

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

SEPTEMBER 13, 2011

A Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, September 13, 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 August 23, 2011.

ROLL CALL

Council/Agencymembers present:	Hanson-Cox, Kendrick and Wells
Council/Agencymembers absent:	None
Mayor Pro Tem/Vice Chair present:	McClellan
Mayor/Chair present:	Lewis
Other Officers present:	Rutledge, City Clerk/Secretary Foley, City Attorney/General Counsel Turner, Acting City Manager/Executive Director Davies, Acting 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 August 23, 2011, meeting and the Agenda of the September 13, 2011, meetings in accordance to State Law and Council/Agency Policy.

PRESENTATIONS:

- **Recognition – “All Fore R.E.C. Golf Tournament” Sponsors**
- **Proclamation – “September is National Preparedness Month”**
- **Proclamation – “Independence for Turkmenistan” 20 Year Anniversary**
- **Presentation – Donations to Support Our Military**

AGENDA CHANGES:

MOTION BY LEWIS, SECOND BY MCCLELLAN, to ADD General Information Item A to the agenda as Item 12A, as requested by HANSON-COX.

MOTION CARRIES BY UNANIMOUS VOTE.

CONSENT ITEMS: (1.1 – 1.13)

MOTION BY LEWIS, SECOND BY KENDRICK, to APPROVE Consent Items 1.1 through 1.5 and 1.7 through 1.13, pulling Item 1.6, as requested by HANSON-COX.

MOTION CARRIES BY UNANIMOUS VOTE.

1.1 MINUTES OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS

Approve Minutes of the August 23, 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.

CONSENT ITEMS: (Continued)

1.4 ACCEPTANCE OF STREET RESURFACING 2011 RUBBERIZED SLURRY VARIOUS STREETS, Engineering Job No. 3345-M, Bid No. 030-11 (Report: Acting Director of Public Works/ Acting City Engineer)

1. Authorize the City Manager, or designee, to execute a Dispute Resolution Agreement Regarding an Amendment to the Public Works Contract between the City of El Cajon and American Asphalt South, Inc. (Bid No. 030-11); and
2. Accept the project and authorize the City Clerk to record a Notice of Completion and release the bonds in accordance with the contract terms.

1.5 MUTUAL/AUTOMATIC AID AGREEMENT FOR EMT-PARAMEDIC SERVICES WITH GROSSMONT HOSPITAL CORPORATION (Report: Fire Chief)

Authorize the City Manager, or designee, to enter into a Mutual/Automatic Aid Agreement for EMT-Paramedic Services with Grossmont Hospital Corporation.

1.6 PULLED FOR DISCUSSION

1.7 SAN DIEGO COUNTY LAW ENFORCEMENT FOUNDATION 2011 GRANT (Report: Chief of Police)

1. Authorize the City Manager, or designee, to accept San Diego County Law Enforcement Foundation (SDCLEF) 2011 Grant Funds in the amount of \$2,518.00; and
2. Appropriate the San Diego County Law Enforcement Foundation Grant Funds in the amount of \$2,518.00 to purchase a covert body-wire and accessories.

(Remainder of this page intentionally left blank)

CONSENT ITEMS: (Continued)

**1.8 U. S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT AWARD 2011
(Report: Chief of Police)**

1. Authorize the City Manager, or designee, to accept the 2011 U. S. Department of Justice Assistance Grant in the total amount of \$44,856.00 and to execute any grant documents and agreements necessary for the receipt and use of these funds; and
2. Appropriate \$44,856.00 for the 2011 U. S. Department of Justice Assistance Grant for the purchase of Leupold Mark IV Riflescopes for SWAT, Mobile Video Recorder Equipment and P25 Compliant handheld police radios to accelerate the City's plan to meet P25 Compliant Standards.

**1.9 SPECIAL OPERATION LICENSE – SEVERIN MOBILE TOWING, INC.
D/B/A USA AUTO WRECKING – 1416 Pioneer Way**

Approve the application submitted by Asad Raffo for a dismantling and storage of automobiles business at 1416 Pioneer Way.

**1.10 SPECIAL OPERATION LICENSE – BEST BUY MOBILE #1904 –
415 Parkway Plaza**

Approve the application submitted by Kevin Winneroski to add a secondhand dealer business to an existing mobile electronics store at 415 Parkway Plaza.

1.11 PURCHASE OF BACKHOE (Report: Purchasing Agent)

Authorize the Purchasing Agent, in accordance with Municipal Code 3.20.010.C.5, to execute a purchase agreement with Case Power & Equipment for the purchase of a Case Backhoe Model 590SN in the amount of \$119,369.31.

