced a higher than usual rate of fatal crashes, with 6 fatalities, and 4 of those related to alcohol or drugs. The La Mesa Police department is operated with 70 sworn Police Officers.

In 2019 thru 2020, the City of La Mesa experienced 42 crashes involving alcohol, resulting in 51 injuries and 1 fatality. And in 2020 thru 2021, the City of La Mesa experienced 38 crashes involving alcohol, resulting in 31 injuries and 1 fatality. During the grant period of 2021 thru 2022 we had 45 alcohol or drug related crash resulting in 29 injuries. We had 2 fatalities, the first involving a very high speed and the second involving a pedestrian under the influence.

Speeding has been found to be directly related to the severity of vehicle crashes. As speed increases, the potential for injury also increases. Higher speeds also contribute to the severity of crashes. There is a greater chance of death and/or disabling injuries when speed increases. In the City of La Mesa, there were eighty-seven (87) crashes between 2020-2021 where speed was the Primary Crash Factor (PCF), resulting in 33 injuries. Speed ranked first, as the City's most reported PCF during that time period. In 2021-2022, speed still ranked first as the City's most reported PCF, followed closely by DUI.

Although it is difficult to determine when the PCF of a crash is distracted driving, cell phone use and/or texting while driving has certainly caused an alarming public health threat. Since January 2012, there have been one hundred and fifty-four (154) crashes involving inattention in the City of La Mesa, resulting in one hundred and thirty nine (139) injuries and one (1) fatality. The actual numbers are likely much higher, as drivers are typically reluctant to admit that they were using a cell phone when involved in a crash.

According to the most recent available statistics, the City of La Mesa ranks #37 out of 105 agencies with the most vehicle vs. pedestrian crashes. The City of La Mesa ranks #12 out of 105 when the pedestrian involved is 65 years of age or older. In an alarming trend, there have been 102 injury crashes in the City of La Mesa between 2009-2021 involving pedestrians, resulting in 167 injuries and 10 fatalities. This is a significant increase in serious pedestrian-related crashes.

2. PERFORMANCE MEASURES

A. Goals:

1. Reduce the number of persons killed in traffic crashes.
2. Reduce the number of persons injured in traffic crashes.
3. Reduce the number of pedestrians killed in traffic crashes.
4. Reduce the number of pedestrians injured in traffic crashes.
5. Reduce the number of bicyclists killed in traffic crashes.
6. Reduce the number of bicyclists injured in traffic crashes.
7. Reduce the number of persons killed in alcohol-involved crashes.
8. Reduce the number of persons injured in alcohol-involved crashes.
9. Reduce the number of persons killed in drug-involved crashes.
10. Reduce the number of persons injured in drug-involved crashes.
11. Reduce the number of persons killed in alcohol/drug combo-involved crashes.
12. Reduce the number of persons injured in alcohol/drug combo-involved crashes.
13. Reduce the number of motorcyclists killed in traffic crashes.
14. Reduce the number of motorcyclists injured in traffic crashes.
15. Reduce hit & run fatal crashes.
16. Reduce hit & run injury crashes.
17. Reduce nighttime (2100 - 0259 hours) fatal crashes.

18. Reduce nighttime (2100 - 0259 hours) injury crashes.		
B. Objectives:		Target Number
1. Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.		1
2. Participate and report data (as required) in the following campaigns; Quarter 1: National Walk to School Day, National Teen Driver Safety Week, NHTSA Winter Mobilization; Quarter 3: National Distracted Driving Awareness Month, National Motorcycle Safety Month, National Bicycle Safety Month, National Click it or Ticket Mobilization; Quarter 4: NHTSA Summer Mobilization, National Child Passenger Safety Week, and California's Pedestrian Safety Month.		10
3. Develop (by December 31) and/or maintain a "DUI BOLO" program to notify patrol and traffic officers to be on the lookout for identified repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. Updated DUI BOLOs should be distributed to patrol and traffic officers monthly.		12
4. Send law enforcement personnel to the NHTSA Standardized Field Sobriety Testing (SFST) (minimum 16 hours) POST-certified training.		2
5. Send law enforcement personnel to the Drug Recognition Expert (DRE) training.		1
6. Send law enforcement personnel to the DRE Recertification training.		1
7. Conduct DUI/DL Checkpoints. A minimum of 1 checkpoint should be conducted during the NHTSA Winter Mobilization and 1 during the Summer Mobilization. To enhance the overall deterrent effect and promote high visibility, it is recommended the grantee issue an advance press release and conduct social media activity for each checkpoint. For combination DUI/DL checkpoints, departments should issue press releases that mention DL's will be checked at the DUI/DL checkpoint. Signs for DUI/DL checkpoints should read "DUI/Driver's License Checkpoint Ahead." OTS does not fund or support independent DL checkpoints. Only on an exception basis and with OTS pre-approval will OTS fund checkpoints that begin prior to 1800 hours. When possible, DUI/DL Checkpoint screeners should be DRE- or ARIDE-trained.		2
8. Conduct DUI Saturation Patrol operation(s).		11
9. Conduct Traffic Enforcement operation(s), including but not limited to, primary crash factor violations.		8
10. Conduct highly publicized Distracted Driving enforcement operation(s) targeting drivers using hand held cell phones and texting.		2
11. Conduct highly publicized Motorcycle Safety enforcement operation(s) in areas or during events with a high number of motorcycle incidents or crashes resulting from unsafe speed, DUI, following too closely, unsafe lane changes, improper turning, and other primary crash factor violations by motorcyclists and other drivers.		1
12. Conduct highly publicized pedestrian and/or bicycle enforcement operation(s) in areas or during events with a high number of pedestrian and/or bicycle crashes resulting from violations made by pedestrians, bicyclists, and drivers.		2
13. Conduct Traffic Safety educational presentation(s) with an effort to reach community members. Note: Presentation(s) may include topics such as distracted driving, DUI, speed, bicycle and pedestrian safety, seat belts and child passenger safety.		2
14. Conduct Know Your Limit campaigns with an effort to reach members of the community.		4
15. Participate in highly visible collaborative DUI Enforcement operations.		2
16. Send law enforcement personnel to DUI Checkpoint Planning and Management training.		1
3. METHOD OF PROCEDURE		
A. Phase 1 – Program Preparation (1st Quarter of Grant Year)		
<ul style="list-style-type: none"> The department will develop operational plans to implement the "best practice" strategies outlined in the objectives section. 		

