

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



## MINUTES

### CITY OF EL CAJON EL CAJON, CALIFORNIA

---

SEPTEMBER 27, 2011

An Adjourned Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, September 27, 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 7:00 p.m. on September 13, 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/ Acting City Engineer 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 September 13, 2011, meetings and the Agenda of the September 27, 2011, meeting in accordance to State Law and Council/Agency Policy.

**PRESENTATIONS:**

- **Proclamation – “Rideshare Week” October 3-7, 2011**
- **Proclamation – “Fire Prevention Week” & “Fire & Career Safety Expo”**
- **“German American Month”**

**AGENDA CHANGES: None**

**CONSENT ITEMS: (1.1 – 1.11)**

**MOTION BY LEWIS, SECOND BY HANSON-COX, to APPROVE Consent Items 1.1 to 1.4, 1.6 to 1.8 and 1.10, pulling Item 1.5 as requested by the public, Item 1.9, as requested by Staff, and Item 1.11 as requested by HANSON-COX and Staff.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

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

Approve Minutes of the September 13, 2011, meetings 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 FISCAL YEAR 2011-12 APPROPRIATION OF CARRY-OVER FUNDS AND ALLOCATION ADJUSTMENTS FOR CDBG AND HOME FUNDS (Report: Deputy City Manager/Director of Finance)**

1. Appropriate carry-over funding from Fiscal Year 2010-11 approved Capital Improvement Projects and Capital Outlay Requests to be expended in Fiscal Year 2011-12; and
2. Appropriate the allocation adjustments for the FY 2011-12 CDBG and HOME funds.

### **1.5 PULLED FOR DISCUSSION**

### **1.6 RESOLUTION: REJECTION OF BID NO. 007-12, TRAFFIC SIGNAL SYSTEM UPGRADES, Engineering Job No. 3347 (Report: Purchasing Agent)**

Adopt RESOLUTION No. 96-11 to reject all bids and authorize rebidding with revised specifications.

### **1.7 ACCEPTANCE OF TRAFFIC SIGNAL MODIFICATIONS ON JAMACHA ROAD, Bid No. 014-11, Engineering Job No. 3338 (Report: Acting Director of Public Works)**

Accept the project and authorize the City Clerk to record a Notice of Completion and release the bonds in accordance with the contract terms.

### **1.8 RENETTE RECREATION CENTER RENOVATION PROJECT (CHANGE ORDER) Bid No. 023-11, Engineering Job No. 3299 (Report: Acting Director of Public Works)**

Approve a Contract Change Order with EC Constructors, Inc. in the amount of \$89,844.00 to provide for structural beam repair and moisture sealing of the concrete floor.

### **1.9 PULLED FOR DISCUSSION**

**CONSENT ITEMS (Continued)**

**1.10 WELLS CENTER TRANSITION PLAN  
(Report: Director of Recreation)**

1. Approve the transition plan to transfer Wells Center to the Boys & Girls Club on December 31, 2011; and
2. Appropriate \$60,050.00 from the City Capital Improvement Projects Fund (#501) to establish a budget to demolish and remove the existing Shuffleboard courts and shade structure.

**1.11 PULLED FOR DISCUSSION**

\*\*\*\*\*

**CONSENT ITEMS PULLED FOR DISCUSSION:**

**1.5 RESOLUTION: AWARD OF BID NO. 010-12, STORM DRAIN PIPE LINING AND REPAIR 2011, EAST MAIN STREET AND BERMUDA LANE, Engineering Job No. 3351 (Report: Purchasing Agent)**

**RECOMMENDATION: That the City Council:**

1. Find the protest submitted by Insituform Technologies, Inc. to be timely, but without merit;
2. Reject the bid protest finding that the apparent low bidder, Superior Gunite, complied with all material terms of the bid specifications; and
3. Based on the above, adopt the next RESOLUTION in order and award the bid to the lowest responsive bidder, Superior Gunite, in the amount of \$639,419.00.

**DISCUSSION**

**Dave Arthurs, representing Repipe CA**, indicates he takes exception to the recommendation to award the bid to Superior Gunite, as he feels they are not the lowest bidder and have never performed the cured-in-place pipeliner (CIPP) process. He urges Council to reject all bids or award the bid to second lowest bidder.

## **ITEM 1.5 (Continued)**

**Ed Brown, representing Superior Gunite**, states that they bid the project per specifications and that they have the resources and capability to complete the project.

