

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

DECEMBER 13, 2011

A Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, December 13, 2011, was called to order by Mayor/Chair Mark Lewis at 3:10 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 November 8, 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 Presmyk, 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 November 8, 2011 meetings and the Agenda of the December 13, 2011 meetings in accordance to State Law and Council/Agency Policy.

PRESENTATIONS:

- **Swearing in Police Chief – Jim Redman**
- **Commendation – Joshua White, Pianist**
- **Introduction of Teen Coalition**
- **Presentation – Sullivan Solar Power**

Rick Sweeney, representing the El Cajon Community Development Corporation, commented on the CDC's performance of its mission over the past 15 years. They look forward to a smooth transition of information and responsibilities to the Downtown El Cajon Business Partners, Incorporated.

AGENDA CHANGES: None

CONSENT ITEMS: (1.1 – 1.18)

MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPROVE Consent Items with the exception of the following Items pulled for discussion: 1.4, 1.7 and 1.10 as requested by HANSON-COX, 1.9 as requested by MCCLELLAN and 1.5, 1.8, 1.11, 1.12 and 1.17 as requested by members of the public.

MOTION CARRIES BY UNANIMOUS VOTE.

1.1 MINUTES OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS

Approve Minutes of the November 8, 2011 Special Meeting and Regular 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 PULLED FOR DISCUSSION

1.5 PULLED FOR DISCUSSION

**1.6 AWARD OF RFP NO. 009-12, PLAN REVIEW SERVICES
(Report: Building Official/Fire Marshal)**

Authorize the Acting City Manager, or designee, to enter into an Agreement for Professional Services, including any necessary amendments, for plan review services with Esgil Corporation for an initial one year term with the option to renew for four additional one year periods.

1.7 PULLED FOR DISCUSSION

1.8 PULLED FOR DISCUSSION

1.9 PULLED FOR DISCUSSION

1.10 PULLED FOR DISCUSSION

1.11 PULLED FOR DISCUSSION

1.12 PULLED FOR DISCUSSION

**1.13 SPECIAL OPERATION LICENSE – PRINCESS JEWELRY, INC. –
1060 East Main Street**

Approve the application submitted by Athreen Bustan for a jewelry sales business at 1060 East Main Street.

CONSENT ITEMS: (Continued)

**1.14 SPECIAL OPERATION LICENSE – JEWELCO JEWELERS, INC. DBA
FAST-FIX JEWELRY REPAIRS – 295 Parkway Plaza**

Approve the application submitted by Patrick D. Davis, to expand an existing jewelry repair business to include buying and selling new and/or secondhand merchandise at 295 Parkway Plaza.

**1.15 ACCEPTANCE OF RENETTE RECREATION CENTER RENOVATION,
Bid No. 023-11, Engineering Job No. 3299
(Report: Acting Director of Public Works/Acting City Engineer)**

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

**1.16 RESOLUTIONS: APPROVAL OF PLANS AND SPECIFICATIONS FOR
THE REPLACEMENT OF THE APPARATUS BAY EXHAUST SYSTEM
AND SANITARY SEWAGE EJECTION PUMP AT FIRE STATION 6, AND
SUMP PUMPS AT FIRE STATION 9, Bid No. 018-12, Engineering Job
No. 3421 (Report: Acting Director of Public Works)**

Adopt RESOLUTION NO. 124-11 to approve Plans and Specifications and RESOLUTION NO. 125-11 to direct a Notice Inviting Sealed Bids to be opened on February 8, 2012.

1.17 PULLED FOR DISCUSSION

**1.18 SPECIAL OPERATION LICENSE – BAYSIDE MEDICAL
TRANSPORTATION**

Deny the application submitted by Alohi P. Rieger for an ambulance service.