- All training needed to implement the program should be conducted this quarter.
- All grant related purchases needed to implement the program should be made this quarter.
- In order to develop/maintain the “DUI BOLOs,” research will be conducted to identify the “worst of the worst” repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. The Hot Sheets may include the driver’s name, last known address, DOB, description, current license status, and the number of times suspended or revoked for DUI. DUI BOLOs should be updated and distributed to traffic and patrol officers at least monthly.
- Implementation of the STEP grant activities will be accomplished by deploying personnel at high crash locations.
- Media Requirements Issue a press release approved by the OTS PIO announcing the kick-off of the grant by November 15, but no sooner than October 1. The kick-off release must be approved by the OTS PIO and only distributed after the grant is fully signed and executed. If you are unable to meet the November 15 deadline to issue a kick-off press release, communicate reasons to your OTS coordinator and OTS PIO.

B. Phase 2 – Program Operations (Throughout Grant Year)

- The department will work to create media opportunities throughout the grant period to call attention to the innovative program strategies and outcomes.

Media Requirements

The following requirements are for all grant-related activities:

- Send all media advisories, alerts, videos, graphics, artwork, posters, radio/PSA/video scripts, storyboards, digital and/or print educational materials for grant-related activities to the OTS PIO at pio@ots.ca.gov for approval and copy your OTS coordinator. Optimum lead time would be 7 days before the scheduled release but at least 3 business days prior to the scheduled release date for review and approval is appreciated.
- The OTS PIO is responsible for the approval of the design and content of materials. The agency understands OTS PIO approval is not authorizing approval of budget expenditure or cost. Any cost approvals must come from the Coordinator.
- Pre-approval is not required when using any OTS-supplied template for media advisories, press releases, social media graphics, videos or posts, or any other OTS-supplied educational material. However, copy the OTS PIO at pio@ots.ca.gov and your OTS coordinator when any material is distributed to the media and public, such as a press release, educational material, or link to social media post. The OTS-supplied kick-off press release templates and any kickoff press releases are an exception to this policy and require prior approval before distribution to the media and public.
- If an OTS-supplied template, educational material, social media graphic, post or video is substantially changed, the changes shall be sent to the OTS PIO at pio@ots.ca.gov for approval and copy to your OTS Coordinator. Optimum lead time would be 7 days prior to the scheduled release date, but at least 3 business days prior to the scheduled release date for review and approval is appreciated.
- Press releases, social media posts and alerts on platforms such as NextDoor and Nixle reporting immediate and time-sensitive grant activities (e.g. enforcement operations, day of event highlights or announcements, event invites) are exempt from the OTS PIO approval process. The OTS PIO and your Coordinator should still be notified when the grant-related activity is happening (e.g. car seat checks, bicycle rodeos, community presentations, DUI checkpoints, etc.).
- Enforcement activities such as warrant and probation sweeps, court stings, etc. that are embargoed or could impact operations by publicizing in advance are exempt from the PIO approval process. However, announcements and results of activities should still be copied to the OTS PIO at pio@ots.ca.gov and your Coordinator with embargoed date and time or with “INTERNAL ONLY: DO NOT RELEASE” message in subject line of email.
- Any earned or paid media campaigns for TV, radio, digital or social media that are part of a specific grant objective, using OTS grant funds, or designed and developed using contractual services by a subgrantee, requires prior approval. Please send to the OTS PIO at

pio@ots.ca.gov for approval and copy your grant coordinator at least 3 business days prior to the scheduled release date.

- Social media posts highlighting state or national traffic safety campaigns (Distracted Driving Month, Motorcycle Safety Awareness Month, etc.), enforcement operations (DUI checkpoints, etc.), or any other grant-related activity such as Bicycle rodeos, presentations, or events, are highly encouraged but do not require prior approval.
- Submit a draft or rough-cut of all digital, printed, recorded or video material (brochures, posters, scripts, artwork, trailer graphics, digital graphics, social posts connected to an earned or paid media campaign grant objective) to the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator for approval prior to the production or duplication.
- Use the following standard language in all press, media, and printed materials, space permitting: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
- Space permitting, include the OTS logo on all grant-funded print materials, graphics and paid or earned social media campaign grant objective; consult your OTS Coordinator for specifics, format-appropriate logos, or if space does not permit the use of the OTS logo.
- Email the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator at least 21 days in advance, or when first confirmed, a short description of any significant grant-related traffic safety event or program, particularly events that are highly publicized beforehand with anticipated media coverage so OTS has sufficient notice to arrange for attendance and/or participation in the event. If unable to attend, email the OTS PIO and coordinator brief highlights and/or results, including any media coverage (broadcast, digital, print) of event within 7 days following significant grant-related event or program. Media and program highlights are to be reflected in QPRs.
- Any press releases, work plans, scripts, storyboards, artwork, graphics, videos or any educational or informational materials that received PIO approval in a prior grant year needs to be resubmitted for approval in the current grant year.
- Contact the OTS PIO or your OTS Coordinator for consultation when changes from any of the above requirements might be warranted.

C. Phase 3 – Data Collection & Reporting (Throughout Grant Year)

1. Prepare and submit invoice claims (due January 30, April 30, July 30, and October 30)
2. Prepare and submit Quarterly Performance Reports (QPR) (due January 30, April 30, July 30, and October 30)
 - Collect and report quarterly, appropriate data that supports the progress of goals and objectives.
 - Provide a brief list of activity conducted, procurement of grant-funded items, and significant media activities. Include status of grant-funded personnel, status of contracts, challenges, or special accomplishments.
 - Provide a brief summary of quarterly accomplishments and explanations for objectives not completed or plans for upcoming activities.
 - Collect, analyze and report statistical data relating to the grant goals and objectives.

