

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

JULY 10, 2012

A Regular Joint Meeting of the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency of the City of El Cajon, California held Tuesday, July 10, 2012, 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.

ROLL CALL

Council/Agencymembers present:	Kendrick, McClellan and Wells
Council/Agencymembers absent:	None
Mayor Pro Tem/Vice Chair absent:	Ambrose
Mayor/Chair present:	Lewis
Other Officers present:	Rutledge, City Clerk/Secretary Foley, City Attorney/General Counsel Williford, City Manager/Executive Director 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 26, 2012, meeting and the Agenda of the July 10, 2012, meetings in accordance to State Law and Council/Agency Policy.

PRESENTATIONS:

- **Presentation – “Helix Water District”**
- **Presentation – “Centennial Celebration”**

AGENDA CHANGES: None

CONSENT ITEMS: (1.1 – 1.14)

In reference to Item 1.10, **Councilmember McClellan** comments that he did not realize the size of the project and asks if there will be individual controls for regulating the temperature.

Deputy City Manager/Director of Public Works Turner responds that there will be multiple zones and the design layout for the units will be evaluated as well as functionality for the end user.

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPROVE
Consent Items 1.1 to 1.14.**

**MOTION CARRIES BY UNANIMOUS VOTE OF
THOSE PRESENT. (AMBROSE – ABSENT)**

1.1 MINUTES OF CITY COUNCIL/HOUSING AUTHORITY MEETINGS

Approve Minutes of the June 26 2012, meeting of the 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.

CONSENT ITEMS: (Continued)

1.4 RESOLUTION: ACCEPTANCE OF ASSISTANCE TO FIREFIGHTERS GRANT AS A SUB-GRANTEE TO THE CITY OF LA MESA (Report: Fire Chief)

ADOPT RESOLUTION NO. 67-12 authorizing the City Manager, or designee, to accept the Fiscal Year 2011-12 Assistance to Firefighters Grant of \$40,560 for the City of El Cajon as a sub-grantee to the City of La Mesa to purchase P25 compliant radios, and to execute any grant documents and agreements necessary for the receipt and use of these grant funds.

**1.5 SPECIAL OPERATION LICENSE – THE ROYAL PALACE
1340 Broadway**

Approve the application submitted by Namir Mattia for a restaurant located at 1340 Broadway.

**1.6 SPECIAL OPERATION LICENSE – GOLD MAX OF CALIFORNIA, INC.
D/B/A CASH FOR GOLD – 695 Fletcher Parkway**

Approve the application submitted by Scott Garber for a business purchasing gold and precious metals from the public located at 695 Fletcher Parkway.

**1.7 SPECIAL OPERATION LICENSE – GERMAN AMERICAN SOCIETIES OF
SAN DIEGO – 1017 South Mollison Avenue**

Approve the application submitted by Wendel Jenkins for a social club located at 1017 South Mollison Avenue.

**1.8 ACCEPTANCE OF HEARTLAND FIRE TRAINING FACILITY
CONCRETE PAVING, Engineering Job No. IMF3391, Bid No. 024-12
(Report: Deputy City Manager/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.

CONSENT ITEMS: (Continued)

1.9 BOARD OF SUPERVISORS APPOINTMENT TO GILLESPIE FIELD DEVELOPMENT COUNCIL (Report: City Clerk)

Ratify the Board of Supervisors reappointment of Barry Bardack to the Gillespie Field Development Council for a term to expire June 25, 2016.

1.10 AUTHORIZATION FOR PHASE II ARCHITECTURAL SERVICES FROM WALT CONWELL ARCHITECTS (Report: Deputy City Manager/ Director of Public Works)

Approve \$122,400 in Architectural Design Services to provide phase II plans and specifications to replace inefficient air conditioning coils and controls, install energy efficient variable frequency drive systems for the cooling systems and condenser pumps, and replace boilers and package air conditioning units at City Hall and the Council Chambers.

1.11 SPECIAL OPERATION LICENSE – GREEN ELECTRONICS EXCHANGE – 415 Parkway Plaza, Suite 9004

Approve the application submitted by Maryam Ajami for a cell phone and electronics retail business located at 415 Parkway Plaza, Suite 9004.

1.12 PROPOSAL FOR PROFESSIONAL SERVICES AGREEMENT TO CONDUCT A STORM DRAIN METAL PIPE INSPECTION AND ASSESSMENT PROGRAM, WW3424 (Report: Deputy City Manager/Director of Public Works)

Authorize the City Manager, or designee, to negotiate and execute a multi-year Professional Services Agreement with RBF Consulting to conduct a Storm Drain Metal Pipe Inspection and Assessment Program.

