

JOINT MEETING OF THE EL CAJON CITY COUNCIL/HOUSING AUTHORITY/ SUCCESSOR AGENCY TO THE EL CAJON REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

JUNE 26, 2012

An Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the Redevelopment Agency of the City of El Cajon, California held Tuesday, June 26, 2012, was called to order by Mayor/Chair Mark Lewis at 3:02 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 June 12, 2012.

ROLL CALL

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

PLEDGE OF ALLEGIANCE TO FLAG led by Mayor Lewis and MOMENT OF SILENCE. (The Courts have concluded that sectarian prayer as part of City Council Meetings is not permitted under the Constitution).

POSTINGS: The City Clerk posted Orders of Adjournment of the June 12, 2012, meetings and the Agenda of the June 26, 2012, meeting in accordance to State Law and Council/Agency Policy.

PRESENTATIONS:

- **Proclamation – “July is Parks and Recreation Month”**
- **Presentation – Historical Society Essay Contest Winners**

AGENDA CHANGES: None

CONSENT ITEMS: (1.1 – 1.13)

MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPROVE Consent Items 1.1 through 1.6 and Items 1.8 through 1.13, and pulling Item 1.7, as requested by the public.

MOTION CARRIES BY UNANIMOUS VOTE.

1.1 MINUTES OF CITY COUNCIL/HOUSING AUTHORITY MEETINGS

Approve Minutes of the June 12, 2012, meetings of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

1.2 WARRANTS

Approve payment of Warrants as submitted by the Finance Department.

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

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

**1.4 REVISED CLASSIFICATION SPECIFICATIONS FOR CITY MANAGER, CITY CLERK, DIRECTOR OF FINANCE, FINANCIAL OPERATIONS MANAGER, SENIOR ACCOUNTANT AND HOUSING MANAGER
(Report: Director of Human Resources)**

Approve the revised classification specifications for *City Manager, City Clerk, Director of Finance, Financial Operations Manager, Senior Accountant and Housing Manager.*

CONSENT ITEMS: (Continued)

**1.5 RESOLUTION: AWARD OF BID NO. 029-12, EMS EQUIPMENT
(Report: Purchasing Agent)**

Adopt RESOLUTION NO. 57-12 and award the bid to the lowest responsive bidders: Life Assist, Inc. in the amount of \$17,285.45; Bound Tree Medical, LLC, in the amount of \$7,106.40; Fire Etc., in the amount of \$1,616.03; and L. N. Curtis & Sons in the amount of \$1,218.83.

**1.6 RESOLUTION: AWARD OF BID NO. 002-13, PUBLICATION OF
LEGAL NOTICES (Report: Purchasing Agent)**

Adopt RESOLUTION NO. 58-12 and award the bid to the lowest responsive bidder, East County Gazette, in the estimated amount of \$6,000.00.

1.7 PULLED FOR DISCUSSION

**1.8 REVISED CITY COUNCIL POLICY A-29
(Report: Director of Human Resources)**

Approve the proposed revisions to City Council Policy A-29; *Compensation Plan for Executive, Unrepresented Management and Confidential Employees.*

**1.9 ANNUAL REPORT FROM DOWNTOWN EL CAJON BUSINESS
PARTNERS, INC. FOR THE EL CAJON PROPERTY AND BUSINESS
IMPROVEMENT DISTRICT (PBID)
(Report: Deputy City Manager/Director of Finance)**

Accept and approve the revised Annual Report prepared by the Downtown El Cajon Business Partners, Inc. (DECBP) dba: Downtown El Cajon Promenade District.

**1.10 RESOLUTION: AWARD OF BID NO. 001-13, ROAD MAINTENANCE
MATERIALS (Report: Purchasing Agent)**

Adopt RESOLUTION No. 60-12 and award the bid to the lowest responsive bidders, Superior Ready Mix Concrete, L.P., in the estimated amount of \$78,744.52, and Vulcan Materials Company, in the estimated amount of \$25,311.56.

CONSENT ITEMS: (Continued)

**1.11 SIDE LETTER AGREEMENT WITH EL CAJON PROFESSIONAL FIREFIGHTERS' LOCAL 4603 (ECPFF) RECOGNIZING VACATION LEAVE COMPENSATION FOR STANDBY DUTY FOR BATTALION CHIEFS
(Report: Director of Human Resources)**

Approve the Side Letter Agreement attached to the Agenda Report with the El Cajon Professional Firefighters' Local 4603 acknowledging vacation leave as compensation for standby duty for Battalion Chiefs.