CONSENT ITEMS PULLED FOR DISCUSSION:

1.4 FISCAL YEAR 2010-2011 AGENCY ANNUAL REPORTS TO LEGISLATIVE BODY (Report: Director of Community Development)

RECOMMENDATION: That the Redevelopment Agency:

1. Review and accept the Annual Financial Report of the Redevelopment Agency of the City of El Cajon and other mandated reports, substantially in the form as presented, for fiscal year ending June 30, 2011; and
2. Authorize the Acting Executive Director, or designee, to make any necessary changes prior to submission to the California Department of Housing and Community Development (HCD) and the State Controller's Office (SCO).

DISCUSSION

Councilmember Hanson-Cox indicates she will review and accept the report but cannot approve it, as she feels there was not sufficient time to review and absorb the content of the 100-page document and recommend any changes.

City Attorney Foley clarifies that **Council** has the option to approve the report now or hold over the Item to the next meeting.

No further comments made.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPROVE Item 1.4.

MOTION CARRIES. (HANSON-COX – No)

1.5 PURCHASE OF LARGE AREA MOWER (Report: Purchasing Agent)

RECOMMENDATION: That the City Council authorize the Purchasing Agent in accordance with Municipal Code 3.20.010(C)(5) to execute a purchase agreement with Turf Star, Inc. in the amount of \$61,413.47 for the purchase of a Toro Large Area Mower.

DISCUSSION

Karen Marie Otter questions the amount of the expense.

ITEM 1.5 (Continued)

Acting City Manager Turner states the purchase is to replace a mower used in all City parks and was in the budget for this year's Capital Improvement Plan.

Acting Director of Public Works Presmyk indicates they will purchase a 72" mower, the largest mower operating in Parks Department. He adds that the Toro brand mower has been utilized in excess of 25 years, and the return on investment has been incredible. The old mower will go to auction.

No further comments made.

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPROVE
Item 1.5.**

MOTION CARRIES BY UNANIMOUS VOTE.

1.7 SPECIAL OPERATION LICENSE – THE CHECK CASHING PLACE – 358 North Second Street

RECOMMENDATION: That the **City Council** approve the application submitted by Juan Rendon for the addition of gold buying services at an existing check cashing business located at 358 North Second Street, including the purchase and/or sale of secondhand merchandise.

DISCUSSION

COUNCILMEMBER HANSON-COX indicates she does not wish to approve the application, given the number of jewelry stores that buy and sell gold. She feels the applicant will be getting into a very different type of business, and perhaps they could look into other services that would complement the existing business.

In response to questions from **Council**, **City Attorney Foley** comments that a special operation license is a minor regulatory function in order to make certain a business owner operating an otherwise legal business, is an appropriate purveyor of that business in our community, with the proper background investigation to support a legitimate business operation. He adds that a license application should not simply be disapproved where the applicant is otherwise an accepted and law abiding citizen operating a business that is accepted within the City's Municipal Code.

No further comments made.

ITEM 1.7 (Continued)

MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPROVE the Special Operation License for The Check Cashing Place.

MOTION CARRIES. (HANSON-COX – No)

1.8 RADIO EQUIPMENT PURCHASE (Report: Purchasing Agent)

RECOMMENDATION: That the City Council authorize the Purchasing Agent in accordance with Municipal Code 3.20.010.C.3 to execute a purchase agreement with Motorola Solutions, Inc. utilizing San Diego County RCS Contract No. 43095 for the purchase of radio equipment in the amount of \$194,264.97.

DISCUSSION

Karen Marie Otter asks about the reason for the purchase.

Acting City Manager Turner states that the current handheld radios used by Police and Fire are old generation, and the purchase of this equipment will establish compatibility with neighboring communities.

No one else comes forward to speak.

MOTION BY LEWIS, SECOND BY KENDRICK, to APPROVE Item 1.8.

MOTION CARRIES BY UNANIMOUS VOTE.

1.9 SPECIAL OPERATION LICENSE – RILEY CARE – 1272B Greenfield Drive

RECOMMENDATION: That the City Council approve the application submitted by Robin and Laurie Spiering for emergency ambulance transportation services located at 1272B Greenfield Drive, subject to the Memorandum from Fire Chief Mike Scott concerning the City of El Cajon rights for exclusive operation of “emergency” medical services within its city boundary.

