

JOINT MEETING OF THE EL CAJON CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY TO THE EL CAJON REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

June 11, 2019

A Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, June 11, 2019, was called to order by Mayor/Chair Bill Wells at 3:03 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California.

ROLL CALL

Council/Agencymembers present:	Kendrick, McClellan and Ortiz
Council/Agencymembers absent:	None
Deputy Mayor/Vice Chair present:	Goble
Mayor/Chair present:	Wells
Other Officers present:	Mitchell, City Manager/Executive Director DiMaggio, Assistant City Manager Foley, City Attorney/General Counsel Cortez, City Clerk/Secretary

Mayor Wells invited Bonnie Price, to lead the **PLEDGE OF ALLEGIANCE TO THE FLAG and MOMENT OF SILENCE**. (The Courts have concluded that sectarian prayer as part of City Council Meetings is not permitted under the Constitution).

POSTINGS: The City Clerk posted Orders of Adjournment of the May 28, 2019, meeting and the Agenda of the June 11, 2019, meetings in accordance with State Law and El Cajon City/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

PRESENTATIONS:

Presentation: Movies in the Park

Proclamation: San Diego County Water Authority - 75th Anniversary

AGENDA CHANGES: None

CONSENT ITEMS: (1 – 9)

1. Minutes of El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy

Approves Minutes of the May 28, 2019, Meeting of the El Cajon City Council/ Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

2. Warrants

Approves payment of Warrants as submitted by the Finance Department.

3. Approval of Reading Ordinances by Title only

Approves the reading by title and waives the reading in full of all Ordinances on the Agenda.

PULLED FOR DISCUSSION BY A MEMBER OF THE PUBLIC

4. Contract for Workers' Compensation Administration

Authorizes the City Manager to execute an Agreement for Professional Services with York Risk.

DISCUSSION

Bonnie Price expressed a concern referencing sole source contracting, and asked if the Item was open to competitive bidding.

In response to Ms. Price's question, City Manager Mitchell advised that the City and the Joint Powers collaborated on preparing the Professional Services Agreement.

CONSENT ITEMS: (Continued)

5. Resolution of Intent to Vacate Easement for Public Highway at 512 Raleigh Avenue, El Cajon, CA
 1. Adopts Resolution No. 050-19, to approve the City's Intent to Vacate Easement for Public Highway at 512 Raleigh Avenue; and
 2. Directs the City Clerk to set a Public Hearing on July 9, 2019, at 3:00 p.m., to receive testimony regarding the Intent to Vacate Easement for Public Highway at 512 Raleigh Avenue, El Cajon, CA.

PULLED FOR DISCUSSION BY A MEMBER OF THE PUBLIC

6. Tentative Agreement with the El Cajon Professional Firefighters Local 4603 (ECPFF)

Adopts Resolution No. 051-19, to approve the tentative agreement reached with the El Cajon Professional Firefighters Local 4603 (ECPFF), and authorizes the City Manager to execute the final Memorandum of Understanding implementing the terms outlined.

DISCUSSION

Fire Captain, Tony Aliano, thanked Council and Staff for the contract agreed upon.

Deputy Mayor Goble acknowledged the hard work by the El Cajon Fire Department, and added the Fire Department deserves a good agreement.

Mayor Wells praised the staff of Heartland Fire for the high level of professionalism, and recognized the department for receiving a 'Class One' rating, a recognition achieved by less than one percent in the nation.

7. Tentative Agreement with the El Cajon Police Officers' Association Management Group (ECPOAMG)

Adopts Resolution No. 052-19, to approve the tentative agreement reached with the El Cajon Police Officers' Association Management Group (ECPOAMG), and authorizes the City Manager to execute the final Memorandum of Understanding implementing the terms outlined.

CONSENT ITEMS: (Continued)

PULLED FOR DISCUSSION BY A MEMBER OF THE PUBLIC

8. Tentative Agreement with the El Cajon Police Officers' Association (ECPOA)

Adopts Resolution No. 053-19, to approve the tentative agreement reached with the El Cajon Police Officers' Association (ECPOA), authorizes the City Manager to execute the final Memorandum of Understanding implementing the terms outlined.