In response to questions from **Council, City Attorney Foley** states that it is our understanding it was bid as cured in place product, that the apparent low bidder has the license to perform the type of work as designated in the specifications. He adds that **Mr. Brown** has testified they understand the requirement to use the process for CIPP, and the City will hold them to that requirement.

No one else comes forward to speak.

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPROVE Item 1.5 as recommended by Staff, and ADOPT Resolution No. 95-11 to award the bid to the lowest responsive bidder, Superior Gunite, in the amount of \$639,419.00.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

## **1.9 SPECIAL OPERATION LICENSE – THE PALMS RESTAURANT AND BANQUET HALL – 143 East Main Street**

**RECOMMENDATION:** That the **City Council** approve the application submitted by Nasri Laibi Naif for a restaurant and banquet hall at 143 East Main Street.

### **DISCUSSION**

**Acting City Manager Turner** states that **Council** previously approved a Conditional Use Permit for a restaurant and banquet facility in September 2010, and that the applicant has now submitted an application for a Special Operation License, requesting to add live entertainment and dancing.

In response to questions from **Councilmember Wells, Director of Community Development Ayres** indicates the Conditional Use Permit contained a condition of approval requiring application for a Special Operation License to add live entertainment and dancing. She clarifies that there isn't a requirement to provide notice to the public for a Special Operation License.

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPROVE Item 1.9.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**CONSENT ITEMS PULLED FOR DISCUSSION: (Continued)**

**1.11 ASSIGNMENT OF PROPERTY BASED IMPROVEMENT DISTRICT (PBID) ASSESSMENTS FROM THE EL CAJON COMMUNITY DEVELOPMENT CORPORATION (CDC) TO THE CITY OF EL CAJON (Report: Acting City Manager)**

**RECOMMENDATION: That the City Council:**

1. Authorize the Acting City Manager to enter into an Asset Purchase Agreement and an Assignment of Intangible Property with the El Cajon CDC, substantially in the forms presented to the City Council at this meeting, with such changes as may be approved by the Acting City Manager, to assign the delinquent PBID assessments estimated at \$42,059.40 to the City of El Cajon in exchange for \$40,000.00 to fund PBID related activities; and
2. Appropriate up to \$33,000.00 from the delinquent assessments received in Fiscal Year 2011-12 to reimburse the Council Contingency budget.

**DISCUSSION**

**City Attorney Foley** indicates that the Board of the CDC met, approved, and executed the agreement. He advises he was notified this morning by **Ms. Cindi Fargo** that a lawsuit was filed this month and was just served against the Corporation; however, the CDC stands by the representations in the agreement, and they feel the lawsuit will not have any effect on the City's agreement to purchase the unpaid assessments. With the action taken today, these assessments will be captured by the City and used as part of its General Fund procedures.

**Councilmember Hanson-Cox** questions the recommendation to fund the remaining \$7,000 of the loan to the CDC from the Graffiti Services budget.

**Acting City Manager Turner** indicates he felt it would be appropriate to allocate the \$7,000 from the Community Services budget account, specifically the Graffiti Services line item as, based on current billings, there is expected to be excess capacity. He adds that if the Graffiti Services budget appears to be running short, the City Manager has authority to make a \$7,000 budget transfer from another line item to finish out the year for necessary graffiti abatement.

No further comments are made.

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPROVE Item 1.11.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**PUBLIC COMMENT:**

**Sunshine Horton** speaks about the Mother Goose Parade and a fundraiser taking place on September 28<sup>th</sup>, to raise money for Ronald McDonald House. She suggests that the public use a designated driver if planning to attend the Oktoberfest event.

**Councilmember McClellan** reads information about Daniel Boone.

**Councilmember Hanson-Cox** comments on the League of California Cities Conference and her visit to San Francisco.

**2. WRITTEN COMMUNICATIONS: None**

**3. PUBLIC HEARINGS: None**

**4. ADMINISTRATIVE REPORTS:**

**4.1 2012 CALENDAR OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS (Report: City Clerk)**

**RECOMMENDATION:** That the **City Council** review the calendar and proposed schedule for City Council/Redevelopment Agency Meetings in 2012 and make any appropriate modifications or accept as presented.

**DISCUSSION**

No one comes forward to speak.