DISCUSSION

Councilmember McClellan speaks in support of the Item.

No further comments made.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPROVE the Special Operation License.

MOTION CARRIES BY UNANIMOUS VOTE.

CONSENT ITEMS: (Continued)

1.10 RESOLUTIONS: CALIFORNIA STATE CLEAN WATER REVOLVING FUND LOAN APPLICATION FOR JOHNSON AVENUE WASTEWATER INTERCEPTOR (Report: Acting Director of Public Works/Acting City Engineer)

RECOMMENDATION: That the City Council adopt the next RESOLUTIONS in order authorizing the Acting City Manager, or designee, to:

1. To submit a Financial Assistance Application with the State Water Board for the design and construction of the Johnson Avenue Wastewater Interceptor; and
2. To dedicate Wastewater Funds to repay the debt service for a subsequent loan agreement.

DISCUSSION

Councilmember Hanson-Cox comments that a usual contingency is about five to ten percent, and questions the estimated 30% contingency for this project.

Acting City Manager Turner clarifies this not a construction award, it is a request to the State for financial assistance. He adds that **Staff** is only 40 to 50% through the design, and there is a significant amount of contaminated soils to deal with along Johnson Avenue. When the Item comes back for the actual bid award, the contingency would be closer to the expectation mentioned by **Councilmember Hanson-Cox**.

No further comments made.

MOTION BY LEWIS, SECOND BY HANSON-COX, to ADOPT RESOLUTION NO. 120-11 to submit a Financial Assistance Application with the State Water Board for the design and construction of the Johnson Avenue Wastewater Interceptor and RESOLUTION NO. 121-11 to dedicate Wastewater Funds to repay the debt service for a subsequent loan agreement.

MOTION CARRIES BY UNANIMOUS VOTE.

1.11 RESOLUTION: AWARD OF BID NO. 012-12, TRAFFIC SIGNAL SYSTEM UPGRADES, Engineering Job No. 3347 (Report: Purchasing Agent) (Continued from November 8, 2011)

RECOMMENDATION: That the City Council:

1. Find the protest submitted by John Griffin Construction, Inc. to merit revision of the award recommendation; and
2. Based on the above, adopt the next RESOLUTION in order and award the bid to the lowest responsive bidder, John Griffin Construction, Inc., in the amount of \$105,673.40.

DISCUSSION

Karen Marie Otter asks if the project involves infrastructure or software.

Acting City Manager Turner indicates the project involves a hard wire from one signal to the next, and upgrades to the fiber optics so they will last next 40 to 50 years.

No one else comes forward to speak.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPROVE Item 1.11 and ADOPT RESOLUTION NO. 122-11 to award the bid to the lowest responsive bidder, John Griffin Construction, Incorporated.

MOTION CARRIES BY UNANIMOUS VOTE.

1.12 RESOLUTION: AWARD OF BID NO. 013-12, REBID TRAFFIC SIGNAL GREEN LED REPLACEMENT, Engineering Job No. 3401 (Report: Purchasing Agent)

RECOMMENDATION: That the City Council adopt the next RESOLUTION in order and award the bid to the sole responsive bidder, Republic Intelligent Transportation Services, Inc., in the amount of \$29,376.75.

DISCUSSION

Karen Marie Otter questions the amount of the expense.

Mayor Pro Tem McClellan asks if the funding will come out of gas tax funds.

ITEM 1.12 (Continued)

In response to questions from **Ms. Otter** and **COUNCILMEMBER MCCLELLAN, Acting City Manager Turner** states funding will come out of TransNet funds, which is the County-wide ½ cent sales tax collected regionally. He clarifies that the project involves replacing LED bulbs before they go out, and the costs include the labor to install them.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to ADOPT RESOLUTION NO. 123-11 to award the bid to the sole responsive bidder, Republic Intelligent Transportation Services, Incorporated.