4. METHOD OF EVALUATION

Using the data compiled during the grant, the Grant Director will complete the “Final Evaluation” section in the fourth/final Quarterly Performance Report (QPR). The Final Evaluation should provide a brief summary of the grant’s accomplishments, challenges and significant activities. This narrative should also include whether goals and objectives were met, exceeded, or an explanation of why objectives were not completed.

5. ADMINISTRATIVE SUPPORT

This program has full administrative support, and every effort will be made to continue the grant activities after grant conclusion.

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
164AL-23	20.608	Minimum Penalties for Repeat Offenders for Driving While Intoxicated	\$55,000.00
402PT-23	20.600	State and Community Highway Safety	\$45,000.00

COST CATEGORY	FUND NUMBER	UNIT COST OR RATE	UNITS	TOTAL COST TO GRANT
A. PERSONNEL COSTS				
<u>Straight Time</u>				\$0.00
<u>Overtime</u>				
DUI/DL Checkpoints	164AL-23	\$6,200.00	2	\$12,400.00
DUI Saturation Patrols	164AL-23	\$2,575.00	11	\$28,325.00
Collaborative DUI Enforcement	164AL-23	\$2,000.00	2	\$4,000.00
Know Your Limit	164AL-23	\$1,500.00	4	\$6,000.00
Benefits for 164AL - OT @ 6.15%	164AL-23	\$50,725.00	1	\$3,120.00
Traffic Enforcement	402PT-23	\$2,575.00	8	\$20,600.00
Distracted Driving	402PT-23	\$2,575.00	2	\$5,150.00
Motorcycle Safety	402PT-23	\$2,575.00	1	\$2,575.00
Pedestrian and Bicycle Enforcement	402PT-23	\$2,575.00	2	\$5,150.00
Benefits for 402PT - OT @ 6.15%	402PT-23	\$33,475.00	1	\$2,059.00
Category Sub-Total				\$89,379.00
B. TRAVEL EXPENSES				
In State Travel	402PT-23	\$3,466.00	1	\$3,466.00
				\$0.00
Category Sub-Total				\$3,466.00
C. CONTRACTUAL SERVICES				
				\$0.00
Category Sub-Total				\$0.00
D. EQUIPMENT				
Vehicle Speed Feedback Sign	402PT-23	\$6,000.00	1	\$6,000.00
Category Sub-Total				\$6,000.00
E. OTHER DIRECT COSTS				
DUI Checkpoint Supplies	164AL-23	\$1,155.00	1	\$1,155.00
Category Sub-Total				\$1,155.00
F. INDIRECT COSTS				
				\$0.00
Category Sub-Total				\$0.00
GRANT TOTAL				\$100,000.00

BUDGET NARRATIVE

PERSONNEL COSTS

DUI/DL Checkpoints - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.

DUI Saturation Patrols - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.

Collaborative DUI Enforcement - Overtime for grant funded Collaborative DUI Enforcement operations conducted by appropriate department personnel

Know Your Limit - Overtime for grant funded traffic safety presentations or campaigns conducted by appropriate department personnel.

Benefits for 164AL - OT @ 6.15% - Benefits breakdown:

Medicare 1.45%

Workers Comp 4.45%

Unemployment .25%

Traffic Enforcement - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.

Distracted Driving - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.

Motorcycle Safety - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.

Pedestrian and Bicycle Enforcement - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.

Benefits for 402PT - OT @ 6.15% - Benefits breakdown:

Medicare 1.45%

Workers Comp 4.45%

Unemployment .25%

TRAVEL EXPENSES

In State Travel - Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. All conferences, seminars or training not specifically identified in the Budget Narrative must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.

CONTRACTUAL SERVICES

-

EQUIPMENT

Vehicle Speed Feedback Sign - Solar, battery powered or hardwired pole-mounted sign to display the speed of vehicles. Costs may include modifications and accessories. Installation is at the expense of the grantee.

OTHER DIRECT COSTS

DUI Checkpoint Supplies - On-scene supplies needed to conduct sobriety checkpoints. Costs may include 28" traffic cones, MUTCD compliant traffic signs, MUTCD compliant high visibility vests (maximum of 10), traffic counters (maximum of 2), generator, gas for generators, lighting, reflective banners, electronic flares, PAS Device/Calibration Supplies, heater, propane for heaters, fan, anti-fatigue mats, and canopies. Additional items may be purchased if approved by OTS. The cost of food and beverages will not be reimbursed. Each item must have a unit cost of less than \$5,000 (including tax and shipping).

INDIRECT COSTS

-

STATEMENTS/DISCLAIMERS

There will be no program income generated from this grant.

Nothing in this "agreement" shall be interpreted as a requirement, formal or informal, that a particular law enforcement officer issue a specified or predetermined number of citations in pursuance of the goals and objectives here under.

Benefits for personnel costs can only be applied to straight time or overtime hours charged to the grant.

CERTIFICATIONS AND ASSURANCES FOR HIGHWAY SAFETY GRANTS
(23 U.S.C. Chapter 4; Sec. 1906, Pub. L. 109-59, As Amended By Sec. 4011, Pub. L. 114-94)

The officials named on the grant agreement, certify by way of signature on the grant agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies, and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

GENERAL REQUIREMENTS

- 23 U.S.C. Chapter 4 – Highway Safety Act of 1966, as amended
- Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94
- 23 CFR part 1300 – Uniform Procedures for State Highway Safety Grant Programs
- 2 CFR part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR part 1201 – Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

NONDISCRIMINATION

(applies to all subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 *et seq.*), **and Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100)).

