

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

SEPTEMBER 11, 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, September 11, 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 August 14, 2012, meeting and the Agenda of the September 11, 2012, meetings in accordance to State Law and Council/Agency Policy.

PRESENTATIONS:

- **Presentation – Centennial – “I Am El Cajon”**
- **Neighborhood Watch Recognition**
- **Proclamation – “September is National Preparedness Month”**

AGENDA CHANGES: Item 1.6 continued to September 25, 2012 meeting per request from representative for applicant.

CONSENT ITEMS: (1.1 – 1.18)

COUNCILMEMBER KENDRICK states he needs to **ABSTAIN** from voting on Item 1.7.

MOTION BY LEWIS, SECOND BY McCLELLAN, to APPROVE Consent Items 1.1 to 1.18, with the exception of Item 1.6 which is continued to September 25th and Councilmember Kendrick ABSTAINING from Item 1.7 due to a conflict of interest.

MOTION CARRIES.

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

Approve Minutes of the August 14, 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 APRIL – JUNE 2012 QUARTERLY TREASURER’S REPORT
(Report: Deputy City Manager/Director of Finance and Treasurer)**

Accept the quarterly Treasurer’s Report for the period ending June 30, 2012.

1.5 CHALDEAN FESTIVAL (Report: Director of Recreation)

Approve the request from the Chaldean American Association to co-sponsor a Chaldean Festival to be held in the Prescott Promenade, October 6 – 7, 2012.

Through earlier action, this item was continued to September 25, 2012.

**1.6 SPECIAL OPERATION LICENSE – URE RESTAURANT
1255 East Main Street #A**

RECOMMENDATION: That the City Council deny the application submitted by Dany Danial for a restaurant located at 1255 East Main Street #A based upon the investigation conducted by the Police Department and their subsequent recommendation.

COUNCILMEMBER KENDRICK ABSTAINED DUE TO CONFLICT OF INTEREST:

**1.7 RESOLUTION: NEGOTIATED PROPERTY TAX EXCHANGE
RELATIVE TO JURISDICTIONAL CHANGES WITH THE
DETACHMENT OF PROPERTY AT 917 NORTH FIRST STREET
(Report: Deputy City Manager/Director of Finance)**

Adopt **RESOLUTION NO. 78-12** to approve a negotiated property tax exchange with the County of San Diego due to the detachment of parcel numbers 484-184-24-00 and 484-184-25-00 from the City of El Cajon.

**1.8 REQUEST FOR TEMPORARY SIGNS TO PROMOTE FIRE
PREVENTION WEEK AND THE FIRE SAFETY EXPO (Report: Fire Chief)**

Approve the temporary use of two banners hung in front of Fire Station 6 facing Lexington Avenue and on the west side of the same building facing South Magnolia Avenue for the promotion of Fire Prevention Week and the Fire Department Safety Expo.

CONSENT ITEMS: (Continued)

1.9 RESOLUTION: AUTHORIZATION FOR THE EXECUTION OF PROGRAM SUPPLEMENT AGREEMENTS WITH CALTRANS FOR TWO (2) FEDERAL-AID SAFE ROUTES TO SCHOOL PROJECTS (Report: Deputy City Manager/Director of Public Works)

Adopt **RESOLUTION NO. 79-12** to approve Program Supplement Agreement Nos. 044-N, and 045-N for two (2) Federal-Aid Safe Routes to School (SRTS) projects.

1.10 RESOLUTION: APPROVAL FOR THE ESTABLISHMENT AND IMPLEMENTATION OF A TRAFFIC SIGN ASSESSMENT AND MANAGEMENT PROGRAM (Report: Deputy City Manager/Director of Public Works)

Adopt **RESOLUTION NO. 80-12** to approve the Establishment and Implementation of a Traffic Sign Assessment and Management Program, as required by the Federal Highway Administration (FHWA).

1.11 RESOLUTIONS: APPROVAL OF PLANS AND SPECIFICATIONS FOR REGULATORY TRAFFIC SIGN UPGRADES, FEDERAL-AID PROJECT HSIP 5211(020), Bid No. 006-13, Engineering Job No. PW3410 (Report: Deputy City Manager/Director of Public Works)

Adopt **RESOLUTION NO. 81-12** to approve Plans and Specifications, and **RESOLUTION NO. 82-12** to direct a Notice Inviting Sealed Bids to be opened on October 25, 2012.