MOTION CARRIES BY UNANIMOUS VOTE.

1.17 PROPERTY AND BUSINESS IMPROVEMENT DISTRICT (PBID) (Report: Acting City Manager)

RECOMMENDATION: That the City Council:

- Designate Downtown El Cajon Business Partners, Inc. (DECBP) as the entity empowered to manage the Property and Business Improvement District (PBID), effective as of January 1, 2012;
- Authorize the Acting City Manager, or designee, to execute the agreement attached to the Agenda Report, between the City and DECBP;
- Appoint the seven non-government members of the initial DECBP Board of Directors; and
- Designate the Acting City Manager, or designee, to fill the City/Redevelopment Agency seat on the DECBP Board of Directors.

DISCUSSION

Karen Marie Otter would like to know who the principals are in charge of running the PBID and would like to know their plan.

Peggy Buffo expresses concern with the agreement, inquires about stakeholder involvement, and would like to know who is on the Board.

Daryl Priest addresses questions by the speakers and **Councilmember Hanson-Cox**, and gives a summary about the new PBID process and the proposed Bylaws. He indicates the Board plans to set priorities and budgets.

Discussion continues among **Councilmember Hanson-Cox** and **Ms. Buffo**.

ITEM 1.17 (Continued)

No one else comes forward to speak.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPROVE Item 1.17.

MOTION CARRIES BY UNANIMOUS VOTE.

Acting City Manager Turner asks **Council** to designate terms of the seven Board Members.

In response to the recommendation by **Councilmember Wells**, **Mr. Priest** indicates the Board was hoping to determine terms at their first meeting.

City Attorney Foley clarifies that **Council** will designate the initial terms, as indicated in the proposed Bylaws.

*Recess called at 4:17 p.m.
Meeting called back to order at 4:24 p.m.*

Daryl Priest recommends the following terms:

One Year
Rick Sweeny
Martin Sammo

Two Years
Daryl Priest
Mario Tilaro

Three Years
Bobbie Pearson
Cathy Zeman
Gabe Marrujo

In response to questions from **Councilmember Hanson-Cox**, **Mr. Priest** comments that after the initial terms for Board Members, stakeholders can express interest in serving on the Board.

In response to questions from **Councilmember Kendrick**, **City Attorney Foley** comments on the process for changing the Bylaws, and, in reference to questions from **Ms. Buffo**, he speaks about changes made in the proposed Agreement that were not reflected in the online Agenda, regarding the levy of assessments.

No further comments made.

MOTION BY LEWIS, SECOND BY WELLS, to APPOINT the initial DECBP Board of Directors, as outlined by Mr. Priest.

MOTION CARRIES BY UNANIMOUS VOTE.

PUBLIC COMMENT:

Don Parent, representing San Diego Gas & Electric Company (SDG&E), indicates they are supportive of solar energy, but they operate a business that has to provide a service seven days a week, 24 hours a day. He requests an opportunity to present their side of the story, in reference to the presentation from Sullivan Solar Power. He clarifies that SDG&E is asking for a rate reallocation, not an increase.

Tara Kelly, representing San Diego Solar Coalition, shows slides that project added costs to schools and water districts.

Anne Bessinger works for Sullivan Solar Power. She recognizes that solar systems will not replace power systems, but states that use of solar energy will decrease the need for additional power plants and produces clean energy.

Martin Learn indicates he is involved with the Coalition and he provides figures per kilowatt hour for solar customers versus SDGE customers.

Sunshine Horton asks if she should replace the yellow ribbons with red, white & blue and reminds people to not drink and drive. She plays a message about friendship from Noah the Bear.

2. WRITTEN COMMUNICATIONS: None

3. PUBLIC HEARINGS:

3.1 PROPOSED CHARTER ADOPTION (Report: Acting City Manager)

RECOMMENDATION: That the City Council

- Open the Public Hearing and receive testimony;
- Close the Public Hearing; and
- Direct staff regarding any desired changes to the draft charter; and
- Set the second Public Hearing for 7:00 p.m. on January 24, 2012.

