

# JOINT MEETING OF THE EL CAJON CITY COUNCIL AND HOUSING AUTHORITY



## MINUTES

### CITY OF EL CAJON EL CAJON, CALIFORNIA

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FEBRUARY 28, 2012

An Adjourned Regular Joint Meeting of the El Cajon City Council and Housing Authority of the City of El Cajon, California held Tuesday, February 28, 2012, 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 February 14, 2012.

#### ROLL CALL

Council/Agencymembers present:	Kendrick, McClellan and Wells
Council/Agencymembers absent:	None
Mayor Pro Tem/Vice Chair present:	Hanson-Cox
Mayor/Chair present:	Lewis
Other Officers present:	Rutledge, City Clerk/Secretary Foley, City Attorney/General Counsel Turner, Acting City Manager 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 February 14, 2012, meetings and the Agenda of the February 28, 2012, meeting in accordance to State Law and Council/Agency Policy.

**PRESENTATIONS:**

- **Recognition – “Neighborhood Watch Program”**

**AGENDA CHANGES:**

**MOTION BY LEWIS, SECOND BY WELLS, to REMOVE Item 4.2 from the Agenda, as requested by Acting City Manager Turner.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**CONSENT ITEMS: (1.1 – 1.12)**

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPROVE Consent Items 1.1 – 1.3 and Items 1.5 – 1.12, and pulling Item 1.4, as requested by HANSON-COX and the public.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**1.1 MINUTES OF CITY COUNCIL/HOUSING AUTHORITY MEETINGS**

Approve Minutes of the February 14, 2012, Meetings of the El Cajon City Council/Housing Authority.

**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 PULLED FOR DISCUSSION**

**CONSENT ITEMS: (Continued)**

**1.5 RESOLUTIONS: BUDGET ADOPTION AND/OR BUDGET AMENDMENT RESULTING FROM THE DISSOLUTION OF THE EL CAJON REDEVELOPMENT AGENCY (Report: Director of Community Development)**

1. Acting as the City Council. Amend the Fiscal Year 2011-12 General Fund budget by appropriating an additional \$475,000 from the Reserve for Economic Uncertainty in order to address the immediate impact of the dissolution of the El Cajon Redevelopment Agency; and
2. Acting as the El Cajon Housing Authority, adopt RESOLUTION NO. ECHA-2 titled:  
*Resolution of the El Cajon Housing Authority Adopting the Fiscal Year 2011-12 Budget;*
3. Acting as the Successor Agency to the El Cajon Redevelopment Agency, adopt RESOLUTION NO. 14-12 titled:  
*Resolution of the Successor Agency to the El Cajon Redevelopment Agency Adopting the Fiscal Year 2011-12 Budget.*

**1.6 RESOLUTION: AWARD OF BID NO. 018-12, REPLACEMENT OF APPARATUS BAY EXHAUST SYSTEM AND SANITARY SEWAGE EJECTION PUMP AT FIRE STATION 6 AND SUMP PUMPS AT FIRE STATION 9 (Report: Purchasing Agent)**

1. Waive the minor irregularity in the low bidder's response; and
2. Adopt RESOLUTION NO. 15-12 and award the bid to the lowest responsive bidder, Tony Cossi Construction, in the amount of \$148,600.

**1.7 RESOLUTIONS: APPROVAL OF PLANS AND SPECIFICATIONS TO CONSTRUCT HEARTLAND FIRE TRAINING FACILITY CONCRETE PAVING, Engineering Job No. IFM3391 / Bid No. 024-12 (Report: Acting Director of Public Works and Acting City Engineer)**

Adopt RESOLUTION NO. 16-12 to approve Plans and Specifications and RESOLUTION NO. 17-12 to direct a Notice Inviting Sealed Bids to be opened on March 26, 2012.

**CONSENT ITEMS: (Continued)**

**1.8 RENEWAL OF BID NO. 024-11, MISCELLANEOUS FENCE/ GUARDRAIL REPAIR AND INSTALLATION (Report: Acting Director of Public Works)**

Authorize the City Manager, or designee, to renew the Public Works Contract with Alcorn Fence Company, dba Atlas Fence Co. for Miscellaneous Fence/Guardrail Repair and Installation for the period February 28, 2012 through February 27, 2013 in an amount not to exceed \$100,000.