DISCUSSION

Police Detective Howard Travis, discussed issues within the department, and expressed appreciation to City Manager Mitchell for the cordialness and support during negotiations for the group.

Council recognized the commitment and level of professionalism of the El Cajon Police Officers.

9. Award of Bid No. 005-20 – Fire Station 9 Driveway

1. Adopts Resolution No. 054-19, to approve Plans and Specifications for Fire Station 9 Driveway, Bid No. 005-20;
2. Find the first low bidder non-responsive for the reason set forth in this agenda report; and
3. Adopts Resolution No. 055-19, to award the bid to the lowest responsive, responsible bidder, Portillo Concrete, Inc., in the amount of \$66,310.

MOTION BY GOBLE, SECOND BY KENDRICK, to APPROVE Consent Items 1 to 9.

MOTION CARRIED BY UNANIMOUS VOTE.

PUBLIC COMMENT:

Jim Cirigliano spoke about the delinquent sewer lien involving his mobile home park and his intention to follow up on the Item. He requested that Form 700 and Form 460 be available on the City's webpage, and expressed content in seeing the Agenda include a Code of Conduct proposal.

In response to Councilmember McClellan's question, Mr. Cirigliano provided an update on the rent mediation process.

PUBLIC COMMENT: (Continued)

Bonnie Price commended Council for appointing Councilmember Ortiz and acknowledged his suitable Council assignments. Ms. Price spoke of her continued support of rent mediation involving the Villa Novia Mobile Home Park.

WRITTEN COMMUNICATIONS: None

PUBLIC HEARINGS:

10. Delinquent Refuse Collection Charges

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and considers public testimony;
2. Closes the Public Hearing;
3. Adopts the next Resolutions, in order, confirming the list of property owners as delinquent in the payment of their mandatory trash service bills; and,
4. Authorizes the City Clerk to record the amount owed as a lien on the property and forward a list to the County Tax Assessor for billing on the next property tax bill.

DISCUSSION

Director of Public Works, Dirk Epperson, provided a summary of the Item.

Discussion ensued among Council and Staff concerning eligible tax deductible items.

Mayor Wells opened the public hearing.

No one came forward to speak.

MOTION BY WELLS, SECOND BY KENDRICK, to CLOSE the Public Hearing.

MOTION CARRIED BY UNANIMOUS VOTE.

MOTION BY GOBLE, SECOND BY McCLELLAN, to ADOPT Resolution No. 056-19, confirming the list of property owners as delinquent in the payment of their mandatory trash service bills; and authorizes the City Clerk to record the amount owed as a lien on the property and forward a list to the County Tax Assessor for billing on the next property tax bill.

MOTION CARRIED BY UNANIMOUS VOTE.

To accommodate the time constraints of the presenters, Mayor Wells moved Item 15 up for discussion.

15. Proposed SANDAG Changes to the Regional Funding Priorities of the San Diego County Transportation Sales Tax (TransNet)

RECOMMENDATION:

That the City Council receives a presentation from SANDAG regarding “the SANDAG Big Vision and 5 Big Moves for the 2021 Regional Plan Update,” discuss proposed shift of SANDAG TransNet funds from road projects to transit projects, and consider a letter opposing SANDAG’s proposed shifting of funds from existing highway and road projects.

DISCUSSION

San Diego Association of Governments (SANDAG) Executive Director, Hasan Ikhata, provided detailed information of the Item.

Discussion ensues between Mr. Ikhata, Council and Staff regarding:

- The need to obtain more funds for highway and roads;
- Promises made to voters;
- Strategies for greenhouse gas emissions;
- Public transportation network considered not advanced and unsafe;
- Transportation paradigm shift;
- Concern for public safety issues; and
- TransNet budget constraints.

Anneli Ford, representing Sierra Club, spoke in support of the SANDAG proposal.

Jack Shu, representing the Cleveland National Forest Foundation, spoke in support of the SANDAG proposal.

Bruce Graves, representing SD350, spoke in support of the SANDAG proposal.

No further comments were offered.

MOTION BY WELLS, SECOND BY KENDRICK, to CONSIDER a letter opposing SANDAG’s proposal.

MOTION CARRIED BY UNANIMOUS VOTE.