**1.12 SPECIAL OPERATION LICENSE – GOLD & DIAMOND EXCHANGE
679 Parkway Plaza**

Approve the application submitted by Mayra Herrera for a business to sell and buy jewelry at 679 Parkway Plaza.

CONSENT ITEMS: (Continued)

1.13 REQUEST FOR TEMPORARY SIGN TO PROMOTE FIRE PREVENTION WEEK AND FIRE SAFETY EXPO (Report: Fire Chief)

Approve the temporary use of a banner hung from the roofline of Fire Station 6, on the northeast corner of the building facing Douglas, for the promotion of Fire Prevention Week and the Fire Department Safety Expo.

CONSENT ITEMS PULLED FOR DISCUSSION:

1.6 RESOLUTIONS: APPROVAL OF PLANS AND SPECIFICATIONS FOR THE TRAFFIC SIGNAL GREEN LED REPLACEMENT, No. 008-12, Job No. 3401 (Report: Acting Director of Public Works/ Acting City Engineer)

RECOMMENDATION: That the City Council adopt the next RESOLUTIONS in order to approve Plans and Specifications and directing a Notice Inviting Sealed Bids to be opened on October 12, 2011.

DISCUSSION

In response to questions by Councilmember Hanson-Cox, Acting City Manager Turner indicates that the cost to retrofit traffic signals is approximately \$10,000 each.

No further discussion.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to ADOPT RESOLUTION NO. 92-11 in order to approve Plans and Specifications, and RESOLUTION NO. 93-11 directing a Notice Inviting Sealed Bids to be opened on October 12, 2011.

MOTION CARRIES BY UNANIMOUS VOTE.

PUBLIC COMMENT:

Monica Zech, Public Information Officer, reminds the public about the new operating hours for City offices and advises that a full schedule is available on the City's website at www.cityofelcajon.us.

Sunshine Horton requests that citizens take time to remember the events from 9/11, and suggests training volunteer officers to assist with traffic control, in case of another citywide power outage.

Councilmember Wells commends Police, Fire and City Staff for the way they handled themselves during the blackout. He informs he has written a letter opposing Senate Bill 922, a bill that may cut off State funding for charter cities that have enacted anti-project labor agreements. The bill has passed the Senate and is going forward for signature by the Governor. He additionally thanks City Staff for coming up with the idea to donate items to support the military.

Mayor Pro Tem McClellan compliments City personnel for keeping the peace during the recent blackouts.

Councilmember Hanson-Cox thanks the "first responders" and **Staff** for their help during the recent blackout.

Councilmember Kendrick thanks citizens and employees for being responsible during power outage.

2. WRITTEN COMMUNICATIONS:

2.1 Letter from El Cajon Community Development Corporation (CDC) requesting reimbursement for Property Based Business Improvement District (PBID) expenditures.

DISCUSSION

Darryl Priest, Priest Development, requests a loan of \$80,000 from the City to fund the CDC to the end of the calendar year, or at minimum, a loan amount of \$40,000 to cover expenses for the car shows and Concerts-on-the Green through October. He indicates this would be a loan against outstanding tax increments due to the current PBID, totaling approximately \$42,000.

ITEM 2.1 (Continued)

Discussion ensues among **Council** and **Staff** concerning:

- The importance of continuing the car show event;
- Loaning \$40,000 to fund the CDC through October 2011;
- The possibility that outstanding PBID assessments may not be collected;
- A suggestion to place liens on properties that have not paid PBID assessments;
- Appropriating \$33,000 from Contingency funds to the CDC, and requesting that the Acting City Manager come up with a plan for funding the remaining \$7,000 from available fund accounts, but not from the Reserve account.

MOTION BY MCCLELLAN to APPROVE the loan request from the CDC in the amount of \$40,000.

MOTION FAILS DUE TO LACK OF A SECOND.

Discussion continues among **Council** and **Staff** concerning a suggestion to obtain an “assignment” from the CDC, for the City’s protection, to ensure that payments received for any outstanding PBID assessments will go to the City.

In response to questions from **Council**, **City Attorney Foley** clarifies that the “assignment” would need to be signed by the CDC prior to transferring any of the loan funds.

No one else comes forward to speak.

MOTION BY KENDRICK, SECOND BY MCCLELLAN, to APPROVE a total loan amount of \$40,000 to the CDC, appropriating \$33,000 from the Contingency account; to DIRECT the Acting City Manager to report back at the next meeting with options for appropriation of the remaining \$7,000; and to DIRECT Staff to prepare an Assignment, or a similar mechanism, to be executed by the CDC prior to disbursement of loan funds.

MOTION CARRIES BY UNANIMOUS VOTE.

2.2 Letter from Mother Goose Parade Association requesting financial assistance.

DISCUSSION

Patti Tuttle Shryock, representing Mother Goose Parade Association, speaks in favor of the request for financial support from the City.

