

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

AUGUST 14, 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, August 14, 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 present:	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 July 10, 2012 meetings, and the July 24, 2012 cancelled meeting, and the Agenda of the August 14, 2012, meeting in accordance to State Law and Council/Agency Policy.

PRESENTATIONS:

- Commendation – Fire Chief Mike Scott
- Recognition –“Crime Free Multi-Housing”
- Employee Service Awards

The following employees in attendance received Service Awards:

FIVE YEARS OF SERVICE		
Employee	Position	Department
Gustafson, Adam	Police Dispatcher	Police
Hamilton, Patricia	Secretary	Community Development
Sanchez, Mario	City Traffic Engineer	Public Works
Walkenhorst, Kathryn	Police Records Specialist	Police

TEN YEARS OF SERVICE		
Employee	Position	Department
Cabana, Norma	Police Records Supervisor	Police
Honore, Shannel	Police Records Manager	Police
Lou, Chad	Police Services Officer	Police
Paz, Stephen	Police Officer	Police
Sangsanoy-Heng, Jackie	Administrative Secretary	Police
Yale, Tracy	Administrative Secretary	City Manager

TWENTY-FIVE YEARS OF SERVICE		
Employee	Position	Department
Good, Virginia	Recreation Services Manager	Recreation
Henton, Timothy	Police Lieutenant	Police
Rickards, David	Fire Captain	Fire
Wright, Lyle	Fleet Manager	Public Works

THIRTY YEARS OF SERVICE		
Employee	Position	Department
Whitman, Jr., Richard	Police Officer	Police

Employee Service Awards: (Continued)

THIRTY-FIVE YEARS OF SERVICE		
Employee	Position	Department
Lowe, Karla	Administrative Secretary	Finance

*Recess called at 3:25 p.m.
Meeting called back to order at 3:32 p.m.*

AGENDA CHANGES: None

CONSENT ITEMS: (1.1 – 1.23)

MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPROVE Consent Items 1.1 - 1.13 and 1.15 – 1.23, pulling Item 1.14, as requested by WELLS.

MOTION CARRIES BY UNANIMOUS VOTE.

1.1 MINUTES OF CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY TO THE EL CAJON REDEVELOPMENT AGENCY MEETINGS

Approve Minutes of the July 10, 2012, meeting(s) 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 SPECIAL OPERATION LICENSE – GLOBAL MEDICAL DEVICES, INC.
1363 North Cuyamaca Street**

Approve the application submitted by Kirk Marshall for a wholesale business selling used and refurbished medical equipment located at 1363 North Cuyamaca Street.

1.5 U.S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AWARD 2012 (Report: Chief of Police)

- Authorize the City Manager, or designee, to accept the 2012 U. S. Department of Justice Assistance Grant in the total amount of \$35,182.00 and to execute any grant documents and agreements necessary for the receipt and use of these funds; and
- Appropriate \$35,182.00 for the 2012 U.S. Department of Justice Assistance Grant to purchase: Nikon Nivo 5.M Total Station equipment to measure and document accident and crime scenes; motorcycle mobile video recorder extended warranties (years 2 and 3); Apple IPAD to augment the outfitting of a mobile command vehicle; and chargers for police radios. Any residual funding will be used to accelerate the replacement of mobile or portable P25 compliant radios or accessories.

**1.6 SPECIAL OPERATION LICENSE – CODE 4 SECURITY
517 West Bradley Avenue**

Approve the application submitted by Edward Henry for a private patrol operator-security services business located at 517 West Bradley Avenue.

**1.7 RESOLUTION: AMENDMENT TO THE DRAFT FIVE (5) YEAR REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (2012 RTIP)
(Report: Deputy City Manager/Director of Public Works)**

Adopt RESOLUTION NO. 73-12 to approve the Amendment to the draft 2012 RTIP.

**1.8 RESOLUTION: AWARD OF BID NO. 003-13 - OVERLAY THOROUGHFARES 2011, Engineering Job No. PW3340
(Report: Purchasing Agent)**

Adopt RESOLUTION NO.74-12 and award the bid to the lowest responsive bidder, TC Construction Company, Inc. in the amount of \$2,675,157.37.