DISCUSSION

Acting City Manager Turner provides a summary of the report and the procedure for adoption of the proposed Charter.

In response to questions from **Councilmember McClellan** regarding the setting of salaries for the Council, **City Attorney Foley** indicates that Section 601 of the draft charter is meant to keep procedures the way they are now, and allow salary adjustments according to same procedures under the Government Code as for General Law cities.

ITEM 3.1 (Continued)

The Public Hearing is now open.

Karen Marie Otter indicates she is Vice-Chair of the San Diego County Democratic Central Committee, and that they will recommend a veto of the Charter.

Jonathon Getz urges **Council** to drop the Charter bid, and thanks **Council** for inserting the "Bell clause". He expresses concern about paying below average wages to construction workers.

Lori Kern speaks about project labor agreements and opposes driving down wages.

Ronnie Swain supports fair bidding for both sides, union and private sector.

Greg Brown supports the proposed Charter and controlling costs.

John Gibson agrees with comments by Greg Brown, and suggests opening up bidding to local companies. He feels that project labor agreements do not create a fair wage. As requested by **Councilmember Wells**, he gives a definition of a design build.

City Attorney Foley comments that general law cities do not have the ability to bid jobs as a design build.

Austin Cameron, representing TC Construction, indicates they are a non-union company. He gives figures from two City of San Diego jobs and the increased expense when paying prevailing wages versus non-prevailing wages.

Jim Conway discusses potential impacts of becoming a charter city. He comments that quality will go down as prices go down, and that prevailing wage laws exist to protect local contractors.

Wes Wise, representing TC Construction, speaks in support of the proposed Charter.

City Clerk Rutledge states that Tom Kearny submitted a card indicating he is in favor of Charter, but did not wish to speak.

No one else comes forward to speak.

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

MOTION CARRIES BY UNANIMOUS VOTE.

ITEM 3.1 (Continued)

Discussion ensues among **Council** and **Staff** concerning the City's requirement for sureties, the use of licensed contractors, and proposed language for project labor agreements.

City Attorney Foley states that the City is following State Law as of January 1, 2012, by holding two public hearings. He recommends that **Council** hold off on making changes to the proposed Charter until after input from the public.

MOTION BY LEWIS, SECOND BY KENDRICK, to SET the second Public Hearing for 7:00 p.m. on January 24, 2012.

MOTION CARRIES BY UNANIMOUS VOTE.

4. ADMINISTRATIVE REPORTS:

4.1 SELECTION OF MAYOR PRO TEM (Report: City Clerk)

RECOMMENDATION: That the **City Council** select a Mayor Pro Tem according to the El Cajon Municipal Code.

DISCUSSION

No one comes forward to speak.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to SELECT Councilmember Hanson-Cox as Mayor Pro Tem for 2012.

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 – October 28, 2011

6.2 SANDAG Board of Directors Agenda – November 4, 2011

6.3 Local Agency Formation Commission Agenda – November 7, 2011

6.4 SANDAG Board of Directors Agenda – November 18, 2011

REPORTS AS STATED.

6.5 Request for approval to display “In God We Trust” in Council Chambers

DISCUSSION

Karen Marie Otter asks for clarification on this request.

Mayor Lewis responds that he is asking that **Council** consider the request, and suggests placing of a simple sign, at an estimated cost of less than \$100.00, on the wall behind **Staff** in the Council Chambers.

Mayor Pro Tem McClellan suggests placing a sign in the lobby of City Hall.

Lori Kern suggests placing a sign above speaker’s podium.

MOTION BY LEWIS, SECOND BY KENDRICK, to APPROVE placement of a sign in Council Chambers on the wall behind Staff, and a second sign in the City Hall lobby.

MOTION CARRIES BY UNANIMOUS VOTE.