**1.9 INCREASE PURCHASE ORDER AUTHORIZATION AND APPROVE CONTRACT CHANGE ORDER NO. 1 FOR THE TRAFFIC SIGNAL MAINTENANCE CONTRACT (PW 3326) (Report: Acting Director of Public Works and Acting City Engineer)**

Increase the purchase order (PO No. 90700) in the amount of \$100,000 for the traffic signal maintenance and repair contract with Republic ITS/Siemens, Inc. and approve the change order in the amount of \$23,275 for the re-painting of traffic signal head housings at fourteen intersection locations.

**1.10 RESOLUTION: APPROVAL OF A PUBLIC WORKS MUTUAL AID AGREEMENT WITH THE COUNTY OF SAN DIEGO (Report: Acting Director of Public Works)**

ADOPT RESOLUTION No. 18-12 to approve a Public Works Mutual Aid Agreement with the County of San Diego.

**1.11 ACCEPTANCE OF LIGHTING UPGRADES FOR SELECTED CITY OF EL CAJON FACILITIES, Engineering Job No. 3297 / Bid No. 004-11 (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.

**1.12 AMENDED DRAFT RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE (Report: Director of Community Development)**

As Successor Agency Board, authorize staff to submit an amended draft Recognized Obligation Payment Schedule ("ROPS") pursuant to Health & Safety Code Section 34177(l)(2)(A).

**CONSENT ITEM PULLED FOR DISCUSSION:**

**1.4 RESOLUTION: INITIATION OF AN AMENDMENT TO TITLE 17 (ZONING ORDINANCE) OF THE MUNICIPAL CODE REGULATING CARDROOMS (Report: Director of Community Development)**

**RECOMMENDATION:** That the **City Council** adopt the next RESOLUTION in order initiating an amendment to Title 17 of the Municipal Code regulating cardrooms.

**DISCUSSION**

**Arkan Somo** submits a hand-out on the definition of a cardroom. He requests that **Council** reconsider the title of the chapter by replacing the word “cardrooms” with “non-gambling card and board games” or “recreational card and board games”. He also suggests modifying the last paragraph of the ordinance by adding “and restaurants”.

**Staff** and **Police Chief Redman** respond to questions from **Council** regarding:

- Code violations and gambling-related complaints that have been received;
- Number of gambling-related arrests;
- Types of enforcement that may be utilized by the Police Department;
- A suggestion for closed circuit camera monitoring.

**Mayor Pro Tem Hanson-Cox** requests a minor change to Paragraph 4 of the draft resolution to add the requirement for a valid special operation license.

**City Attorney Foley** clarifies the recommendation for **Council** and advises **Staff** will consider changes to Chapter 5.28, if directed.

**MOTION BY LEWIS, SECOND BY KENDRICK, to ADOPT RESOLUTION NO. 13-12, incorporating the language suggested by Mayor Pro Tem Hanson-Cox, relating to the requirement for approval of both a conditional use permit and a Special Operations License.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**PUBLIC COMMENT:**

**Councilmember Kendrick** compliments **Mayor Pro Tem Hanson-Cox** for her efforts with Second Street business owners to address problems with the homeless. He also acknowledges the efforts of Ramzi Murad, East County Transitional Living Center, Communities Against Substance Abuse and Police Chief Redman.

**Mayor Pro Tem Hanson-Cox** thanks all the businesses for starting and working on this program.

**2. WRITTEN COMMUNICATIONS: None**

**3. PUBLIC HEARINGS:**

**3.1 RESOLUTION: DELINQUENT REFUSE COLLECTION CHARGES  
(Report: Acting Director of Public Works)**

**RECOMMENDATION: That the City Council**

- Open the Public Hearing and receive testimony;
- Close the Public Hearing;
- Adopt the next RESOLUTION in order certifying the list of property owners as delinquent in the payment of their mandatory trash service bills; and
- Authorize the City Clerk to record the amount owed as a lien on the property and forward a list to the County Tax Assessor for billing on the next property tax bill.