CONSENT ITEMS: (Continued)

**1.9 ENTERPRISE LICENSE AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. (ESRI)
(Report: Deputy City Manager/Director of Public Works)**

Authorize the City Manager, or designee, to execute a three (3) year Enterprise License Agreement with ESRI for the use of ESRI software products.

**1.10 CONTINUATION OF SALARY AND BENEFITS FOR MILITARY RESERVISTS CALLED TO ACTIVE DUTY
(Report: Director of Human Resources)**

Extend the payment of some or all of the salary and benefits for regular (benefitted), full-time employees who are members of the military reserves and are called to active duty. The City would pay only the difference between the employee's City salary and the employee's military compensation. This obligation would continue for one year or until the employee is released from active duty, whichever is earlier.

**1.11 DEFIBRILLATION MONITOR EQUIPMENT PURCHASE
(Report: Purchasing Agent)**

Authorize the Purchasing Agent in accordance with Municipal Code 3.20.010.C5 to execute a purchase agreement with Physio-Control, Inc. for the purchase of Lifepak defibrillator equipment in the amount of \$82,848.14.

1.12 HEARTLAND FIRE TRAINING AUTHORITY THIRD AMENDMENT TO THE JOINT POWERS AGREEMENT (Report: Fire Chief)

Approve the Heartland Fire Training Third Amendment to the Joint Powers Agreement.

**1.13 RESOLUTION: FIRST AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT CREATING THE SOUTHERN CALIFORNIA INTERGOVERNMENTAL TRAINING AND DEVELOPMENT CENTER
(Report: City Attorney)**

- Adopt RESOLUTION NO. 75-12 to approve the First Amendment to the Joint Exercise of Powers Agreement Creating the Southern California Intergovernmental Training and Development Center; and
- Authorize the City Manager, or designee, to execute the First Amendment in substantially the same form as presented.

CONSENT ITEMS: (Continued)

1.14 PULLED FOR DISCUSSION BY COUNCILMEMBER WELLS.

1.15 SPECIAL OPERATION LICENSE – EL CAJON ELKS LODGE #1812 1400 East Washington Avenue

Approve the application submitted by Patricia Hamilton on behalf of Elks Lodge #1812 for a cardroom located at 1400 East Washington Avenue.

1.16 SPECIAL OPERATION LICENSE – EL CAJON BABY RESALE BUY/SELL/TRADE – 147 Jamacha Road

Approve the application submitted by Hiba Benny for a second-hand business to buy/sell/trade baby merchandise located at 147 Jamacha Road.

1.17 RESOLUTIONS: ANNUAL INVESTMENT POLICY UPDATE (Report: Deputy City Manager/Director of Finance and Treasurer)

Adopt the following RESOLUTIONS adopting City of El Cajon Investment Policy and delegating investment authority to the Director of Finance/Agency Treasurer:

- As the City Council: RESOLUTION NO. 76-12;
 - As the Housing Authority: RESOLUTION NO. ECHA-6;
- and
- As the City of El Cajon as Successor Agency to the former Redevelopment Agency,: RESOLUTION NO. 77-12.

1.18 FY 10 URBAN AREA SECURITY INITIATIVE GRANT FUNDING (Report: City Manager)

- Authorize the City Manager, or designee, to accept the FY 10 Urban Area Security Initiative Grant funds in the amount of \$11,684.00 and to execute any grant documents and agreements necessary for the receipt and use of these funds; and
- Appropriate the Urban Area Security Initiative Grant Program funds in the amount of \$11,684.00.

CONSENT ITEMS: (Continued)

**1.19 STORM DRAIN METAL PIPE REPAIR AND REPLACEMENT ON VIEW WAY, Engineering Job No. WW3426
(Report: Deputy City Manager/Director of Public Works)**

1. Appropriate \$150,000 of Wastewater funds for the cost of design, construction, and inspection;
2. Authorize the Deputy City Manager/Director of Public Works/City Engineer to negotiate a change order with an existing qualified contractor and increase the change order authority by the agreed amount; and
3. Direct a Notice Inviting Sealed Bids for the work as determined by the Deputy City Manager/Director of Public Works/City Engineer if negotiations for a change order are unsuccessful.