The Subgrantee-

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted;
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non- Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:
 - "During the performance of this contract/funding agreement, the contractor/funding recipient agrees—
 - a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
 - b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
 - c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
 - d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
 - e. To insert this clause, including paragraphs (a) through (e), in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The Subgrantee will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
 - 1. The dangers of drug abuse in the workplace;
 - 2. The grantee's policy of maintaining a drug-free workplace;
 - 3. Any available drug counseling, rehabilitation, and employee assistance programs;
 - 4. The penalties that may be imposed upon employees for drug violations occurring in the workplace;
 - 5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –
 - 1. Abide by the terms of the statement;
 - 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an

- employee or otherwise receiving actual notice of such conviction;
- e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted –
 1. Taking appropriate personnel action against such an employee, up to and including termination;
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

POLITICAL ACTIVITY (HATCH ACT)

(applies to all subrecipients as well as States)

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING

(applies to all subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The signed certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING

(applies to all subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

(applies to all subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions

(1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment

rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA ACT

(applies to all subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to all subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

REPORT to the MAYOR and MEMBERS of the CITY COUNCIL
From the CITY MANAGER

DATE: September 27, 2022

SUBJECT: RESOLUTION AMENDING SECTION 12.44.130 OF THE LA
MESA MUNICIPAL CODE INSTALLING A DISABLED
PERSONS PARKING SPACE AT 4817 71ST STREET

DESCRIPTION:

ISSUING DEPARTMENT: Public Works

SUMMARY:

Issues:

Should the City Council approve installing a disabled person parking space at 4817 71st Street?

Recommendation:

The Mobility Commission recommends that the City Council approve installing a disabled person parking space at 4817 71st Street.

Fiscal Impact:

The cost to install the space should be less than \$1,000 and can be covered by the Public Works Traffic Operations maintenance budget (3107-6420).

City's Strategic Goals:

- Effective and efficient traffic circulation and transportation

Environmental Review:

This project is categorically exempt from the environmental review process under Section 15301 Class 1 (c) of Title 14 of the California Code of Regulations, which exempts projects which involve negligible or no expansion of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities.

BACKGROUND:

Requests for an on-street disabled persons parking space require possession of a valid disabled person placard, available on-street space, and no available access from the private property.

DISCUSSION:

The request for an on-street disabled persons parking space at 4817 71st Street is from a renter who does not have access to the adjacent driveway, which is used to provide access to an accessory dwelling unit at the back of the property. The requestor has provided verification of ownership of a disabled person placard.

CONCLUSION:

The Mobility Commission discussed this item at their September 7, 2022 meeting and voted to recommend to City Council that the disabled person parking space at 4817 71st Street Drive be installed. Staff recommends that the City Council affirm the Mobility Commission's decision and approve the resolution amending Section 12.44.130 of the La Mesa Municipal Code and install a disabled person parking space at 4817 71st Street Drive.

Reviewed by:



Greg Humora
City Manager

Respectfully submitted by:



Michael Throne
Director of Public Works

Attachments: A. Resolution

RESOLUTION NO. 2022-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA
AMENDING SECTION 12.44.130 OF THE LA MESA MUNICIPAL CODE
INSTALLING A DISABLED PERSONS PARKING SPACE AT 4817 71ST
STREET

BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of La Mesa, California, as follows:

Section 12.44.130 of the La Mesa Municipal Code is hereby amended to add the following:

<u>Street</u>	<u>Side of Street</u>	<u>Location Description or Address</u>
71 st Street	East	One parking space located at 4817 71 st Street

PASSED AND ADOPTED at a Regular meeting of the City Council of the City of La Mesa, California, held the 27th day of September 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

CERTIFICATE OF CITY CLERK

I, MEGAN WIEGELMAN, CMC, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2022-, duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)

CERTIFICATE OF CITY/DIRECTOR OF FINANCE

Certification of Unappropriated Reserves

I HEREBY CERTIFY that the money required for the appropriation of funds for the purpose as docketed is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unappropriated.

Amount \$ _____ Fund _____

Purpose _____

Director of Finance
City of La Mesa

Date _____ By _____

Unappropriated Reserves Available Balance \$ _____

Certification of Unencumbered Balance

I HEREBY CERTIFY that the indebtedness and obligation as docketed can be incurred; that sufficient monies to meet the obligations are actually in the Treasury, or are anticipated to come into the Treasury to the credit of the appropriation from which the same are to be drawn; and that said monies now actually in the treasury, together with the monies anticipated to come into the Treasury, to the credit of said appropriation are otherwise unencumbered.

Amount Not to Exceed \$1,000.00



Director of Finance
City of La Mesa

Date: 9/13/2022

By: Michael Throne

Fund: Dept./Activity: \$1,000.00 from account 3107-6420 (amount available \$132,759.25)
3107 6420

Purpose: Resolution Amending Section 12.44.130 of the La Mesa Municipal Code Installing a Disabled Persons Parking Space at 4817 71st Street.

CERTIFICATE NO. 1804

REPORT to the MAYOR and MEMBERS of the CITY COUNCIL
From the CITY MANAGER

DATE: September 27, 2022

SUBJECT: RESOLUTION AMENDING SECTION 12.52.050 OF THE LA MESA MUNICIPAL CODE LIMITING THE GROSS VEHICLE WEIGHT OF A PORTION OF SENECA PLACE BETWEEN JESSIE AVENUE AND POMONA AVENUE TO THREE TONS

ISSUING DEPARTMENT: Public Works

SUMMARY:

Issues:

Should the City Council approve Limiting the Gross Vehicle Weight of a Portion of Seneca Place between Jessie Avenue and Pomona Avenue to three Tons?

Recommendation:

The Mobility Commission recommends that the City Council approve Limiting the Gross Vehicle Weight of a Portion of Seneca Place between Jessie Avenue and Pomona Avenue to three tons.

Fiscal Impact:

The cost to install weight limit signs should be less than \$1,000 and can be covered by the Public Works Traffic Operations maintenance budget (3107-6420).