#### **DISCUSSION**

**Mayor Lewis** acknowledges the receipt of a revised list of delinquent accounts.

The Public Hearing is now open.

No one comes forward to speak.

**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. 19-12 certifying the list of property owners as delinquent in the payment of their mandatory trash service bills; and AUTHORIZE the City Clerk to record the amount owed as a lien on the property and forward a list to the County Tax Assessor for billing on the next property tax bill.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**3.2 RESOLUTION: DELINQUENT SEWER SERVICE CHARGES  
(Report: Finance Department Senior Accountant)**

**RECOMMENDATION: That the City Council**

- Open the Public Hearing and receive testimony;
- Close the Public Hearing;
- Adopt the next RESOLUTION in order confirming the charges and levying the assessments on the next regular tax bill; and
- Authorize the City Clerk to place a lien on delinquent properties and forward a list to the County Tax Assessor for billing on the next property tax bill.

**DISCUSSION**

**Mayor Lewis** acknowledges the receipt of a revised list of delinquent sewer service charges.

The Public Hearing is now open.

No one comes forward to speak.

**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. 20-12 confirming the charges and levying the assessments on the next regular tax bill; and Authorize the City Clerk to place a lien on delinquent properties and forward a list to the County Tax Assessor for billing on the next property tax bill.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

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**3.3 RESOLUTION: AMENDMENT TO THE FIVE (5) YEAR REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP No. 10-17)  
(Report: Acting Director of Public Works and Acting City Engineer)**

**RECOMMENDATION: That the City Council**

- **Open the Public Hearing and receive testimony**
- **Close the Public Hearing**
- **Adopt the next RESOLUTION in order to approve the Amendment (RTIP No. 10-17) to the 2010 RTIP.**

**DISCUSSION**

The Public Hearing is now open.

**Acting City Manager Turner** gives a summary of the report.

No one comes forward to speak.

**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. 21-12 to approve the Amendment (RTIP No. 10-17) to the 2010 RTIP.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

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**3.4 RESOLUTION: SECOND AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT – CHAMBERS SENIOR RESIDENCES, L.P. (Report: Director of Community Development)**

**RECOMMENDATION: That the Housing Authority**

- Open the Public Hearing and Continue the Public Hearing to March 13, 2012 at 3:00 p.m.

**DISCUSSION**

The Public Hearing is now open.

**City Attorney Foley** comments that the DDA amendment is very close to completion, and **Staff** would like to address the last piece of business.

No further comments made.

**MOTION BY LEWIS, SECOND BY KENDRICK, to CONTINUE the Public Hearing to March 13, 2012 at 3:00 p.m.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

Recess called at 3:52 p.m.  
Meeting called back to order at 4:03 p.m.

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#### 4. ADMINISTRATIVE REPORTS:

##### 4.1 RESOLUTIONS: PROPOSED CHARTER ADOPTION (Report: Acting City Manager)

###### **RECOMMENDATION: That the City Council:**

- Adopt RESOLUTION NO. 22-12 to approve the final version of the City charter to be presented to the voters; and
- Adopt the next RESOLUTIONS in order as follows:
  1. RESOLUTION NO. 24-12: A Resolution of the City Council of the City of El Cajon, California, calling and giving notice of the holding of a Special Municipal Election to be held in said City, Tuesday, June 5, 2012, for submission of a ballot measure for said City as required by the provisions of the laws of the State of California relating to general law cities;
  2. RESOLUTION NO. 23-12: A Resolution requesting the Board of Supervisors to Conduct a Special Municipal Election of the City of El Cajon, Tuesday, June 5, 2012, and to consolidate that election with any other elections to be held on that same day;
  3. RESOLUTION NO. \_\_-12: A Resolution of the City Council of the City of El Cajon, California, ordering the submission to the qualified electors of the City of a certain measure relating to changing the City of El Cajon from a general law city to a charter city through adoption of the charter proposed by the El Cajon City Council at the Special Municipal Election to be held on Tuesday, June 5, 2012, as called by Resolution No. 23-12;
  4. RESOLUTION NO. 25-12: A Resolution of the City Council of the City of El Cajon, California, directing the City Attorney to prepare an impartial analysis to a City measure;
  5. RESOLUTION NO. 26-12: A Resolution of the City Council of the City of El Cajon, California, setting priorities for filing a written argument(s) regarding a measure and authorizing any member or members of the City Council to file a written argument for or against the measure;
  6. (If the City Council authorizes rebuttal arguments), a Resolution of the City Council of the City of El Cajon, California, allowing the submittal of rebuttal arguments to City initiative measures in the Special Municipal Election and subsequent municipal elections pursuant to the California Elections Code section 9285; and
  7. Appropriate funds for Special Election.

