

# JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



## MINUTES

### CITY OF EL CAJON EL CAJON, CALIFORNIA

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**JULY 12, 2011**

A Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, July 12, 2011, was called to order by Mayor/Chair Mark Lewis at 3:00 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California. This meeting was adjourned from the Adjourned Regular Joint meeting held at 3:00 p.m. on June 28, 2011.

#### **ROLL CALL**

Council/Agencymembers present:	Hanson-Cox, Kendrick and Wells
Council/Agencymembers absent:	None
Mayor Pro Tem/Vice Chair absent:	McClellan
Mayor/Chair present:	Lewis
Other Officers present:	Rutledge, City Clerk/Secretary Foley, City Attorney/General Counsel Henry, City Manager/Executive Director Turner, Deputy City Manager/Director of Public Works Ayres, Director of Community Development

**PLEDGE OF ALLEGIANCE TO FLAG led by Mayor Lewis 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 June 28, 2011, meeting and the Agenda of the July 12, 2011, meetings in accordance to State Law and Council/Agency Policy.

**PRESENTATIONS:**

- **Presentation – Donation of Flag to Police Station**

**AGENDA CHANGES: None**

**CONSENT ITEMS: (1.1 – 1.6)**

**MOTION BY LEWIS, SECOND BY WELLS, to approve Consent Items 1.1 to 1.5, pulling Item 1.6, as requested by WELLS.**

**MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (MCCLELLAN – Absent)**

**1.1 MINUTES OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETING**

Approve Minutes of the June 28, 2011, meeting of the El Cajon City Council/Redevelopment Agency.

**1.2 WARRANTS**

Approve payment of Warrants as submitted by the Finance Department.

**1.3 APPROVAL OF READING BY TITLE AND WAIVER OF READING IN FULL OF ORDINANCES ON AGENDA**

Approve the reading by title and waive the reading in full of all Ordinances on the Agenda.

**1.4 RESOLUTION: TENTATIVE AGREEMENTS WITH THE EL CAJON POLICE OFFICERS' ASSOCIATION (ECPOA) AND THE EL CAJON POLICE OFFICERS' ASSOCIATION MANAGEMENT GROUP (ECPOA-MG) (Report: Director of Human Resources)**

Approve the tentative agreements reached with the El Cajon Police Officers' Association (ECPOA) and the El Cajon Police Officers' Association Management Group (ECPOA-MG) and authorize the City Manager to execute the final Memoranda of Understanding implementing the terms and conditions as outlined and ADOPT RESOLUTION NO. 75-11.

**CONSENT ITEMS (Continued)**

**1.5 RESOLUTION: AWARD OF BID NO. 004-12 – MAINTENANCE OF BUS STOPS AT VARIOUS LOCATIONS (Report: Purchasing Agent)**

Adopt RESOLUTON NO. 76-11 and award the bid to the lowest responsive bidder, St. Madeleine Sophie’s Center, in the amount of \$34,075.00.

**1.6 PULLED FOR DISCUSSION**

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**CONSENT ITEMS PULLED FOR DISCUSSION:**

**1.6 RESOLUTION: ADOPTION OF RESOLUTION OF INTENTION TO INITIATE AMENDMENT TO SPECIFIC PLAN 182 (Report: City Attorney)**

**RECOMMENDATION:** That the **City Council** adopt the next RESOLUTION in order initiating an amendment to Specific Plan 182 in order to modify the design review process.

**DISCUSSION**

In response to questions by **Councilmember Wells**, **City Attorney Foley** clarifies the need for the amendment, as an extension of funding to the El Cajon Community Development Corporation (CDC) for design review services was not approved by **Council**. Performance of these services will shift to the Community Development Department and Planning Commission, based on level of work to be performed.

No further comments made.

**Motion by LEWIS, SECOND BY WELLS, to ADOPT RESOLUTION NO. 77-11 approving Item 1.6.**

**MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (MCCLELLAN – Absent)**

## **PUBLIC COMMENT:**

**Don Parent, representing SD Gas & Electric,** distributes an energy-saving calculator and provides an update on the State's energy supplies. He urges residents to conserve energy and reduce consumption.