1.13 CONSIDERATION OF PROPOSED CITY COUNCIL POLICY B-13 TO AUTHORIZE THE CITY MANAGER/EXECUTIVE DIRECTOR TO ACT ON DELINQUENCIES AND FORECLOSURES OF RESIDENTIAL PROPERTIES INVOLVING AFFORDABLE HOUSING LOANS (Report: City Attorney)

Adopt City Council Policy B-13 with such changes as desired by the City Council.

CONSENT ITEMS: (Continued)

1.14 AUTHORIZATION FOR THE SUCCESSOR AGENCY TO TRANSFER UNENCUMBERED REDEVELOPMENT FUNDS TO COUNTY AUDITOR-CONTROLLER DUE JULY 12, 2012, PURSUANT TO ASSEMBLY BILL 1484 AND AUTHORIZATION FOR CITY MANAGER/EXECUTIVE DIRECTOR TO FILE REPORTS, EXECUTE DOCUMENTS AND TAKE OTHER ACTIONS NECESSARY TO IMPLEMENT PROVISIONS OF AB 1484 IN A TIMELY MANNER (Report: Director of Community Development)

That the City Council in its capacity as the governing board of the Successor Agency:

- Appropriate and authorize the transfer of unencumbered Redevelopment Funds to the County Auditor-Controller sufficient to comply with Section 34183.5 (b)(2)(A) of Assembly Bill 1484, signed by Governor Brown on June 27, 2012, that are due July 12, 2012; and
- Authorize the City Manager, or designee, to file reports, execute documents, and take other actions necessary to implement other provisions of AB 1484 on behalf of the Successor Agency, in a timely manner.

That the Housing Authority:

- Appropriate and authorize the transfer of unencumbered Redevelopment Funds to the County Auditor-Controller sufficient to comply with Section 34183.5(b)(2)(A) of Assembly Bill 1484, signed by Governor Brown on June 27, 2012, that are due July 12, 2012; and
- Authorize the Executive Director, or designee, to file reports, execute documents, and take other actions necessary to implement provisions in Section 34175 (a)(2) of AB 1484 on behalf of the Housing Authority, in a timely manner.

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PUBLIC COMMENT:

Ray Lutz gives an update on activities of the ECPAC Foundation and a meeting held on June 21 with the City Manager. He requests that the City consider hosting a workshop to include business members and any other interested parties. He indicates the Foundation is willing to work with the City in an effort to reopen the theater.

Sunshine Horton states that her daughter Virginia passed away on June 2nd from cancer. She informs that on July 24, 2012, a lunchtime fundraiser to benefit Rady Children's Hospital and the Teddy Bear Drive, will be held at Rubio's on Magnolia Avenue.

Christopher Shamoun speaks about the El Cajon Healthy Food Initiative and a survey conducted of local fast food restaurants and markets. He indicates that data from the survey will be analyzed and findings reported at the September 11, 2012 Council meeting.

2. WRITTEN COMMUNICATIONS: None

3. PUBLIC HEARINGS:

**3.1 SUBSTANDARD PROPERTY AT 1351 EMERALD AVENUE
(Report: Building Official/Fire Marshal)**

RECOMMENDATION: That the City Council

- Open the continued Public Hearing and receive testimony;
- Close the Public Hearing;
THEN
- Make a determination to assess full administrative costs and staff time, and fifty percent of civil penalties accrued equal to a total of \$45,699.04, in recognition of partial progress on-site;
- Authorize the City Attorney to pursue an injunction or other legal action including, but not limited to, the appointment of a receiver in order to gain compliance in this case (if appropriate based on verbal testimony); and
- Adopt the next RESOLUTION in order pursuant to the items listed above.

ITEM 3.1 (Continued)

DISCUSSION

The Public Hearing is now open.

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

Building Official/Fire Marshal Pavao distributes photos of the property taken today.

Scott Yerebeck indicates he is approximately two to three days away from bringing the property into compliance. In response to questions from **Council, Mr. Yerebeck** indicates that family problems and lawsuits have delayed cleanup of the property due to limited funds, and that if penalties are assessed, he will likely need to file bankruptcy.

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

- To waive the penalties, and assess fines only for administrative fees and staff time;
- To delay the process of an injunction and other legal action;
- To take action as recommended by **Staff**, and when the property comes into compliance, stop the enforcement.

No one else comes forward to speak.

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

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (AMBROSE – ABSENT)

Discussion continues with **Council** and **Staff** concerning:

- The lien process;
- The importance of bringing this issue to a close;
- The remaining violations and permits required;
- A suggestion to consider reducing the penalties accrued after legal action is undertaken.

No further comments made.