**1.12 GENERAL PLAN HOUSING ELEMENT - PUBLIC PARTICIPATION PLAN
(Report: Director of Community Development)**

Approve the proposed Public Participation Plan for the update to the General Plan Housing Element.

**1.13 AUTHORITY TO ENTER AGREEMENT WITH LIEBERT CASSIDY WHITMORE TO PROVIDE SPECIAL LEGAL SERVICES RELATED TO EMPLOYMENT AND LABOR RELATIONS
(Report: Director of Human Resources)**

Authorize the City Manager, or designee, to execute an ongoing agreement for special legal services with the law firm of Liebert Cassidy Whitmore (LCW).

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CONSENT ITEM PULLED FOR DISCUSSION:

1.7 RESOLUTION: REJECTION OF BID NO. 028-12, EL CAJON CITY HALL AND COUNCIL CHAMBERS ADA FIRE ALARM UPGRADE (Report: Purchasing Agent)

RECOMMENDATION: That the City Council adopt the next RESOLUTION in order to reject the bid and authorize rebidding of the project.

DISCUSSION

Ryan Casey and **Richard Eagan**, representing Casey Electric, the sole and low bidder for this project, request that **Council** reconsider rejection of their bid due to the missing Page 135, Certification of Section 3 Business Concern, in the bid packet they submitted.

In response to questions from **Councilmember Wells, Deputy City Manager/Director of Public Works Turner** indicates the City is proposing to partially use Community Development Block Grant funds, and must adhere to HUD rules. In fairness to other potential bidders, **Staff** does not recommend allowing an exception, and suggests proceeding with another bid process.

MOTION BY LEWIS, SECOND BY AMBROSE, to ADOPT RESOLUTION NO. 59-12 to reject the bid and authorize rebidding of the project according to Staff recommendation.

MOTION CARRIES BY UNANIMOUS VOTE.

PUBLIC COMMENT:

Jeff Davies, representing The Promenade District, reports that the weekly car shows and concerts in the park are doing very well. He briefly discusses upcoming car show events and scheduled concerts.

Councilmember Kendrick acknowledges the presence of Boy Scouts from Troop 155 from Jamul and Troop 324 from La Mesa.

3. PUBLIC HEARINGS:

3.1 RESOLUTIONS: FISCAL YEAR 2012-13 ANNUAL CITY, HOUSING AUTHORITY AND SUCCESSOR AGENCY BUDGETS (Report: City Manager)

RECOMMENDATION: That the City Council, Housing Authority, and the City of El Cajon as Successor Agency to the former Redevelopment Agency hold a joint Public Hearing to consider the Fiscal Year 2012-13 Proposed Budgets and three requests from the community for funding.

- **Open the Public Hearing and receive testimony;**
- **Close the Public Hearing;** and
- **Acting as the City Council,** take action to approve or deny the funding requests from the San Diego East County Economic Development Council, St. Madeleine Sophie's Center, and the Miss El Cajon Scholarship Association.

- **Acting as the City Council,** adopt the next RESOLUTIONS in order titled:

Resolution of the City of El Cajon Adopting the Fiscal Year 2012-13 Annual Budget; and

Resolution Approving and Adopting the Annual Appropriations Limit for Fiscal Year 2012-13.

- **Acting as the Housing Authority Board of Directors,** adopt the next RESOLUTION in order titled:

Resolution of the El Cajon Housing Authority Adopting the Fiscal Year 2012-13 Budget.

- **Acting as the Successor Agency to the former Redevelopment Agency Board of Directors,** adopt the next RESOLUTION in order titled:

Resolution of the City Council of the City of El Cajon as the Successor Agency to the former El Cajon Redevelopment Agency Adopting the Fiscal Year 2012-13 Budget.

DISCUSSION

The Public Hearing is now open.

City Manager Williford gives a summary of the report and advises that three letters were received requesting funding totaling \$12, 500.00. The requests are included as part of the budget packet.

ITEM 3.1 (Continued)

The following persons thanked **Council** for past support and spoke in favor of their requests for funding:

- **Jo Marie Diamond**, East County Economic Development Council;
- **Billie Sangster**, **Miss Teen El Cajon** and **Miss El Cajon**;
- **Debra Emerson**, representing St. Madeleine Sophie's Center.