Councilmember Hanson-Cox suggests that the City donate in-kind services and waive the deposit and rental fees for the Prescott Promenade area.

Acting City Manager Turner responds to questions from **Councilmember Hanson-Cox** regarding the cost for services provided in past years.

No one else comes forward to speak.

MOTION BY HANSON-COX, SECOND BY KENDRICK, to APPROVE waiver of the deposit and rental fees for the use of Prescott Promenade and to PROVIDE in-kind services for the event.

MOTION CARRIES BY UNANIMOUS VOTE.

Recess called at 4:34 p.m.

Meeting called back to order at 4:43 p.m.

3. PUBLIC HEARINGS:

**3.1 SUBSTANDARD CONDITIONS AT 1351 EMERALD AVENUE
(Report: Building Official/Fire Marshal)
(Continued from June 28, 2011)**

RECOMMENDATION: That the City Council:

- Continue the Public Hearing and receive testimony;
- Close the Public Hearing; and
- Take action appropriate to the current condition of the property based on a verbal report from the Building Official/Fire Marshal.

DISCUSSION

The Public Hearing is still open.

ITEM 3.1 (Continued)

Building Official/Fire Marshal Pavao gives a status report on the property.

Scott Yerebeck, owner of the property, states that he lost his job due to taking time off work to address the violations and has borrowed money in order to continue the cleanup. Additionally, he has been tending to court proceedings, on an unrelated issue, which has occupied his time. He requests more time to finish the cleanup.

In response to questions from **Council**, **Building Official/Fire Marshal Pavao** lists the outstanding violations.

Councilmembers discuss the amount of time already given to **Mr. Yerebeck** for correction of the violations, and the option to assess fees for administrative costs and to start accrual of civil penalties.

No one else comes forward to speak.

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

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY HANSON-COX, to DIRECT STAFF to file a Notice of Restriction on the property and ADOPT RESOLUTION NO. 94-11 to assess administrative fees in the amount of \$615.00, begin accrual of civil penalties starting September 14, 2011 and direct Staff to monitor the condition of the property and to bring it back to Council for final resolution.

MOTION CARRIES BY UNANIMOUS VOTE.

4. ADMINISTRATIVE REPORTS: None

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 – August 26, 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

REPORT AS STATED.

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 Report

Councilmember Hanson-Cox gives a verbal report on her activities for this reporting period.

9.

COUNCILMEMBER GARY KENDRICK

Heartland Communications JPA; Heartland Fire Training JPA.

9.1 Council Activities Report

REPORT AS STATED.

ACTIVITIES REPORTS OF COUNCILMEMBERS (Continued)

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

Councilmember Wells gives a verbal report on his activities for this reporting period.

11. LEGISLATIVE REPORT

11.1 League of California Cities Legislative Bulletin dated August 19, 22, 26, 29, 30 and September 1 and 2, 2011 – *City Advocate Weekly*

Acting City Manager Turner requests support for SBx1 4, a Senate Bill concerning Police grants. He also reports that in Council's ongoing support of Indian gaming, the Mayor signed a letter to the Governor last week.

MOTION BY HANSON-COX, SECOND BY MCCLELLAN, to AUTHORIZE the Mayor to sign a letter to the Governor supporting SBx 1 4.

MOTION CARRIES BY UNANIMOUS VOTE.

12. GENERAL INFORMATION ITEMS FOR DISCUSSION:

Through earlier action, this item was added to the agenda:

12A. July 2011 Donations to the El Cajon Animal Shelter: The following donations were received for Animal Control in accordance with City Council Policy B-2:

Heartland Lions	\$500.00
Karen Howard	\$100.00
Joan Eichner	\$100.00

13. ORDINANCES: FIRST READING

13.1 INTRODUCTION OF AN ORDINANCE AMENDING CHAPTERS 5.28 AND 5.16 OF TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE EL CAJON MUNICIPAL CODE PERTAINING TO CARDROOMS (Report: Director of Community Development)

RECOMMENDATION: That the City Council

- Move to introduce the Ordinance amending Title 5 of the Municipal Code pertaining to cardrooms;
- Discussion; and
- If approved, the Mayor requests the City Clerk to recite the title

An Ordinance of the City Council of the City of El Cajon amending Chapters 5.28 and 5.16 of Title 5 (Business Licenses and Regulations) of the El Cajon Municipal Code related to cardrooms

DISCUSSION

Director of Community Development Ayres provides background information on this Item.