City's Strategic Goals:

- Effective and efficient traffic circulation and transportation

Environmental Review:

This project is categorically exempt from the environmental review process under Section 15301 Class 1 (c) of Title 14 of the California Code of Regulations, which exempts projects which involve negligible or no expansion of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities.

BACKGROUND:

Requests for limiting the gross weight of vehicles on certain roads are used to protect the roadway wear, appearance, and character.

DISCUSSION:

The request for limiting the gross vehicle weight of a portion of Seneca Place between Jessie Avenue and Pomona Avenue was submitted by a homeowner concerned with the narrow access, steep slope, and limiting damage to the adjacent support wall of the road segment.

CONCLUSION:

The Mobility Commission discussed this item at their September 7, 2022 meeting and voted to recommend to City Council that the gross weight of vehicles on Seneca Place between Jessie Avenue and Pomona Avenue be limited to three (3) tons. Staff recommends that the City Council affirm the Mobility Commission's decision and approve the resolution amending Section 12.52.050 of the La Mesa Municipal Code and limiting the gross vehicle weight of a portion of Seneca Place between Jessie Avenue and Pomona Avenue to three tons.

Reviewed by:



Greg Humora
City Manager

Respectfully submitted by:



Michael Throne
Director of Public Works/City Engineer

Attachments: A. Resolution

RESOLUTION NO. 2022-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA
AMENDING SECTION 12.52.050 OF THE LA MESA MUNICIPAL CODE
LIMITING THE GROSS VEHICLE WEIGHT OF A PORTION OF SENECA
PLACE BETWEEN JESSIE AVENUE AND POMONA AVENUE TO THREE
TONS

BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of La Mesa,
California, as follows:

Section 12.52.050 of the La Mesa Municipal Code is hereby amended to add the following:

<u>Street</u>	<u>Location Description or Address</u>
Seneca Pl between Jessie Ave and Pomona Ave	Segment of street limited to three tons gross vehicle weight

PASSED AND ADOPTED at a Regular meeting of the City Council of the City of
La Mesa, California, held the 27th day of September 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

CERTIFICATE OF CITY CLERK

I, MEGAN WIEGELMAN, CMC, City Clerk of the City of La Mesa, California, do hereby
certify the foregoing to be a true and exact copy of Resolution No. 2022-, duly passed and
adopted by the City Council of said City on the date and by the vote therein recited.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)

CERTIFICATE OF CITY/DIRECTOR OF FINANCE

Certification of Unappropriated Reserves

I HEREBY CERTIFY that the money required for the appropriation of funds for the purpose as docketed is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unappropriated.

Amount \$ _____ Fund _____

Purpose _____

Director of Finance
City of La Mesa

Date _____


By _____

Unappropriated Reserves Available Balance \$ _____

Certification of Unencumbered Balance

I HEREBY CERTIFY that the indebtedness and obligation as docketed can be incurred; that sufficient monies to meet the obligations are actually in the Treasury, or are anticipated to come into the Treasury to the credit of the appropriation from which the same are to be drawn; and that said monies now actually in the treasury, together with the monies anticipated to come into the Treasury, to the credit of said appropriation are otherwise unencumbered.

Amount Not to Exceed \$1,000.00



Director of Finance
City of La Mesa

Date: 9/13/2022

By: Michael Throne

Fund: 3107 Dept./Activity: 6420 \$1,000.00 from account 3107-6420 (amount available \$132,759.25)

Purpose: Resolution of the City Council of the City of La Mesa Amending Section 12.52.050 of the La Mesa Municipal Code Limiting the Gross Vehicle Weight of a Portion of Seneca Place Between Jessie Avenue and Pomona Avenue to Three tons.

CERTIFICATE NO. 1805

REPORT to the MAYOR and MEMBERS of the CITY COUNCIL
From the CITY MANAGER

DATE: September 27, 2022

SUBJECT: RESOLUTION APPROVING PHASE 3 EXPENDITURE
RECOMMENDATIONS FROM THE CITY COUNCIL AMERICAN
RESCUE PLAN ACT AD-HOC SUBCOMMITTEE

ISSUING DEPARTMENT: City Manager's Office

SUMMARY:

Issues:

Should the City Council authorize proposed Phase 3 funding allocations recommended by the City Council American Rescue Plan Act Ad-Hoc Committee?

Recommendations:

1. Adopt a Resolution to authorize the proposed Phase 3 American Rescue Plan Act expenditures
2. Approve the proposed Commercial Façade Improvement Program Guidelines substantially in the form attached to this report.
3. . Authorize staff to issue a Request for Proposals for a Litter Cleanup Program.

Fiscal Impact:

The City received \$10.8 million of American Rescue Plan funding; eligible activities would be funded through this allocation from the Federal Treasury.

City's Strategic Goals:

- Maintain a financially sound and affordable city government
- Revitalize neighborhoods and corridors
- Enhanced recreation and quality of life opportunities

BACKGROUND:

On March 11, 2021, President Biden signed into law the American Rescue Plan Act of 2021 ("ARPA"). ARPA provided funding to local governments for numerous programs. Among various notable provisions, ARPA includes \$350 billion in financial assistance to state and local governments. The precise amount of monetary aid to local governments is determined by a modified Community Development Block Grant ("CDBG") formula that considers factors such as population, poverty level, and housing instability. For the City of La Mesa, the allocation totals \$10,826,584. The City has until December 31, 2024, to allocate funding and until December 31, 2026, to expend the funds.

DISCUSSION:

The City Council formed the City Council ARPA Ad-Hoc Subcommittee to consider eligible ARPA expenditures and provide recommendations to the entire City Council. Over the past several months, Councilmember Lothian and Councilmember Shu have worked with staff to identify projects that balance the needs of residents, the business community, and support the City's overall efforts to provide high-quality municipal services. The proposed Phase 3 expenditures include recommendations for community litter removal, enhancing commercial corridors by encouraging private property improvements, and addressing critical infrastructure at Boulevard Drive and 69th Street. The proposed expenditures plan also provide funding for revenue replacement.