In response to questions from **Council, Mr. Parent** comments on energy rates and use of local state-of-the-art Peaker plants.

**2. WRITTEN COMMUNICATIONS: None**

**3. PUBLIC HEARINGS: None**

**4. ADMINISTRATIVE REPORTS:**

**4.1 USE OF REAL ESTATE BROKERS FOR SALE OF REDEVELOPMENT AGENCY OWNED PROPERTIES (Report: City Manager)**

**RECOMMENDATION:** That the **City Council** continue the practice of using Brokers to market Redevelopment Agency owned property on a case-by-case basis at the discretion of the City Manager. Should a policy to this effect be necessary, direct staff to draft the policy for Redevelopment Agency review.

## **DISCUSSION**

**City Manager Henry** discusses **Staff's** recommendation after researching the policies of other cities, and comments on required guidelines when dealing with Redevelopment Agency owned properties.

In response to questions from **Council, City Attorney Foley** explains that a contractual agreement must be in place in order to pay a commission to a broker, and that the City, as a public entity, does not have the ability to enter into contracts at the Staff level. The process is different from that of private entities. He adds that if there were a unique parcel or difficulty in marketing a piece of property, **Staff** would seek approval of an RFP and if approved, a broker would be selected and the commission would be negotiated at that time.

No further comments made.

**NO ACTION TAKEN.**

#### 4.2 RESOLUTION: UPDATE ON STATE ACTIONS REGARDING REDEVELOPMENT (Report: Director of Community Development)

##### RECOMMENDATION: That the Redevelopment Agency:

1. Review Agency options regarding recently approved legislation (ABx1 26 and ABx1 27), that will eliminate redevelopment agencies, except where an agency is willing to pay funds to the state for state purposes;
2. Direct staff to proceed with Option 2 – Voluntary Alternative Redevelopment Program (ABx1 27) and introduce an ordinance under companion Item 13.1, also on today’s agenda;
3. Adopt the next RESOLUTION in order, pursuant to Assembly Bill ABx1 27 as codified in Community Redevelopment Law, Health and Safety Code Section 34194.3 (“CH&SC”), to find that the Agency is exempt from making the full allocation to the Low and Moderate-Income Housing Fund as there are insufficient other moneys to meet its debt and other obligations, current priority program needs in Attachment 3, and our obligations under CH&SC Section 34194.2; and Authorize the Executive Director, or designee, to enter into a Remittance Agreement with the City, pursuant to CH&SC Section 34194.2, to transfer a portion of its tax increment revenue to the City in an amount not to exceed the annual remittance required.

#### DISCUSSION

**City Attorney Foley** provides a summary of the report and responds to questions from **Council** regarding the options listed in the Agenda Report. If **Council** chooses to proceed with Option 2, he suggests adding that the “City Manager” is authorized to enter into the remittance agreement.

**City Manager Henry** comments that the City’s remittance of roughly \$6 million in the next two years to the State of California could be considered as a trade, for generating approximately \$110 million in future tax increment. **Staff** will determine from which fund accounts the remittance should be paid, and report back to **Council** with a recommendation.

**City Attorney Foley** adds that any payments made by the City will be under protest, and will be noted as such when remitted to the State in order to reserve the right to challenge the payment in the future.

No further comments made.

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**ITEM 4.2 (Continued)**

**MOTION BY LEWIS, SECOND BY HANSON-COX, to DIRECT STAFF to proceed with Option 2 – Voluntary Alternative Redevelopment Program (ABx1 27) and introduce an ordinance under companion Item 13.1, ADOPT RESOLUTION NO. ECRA-421 as recommended in the Agenda Report, and adding that the City Manager is authorized to enter into a Remittance Agreement with the City.**

**MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (MCCLELLAN – Absent)**

**5. COMMISSION REPORTS: None**

**6. ACTIVITIES REPORTS OF MAYOR LEWIS**

SANDAG (San Diego Association of Governments); SANDAG (Chair, Public Safety Committee); LAFCO (Local Agency Formation Commission); Indian Gaming Local Community Benefit Committee.