*Recess called at 4:38 p.m.
Meeting called back to order at 4:49 p.m.*

PUBLIC HEARINGS: (Continued)

11. Delinquent Sewer Service Charges

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and considers public testimony;
2. Closes the Public Hearing;
3. Adopts the next Resolutions, in order, confirming the list of property owners as delinquent in the payment of their mandatory sewer service bills; and
4. Authorizes the City Clerk to record the amount owed as a lien on the property and forward a list to the County Tax Assessor for billing on the next property tax bill.

DISCUSSION

Director of Public Works, Dirk Epperson, provided a summary of the Item.

Mayor Wells opened the public hearing.

No one came forward to speak.

MOTION BY WELLS, SECOND BY KENDRICK, to CLOSE the Public Hearing.

MOTION CARRIED BY UNANIMOUS VOTE.

MOTION BY GOBLE, SECOND BY McCLELLAN, to ADOPT Resolution No. 057-19, confirming the charges and levying the assessments on the next regular tax bill; and authorizes the City Clerk to place a lien on delinquent properties and to forward a list to the County Tax Assessor for billing on the next property tax bill.

MOTION CARRIED BY UNANIMOUS VOTE.

12. Adoption of New Fees; Modification and Elimination of Existing Fees; and Amendment of Schedule of Miscellaneous Fees

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and receives testimony;
2. Closes the Public Hearing; and
3. Adopts the next Resolution, in order, to modify certain existing fees, add and delete certain fees, and amend the City's Schedule of Miscellaneous Fees.

PUBLIC HEARINGS: (Item 12 - Continued)

DISCUSSION

City Attorney Foley, provided a summary of the Item.

In response to a question by Mayor Wells in reference to the Recreation Department's fee based classes, Recreation Director, Frank Carson, advised the fee increase is evaluated based on what the community can afford, and that scholarships and grants are available to underprivileged children who cannot afford enrollment fees.

Mayor Wells opened the public hearing.

No one came forward to speak.

MOTION BY WELLS, SECOND BY KENDRICK, to CLOSE the Public Hearing.

MOTION CARRIED BY UNANIMOUS VOTE.

MOTION BY KENDRICK, SECOND BY McCLELLAN, to ADOPT RESOLUTION NO. 058-19, to modify certain existing fees, add and delete certain fees, and amend the City's Schedule of Miscellaneous Fees.

MOTION CARRIED BY UNANIMOUS VOTE.

ADMINISTRATIVE REPORTS: None

COMMISSION REPORTS: None

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS:

SANDAG (San Diego Association of Governments) Board of Directors; SANDAG – Audit Committee; League of California Cities, San Diego Division; Heartland Fire Training JPA – Alternate; LAFCO.

13. Council Activities Report/Comments

Report as stated.

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS: (Continued)

14. Legislative Update

Assistant City Manager DiMaggio provided information on the following bills:

AB 136, was pulled by the author.

AB 1482, approved and going through the Assembly process.

The City will continue to monitor and provide updates in the future.

15. Previously discussed per the direction of Mayor Wells.

16. Compensation for Executive and Unrepresented Employees (A-29), City Manager and the City Attorney

RECOMMENDATION:

That the Mayor provides an oral report summarizing recommended changes in compensation for the City's "local agency executives"; and following the report, that the City Council (1) approves the changes to City Council Policy A-29 described in the report, and reflected on the attachment; and (2) acknowledges the adjustments to the City Manager and City Attorney's compensation in accordance with the terms of their contracts.

DISCUSSION

Mayor Wells provided an oral report summarizing the recommended changes.

City Manager Mitchell clarified the proposed salary increases are cost of living increases which resulted from conducting a market adjustment study. He added that the goal is to bring employees up to the market median, with the same benefits offered to the El Cajon Municipal Employees' Association (ECMEA), El Cajon Mid-Management and Professional Employees Group (MMPEG), and El Cajon Professional Firefighters (ECPFF) employee groups.

MOTION BY KENDRICK, SECOND BY McCLELLAN to APPROVE the changes to City Council Policy A-29; and the adjustments to the City Manager and City Attorney's compensation in accordance with the terms of their contracts.

MOTION CARRIED BY UNANIMOUS VOTE.