ITEM 3.1 (Continued)

MOTION BY LEWIS, SECOND BY MCCLELLAN, to ASSESS full administrative costs and staff time, and fifty percent of civil penalties accrued equal to a total of \$45,699.04, in recognition of partial progress on-site; AUTHORIZE the City Attorney to pursue an injunction or other legal action including, but not limited to, the appointment of a receiver in order to gain compliance in this case; and ADOPT RESOLUTION NO. 68-12 pursuant to the items listed above.

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (AMBROSE – ABSENT)

4. ADMINISTRATIVE REPORTS:

4.1 RESOLUTION: JUNE 5, 2012, SPECIAL MUNICIPAL ELECTION RESULTS (Report: City Clerk)

RECOMMENDATION: That the City Council adopt the next RESOLUTION in order declaring the results of the June 5, 2012, Special Municipal Election approving the City Charter.

DISCUSSION

No one comes forward to speak.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to ADOPT RESOLUTION NO. 69-12 declaring the results of the June 5, 2012, Special Municipal Election approving the City Charter.

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (AMBROSE – ABSENT)

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4.2 RESOLUTION: ALL-WAY STOP SIGN REQUEST AT KATHERINE STREET AND WAKEFIELD COURT (Report: Deputy City Manager/ Director of Public Works)

RECOMMENDATION: That the City Council adopt the next RESOLUTION in order to establish permanent all-way stop signs on Katherine Street, at the intersection of Wakefield Court in order to promote safe and efficient pedestrian and traffic flow.

DISCUSSION

Michael Guerrero speaks in opposition, indicating he is not aware that any accidents have occurred while he has lived in the area. He feels that installation of stop signs would impede traffic flow.

Councilmember McClellan acknowledges the receipt of a letter from two residents who have reported there have never been any accidents at the intersection.

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

- Criteria for installation of stop signs;
- Information from the sight/distance analysis;
- Safety concerns;
- Suggestions to use other remedies such as yield signs, narrowing the path of travel and yellow striping.

Elizabeth Peci requests denial of the proposal as there is not much traffic in the area and does not feel the stop signs are warranted at the proposed location.

Paul Shepard comments that while there may have been no reported incidents, there have been many close calls. He notes that some cars come up the hill at a fast speed, leaving little time to get across the intersection safely.

In response to questions from **Councilmember McClellan** regarding liability to the City, **Deputy City Manager/Director of Public Works Turner** indicates that staff investigates and addresses any traffic issues or concerns brought to the attention of the City.

No one else comes forward to speak.

MOTION BY LEWIS, SECOND BY WELLS, to ADOPT RESOLUTION NO. 70-12 approving the all-way stop sign at the intersection of Katherine Street and Wakefield Court, per Staff recommendation.

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (AMBROSE – ABSENT)

*Recess called at 4:44 p.m.
Meeting called back to order at 4:53 p.m.*

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.

NO REPORTS.

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.

7.1 Council Activities Report

8.

COUNCILMEMBER GARY KENDRICK

Heartland Communications JPA; Heartland Fire Training JPA.

8.1 Council Activities

REPORT AS STATED.

9.

COUNCILMEMBER BOB McCLELLAN

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

9.1 Council Activities Report

REPORT AS STATED.

ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

10.

COUNCILMEMBER BILL WELLS

League of California Cities, San Diego Division; METRO Commission/Wastewater JPA; East County Economic Development Council - Alternate; 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 22, 25, 26, 27, 28 and 29, 2012 – *City Advocate Weekly*

DISCUSSION

Councilmember Wells reports on the status of Senate Bill (SB) 1156 and Assembly Bill (AB) 1585.

NO ACTION TAKEN.

12. GENERAL INFORMATION ITEMS FOR DISCUSSION: None

13. ORDINANCES: FIRST READING - None

15. CLOSED SESSIONS: None

Adjournment: **Mayor Lewis** adjourned the Regular Joint Meeting of the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency, held this 10th day of July 2012, at 4:56 p.m. to Tuesday, July 10, 2012 at 7:00 p.m.

KATHIE J. RUTLEDGE, CMC
City Clerk/Secretary

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

JULY 10, 2012

An Adjourned Regular Joint Meeting of the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency of the City of El Cajon, California, held Tuesday, July 10, 2012, 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, July 10, 2012, by order of the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

ROLL CALL

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

PLEDGE OF ALLEGIANCE TO FLAG and MOMENT OF SILENCE.

(The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution)

AGENDA CHANGES: None

PUBLIC COMMENT:

Brad Alt, representing Equinox Laser Tag, reports that a laser-tag fan asked if laser tag would be available at an upcoming car show. After making an inquiry with Jeff Davies, of The Promenade District, **Mr. Alt** was advised that the request was denied by the City, however, he does not recall by whom the decision was made. He would like to find out about the steps to take in order to obtain approval, and be able to participate in the car show venue.