**6.1 SANDAG Board of Directors Agenda – June 24, 2011**

**REPORT AS STATED.**

**ACTIVITIES REPORTS OF COUNCILMEMBERS**

**7.**

**MAYOR PRO TEM BOB MCCLELLAN**

Harry Griffen Park Joint Steering Committee; Heartland Communications JPA – Alternate; MTS (Metropolitan Transit System Board).

**7.1 Council Activities Report**

## ACTIVITIES REPORTS OF COUNCILMEMBERS (Continued)

8.

### COUNCILMEMBER JILLIAN HANSON-COX

SANDAG (San Diego Association of Governments – Alternate); SANDAG (Public Safety Committee – Alternate); MTS (Metropolitan Transit System Board – Alternate); East County Economic Development Council; League of California Cities, San Diego Division; East San Diego County Gang Task Force.

#### 8.1 Council Activities – Verbal Report

**Councilmember Hanson-Cox** reports on her activities for this period and thanks **Staff** for their positive outlook.

In response to the question from **Mayor Lewis**, **Councilmember Hanson-Cox** indicates volunteers are still being accepted to serve on the committee for the City's Centennial Celebration.

#### 8.2 CENTENNIAL CELEBRATION BUDGET AND FUNDRAISING OBJECTIVES

**RECOMMENDATION:** That the **City Council** review the initial budget and approve the fundraising strategy developed for the Centennial Celebration.

#### DISCUSSION

**Councilmember Hanson-Cox** speaks in support of the Item and clarifies this project does not involve money from the General Fund.

In response to questions from **Councilmember Wells**, **City Manager Henry** clarifies that \$50,000 was allocated from last year's Contingency Fund and \$50,000 will come from this year's allocation. **Staff** is requesting **Council's** approval of the fundraising strategy to accept donations for the event.

**MOTION BY LEWIS, SECOND BY WELLS, to APPROVE the fundraising strategy developed for the Centennial Celebration.**

**MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (MCCLELLAN – Absent)**

## ACTIVITIES REPORTS OF COUNCILMEMBERS (Continued)

9.

### **COUNCILMEMBER GARY KENDRICK**

Heartland Communications JPA; Heartland Fire Training JPA.

#### **9.1 Council Activities Report**

In addition to his report, **Councilmember Kendrick** adds that he volunteered at a food bank in El Cajon on July 5<sup>th</sup>.

10.

### **COUNCILMEMBER BILL WELLS**

METRO Commission/Wastewater JPA; East County Economic Development Council; Heartland Fire Training JPA – Alternate; El Cajon Community Development Corporation.

#### **10.1 Council Activities Report**

##### **REPORT AS STATED.**

**Councilmember Wells** indicates he is opposed to the County of San Diego's approval to allow a marijuana dispensary near Gillespie Field, just outside of the boundaries of the City. He states that while the uses and effects of the substance may be debatable, it is against Federal law. He encourages any residents dissatisfied with the decision to allow the dispensary, to contact the County Board of Supervisors to express their dissatisfaction.

In response to questions from **Councilmember Wells**, **City Attorney Foley** indicates the City does not have any jurisdiction, as the facility is located in the County and not within City limits. He reports that the Department of Justice recently announced they will still go after those in possession of marijuana and take a look at communities where these types of collectives and dispensaries are allowed.