6.6 Request from San Diego East County Economic Development Council to appoint a representative and an alternate to attend their Board Meetings

DISCUSSION

No one comes forward to speak.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPOINT Councilmember Wells as the Representative and Councilmember Hanson-Cox as the Alternate to the San Diego East County Economic Development Council.

MOTION CARRIES BY UNANIMOUS VOTE.

6.7 SANDAG Board of Directors Agenda – December 2, 2011

6.8 Local Agency Formation Commission Agenda – December 5, 2011

REPORTS AS STATED.

6.9 COUNCIL ASSIGNMENTS

RECOMMENDATION: That the **City Council** consider and approve Council assignments to the various boards and commissions giving El Cajon input on matters important to this region as follows:

Mayor Mark Lewis: SANDAG (San Diego Association of Governments); SANDAG (Chair, Public Safety Committee); SANDAG (Quality of Life Ad Hoc Steering Committee); LAFCO (Local Agency Formation Commission – Member).

Mayor Pro Tem Bob McClellan: Harry Griffen Park Joint Steering Committee; Heartland Communications JPA – Alternate; MTS (Metropolitan Transit System Board).

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 - Alternate; League of California Cities, San Diego Division; East San Diego County Gang Task Force; Chamber of Commerce – Government Affairs.

Councilmember Gary Kendrick: Heartland Communications JPA; Heartland Fire Training JPA.

Councilmember Bill Wells: METRO Commission/Wastewater JPA; East County Economic Development Council; Heartland Fire Training JPA – Alternate.

DISCUSSION

City Attorney Foley suggests that each Councilmember leave the Chambers on the item for which they are nominated.

No one comes forward to speak.

Mayor Lewis leaves the Chambers.

MOTION BY MCCLELLAN, SECOND BY KENDRICK, to APPOINT Mayor Lewis to the assignments as recommended in the Agenda Report.

MOTION CARRIES. (LEWIS – Disqualified)

Mayor Lewis returns to the Chambers. **Mayor Pro Tem McClellan** leaves the Chambers.

ITEM 6.9 (Continued)

MOTION BY LEWIS, SECOND BY HANSON-COX, to APPOINT Mayor Pro Tem McClellan to the assignments as recommended in the Agenda Report.

MOTION CARRIES. (MCCLELLAN – Disqualified)

Mayor Pro Tem McClellan returns to the Chambers. **Councilmember Hanson-Cox** leaves the Chambers.

MOTION BY LEWIS, SECOND BY KENDRICK, to APPOINT Councilmember Hanson-Cox to the assignments as recommended in the Agenda Report.

MOTION CARRIES. (HANSON-COX – Disqualified)

Councilmember Hanson-Cox returns to the Chambers. **Councilmember Kendrick** leaves the Chambers.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPOINT Councilmember Kendrick to the assignments as recommended in the Agenda Report.

MOTION CARRIES. (KENDRICK – Disqualified)

Councilmember Kendrick returns to the Chambers. **Councilmember Wells** leaves the Chambers.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPOINT Councilmember Wells to the assignments as recommended in the Agenda Report.

MOTION CARRIES. (WELLS – Disqualified)

Councilmember Wells returns to the Chambers.

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 – Verbal Report

Councilmember Hanson-Cox indicates she did not bring her report and will present it at the next meeting.

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 Report

REPORT AS STATED.

11. LEGISLATIVE REPORT

11.1 League of California Cities Legislative Bulletin dated November 4, 7, 10, 14, 18, 21, 30 and December 2, 2011 – *City Advocate Weekly*

Councilmember Hanson-Cox indicates they are continuing to monitor the Superior Court case regarding redevelopment agencies.

NO ACTION TAKEN.

12. GENERAL INFORMATION ITEMS FOR DISCUSSION: None

13. ORDINANCES: FIRST READING - None

14. ORDINANCES: SECOND READING AND ADOPTION

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

**14.1 ORDINANCE AMENDING CHAPTERS 5.28 AND 5.16 OF TITLE 5
(BUSINESS LICENSES AND REGULATIONS)**

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 Card Rooms

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

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adopt Ordinance No. 4973.