ACTIVITIES REPORTS OF COUNCILMEMBERS:

17. COUNCILMEMBER GARY KENDRICK
METRO Commission/Wastewater JPA; Heartland Communications; Heartland Fire Training JPA.

Council Activities Report/Comments.

Report as stated.

18. COUNCILMEMBER BOB MCCLELLAN
MTS (Metropolitan Transit System Board); Harry Griffen Park Joint Steering Committee; Heartland Communications – Alternate.

Council Activities Report/Comments.

Report as stated.

19. DEPUTY MAYOR STEVE GOBLE
SANDAG – Board of Directors – Alternate; SANDAG Public Safety Committee – Alternate; METRO Commission/Wastewater JPA – Alternate; Chamber of Commerce – Government Affairs Committee; MTS (Metropolitan Transit System Board) – Alternate.

Council Activities Report/Comments.

Report as stated.

20. COUNCILMEMBER PHIL ORTIZ
East County Economic Development Council; League of California Cities, San Diego Division.

Council Activities Report/Comments.

Report as stated.

ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

21. Code of Ethics and Conduct for City Council, Boards, and Commissions

RECOMMENDATION:

That the City Council directs City staff to prepare an agenda item analyzing the City's current code of ethics and conduct policies and recommend changes to engender trust and confidence in City leadership.

DISCUSSION

Councilmember Ortiz provided a summary of the Item.

MOTION BY WELLS, SECOND BY McCLELLAN to DIRECT City staff to prepare an agenda item analyzing the City's current code of ethics and conduct policies and recommend changes to engender trust and confidence in City leadership.

MOTION CARRIED BY UNANIMOUS VOTE.

JOINT COUNCILMEMBER REPORTS: None

GENERAL INFORMATION ITEMS FOR DISCUSSION: None

ORDINANCES: FIRST READING

22. Introduction of an Ordinance Amending Chapter 3.20 of the El Cajon Municipal Code for Bidding and Written Contracts

RECOMMENDATION:

That the City Council considers approving an Ordinance amending Chapter 3.20 of the El Cajon Municipal Code ("ECMC") related to Bidding and Written Contracts and, if approved, take the following actions:

1. By Motion, Second and Vote, moves to introduce the Ordinance; and
2. Directs the City Clerk to read the title of the Ordinance.

DISCUSSION

City Attorney Foley provided a summary of the Item.

ORDINANCES: FIRST READING (Item 22 - Continued)

Discussion ensued among Council and Staff concerning the following:

- Bidding process;
- City Manager's authority to approve Public Works projects up to \$75,000; and
- Competitive solicitations.

No further comments were offered.

MOTION BY KENDRICK, SECOND BY McCLELLAN, to INTRODUCE the Ordinance.

MOTION CARRIED BY UNANIMOUS VOTE.

The City Clerk recited the title of the Ordinance.

**AN ORDINANCE AMENDING CHAPTER 3.20 OF
TITLE 3 OF THE EL CAJON MUNICIPAL CODE
ADDRESSING BIDDING AND WRITTEN CONTRACTS**

ORDINANCES: SECOND READING AND ADOPTION – None

CLOSED SESSIONS:

RECOMMENDATION: That the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency adjourned Closed Session as follows:

23. Closed Session - Conference with Legal Counsel - Existing Litigation - pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9: Mike Murphy and Joshua Pittsley, et al. vs. City of El Cajon, et al., United States District Court, Southern District of California Case No. 18-CV-0698-JM-NLS

MOTION BY WELLS, SECOND BY McCLELLAN, to ADJOURN to Closed Session at 5:11 p.m.

MOTION CARRIED BY UNANIMOUS VOTE.

CLOSED SESSIONS: (Continued)

RECONVENE TO OPEN SESSION AT 5:20 P.M.

City Attorney Foley reported the following actions:

- Motion by Mayor Wells, second by Deputy Mayor Goble and by unanimous vote, to authorize City Manager Mitchell to sign the settlement agreement on behalf of the City.

Adjournment: Mayor Wells adjourned the Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 11th day of June 2019, at 5:20 p.m., to Tuesday, June 11, 2019, at 7:00 p.m.

ANGELA L. CORTEZ, CMC
City Clerk/Secretary