## **11. LEGISLATIVE REPORT**

### **11.1 League of California Cities Legislative Bulletin June 23, 24, 27, 28, 29, 30 and July 1, 5, 2011 – *City Advocate Weekly***

**Councilmember Hanson-Cox** remarks that legislation is being tracked.

##### **NO RECOMMENDED ACTION.**



**12. GENERAL INFORMATION ITEMS FOR DISCUSSION: None**

**13. ORDINANCES: FIRST READING**

**13.1 ORDINANCE AUTHORIZING PARTICIPATION IN VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM**

**RECOMMENDATION: That the City Council**

- **Make a MOTION, and second to introduce the Ordinance**
- **Discussion**
- **Vote**
- **If approved, the Mayor requests the City Clerk to recite the title**

An Ordinance of the City Council of the City of El Cajon, California, authorizing the City of El Cajon to participate in the Voluntary Alternative Redevelopment Program, subject to certain conditions and reservations

**MOTION BY LEWIS, SECOND BY KENDRICK, to INTRODUCE the ordinance.**

**DISCUSSION**

No one comes forward to speak.

**MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (MCCLELLAN – Absent)**

The **City Clerk** recites the title of the ordinance for a first reading.

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**14. ORDINANCES: SECOND READING AND ADOPTION**

**RECOMMENDATION:** That Mayor Lewis requests the City Clerk to recite the title.

**14.1 ZONING ORDINANCE AMENDMENT NO. 416**

An Ordinance of the City Council of the City of El Cajon amending Title 17 of the El Cajon Municipal Code (Zoning) to correct errors and omissions in Chapters 17.15, 17.45, 17.60, 17.105, 17.110, 17.115, 17.130, 17.140, 17.145, 17.150, 17.185, 17.190, 17.195, 17.210, 17.215, 17.225, 17.240 and 17.245 of Title 17; modifying Chapter 17.120 related to non-conforming uses and structures; and adding a new Section 17.130.255 regulating storage spaces, adding a new subsection (E) to Section 17.190.210 of Chapter 17.190 regulating free-standing signs, adding a new Section 17.190.280 of Chapter 17.190 providing for the abatement of non-conforming signs, and adding a new Section 17.225.190 to Chapter 17.225 regulating offsite automobile sales

The **City Clerk** recites the title of the ordinance for a second reading.

**MOTION BY LEWIS, SECOND BY WELLS, to Adopt Ordinance No. 4968.**

**MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (MCCLELLAN – Absent)**

**15. CLOSED SESSIONS:**

**RECOMMENDATION:** That the City Council/Redevelopment Agency adjourn to Closed Session as follows:

**15.1**

- **CLOSED SESSION – PUBLIC EMPLOYMENT**

**PUBLIC EMPLOYMENT**

**Title: City Manager/Executive Director**

**CLOSED SESSIONS: (Continued)**

**15.2**

- **CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Pursuant to Section 54956.8 of the Government Code:**

<b><u>Property</u></b>	<b><u>Negotiating Parties</u></b>	<b><u>Agency Negotiators</u></b>
APN 488-083-03 115 Rea Avenue	Ed Jarrell	Executive Director/City Manager General Counsel/City Attorney Director of Community Development

Under negotiation: For the Agency/Council to provide instructions to its negotiators regarding the price and terms for the potential sale or lease of property by the Agency for redevelopment purposes.

**15.3**

- **CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Pursuant to Section 54956.8 of the Government Code:**

<b><u>Property</u></b>	<b><u>Negotiating Parties</u></b>	<b><u>Agency Negotiators</u></b>
APN 487-110-20-18 1280 West Main Street #18	Andrew & Erin Bearden	Executive Director/City Manager General Counsel/City Attorney Director of Community Development

Under negotiation: For the Agency/Council to provide instructions to its negotiators regarding the price and terms for the possible purchase of real property.

**MOTION BY LEWIS, SECOND BY KENDRICK, to Adjourn to Closed Session at 3:57 p.m.**

**MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (MCCLELLAN – Absent)**

**16. RECONVENE TO OPEN SESSION AT 5:08 P.M.**

**City Attorney Foley** reports the following actions:

- 15.1** Direction was given to the City Manager and City Attorney to begin the process for starting the procedure to fill the pending vacancy of the City Manager.
- 15.2** Direction was given to the City's Real Property Negotiators.
- 15.3** No action taken

**Adjournment:** **Mayor Lewis** adjourned the Regular Joint Meeting of the City Council/ Redevelopment Agency held this 12<sup>th</sup> day of July 2011, at 5:08 p.m. to Tuesday, July 12, 2011, at 7:00 p.m.