Phase 3: City Council Ad-Hoc Subcommittee Recommendations

Citywide Community Litter Cleanup Program: The City Council ARPA Ad-Hoc Subcommittee discussed a desire to develop a community-driven approach to litter pickup and removal through a contract with a nonprofit provider. The selected nonprofit partner would mobilize groups of resident volunteers, create educational campaigns to raise awareness about the importance of clean streets, and organize at least six cleanup efforts throughout the year. To support these efforts, the selected organization would prepare marketing and educational materials, organize volunteers, and schedule cleanups at the City's direction. Based on preliminary research, staff estimates the cost for a community cleanup program to be approximately \$20,000 annually. The City Council ARPA Ad-Hoc Subcommittee recommends a five-year program at a proposed cost of \$100,000. Given the proposed program cost, staff recommends issuing a Request for Proposals.

Commercial Façade Improvement Program: Another focus area for the City Council ARPA Ad-Hoc Subcommittee were incentives for local commercial property owners and businesses to reinvest in local shopping centers. This proposed program is similar to the existing Microgrant Program but expanded to include expenditures related to outdoor dining. The success of the existing microgrant program has shown that business owners have been eager to provide matching funds for property improvements. The program

provides funding up to \$25,000 to incentive façade improvements, new signage, painting, landscaping, and other exterior improvements that revitalize the appearance of the City's commercial centers. Working with Councilmembers Lothian and Shu, staff developed the attached Draft Commercial Façade Program Guidelines (Exhibit A).

The draft guidelines provide that the initial \$5,000 would be treated as a reimbursable grant with no matching requirement. Any requested funds in excess of \$5,000 would require a 50% matching requirement by the applicant. For example, if a property owner applies for \$25,000 in eligible improvements, the City would require the applicant to match \$20,000. In this example, an applicant could realize a grand total of \$35,000 of improvements, including their \$10,000 matching component (50% of \$20,000). The City Council ARPA Ad-Hoc Subcommittee recommends the City Council authorize an allocation of \$500,000 for a two-year pilot program and adopt the proposed Program Guidelines substantially in the form attached.

Boulevard Drive and 69th Street Storm Drain Infrastructure Capital Project: ARPA also provides for expenditures for infrastructure improvements. The intersection of Boulevard Drive and 69th Street, near the Kroc Center and the City's border with the City of San Diego, experiences significant flooding as it collects runoff during rain storms. The project proposes the construction of an approximately 200-foot long storm drain box culvert within Boulevard Drive, 69th Street, and a portion of the Ray and Joan Kroc Center parking lot. The recommended capital project is time sensitive, underfunded, and is therefore being brought to the City Council for consideration as an ARPA expenditure.

Total project costs are estimated at approximately \$4.5 million. The City received a \$1.3 million grant from the State to offset the project costs. However, if the City does not utilize the State funding in 2023, the funds will no longer be available. The proposed ARPA allocation of \$2 million would provide funding to address a condition that affects residents and nearby businesses. The remaining balance would be appropriated as a transfer from the General Fund to the Capital Improvement Projects Budget as part of the upcoming budget process.

Recreation Programs, Street Repair, Downtown Infrastructure, and Municipal Recovery: As indicated by the enabling legislation, ARPA funds are to be used to assist local governments in their financial recovery from the pandemic. During fiscal years 2020 and 2021, the City experienced revenue decreases in recreation programs, street repair funding, downtown parking funds, and incurred ongoing expenses related to the pandemic. The City Council ARPA Ad-Hoc Subcommittee recommends replacing revenue losses as these programs provide benefits to all residents. The total recommended amount is \$2.9 million and would backfill revenues to return recreation programming, road repairs, and downtown capital project funds back to pre-pandemic levels.

CONCLUSION:

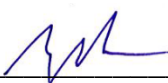
As reflected in the table below, the City Council ARPA Ad-Hoc Subcommittee recommends programs that remove litter, beautify commercial corridors, protect public and private property from flooding, and provide funding for programs including recreation, street repair, and the downtown district.

ARPA PHASE 3 Expenditure Recommendations:

Expenditure Category	Proposed Amount
Citywide Community Litter Cleanup Program	\$100,000
Commercial Façade Improvement Program	\$500,000
Boulevard Drive and 69 th Street Stormwater Capital Project	\$2,000,000
Recreation Programs, Street Repair, Downtown Infrastructure, and Municipal Recovery	\$2,900,000
Remaining ARPA Funds	\$2,050,570

Based on approved allocations to date and proposed expenditures, the City would have approximately \$2 million of ARPA funding remaining. Staff plans to reconvene the City Council ARPA Ad-Hoc Subcommittee to discuss an expenditure plan for Phase 4 which would be presented to the City Council at a future meeting.

Reviewed by:



Greg Humora
City Manager

Respectfully submitted by:



Carlo Tomaino
Assistant City Manager

Attachments:

- A. Draft Commercial Façade Improvement Program Guidelines
- B. Resolution



LA MESA FAÇADE AND PROPERTY IMPROVEMENT GRANT PROGRAM

1. PURPOSE

It is the purpose of this policy to establish guidelines, eligibility, requirements, and terms and conditions for administration of the La Mesa Façade and Property Improvement Grant Program.

2. BACKGROUND

On March 11, 2021, the American Rescue Plan Act of 2021 ("ARPA") was signed into law. ARPA includes funding from the Federal Treasury for financial assistance to state and local governments, qualifying numerous programs such as rental assistance, mortgage assistance, utility assistance, homelessness, and emergency housing funding as eligible activities. ARPA also provides funding to assist residents and businesses. In 2022, the City Council formed an Ad-Hoc Subcommittee to review, discuss, and recommend eligible uses of ARPA funding for the City of La Mesa. The La Mesa Façade and Property Improvement Grant Program was recommended by the Ad-Hoc Subcommittee and subsequently funded by the City Council as a two-year pilot program. The goal of the program is to assist local businesses with completing façade and property improvements to enhance business-use properties and improve the economic climate.