MOTION CARRIES BY UNANIMOUS VOTE.

(Remainder of this page intentionally left blank)

15. CLOSED SESSIONS:

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

15.1

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

Property	Negotiating Parties	Agency Negotiators
APN 487-542-13-09 391 Emerald Avenue #9	Patrick Alley and Christopher Alley	Acting 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.

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

15.3

- **CLOSED SESSION – PUBLIC EMPLOYMENT**

Title: City Manager/Executive Director

15.4

- **CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9**

Number of potential cases: 1

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adjourn to Closed Session at 5:45 p.m.

MOTION CARRIES BY UNANIMOUS VOTE.

16. RECONVENE TO OPEN SESSION AT 6:09 P.M.

City Attorney Foley reports the following actions:

- 15.1 No action taken.
- 15.2 The informal petition was objected to and the Court has sustained without leave to amend and final order will be forthcoming.
- 15.3 Council approved a schedule for recruitment.
- 15.4 Direction was given to the City's legal counsel.

Adjournment: **Mayor Lewis** adjourned the Regular Joint Meeting of the City Council/ Redevelopment Agency held this 13th day of December 2011, at 6:10 p.m. to Tuesday, December 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

DECEMBER 13, 2011

An Adjourned Regular Joint Meeting of the City Council and Redevelopment Agency of the City of El Cajon, California, held Tuesday, December 13, 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, December 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 Ayres, Director of Community Development
Other Officer absent:	Presmyk, Acting Director of Public Works/ Acting City Engineer

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: None

PUBLIC HEARINGS:

**100 CONDITIONAL USE PERMIT NO. 2153 (Walgreens)
(Report: Director of Community Development)**

RECOMMENDATION: That the City Council

- Open the Public Hearing and receive testimony;
- Close the Public Hearing; and
- Move to adopt the next RESOLUTION in order approving Conditional Use Permit No. 2153 (CUP No. 2153), subject to conditions.

DISCUSSION

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

Councilmember Wells comments that there are several similar stores in the area and asks if there are any projections on sales.

Director Ayres indicates that a representative for the applicant may be in the audience and could address that question.

Mayor Lewis announces the Public Hearing is now Open.

Dillon Tidwell, Developer, indicates they have no issues with the recommended conditions of approval. He responds to questions from **Council** regarding the close proximity of the new Walgreens stores and the existing store on Second Street.

No further comments offered.

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

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to ADOPT RESOLUTION NO. 126-11 approving Conditional Use Permit No. 2153, subject to conditions.

MOTION CARRIES BY UNANIMOUS VOTE.

101 CONDITIONAL USE PERMIT NO. 2151 (San Diego Cash & Carry) – 1090 East Washington Avenue (Report: Director of Community Development)

RECOMMENDATION: That the City Council

- Open the Public Hearing and receive testimony;
- Close the Public Hearing; and
- Move to adopt the next RESOLUTION in order approving Conditional Use Permit No. 2151, subject to conditions.

DISCUSSION

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

Mayor Lewis announces the Public Hearing is now Open.

Dr. Sammy Jihad speaks in support of the application. He indicates the company provides excellent service and products, and the business is a good member of the community. He suggests that the recommended six-foot wall be composed of wood or vinyl, as it would not be as big an expense as a block wall.

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

- The Municipal Code requirement for a concrete block wall;
- A suggestion to allow a vinyl fence.

Jose Martinez, representing Cash and Carry, submits a sketch to **Council**.

Councilmember Hanson-Cox questions the size of the building addition, as the sketch submitted by **Mr. Martinez** differs from the original plans submitted for review.

Discussion continues among **Council**, **Staff** and **Mr. Martinez** concerning the new proposed change in square footage of the project.

John Mansour explains they wish to expand and connect the buildings, and discusses the proposed square footage of the project.