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**KATHIE J. RUTLEDGE, CMC**  
**City Clerk/Secretary**

# JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



## MINUTES

### CITY OF EL CAJON EL CAJON, CALIFORNIA

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**JULY 12, 2011**

An Adjourned Regular Joint Meeting of the City Council and Redevelopment Agency of the City of El Cajon, California, held Tuesday, July 12, 2011, was called to order by Mayor/Chair Mark Lewis at 7:00 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California. This meeting was adjourned from the Adjourned Regular Joint Meeting held at 3:00 p.m., Tuesday, June 28, 2011, by order of the City Council and Redevelopment Agency.

#### **ROLL CALL**

Council/Agencymembers present:	Hanson-Cox, Kendrick and Wells
Council/Agencymembers absent:	None
Mayor Pro Tem/Vice Chair absent:	McClellan
Mayor/Chair present:	Lewis
Other Officers present:	Rutledge, City Clerk/Secretary Foley, City Attorney/General Counsel Henry, City Manager/Executive Director Turner, Deputy City Manager/Director of Public Works Ayres, Director of Community Development

#### **PLEDGE OF ALLEGIANCE TO FLAG and MOMENT OF SILENCE.**

(The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution)

**AGENDA CHANGES: None**

**PUBLIC COMMENT:**

The following urged **Council** to consider allowing outdoor laser tag games in City parks: **Roger Christianson, Dustin Montague and Eric Christianson.**

In response to questions from **Council**, **City Manager Henry** informs there has been correspondence with the interested parties regarding the topic of outdoor laser tag. **Staff** feels this is not an appropriate use of a public park. She states there are open spaces in the County that may be suitable for this activity, and there are existing indoor laser tag businesses in the City.

**PUBLIC HEARINGS:**

**100 CONDITIONAL USE PERMIT NO. 2146 (MINOR) – SOUTH COAST EDUCATION, INC. (Report: Director of Community Development)**

**RECOMMENDATION: That the City Council**

- Open the Public Hearing and receive testimony;
- Close the Public Hearing;
- Move to adopt the next RESOLUTION in order approving Conditional Use Permit No. 2146, subject to conditions.

**DISCUSSION**

**Mayor Lewis** announces the Public Hearing is now Open.

**Director of Community Development Ayres** provides a summary of the Item.

**Jim Kornacki**, the applicant, speaks in the support of the application, and addresses questions from **Council** regarding the general student population, transportation utilized by students, enforcement of curriculum and guidelines, and the graduation success rate.

**Ed Zohar** expresses concerns about students and staff parking in unauthorized areas, and possible problems with students loitering in the downtown area.

**Daryl R. Priest** expresses concerns about a possible increase in crime with having at-risk students attending school in the downtown area. He feels the proposed school is not an appropriate use, and may bring about a negative impact.

**ITEM 100 (Continued)**

**MOTION BY LEWIS, SECOND BY HANSON-COX, to CLOSE the Public Hearing.**

**MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (MCCLELLAN – Absent)**

**Councilmembers** state similar concerns about allowing the school in the downtown area and concur it would not be an appropriate land use. They comment that while the attributes offered by the charter school are commendable, the school would not be in the right location.

No further comments are offered.

**MOTION BY LEWIS, SECOND BY WELLS, to ADOPT RESOLUTION NO. 78-11 denying the application for Conditional Use Permit No. 2146.**

**MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (MCCLELLAN – Absent)**

**101. ITEMS CONTINUED FROM THE 3:00 P.M. MEETING: None**

**ADJOURNMENT:** Mayor Lewis adjourned the Adjourned Regular Joint Meeting of the City Council and the Redevelopment Agency held this 12<sup>th</sup> day of July 2011, at 7:39 p.m. to Tuesday, July 26, 2011, at 3:00 p.m.

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**KATHIE J. RUTLEDGE, CMC  
City Clerk/Secretary**