3. PROGRAM GUIDELINES

The La Mesa Façade and Property Improvement Program (FPIP) has been established as a two-year pilot program to provide matching grant funding for business owners and/or property owners of retail, commercial, industrial and office properties in the City of La Mesa to complete exterior improvements to business-use properties. The grant is not for new "ground up construction" but for improvement of existing commercial buildings and the property around them. Legal non-conforming residential properties in commercial zoning designations do not qualify for FPIP funding. Applicants are eligible for a specified maximum grant amount based on the building's linear foot frontage on a public way:

Linear Public Right-Of-Way Frontage (Feet)	Grant Amount
10-49	\$14,000
50-99	\$18,000
100-149	\$22,000
150 or more	\$25,000

The initial \$5,000 of the maximum grant award has no matching requirement, therefore qualifying projects of \$5,000 or less do not require matching funds from the applicant. Any awarded funding in excess of \$5,000 requires a 50% match of funding from the applicant. For example, if an applicant is awarded a grant for \$25,000 in eligible improvements, the applicant is required to match \$10,000 (50% of \$20,000) to receive the additional \$20,000. In this example, a commercial property owner can realize a total of \$35,000 in improvements with a \$10,000 investment.

A goal of the FPIP is to be a catalyst for improving the exterior of business-use properties that result in quality improvements and enhancements that benefit the business and the City. The improvements must enhance the appearance of the property and the environment in which the property is located. Private investment may exceed the matching grant portion of the project if, for example, interior improvements are included in the scope of work even though they are not eligible for the grant.

Property or business ownership by the grant applicant must be maintained for a period of at least two years after the grant is received. Please do not apply if the property will be sold or the business will be closed or moved in less than two years. Grants will not be awarded for improvements that modify previous improvements for which a grant was received. Commercial properties that have received previous micro grants from the City, including the West La Mesa Community Enhancement Grant and La Mesa Property Revitalization Grant are eligible for funding in year two subject to grant funding availability.

Activities Eligible for Grant Funding

- Significant façade improvements and renovations (see definition at bottom of list)
- Restoration of historical architectural features (when applicable)
- Landscaping in outside pots, planters or parking areas if a substantial amount of plant material is used and improvements are irrigated
- Building additions, when the entire building is improved, that is, the addition does not appear to be an add-on but integrates with the building (ex: building addition of compatible architecture and repainting of entire building to match the addition)
- New roof material (not repair) only if part of a significant façade improvement or renovation
- Upgraded and uniform façade improvements in older commercial strip centers that enhance the entire center (if the center has more than one individual property ownership, there must be a comprehensive signage plan, color pallet and/or architectural façade plan in place; improvements made must conform to the plans or color pallet)
- Block walls and fencing only if part of a comprehensive landscaping project
- Signs (except internally illuminated “can” signs), awnings and painting of structures only if part of a significant façade improvement or renovation
- Murals if they are professionally done in compliance with City mural policies in effect, provide an important aesthetic improvement and/or improve an expanse of wall or surface prone to graffiti
- Trash enclosures only in conjunction with other exterior property improvements
- Screening roof-top equipment only in conjunction with other exterior property improvements
- Creation of permanent outdoor patio areas (removable patio furniture, fixtures or accessories are not eligible)
- Creation of customer entrances from the alley, especially when parking is available in the rear of a building or the alley side is visible from a public street; this must be done in conjunction with a comprehensive façade improvement

- Other improvements can be considered on a case-by-case basis, but must make a significant improvement to the property appearance and not be one of the excluded improvements listed in the next section

Definition of Significant Façade Improvements or Renovations

Improvements or renovations of existing buildings, when a combination of several of the following are included: structural façade improvements, paint, awnings, signs, addition of architectural detail to façade, façade tile or stone accents, decorative entry walkway area, outside dining with decorative features, irrigated landscape/flower planters or pots, outside decorative lighting and new windows.

Activities Ineligible for Grant Funding

- Improvements to new buildings
- Performing general or deferred maintenance on buildings or properties
- Upgrading mechanical, plumbing, or electrical equipment, or roof repairs
- Internal improvements to the property
- Land clearing or tree removal costs
- Parking area paving, resurfacing, repair or striping
- Chain link fencing with or without slats
- City permits or processing fees
- Residential projects located in residential neighborhoods and non-conforming uses in commercially zoned areas
- Religious facilities (ex: churches) unless they have street frontage in a business area
- Non-profit facilities unless they have street frontage in a business area
- Properties that have received grant funds from the FPIP in prior years; properties that have received one of the City's micro grants in prior years are eligible to apply in year two

4. ELIGIBILITY, PROCESSING & STANDARDS

Grant Eligibility

The property and grant submittal must meet the following criteria:

- Be located within the City of La Mesa city limits
- Be a retail, commercial, office or industrial use or a business that is permitted in residential zones, such as a bed and breakfast (except for those listed in the section titled "Ineligible for Grant Funding" in Section 3)
- Proposed project must be in conformance with all applicable City codes and development standards
- Property must not be an active code enforcement case or under code enforcement review at the time of application submittal
- Must be a permitted or conditionally permitted use; legal non-conforming uses are not eligible (example: improvements to a legal non-conforming sign, structure, or a structure housing a non-conforming use will not be eligible)
- Project must receive all necessary approvals before any work is started for which grant funds are being received
- Applicants (such as business owners) that do not own the building or property where the work will be completed must have the building or property owner's consent at initial application submittal to perform the proposed scope of work