#### **DISCUSSION**

**Mayor Lewis** advises a revised draft of the charter was distributed to **Council**.

**City Attorney Foley** provides background information on this Item and addresses revisions to the proposed charter, and several options to revise the language in the last paragraph of Section 400 relating to bidding on projects.

#### **ITEM 4.1 (Continued)**

**Tom Lemmon** prefers the last paragraph pertaining Section 400 should be removed from the draft charter. He is, however, comfortable with Options 2(b) or 3(b).

**Mario Tilaro** speaks about the requirements of the Davis-Bacon Act and its effect on taxpayers.

**Jim Conway** references testimony at the previous public hearings, and the studies sent to the City on the effect of prevailing wages. He comments on the lawsuit involving the City of Vista, and feels that moving forward with the charter at this time would be a disaster. He encourages the City to take additional time to consider the charter.

**John Gibson** thanks **Council** for considering a charter. He feels that Option 2(a) would be the logical choice. He suggests the addition of wording so the City would be able to pay a procuring broker for services rendered.

In response to comments by **Councilmember McClellan**, **City Attorney Foley** indicates that although **Staff** has not had the opportunity to study the suggestion by **Mr. Gibson**, the City can always adopt a policy to do as was suggested. However, without a policy and without hiring someone who has gone through an appropriate process, payment of a commission would not be allowed for someone who is not a listing broker. There is nothing to prohibit **Council** from, on a case-by-case basis, to hire someone to do exactly as has been suggested, for a particular parcel or for a number of parcels. Placing such a provision in the charter would make it “forever”, unless an amendment of the charter were pursued.

**City Clerk Rutledge** states that **David Brown** submitted card in favor of the charter, but did not wish to speak.

**Greg Brown** commends **City Attorney Foley** for being on top of this issue. He prefers the language in Option 2(a), and feels the charter would save the City money.

**Humbert Cabrera** feels more time should be taken to consider the issue of the charter. He prefers the original draft charter, but would his second choice is for Option 2(a).

**Elan Schier** is in favor of the charter and feels it would save the City somewhere between 10% and 30% in costs.

**Arkan Somo** thanks **Council** for their leadership and courage to consider a charter. He likes the wording in the original charter.

**ITEM 4.1 (Continued)**

**Dr. Murtaza Bayamusa** speaks about prevailing wages.

**Carl Starrett** supports Options 2(a) or 2(b).

Discussion ensues as **Council** considers the language options offered by **City Attorney Foley**.

No one else comes forward to speak.

**MOTION BY WELLS, SECOND BY MCCLELLAN, to ADOPT RESOLUTION NO. 22-12 approving the final version of the City charter to be presented to the voters, including replacing the language in the last paragraph of Section 400 with the language proposed in Option 2(a).**

**City Attorney Foley** advises that **Council** must make a decision on whether or not to authorize rebuttal arguments. He adds that a resolution is not necessary in order to appropriate funds.

The consensus of **Council** agrees that rebuttals will not be allowed.

**MOTION BY WELLS, RE-STATED BY FOLEY, AND SECOND BY MCCLELLAN, to ADOPT the following RESOLUTIONS, and APPROPRIATE funds for the Special Election:**