**1.20 ACCEPTANCE OF REPLACEMENT OF THE APPARATUS BAY EXHAUST SYSTEM AND SANITARY SEWAGE EJECTION PUMP AT FIRE STATION 6, AND SUMP PUMPS AT FIRE STATION 9
Engineering Job No. 3421, Bid No. 018-12
(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.

**1.21 FINAL SUBDIVISION MAP FOR TENTATIVE SUBDIVISION MAP (TSM) 636, 360 North First Street, Engineering Job No. 3090
(Report: Deputy City Manager/Director of Public Works)**

Approve the Final Subdivision Map for Tentative Subdivision Map (TSM) 636 at 360 North First Street.

1.22 PURCHASE OF FIRE ENGINE (Report: Purchasing Agent)

Authorize the Purchasing Agent in accordance with Municipal Code 3.20.010.C.5 to execute a purchase agreement with Pierce Manufacturing, Inc. for the purchase of a Pierce Triple Combination Pumper in the amount of \$662,251.61.

1.23 RECOGNITION OF SUNROAD ENTERPRISES (Report: City Manager)

Present a commendation to Sunroad Enterprises in honor of its 35th Anniversary in San Diego County.

CONSENT ITEMS PULLED FOR DISCUSSION:

1.14 AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH SAN DIEGUITO PRINTERS FOR PUBLISHING THE RECREATION PROGRAM AND NEWSLETTER – REFERENCE BID NO. 015-10 (Report: Director of Recreation)

RECOMMENDATION: That the City Council authorize the City Manager, or designee, to amend the annual agreement with San Dieguito Printers to publish additional copies of the Recreation Program and Newsletter.

DISCUSSION

Councilmember Wells asks if there are any rules that require use of local printers for publishing the newsletter.

City Manager Williford indicates a policy would need to be in place specifying a requirement to use an El Cajon printer, and currently there is no such policy. If **Council** would like to have such a policy, it could be considered on a future agenda.

No further comments are made.

MOTION BY LEWIS, SECOND BY WELLS, to APPROVE Item 1.14

MOTION CARRIES BY UNANIMOUS VOTE.

PUBLIC COMMENT:

Deena Wile expresses concerns about graffiti in the City and at the trolley centers, and commends staff member Kathy (Novo) for her work with the program. She suggests that empty storefronts could be filled with merchandise so the buildings would not appear to be vacant.

Councilmember Wells recommends that the speaker address SANDAG (San Diego Association of Governments) with her ideas and suggestions.

Shirley Johnson, a volunteer with the Sector 9 Neighborhood Patrol speaks about the problem of prostitution, and suggests changes to existing laws to impose stricter enforcement.

PUBLIC COMMENT: (Continued)

Terri Lewis, a resident in Sector 10, expresses concerns about the density of liquor stores within the City.

Keith Clemente speaks about problems with abandoned shopping carts, and feels a policy change is needed, along with an alternate method of enforcement.

Duane Swainston, representing the ECPAC Foundation, speaks about the goal of re-opening the ECPAC Theater. He indicates they are awaiting input from the City in response to a report submitted by the Foundation.

Bonnie Price commends the City for having so many fine employees and **Council** for recognizing the service of the employees. She feels the number of City Council meetings canceled this summer exceeds the limits.

Robert Clark points out there will only be one City Council meeting during a 62-day period. He asks for an explanation on how and why the August 28th meeting was cancelled. He feels the councilmembers should recognize themselves as the persons not able to attend the July 24th meeting, and suggests that there should have been some coordination of activities so that two councilmembers would not miss the same meeting.

Kathy Spacone comments about the restoration of ECPAC, and feels re-opening the center would be an economic engine for the City.

Jeff Davies, representing the Downtown El Cajon Business Partners, speaks about graffiti incidents and shopping cart concerns. He gives an update on new vendors at the Cajon Classic Cruise car shows and Concerts on the Green.

Councilmember Kendrick comments that the PBID group (Downtown El Cajon Business Partners) is doing a fabulous job.

Monica Zech, Public Information Officer, speaks about the "Journey to Our Historical Past", a series of speakers at the El Cajon Library on Douglas Street, on the first and third Thursday of the month, ending on November 1st. She reminds everyone that the City's Centennial Celebration will take place from 10:00 a.m. to 6:00 p.m. on Monday, November 12, 2012.