City Attorney Foley discusses current State law and the requirement to bring this matter to a vote of the people, in order to increase the number of cardroom permits even by a minimal number. He recommends taking no action at this time, and adds that at some point in the future, **Staff** could look into it, at which time **Council** may wish to consider revision of the ordinance, or eliminating the current ordinance to prevent future applications for cardroom permits or special operation licenses that would allow cardrooms in the City.

MOTION BY LEWIS, SECOND BY HANSON-COX, to TABLE the Item.

MOTION CARRIES BY UNANIMOUS VOTE.

(Remainder of this page intentionally left blank)

14. ORDINANCES: SECOND READING AND ADOPTION

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

14.1 AN ORDINANCE ADDING A NEW CHAPTER 9.66 TO THE EL CAJON MUNICIPAL CODE

The City Clerk recites the title of the ordinance.

An Ordinance adding new Chapter 9.66 to the El Cajon Municipal Code regarding abandoned shopping carts

MOTION BY LEWIS, SECOND BY HANSON-COX, to ADOPT Ordinance No. 4971.

MOTION CARRIES BY UNANIMOUS VOTE.

15. CLOSED SESSION

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

15.1

- **CLOSED SESSION – PUBLIC EMPLOYMENT**

Title: City Manager/Executive Director

MOTION BY LEWIS, SECOND BY HANSON-COX, to Adjourn to Closed Session at 5:14 p.m.

MOTION CARRIES BY UNANIMOUS VOTE.

16. RECONVENE TO OPEN SESSION AT 5:55 P.M.

City Attorney Foley reports there is no reportable action and that direction was given to Staff.

Adjournment: Mayor Lewis adjourned the Regular Joint Meeting of the City Council/ Redevelopment Agency held this 13th day of September 2011, at 5:56 p.m. to Tuesday, September 13, 2011, at 7:00 p.m.

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

SEPTEMBER 13, 2011

An Adjourned Regular Joint Meeting of the City Council and Redevelopment Agency of the City of El Cajon, California, held Tuesday, September 13, 2011, was called to order by Mayor/Chair Mark Lewis at 7:03 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, September 13, 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 present:	McClellan
Mayor/Chair present:	Lewis
Other Officers present:	Rutledge, City Clerk/Secretary Foley, City Attorney/General Counsel Turner, Acting City Manager/Executive Director Davies, Acting 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:

Miss El Cajon, Savana Kalfavan and Miss Teen El Cajon, Katie Hudgins, thank **Council** for their support, and speak about events they have attended in the last few months.

Monica Zech, Public Information Officer, speaks about new operating hours for City Hall, Fire and Police Administration Offices, and the Public Works Facility on Vernon Way. She advises that operating hours remain the same for Recreation facilities and the Animal Shelter, and that all operating hours can be viewed on the City's website at www.cityofelcajon.us.

Councilmember Hanson-Cox extends an invitation to citizens and organizations for volunteers to help with the City's Centennial Birthday Celebration.

PUBLIC HEARINGS:

100 ZONING ORDINANCE AMENDMENT NO. 418 – OUTDOOR VENDING MACHINES (Report: Director of Community Development) (Continued from August 9, 2011)

RECOMMENDATION: That the City Council:

- Continue the Public Hearing and receive testimony;
- Close the Public Hearing;
- Move to introduce an Ordinance amending Title 17 (Zoning) of the El Cajon Municipal Code to accommodate outdoor vending machines; OR
- Move to direct staff to modify the proposed amendments to Title 17 (Zoning) of the El Cajon Municipal Code to accommodate outdoor vending machines; OR
- Move to take no action (thereby not allowing vending machines to be located outdoors; and
- If introduction of proposed Ordinance approved, the Mayor requests the City Clerk to recite the Ordinance title.

DISCUSSION

The Public Hearing is still Open.

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

No one comes forward to speak.

ITEM 100 (Continued)

Discussion ensues among **Council** and **Staff** concerning:

- Whether to require awnings or overhangs above outdoor vending machines;
- Whether to limit the number of machines allowed outside a building;
- Whether to allow vending machines at the back of a building or business;
- Whether to allow vending machines at hotels or apartment buildings, as long as they are not visible from the street;
- Requiring a minor conditional use permit for vending machines within Specific Plan No. 182.

No further comments are offered.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to CLOSE the Public Hearing.

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY KENDRICK, to DIRECT STAFF to modify the ordinance based on the suggestions discussed by Council concerning the number, type and placement of vending machines, and the requirement for a minor conditional use permit for vending machines within Specific Plan No. 182, and to BRING BACK the revised ordinance for a First Reading on September 27, 2011.

MOTION CARRIES BY UNANIMOUS VOTE.

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 13th day of September 2011, at 7:57 p.m. to Tuesday, September 27, 2011, at 3:00 p.m.

KATHIE J. RUTLEDGE, CMC
City Clerk/Secretary