No one else 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 KENDRICK, to APPROVE the funding requests from the San Diego East County Economic Development Council, St. Madeleine Sophie's Center, and the Miss El Cajon Scholarship Association.

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to ADOPT RESOLUTION NO. 61-12: Resolution of the City of El Cajon Adopting the Fiscal Year 2012-13 Annual Budget; and RESOLUTION NO. 62-12: Resolution Approving and Adopting the Annual Appropriations Limit for Fiscal Year 2012-13.

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to ADOPT RESOLUTION NO. ECHA-5: Resolution of the El Cajon Housing Authority Adopting the Fiscal Year 2012-13 Budget.

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to ADOPT RESOLUTION NO. 63-12: Resolution of the City Council of the City of El Cajon as the Successor Agency to the former El Cajon Redevelopment Agency Adopting the Fiscal Year 2012-13 Budget.

MOTION CARRIES BY UNANIMOUS VOTE.

**3.2 RESOLUTION: DELINQUENT REFUSE COLLECTION CHARGES
(Report: Deputy City Manager/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 advises that **Council** has received an updated list of accounts.

The Public Hearing is now open.

Rhodesa Ruffin addresses **Council** regarding her trash bills, and advises that she does not live at the residence approximately seven months out of the year. She would like to know if she can cancel the trash service during the months she is not at home.

Mayor Lewis suggests the speaker contact Waste Management directly, to discuss her situation and to see if she can arrange a payment plan.

No one else 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 AMBROSE, to ADOPT RESOLUTION NO. 64-12 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.

**3.3 RESOLUTION: DELINQUENT SEWER SERVICE CHARGES
(Report: Finance Department)**

RECOMMENDATION: That the City Council:

- Open the Public Hearing and receive testimony;
- Close the Public Hearing;
- Adopt the next RESOLUTION in order certifying 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 advises that **Council** has received an updated list of 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.

Councilmember McClellan comments that the City of La Mesa will be adding sewer charges to property tax bills and that he had previously mentioned this concept.

City Attorney Foley indicates the suggestion could be submitted as an Item on a future Agenda, for consideration by **Council**.

City Manager Williford states that he will look into the matter and have information available when the discussion comes before **Council**.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to ADOPT RESOLUTION NO. 65-12 certifying 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.

3.4 SECOND AMENDMENT TO DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) - SOUTHWEST CORNER - PRIEST DEVELOPMENT CORPORATION (Report: Director of Community Development)

RECOMMENDATION: That the City Council, as Successor Agency:

- Open the Public Hearing and receive testimony;
- Close the Public Hearing;
- Move to adopt the next RESOLUTION in order approving an amendment to the Disposition and Development Agreement and related documents with the Priest Development Corporation governing development located at the southwest corner of West Main Street and South Magnolia Avenue substantially as presented by staff, and subject to Oversight Board approval; and
- Authorize the City Manager, or designee, to execute this amendment to the DDA and related documents implementing the DDA, after receipt of Oversight Board approval of the proposed DDA amendment.

DISCUSSION

The Public Hearing is now open.

Peter Moore-Kochlacs states that Priest Development has not done a good job of keeping up with the landscape, and that the parking is undersized. He comments that the City is looking to allow an increase to the size of the project, without increasing the available parking.

*Recess called at 4:14 p.m.
Meeting called back to order at 4:21 p.m.*

Daryl R. Priest indicates he is here to answer any questions from **Council**.

The **Council** has no questions for **Mr. Priest**.

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

MOTION CARRIES BY UNANIMOUS VOTE.

ITEM 3.4 (Continued)

MOTION BY LEWIS, SECOND BY MCCLELLAN, to ADOPT RESOLUTION NO. 66-12 approving an amendment to the Disposition and Development Agreement and related documents with the Priest Development Corporation governing development located at the southwest corner of West Main Street and South Magnolia Avenue substantially as presented by staff, and subject to Oversight Board approval; and AUTHORIZE the City Manager, or designee, to execute this amendment to the DDA and related documents implementing the DDA, after receipt of Oversight Board approval of the proposed DDA amendment.

MOTION CARRIES BY UNANIMOUS VOTE.