Ray Lutz, representing the ECPAC Foundation, submits a Huffpost Arts & Culture handout to Council, and provides an update on recent meetings of the Foundation. He requests that the Centennial committee include the ECPAC in the plans for the Centennial Celebration.

PUBLIC COMMENT: (Continued)

City Manager Williford indicates a full status report is tentatively scheduled for one of the two meetings in September. At the City Council workshop held in May, **Council** made decisions to direct Staff to (1) consider a different site for the proposed hotel and (2) start looking at strategy for re-opening ECPAC. Since that time, he has met with the ECPAC Foundation group and Council has received their report. At the September meeting, Staff will be seeking direction from **Council** as to how they wish to proceed with re-opening ECPAC.

Steve Goble expresses concerns about blight caused by an abundance of signs throughout the City. He suggests a mechanism for property owners to “opt in” to grant permission for removal of signs and graffiti. He is part of a 20-person group of concerned citizens who would like to be a part of the solution to problems in the City.

Sunshine Horton distributes a flyer about her Miracle Maker 67th Birthday fundraiser tomorrow at Café 67 in Lakeside, and comments that proceeds will go to the Peckham Center for Cancer and Blood Disorders.

Johnny Minarick speaks about a number of issues and people coming into the City and spreading graffiti.

Councilmember Wells responds to comments about cancellation of the July 24th Council meeting. He advises he was in Palm Springs and met with the theater manager of the McCallum Theater to talk about the possibility of using some of their insights to help re-open ECPAC.

Councilmember McClellan responds that he was in Washington on vacation, and had he known about the need to cancel the meeting, as another councilmember would not be able to attend due to a health reason, he would have changed his plans in order to attend the meeting. He recalls that this is the only meeting cancelled due to lack of a quorum, since he has been in office.

Mayor Pro Tem Tony Ambrose indicates he was here to attend the meeting of July 24th. He thanks Shirley Johnson, and members of the public who came out today to speak about crime issues and other concerns. He suggests a review of all regulations that pertain to the issues raised today, to evaluate what is working and what is not working, and to see how these issues can better be addressed.

Councilmember Kendrick speaks about a law passed by the City involving auctioning cars owned by people arrested on prostitution charges. He indicates the law would need to be a State law. He responds to comments from previous speakers involving graffiti and the density of liquor stores within the City.

PUBLIC COMMENT: (Continued)

Mayor Lewis does not feel an apology is necessary for cancelling a meeting, due to lack of a quorum, and the Council has an excellent track record. He indicates he was not able to be at the July 24th meeting as he was in the hospital.

*Recess called at 4:28 p.m.
Meeting called back to order at 4:38 p.m.*

2. WRITTEN COMMUNICATIONS: None

3. PUBLIC HEARINGS: None

4. ADMINISTRATIVE REPORTS:

4.1 SYNTHETIC DRUG ENFORCEMENT LETTER (Report: Chief of Police)

RECOMMENDATION: That the City Council (1) authorize the Chief of Police to mail letters to retailers in the City of El Cajon requesting they voluntarily not sell Synthetic Drugs, commonly known as Bath Salts and Spice, and (2) direct the City staff to return with a proposed ordinance to find the distribution of Synthetic Drugs to be a public nuisance and providing for the enforcement thereof.

DISCUSSION

Councilmember Wells provides some background information on the problems associated with the sale of synthetic drugs, and requests that the City Manager look into declaring it a public nuisance, and to develop an ordinance to address the sale and distribution of these substances.

Police Chief Redman speaks in support of the Item, and seeks authorization to mail letters to retailers asking for their cooperation in not selling these products. He advises the Neighborhood Market Association has pledged its support to help spread the message on the dangers of these substances and to stop the sale and distribution.

Mark Arabu, President, Neighborhood Market Association, encourages adoption of the ordinance and indicates the Association is willing to do whatever is needed to address this problem.

ITEM 4.1 (Continued)

Dana Stevens, representing Communities Against Substance Abuse, presents a slide show.