Grant Processing

- All grants are matching grants based on eligible improvements and street frontage as previously described
- Properties having a building and/or buildings with multiple businesses/suites qualify for one grant only based on linear frontage
- Applicants owning or doing business on more than one property may apply for additional grants provided the properties are not contiguous to each other
- Work must be completed within a specified time period stated in the Letter of Commitment; extensions of time may be approved by the City's Program Administrator on a case-by-case basis
- Applicants will not be compensated for labor they perform themselves, only materials used will be eligible and the work must be done in a professional manner
- Projects must be complete and collateral information (such as proof of expenses) must be provided to the Program Administrator before a grant will be processed for funding; advances of grant funds will not be made
- FPIP is a reimbursement grant; applicants must submit original invoices stamped paid or accompanied by copies of cancelled check, or proof of payment for materials, or for work performed by contractors before receiving grant funds
- Over the counter fees in the Community Development Department for building permits or other required approvals qualify for grant reimbursement

Development Standards & Requirements

- Applicants requesting grants must propose and complete quality projects; and projects must meet or exceed development standards (where applicable)
- Formulation of color pallets, renderings and building plans will, in most cases, require professional design assistance; applicants should be aware that projects submitted to the FPIP will likely require Community Development Department review and issuance of building permits
- High quality "before" photos of the property must accompany the initial grant application. "After" photos will be required to be submitted with receipts or paid invoices before receiving the grant when the project is complete

5. APPLICATION PROCESS

Applicants may apply for the FPIP throughout the fiscal year for the duration of the two-year pilot program subject to funding availability. Applications will be considered for funding on a first come, first serve basis. Applicants begin the process by submitting an initial electronic application that is located on the City's website. The initial application requires information such as:

- Applicant name, business name, property address, and contact information
- A detailed scope of work, including any preliminary renderings, elevations, and/or building plans that further clarify the proposed project (if available)
- A preliminary cost estimate for the project, including a line item breakdown for labor, materials, design costs, and any other expenses; the cost estimate may be modified at a later date if necessary
- A preliminary estimate of the time of completion of project

- A high quality “before” photo of the property clearly showing the area (including façade) where the work is to be performed
- Name and contact information of contractors, designers, or project managers involved in the project (if known at the time of initial application submittal)

Upon receiving the application, the Program Administrator in the City Manager’s Office reviews the application for completeness. Once the application is deemed complete, the Program Administrator works with the Community Development Department to schedule a mandatory pre-application meeting with the applicant and Community Development Department staff. The purpose of the pre-application meeting is to review the applicant’s scope of work, clarify any necessary permits and applications, and answer any applicant questions and the development review process. On a case by case basis, the Program Administrator may attend pre-application meetings. If the Community Development Department determines that the project’s scope of work preliminarily meets City codes and standards, the Program Administrator sends the applicant a Letter of Commitment to sign. The Letter of Commitment will specify the amount of grant funds to be set aside for the project and the timeframe in which the work must be completed to receive the grant. The Program Administrator will work with the applicant to determine a reasonable project completion timeframe that includes ample City review to permit issuance and construction time. The Letter of Commitment also affirms the applicant agrees to complete the scope of work in the timeframe specified as defined in the grant application and Community Development Department submittals subject to the terms and conditions of the FPIP grant. On a case by case basis, the project timeframe may be extended due to unforeseen events or delays not caused by applicant’s actions. Any extension of time is at the sole discretion of the City.

After receipt of the signed Letter of Commitment from the applicant, the applicant submits all necessary applications and documents to the Community Development for review. The initial grant application is separate from any applications and permits required by the Community Development Department. Once the applicant has received all necessary approvals and permits, they can begin construction. After the work is completed per the approved project plans, applicant submits proof of payment for work and materials and “after photos” to the Program Administrator. If the work is satisfactory based on City’s on-site building inspection process and the proof of payment submittal is complete, the applicant will receive a check for the grant in the appropriate amount. Work done or modifications made that do not conform with the approved project plans, do not qualify for grant reimbursement.

6. PROGRAM CONTACT

The FPIP is administered by the City Manager’s Office. For information about the FPIP, contact Lyn Dedmon, Assistant to the City Manager, at (619) 667-1339 or ldedmon@cityoflamesa.us.

RESOLUTION NO. 2022-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA
APPROVING PHASE 3 EXPENDITURE RECOMMENDATIONS FROM THE
CITY COUNCIL AMERICAN RESCUE PLAN ACT AD-HOC SUBCOMMITTEE

WHEREAS, on March 11, 2021, the President of the United States signed the American Rescue Plan Act ("ARPA") of 2021 into law;

WHEREAS, ARPA provides funding for local governments to address the negative economic impacts of the pandemic, provide support for eligible workers, provides fiscal recovery funds to replace lost municipal revenues, and provides funding for capital infrastructure projects;

WHEREAS, ARPA enables local governments to create specific programs that respond to and further enable local recovery efforts consistent with guidance provided by the Federal Treasury;

WHEREAS, the City of La Mesa received \$10,826,584 in two separate tranches from the Federal Treasury;

WHEREAS, the City Council of the City of La Mesa established a City Council ARPA Ad-Hoc Subcommittee to recommend expenditure plans based on eligible programs;

WHEREAS, under two prior funding appropriation phases, the City of La Mesa previously allocated funding for programs that encourage economic recovery, address homelessness, provide support for essential workers, and assisted the City in responding to the pandemic emergency; and

WHEREAS, the City Council ARPA Ad-Hoc Subcommittee convened to discuss eligible expenditures and recommend the third phase of an expenditure plan that provides for the establishment of a local litter removal program, a commercial façade improvement program, a storm drain infrastructure capital project, and recovery of City revenue losses.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of La Mesa, California, that it approves the Phase 3 ARPA expenditure package totaling \$5,500,000 to include the following:

Litter Removal Program	\$100,000
Commercial Façade Improvement Program	\$500,000
Boulevard and 69 th Capital Improvement Project	\$2,000,000
Revenue Recovery	\$2,900,000

PASSED AND ADOPTED at a Regular meeting of the City Council of the City of La Mesa, California, held the 27th day of September 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

CERTIFICATE OF CITY CLERK

I, MEGAN WIEGELMAN, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2022-, duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)