4. ADMINISTRATIVE REPORTS:

4.1 AMENDMENTS TO THE MUNICIPAL CODE REGULATING CHICKENS (Report: Councilmembers Kendrick and Wells)

RECOMMENDATION: That the City Council consider directing the City Manager to develop amendments to the Municipal Code for Planning Commission and City Council consideration in conjunction with a planned City-initiated Fiscal Year 2012-13 comprehensive Zoning Ordinance amendment, that would expand the rights of residents to raise and keep chickens on residentially zoned properties.

DISCUSSION

The following persons spoke in favor of allowing chickens in the City:

Bonnie Kopp;
Lily Schworm;
Fiona Salbato and Alice Redhead

Councilmember Kendrick indicates his parents have had chickens since it became legal to own them in Santee. He agrees with comments made by the previous speakers regarding flies and bug control, fertilizing capabilities and property owners' rights, and feels that roosters should not be allowed.

Councilmember McClellan states that he supported the idea when originally raised, and he still supports the matter, as property rights are important. He acknowledges that the right type of ordinance needs to be drafted.

ITEM 4.1 (Continued)

Councilmember Wells indicates that this Item is brought forth as there appears to be a powerful lobby for an amendment to the ordinance to allow chickens in the City.

Mayor Pro Tem Tony Ambrose reports that he spoke with Melanie Kush, City of Santee, and they do not report any problems since adopting their ordinance. He has also spoken with someone in San Diego regarding their experience raising chickens.

No one else comes forward to speak.

Mayor Lewis feels there may still be health issues to be addressed, and code enforcement issues which may follow, involving flies, rats and dogs. He agrees that proper zoning will be a consideration.

MOTION BY KENDRICK, SECOND BY MCCLELLAN, to APPROVE Item 4.1 as recommended by Councilmembers Kendrick and Wells.

MOTION CARRIES. (LEWIS – No)

4.2 CITY COUNCIL MEETING SCHEDULE (Report: City Manager)

RECOMMENDATION: That the City Council consider canceling one mid-summer City Council meeting. Staff is recommending Council discuss and consider the second meeting in August.

DISCUSSION

No one comes forward to speak.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to CANCEL the City Council meeting scheduled for August 28, 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) - Member; Indian Gaming Local Community Benefit Committee; Downtown El Cajon Business Partners Board of Directors.

6.1 Local Agency Formation Commission Agenda – June 4, 2012

6.2 Downtown El Cajon Business Partners, Inc. Board Meeting Agenda June 6, 2012

6.3 SANDAG Board of Directors Agenda – June 8, 2012

6.4 SANDAG Board of Directors Agenda – June 22, 2012

REPORTS AS STATED.

ACTIVITIES REPORTS OF COUNCILMEMBERS

7.

MAYOR PRO TEM TONY AMBROSE

Chamber of Commerce – Government Affairs; MTS (Metropolitan Transit System Board) – Alternate); East County Economic Development Council - Alternate.

7.1 Council Activities Report

REPORT AS STATED.

8.

COUNCILMEMBER GARY KENDRICK

Heartland Communications JPA; Heartland Fire Training JPA.

8.1 Council Activities Report

REPORT AS STATED.

ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

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 a Boy Scouts dedication at Foothills Christian Church.

10.

COUNCILMEMBER BILL WELLS

League of California Cities, San Diego Division; METRO Commission/Wastewater JPA; East County Economic Development Council; SANDAG (San Diego Association of Governments) – Alternate; SANDAG (Public Safety Committee) – Alternate; Heartland Fire Training JPA – Alternate.

10.1 Council Activities Report

REPORT AS STATED.

11. LEGISLATIVE REPORT

11.1 League of California Cities Legislative Bulletin dated June 6, 8, 11, 15, and 18, 2012 – *City Advocate Weekly*

DISCUSSION

Councilmember Wells states there is nothing to report, as the State Budget is under consideration at this time.

12. GENERAL INFORMATION ITEMS FOR DISCUSSION: None

13. ORDINANCES: FIRST READING – None

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

15. **CLOSED SESSIONS: None**

Adjournment: **Mayor Lewis** adjourned the Adjourned Regular Joint Meeting of the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 26th day of June, 2012, at 4:43 p.m. to Tuesday, July 10, 2012, at 3:00 p.m.

KATHIE J. RUTLEDGE, CMC
City Clerk/Secretary