Johnny Minarick speaks about a situation in Kentucky involving the production and use of bath salts and crystal meth.

City Attorney Foley provides clarification on the recommendation to mail out letters to retailers, and to return with an ordinance similar to that of Chula Vista declaring the sale of these substances a public nuisance.

Councilmember Kendrick and **Mayor Lewis** speak in support of strict enforcement, including possible loss of business licenses.

City Manager Williford indicates that Staff will report on all available legal actions.

No one else comes forward to speak

MOTION BY LEWIS, SECOND BY KENDRICK, to (1) authorize the Chief of Police to mail letters to retailers in the City of El Cajon requesting they voluntarily not sell Synthetic Drugs, commonly known as Bath Salts and Spice, and (2) direct the City Staff to return with a proposed ordinance to find the distribution of Synthetic Drugs to be a public nuisance and providing for the enforcement thereof.

MOTION CARRIES BY UNANIMOUS VOTE.

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4.2 EL CAJON PENSION REFORM PLAN (Report: Councilmembers Kendrick and Wells)

RECOMMENDATION: That the City Council discuss the formulation of a Pension Reform Plan for the City of El Cajon and direct the City Manager to prepare a draft plan for City Council consideration.

DISCUSSION

Councilmember Kendrick indicates that, with the passage of the City Charter, changes are necessary, as he does not want the City to go into bankruptcy. He is aware that City employees are hard-working employees, and he does not want to affect the status of existing employees and cause them to fear the loss of their jobs. He requests that the City Manager develop a plan to contract out certain positions as employees voluntarily leave City service. He states it is necessary to fulfill obligations to current employees and to reduce future pension liabilities, noting that labor/management consultation will be necessary. Consideration should be given to a second tier retirement system for all new miscellaneous employees and that a plan is necessary to pay down general and medical PERS unfunded liabilities, in a responsible manner, perhaps over 20 years. He also suggests the new employees would not receive the \$100.00 per month PERS medical benefit in retirement.

Councilmember Wells requests that the City Manager develop a long-term, organized plan for pension reform.

No further comments made.

MOTION BY WELLS, SECOND BY MCCLELLAN, to DIRECT the City Manager to draft a plan as suggested by Councilmembers Kendrick and Wells for consideration by the City Council.

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 Downtown El Cajon Business Partners, Inc. Board of Directors Meeting July 11, 2012

REPORT AS STATED.

6.2 Discussion of Design Review Policy and Ordinance

RECOMMENDATION: That the **City Council** discuss the review of the City of El Cajon's current design review policies and ordinances and the possibility of improving them in the future.

DISCUSSION

Mayor Lewis requests an evaluation to bring about better design of buildings in the City.

Councilmember Kendrick comments about buildings in Santee, and suggests that **Council** direct the City Manager to establish a policy, versus a specific ordinance, for design development approval at the City Manager or Director of Community Development level.

Mayor Pro Tem Tony Ambrose comments that developers like certainty, and input from the Director of Community Development is needed.

Councilmember McClellan comments that the plan should not impose too many regulations.

MOTION BY LEWIS, SECOND BY AMBROSE, to DIRECT the City Manager and Director of Community Development to develop a design review policy.

MOTION CARRIES BY UNANIMOUS VOTE.

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

REPORT AS STATED.

8.

COUNCILMEMBER GARY KENDRICK

Heartland Communications JPA; Heartland Fire Training JPA.

8.1 Council Activities Report

REPORT AS STATED.

8.2 BROWN ACT PROVISIONS – Verbal Report

DISCUSSION

Councilmember Kendrick indicates the State of California has been paying for cities to notify the public about our meetings and recently enacted legislation no longer requiring them to pay. He feels it is important for the City to maintain the current policy, and not make changes to the policy regarding notification of meetings. All Councilmembers agree. The City will not change their notification procedure.

No further comments are made.

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

Councilmember Wells amends his report by adding that on July 24, 2012, he attended a meeting with staff from the McCallum Theater in Palm Springs.

11. LEGISLATIVE REPORT

11.1 League of California Cities Legislative Bulletin dated July 2, 3, 6, 11, 13, 18, 20, 23, 27, 30, August 3 and 6, 2012 - *City Advocate Weekly*

NO RECOMMENDED ACTION.