Mayor Lewis offers his opinion about laser tag games. He comments that many people may be unfamiliar with the game, and may be frightened by the term “laser”. It may require some education about the concept of the game.

City Attorney Foley advises **Council** of the option to refer the matter to Staff, if so desired.

PUBLIC HEARINGS:

As the consultant for Item 100 is detained in traffic and has not yet arrived, **Mayor Lewis** advises the applicant’s attorney that **Council** could take action to reverse the order of the Public Hearing items and consider Item 101 first, followed by Item 100. The applicant also has the option to postpone the hearing for two weeks, until the next City Council meeting; however, **Mayor Lewis** advises that a full **Council** may not be present at the next meeting.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to CHANGE the order of the Public Hearing Items to consider Item 101 first.

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (AMBROSE – ABSENT)

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**101 CONDITIONAL USE PERMIT NO. 2164 – GARCO INVESTMENTS, INC.
(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. 2164 for used auto sales, subject to conditions.

DISCUSSION

Mayor Lewis announces 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 OF THOSE PRESENT. (AMBROSE – ABSENT)

MOTION BY LEWIS, SECOND BY MCCLELLAN, to ADOPT RESOLUTION NO. 71-12 approving Conditional Use Permit No. 2164 for used auto sales, subject to conditions.

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (AMBROSE – ABSENT)

100 APPEAL OF THE PLANNING COMMISSION DECISION TO DENY CONDITIONAL USE PERMIT NO. 2161 AT 393 EAST CHASE AVENUE (7-ELEVEN, Inc.) (Report: Director of Community Development)

RECOMMENDATION: That the City Council

- Open the Public Hearing and receive testimony;
 - Close the Public Hearing;
 - Move to adopt the next RESOLUTION in order denying the appeal of the Planning Commission's decision to deny Conditional Use Permit No. 2161;
- OR
- Move to adopt the next RESOLUTION in order upholding the appeal and approving Conditional Use Permit No. 2161, subject to conditions.

ITEM 100 (Continued)

DISCUSSION

Mayor Lewis announces the Public Hearing is now Open.

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

Recess called at 7:18 p.m.

Meeting called back to order at 7:21 p.m.

Paul McNeil, representing 7-Eleven, gives a PowerPoint presentation on the proposed 7-Eleven store.

Helen Chisholm, representing 7-Eleven, responds to questions from **Council** regarding safety, preventing illegal sales of alcohol or tobacco to minors, the proposed floor plan for the store and ongoing upgrades to the stores.

The following spoke in favor of upholding the appeal as requested by the applicant:

Hala Esshaki
Keith Esshaki
Raad Farida
Mike Habib

Bill Adams, attorney for the applicant, responds to questions regarding projected sales, hours for sale of alcoholic beverages, and the option to require the purchase one or two additional Type 20 liquor licenses.

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

- The convenience offered by 7-Eleven stores;
- Crime rate in the area of the proposed store;
- The number of liquor licenses in the census tract;
- Police Department recommendations;
- The option to approve the conditional use permit with “dry” merchandise sales only

City Attorney Foley summarizes the actions that **Council** may take, and the process to follow, by ordinance, in the event of two-two vote.

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

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (AMBROSE – ABSENT)

ITEM 100 (Continued)

City Attorney Foley suggests that **Council** allow **Mr. Adams** to provide clarification relating to his previous testimony.

Mr. Adams speaks about their willingness to open the store with “dry” sales if granted approval of the Conditional Use Permit with a one-for-one license. If the appeal is denied, they will not proceed with opening a 7-Eleven at the proposed site, as they will exercise their contingency on the lease.

City Attorney Foley further clarifies the statement by **Mr. Adams** regarding the requirement for licenses.

Councilmembers continue deliberations on this Item.

MOTION BY LEWIS, SECOND BY WELLS, to UPHOLD the appeal of the Planning Commission’s decision to deny Conditional Use Permit No. 2161, subject to conditions, modifying Condition No. 4 by requiring the purchase of one existing Type 20 license, or Type 21 license with a downgrade to Type 20, from an over-concentrated census tract within the City and transferring the license to the store location at 393 Chase Avenue, and adding a Condition that specifies no alcohol will be sold between the hours of 12:00 midnight and 6:00 a.m.

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (AMBROSE – ABSENT)

102. ITEMS CONTINUED FROM THE 3:00 P.M. MEETING: 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 10th day of July 2012, at 8:25 p.m. to Tuesday, July 24, 2012, at 3:00 p.m.

KATHIE J. RUTLEDGE, CMC
City Clerk/Secretary