Leonard Stewart owns the apartment building behind Cash and Carry. He presents pictures to **Council** and shows video clips of the business and apartment buildings. He prefers an eight-foot block wall be installed, or at minimum, a six-foot wall.

John Mansour returns to the podium to answer questions from **Councilmember Hanson-Cox** regarding the pallets stacked at the back of the business. He indicates the purpose of the project is to help clean up the property, and states they have not done any loading or unloading as early as 6:00 a.m.

ITEM 101 (Continued)

Jose Martinez says forklifts will never reach the fence, and he says that nothing will be stored above the level of the fence.

Director of Community Development Ayres speaks about the conditions of approval relative to pallets and trash outside the building, and noise levels.

Mr. Stewart returns to the podium to answer questions from **Councilmember Kendrick** about noise coming from the business.

Mr. Martinez speaks about the double-wall metal building construction with insulation to mitigate sound from the business. He indicates the applicant will also install some landscaping at the rear three feet of area of the property.

City Attorney Foley reiterates the Municipal Code requirement for a concrete or masonry block wall.

John Mansour speaks about his willingness to work with **Staff** and do whatever is necessary to get this project done, less the expense of a block wall.

No one else comes forward to speak.

A Consensus of Council agrees to CLOSE the Public Hearing.

MOTION BY LEWIS, SECOND BY MCCLELLAN to ADOPT RESOLUTION NO. 127-11 approving Conditional Use Permit No. 2151, subject to conditions.

MOTION CARRIES BY UNANIMOUS VOTE.

*Recess called at 8:03 p.m.
Meeting called back to order at 8:10 p.m.*

INTERVIEWS:

102 INTERVIEWS FOR COMMISSION VACANCIES (Report: City Clerk)

RECOMMENDATION: That the City Council:

- Reappoint Star Bales to the Planning Commission to serve a four-year term expiring on January 31, 2016;
- Conduct interviews for the Personnel Commission and appoint an applicant from nominees submitted by employees in the Classified Service, to serve a four-year term expiring on January 31, 2016; and
- Extend the application period for one seat on the Personnel Commission, due to the absence of the three applicants nominated by members of the Personnel Commission.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to RE-APPOINT Star Bales to the Planning Commission for a four-year term expiring January 31, 2016.

MOTION CARRIES BY UNANIMOUS VOTE.

PERSONNEL COMMISSION

One Commissioner (Nominated by members of the Personnel Commission)
One four-year term expiring January 31, 2016 (Term Expiration of Mark Martindale)

Applicants* - No applications were received

One Commissioner nominated from employees in the Classified Service:
One Four-Year term expiring January 31, 2016

Applicants:**
Richard Agundez
Michael Moore
Todd Moore

*In accordance with Municipal Code Section 2.24.110(C), one member shall be appointed by the City Council from a list of three persons nominated by the four appointed members, except when an incumbent is to be re-nominated, then one name may be submitted.

ITEM 102 (Continued)

**In accordance with Municipal Code Section 2.24.110(A), appointment for this vacancy shall be by the City Council from a list of three persons nominated by the employees in the classified service via their employee associations, except in the instance when the incumbent is to be re-nominated, then one name may be submitted for consideration. Members nominated by the employees shall not be subject to the residency requirement set out in Section 2.24.030.

DISCUSSION

Interviews are conducted with the following candidates:

Richard Agundez
Michael Moore
Todd Moore

No one else comes forward to speak.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPOINT Richard Agundez to the Personnel Commission for a four-year term expiring January 31, 2016, and EXTEND the application period for the remaining seat on the Personnel Commission, due to the absence of applicants nominated by members of the Personnel Commission.

MOTION CARRIES BY UNANIMOUS VOTE.

The City Clerk administers the Oath of Office to **Richard Agundez**.

City Attorney Foley speaks about the remaining vacancy on the Commission.

103. 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 December 2011, at 8:24 p.m. to Tuesday, January 10, 2012, at 3:00 p.m.

KATHIE J. RUTLEDGE, CMC
City Clerk/Secretary