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to ACCEPT the 2012 schedule as presented.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

(Remainder of this page intentionally left blank)

**4.2 RESOLUTION: DRAFT RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE (Report: Director of Community Development)**

**RECOMMENDATION:** That the **Redevelopment Agency** adopt the next RESOLUTION in order containing the El Cajon Redevelopment Agency's draft Recognized Obligation Payment Schedule ("ROPS") pursuant to Health & Safety Code Section 34169(h).

**DISCUSSION**

**Acting City Manager Turner** gives a summary of the report and remarks that with the uncertainty of a Supreme Court case and litigation, **Staff** recommends approval and adoption of the draft payment schedule.

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to ADOPT Resolution No. ECRA-424, approving Item 4.2.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**4.3 RECOMMENDATION FOR 2011/2012 YOUTH LEAGUE UTILITY SUPPORT (Report: Director of Recreation)**

**RECOMMENDATION:** That the **City Council** approve the Recreation Council recommendation to provide utility support to nine Executive Member youth leagues during Fiscal Year 2011/2012.

**DISCUSSION**

**Al Westermeyer, representing El Cajon Recreation Council,** thanks **Council** for its past support, and speaks in favor of the request for funding during the upcoming year.

**Councilmembers** comment on the value of youth leagues and organizations supporting youth activities.

No one else comes forward to speak.

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPROVE Item 4.3 as recommended by Staff.**

**MOTION CARRIES BY UNANIMOUS VOTE.**



**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 – September 16, 2011**

**6.2 SANDAG Public Safety Committee Agenda – September 16, 2011**

**REPORTS 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 – Verbal Report**

**Councilmember Hanson-Cox** reports she attended the following events:

September 16, 2011	Meeting with Eldonna Lay
September 16, 2011	All Fore Rec Golf Tournament
September 19, 2011	Centennial Committee Meetings
September 20-23, 2011	League of California Cities Conference

**ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)**

**9.**

**COUNCILMEMBER GARY KENDRICK**

Heartland Communications JPA; Heartland Fire Training JPA.

**9.1 Council Activities Report**

**REPORT AS STATED.**

**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 – Verbal Report**

**Councilmember Wells** reports he attended the following:

September 16, 2011	Meeting with a citizen regarding a concern
September 18, 2011	Meeting with PT Condon, Condon Construction
September 26, 2011	Meeting with Roy Rodriguez, Helix Health Systems

**11. LEGISLATIVE REPORT**

**11.1 League of California Cities Legislative Bulletin dated September 7, 8, 9, 12, 15 and 16, 2011 – *City Advocate Weekly***

**Councilmember Hanson-Cox** indicates she will submit a report, at the next meeting, on the legislative bills voted on at the League of California Cities Conference.

**Acting City Manager Turner** informs **Council** that at his request, **Mayor Lewis** sent a letter requesting that the Governor sign Assembly Bill 678, which would increase Medi-Cal reimbursements for paramedic responses.

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

**13. ORDINANCES: FIRST READING**

**13.1 ORDINANCE TO AUTHORIZE AND REGULATE OUTDOOR VENDING MACHINES**

**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 amending Sections 17.105.020 and 17.115.100 of Title 17 of the El Cajon Municipal Code (Zoning) to authorize and regulate outdoor vending machines**

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

#### **DISCUSSION**

No one comes forward to speak.

**MOTION CARRIES BY UNANIMOUS VOTE.**

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

**14. ORDINANCES: SECOND READING AND ADOPTION - None**

**15. CLOSED SESSIONS**

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

**15.1**

- **CLOSED SESSION – PUBLIC EMPLOYMENT**

**Title: City Manager/Executive Director**

**CLOSED SESSIONS: (Continued)**

**15.2**

- **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to subdivision (a) of Government Code Section 54956.9:**

Name of Case:

Saint Bernard's Provisions, Inc. v. City of El Cajon, et al.

San Diego Superior Court Case No. 37-2011-00070012-CU-WM-EC

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to ADJOURN to Closed Sessions at 4:05 p.m.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**16. RECONVENE TO OPEN SESSION AT 4:55 P.M.**

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

- 15.1 Council** met with **Staff** and a consultant, and gave direction to start the hiring process.
- 15.2 Council** gave direction to the **City Attorney** regarding the litigation involving Saint Bernard's Provisions, Inc.

**Adjournment: Mayor Lewis** adjourned the Adjourned Regular Joint Meeting of the City Council/ Redevelopment Agency held this 27<sup>th</sup> day of September 2011, at 4:56 p.m. to Tuesday, October 11, 2011, at 3:00 p.m.

---

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