1. **RESOLUTION NO. 23-12:** A Resolution requesting the Board of Supervisors to Conduct a Special Municipal Election of the City of El Cajon, Tuesday, June 5, 2012, and to consolidate that election with any other elections to be held on that same day;
2. **RESOLUTION NO. 24-12:** A Resolution calling and giving notice of the holding of a special municipal election to be held in said city on Tuesday, June 5, 2012 for submission of a ballot measure for said city as required by the provisions of the laws of the State of California relating to general law cities;
3. **RESOLUTION NO. 25-12:** A Resolution of the City Council of the City of El Cajon, California, directing the City Attorney to prepare an impartial analysis to a City measure;
4. **RESOLUTION NO. 26-12:** A Resolution of the City Council of the City of El Cajon, California, setting priorities for filing a written argument(s) regarding a measure and authorizing any member or members of the City Council to file a written argument for or against the measure;

**MOTION CARRIES BY UNANIMOUS VOTE.**

**THROUGH EARLIER ACTION THIS ITEM WAS REMOVED FROM THE AGENDA:**  
**4.2 RESOLUTION: ABANDONED VEHICLE ABATEMENT PROGRAM**  
**(Report: Police Chief)**

**RECOMMENDATION:** That the **City Council** adopt the next RESOLUTION in order to support seeking voter approval for the extension of the Abandoned Vehicle Abatement Program for ten more years.

**5. COMMISSION REPORTS: None**

**6. ACTIVITIES REPORTS OF MAYOR 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; Indian Gaming Local Community Benefit Committee.

**6.1 SANDAG Board of Directors Agenda – February 10, 2012**

**6.2 SANDAG Board of Directors Agenda – February 24, 2012**

**REPORTS AS STATED.**

**ACTIVITIES REPORTS OF COUNCILMEMBERS**

**7.**

**MAYOR PRO TEM 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.

**7.1 Council Activities – Verbal Report**

**Mayor Pro Tem Hanson-Cox** reports she attended the following:

2/27/12	Meeting with Neal Arthur
	Citizen of the Year event
2/28/12	City Council Agenda meeting
	City Council Workshop

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

**8.**

**COUNCILMEMBER GARY KENDRICK**

Heartland Communications JPA; Heartland Fire Training JPA.

**8.1 Council Activities Report**

In addition to the submitted report, **Councilmember Kendrick** indicates that on February 27, 2012, he met with Ramzi Murad and Dr. Barka.

**9.**

**COUNCILMEMBER BOB McCLELLAN**

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

**9.1 Council Activities Report**

**Councilmember McClellan** amends his report by adding that he attended the Citizen of the Year event, an MTS Budget meeting and the funeral services for Les Hart.

**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 February 10, 16, 17, and 22, 2012 – *City Advocate Weekly***

**NO RECOMMENDED ACTION.**

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

**13. ORDINANCE: FIRST READING**

**13.1 SPEED LIMIT ZONES – MAGNOLIA AVENUE & MAIN STREET  
(Report: Acting Director of Public Works and Acting City Engineer)**

**RECOMMENDATION:** That the **City Council** conduct the first reading of an Ordinance amending Section 10.20.130 of Chapter 10.20 of the El Cajon Municipal Code to include updating the existing speed limits for Magnolia Avenue and Main Street.

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

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

**DISCUSSION**

No one comes forward to speak.

**MOTION CARRIES BY UNANIMOUS VOTE.**

**An Ordinance Amending Section 10.20.130 of Chapter 10.20 of the El Cajon Municipal Code Deleting Speed Limits and Establishing New Speed Limits on Magnolia Avenue and Main Street.**

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

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

*(Remainder of this page intentionally left blank)*

**15. CLOSED SESSION:**

**RECOMMENDATION:** That the City Council/Housing Authority adjourn to Closed Session as follows:

**15.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS – Pursuant to Section 54956.8 of the Government Code:**

<u>Property</u>	<u>Negotiating Parties</u>	<u>Agency Negotiators</u>
APN 508-080-43-00	Michael Beck Endangered Habitats Conservancy	Acting City Manager City Attorney

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

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to ADJOURN to Closed Session at 5:16 p.m.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**16. RECONVENE TO OPEN SESSION AT 5:21P.M.**

**City Attorney Foley** reports that direction was given the Agency's Real Property Negotiators.

**Adjournment:** **Mayor Lewis** adjourned the Adjourned Regular Joint Meeting of the City Council/Housing Authority held this 28th day of February 2012, at 5:22 p.m. to Tuesday, March 13, 2012, at 7:00 p.m.

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