12. GENERAL INFORMATION ITEMS FOR DISCUSSION: None

13. ORDINANCES: FIRST READING

14. ORDINANCES: SECOND READING AND ADOPTION

(Remainder of this page intentionally left blank)

15. CLOSED SESSIONS:

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

15.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to Government Code Section 54956.9 (a):

Name of Case: City of El Cajon v. Kenneth J. Miller, Linda D. Miller, and Does 1 through 10 inclusive
San Diego Superior Court Case No. 37-2011-00071603-CU-OR-EC

15.2 CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Pursuant to Section 54956.8 of the Government Code:

<u>Property</u>	<u>Negotiating Parties</u>	<u>Authority Negotiators</u>
APN 488-111-14-00	El Cajon Senior Tower Apartments	Executive Director/City Manager
APN 488-111-33-00	John Schwendig, Vice-President Active Mortgage Corp. G&K Management Co., Inc. Goldrich & Kest Industries, LLC	General Legal Counsel/City Attorney Director of Community Development

Under negotiation: For the Authority/Council/Successor Agency to provide instructions to its negotiators regarding the price and terms for the possible sale of real property.

15.3 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Initiation of litigation pursuant to Section 54956.9(b) of the Government Code:

Number of potential cases: 1

Facts and Circumstances: The tenant of property owned by the City and Successor Agency, located adjacent to 221 East Main Street, in the Prescott Promenade, is in arrears in rent. By correspondence dated July 9, 2012, from the tenant's attorney, the tenant has offered to compromise the debt (from \$4,045.96 to \$2,100.00).

CLOSED SESSIONS: (Continued)

**15.4 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION –
Initiation of litigation pursuant to Section 54956.9(a) of the Government
Code:**

Name of Case: People of the State of California ex rel., City Attorney of the
City of El Cajon v. Wadia Talia, et al.

San Diego Superior Court Case No. 37-2011-00071252-CL-
BT-EC

**15.5 CONFERENCE WITH LEGAL COUNSEL PUBLIC EMPLOYEE
DISCIPLINE/DISMISSAL/RELEASE – pursuant to Government Code
Section 54957.**

DISCUSSION

Rick Pinkard, Attorney, representing the appellant, speaks in support of the decision by the Civil Service (Personnel) Commission, allowing for a one-year at will status of the appellant upon his return to work.

Steven Boehmer, Attorney, calls attention to specific exhibits for review by **Council**, and recommends that **Council** reject the Commission's decision, uphold the decision by City management, and affirm termination of employee.

City Attorney Foley advises that **Item 15.4** will not be heard by **Council**, as an update is not available. For **Item 15.5**, he will not attend the Closed Session, as **Special Counsel to the City, the City Council and the Personnel Commission, George Eiser** will attend the session for that Item.

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adjourn to Closed
Session at 5:38 p.m.**

MOTION CARRIES BY UNANIMOUS VOTE.

16. RECONVENE TO OPEN SESSION AT 6:05 P.M.

City Attorney Foley reports the following actions:

- 15.1** The City Council approved settlement of the case; the terms include payment of \$10,000 to the City, from an escrow upon sale of the property by the Millers, to a purchaser who will correct the violations.
- 15.2** Direction given to the City's real property negotiators for the sale of property owned by the Housing Authority, located just south of the Towers next to City Hall. The terms are not yet available, but direction was given to the negotiators.
- 15.3** The City Council accepted the offer described on the Agenda, and directed Staff to work with the property owner to come up with an appropriate settlement agreement that compromises the claim.
- 15.4** (Pulled from the Agenda by **City Attorney Foley**)

Special Counsel George Eisner reports the following:

- 15.5** The City Council deliberated the appeal of the termination of a City of El Cajon police sergeant. After considering the administrative record, it is the decision of the City Council to uphold the decision of the appointing authority to terminate the employment of the appellant.

Adjournment: **Mayor Lewis** adjourned the Regular Joint Meeting of the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 14th day of August 2012, at 6:07 p.m. to Tuesday, September 11, 2012 at 3:00 p.m.

KATHIE J. RUTLEDGE, CMC
City Clerk/Secretary