1.12 THIRD AMENDMENT TO THE AFFORDABLE HOUSING AGREEMENT WEILAND DEVELOPMENT COMPANY (Report: Director of Community Development)

Authorize the Executive Director, or designee, to amend the Affordable Housing Agreement executed on March 11, 2009, for the purpose of extending final loan payment due date to November 30, 2012, or the close of escrow of the first unit in Phase 5, whichever is later.

CONSENT ITEMS: (Continued)

1.13 RESOLUTION: HOUSING REHABILITATION LOAN PROGRAM (Report: Director of Community Development)

Adopt **RESOLUTION NO. 83-12** to approve the key components of the proposed revised Housing Rehabilitation Loan Program and authorizing the City Manager and/or his designee to develop all other implementation guidelines/documents and execute all housing rehabilitation loan program documents.

1.14 ACCEPTANCE OF TRAFFIC SIGNAL MODIFICATION AT BROADWAY/ THIRD STREET, Bid No. 022-12, Engineering Job No. PW3409 (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.

1.15 FY2012 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT (Report: Chief of Police)

- Authorize the City Manager, or designee, to accept the 2012 San Diego County STEP Grant in the total amount of \$89,999.99 and to execute any grant documents and agreements necessary for the receipt and use of these funds; and
- Appropriate San Diego County STEP Grant funds in the amount of \$66,125.07 for overtime, \$1,000.00 for training, \$22,263.50 for equipment, and \$611.42 for educational materials, for a total of \$89,999.99.

1.16 FY2012 SOBRIETY CHECKPOINT GRANT PROGRAM (Report: Chief of Police)

- Authorize the City Manager, or designee, to accept the 2012 San Diego County Sobriety Checkpoint Grant in the total amount of \$24,550.00 and to execute any grant documents and agreements necessary for the receipt and use of these funds; and
- Appropriate San Diego County Sobriety Checkpoint Grant funds in the amount of \$19,000.00 for overtime, \$5,300.00 for equipment, and \$250.00 for miscellaneous supplies, for a total of \$24,550.00.

CONSENT ITEMS: (Continued)

1.17 APPROPRIATE ADDITIONAL TRANSNET FUNDS (EL11) TO COMPLETE THE REBID SIDEWALK REPAIR 2012 PROJECT (PW3405) (Report: Deputy City Manager/Director of Public Works)

Appropriate an additional \$106,000 from available TransNet Funds (EL11) to increase the budget for the rebid Sidewalk Repair 2012 Project (PW3405).

1.18 AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH ROGERS ANDERSON MALODY & SCOTT, LLP (Report: Deputy City Manager/Director of Finance)

City Council, acting as the Successor Agency to the former El Cajon Redevelopment Agency, authorizes the City Manager, or designee, to execute an amendment to the existing Agreement for Professional Services between the City and Rogers, Anderson, Malody & Scott, LLP, to perform a due diligence review in accordance with Health & Safety Code (HSC) Section 34179.5.

PUBLIC COMMENT:

John Martes, states **Councilmember Wells** has been removing signs belonging to another candidate running for City Council, and thinks Councilmember Wells should not be re-elected.

Jeff Davies advises the second cash mob event was a big success and another one is planned. He also promotes the remaining concerts, car shows and upcoming Haunt Fest event scheduled for October 26th.

Debra Emerson, from Saint Madeline Sophie's introduces one of their students, Anthony Wardlow, and displays artwork, including a mosaic inspired by the events of September 11, 2001. She also promotes the Haunt Fest event.

Mary Case introduces herself as the new Executive Director of Crisis House in El Cajon, and thanks Council for their continued support.

Deena While, expresses her concerns over the growing graffiti problem especially along 1149 North Marshall Avenue and on the back side of the business buildings along the trolley route. Ms. While thanks the Police Department for hosting a meeting and website for citizens to gather and hear updates on the graffiti problem. She suggested Council Meetings be rotated between 3:00 p.m. and 7:00 p.m. and suggested the City hold two town hall meetings annually.

PUBLIC COMMENT: (Continued)

Mayor Lewis and **City Manager Williford** both assure citizens, that the City of El Cajon continues to work with MTS to solve the graffiti problems, but working with such problems on the public right-of-way is complicated. They are working to resolve these issues.

Kathy Spacone feels the no parking signs placed on Main Street for the Wednesday car shows are put out too early. She finds them confusing, and feels they keep customers from being able to park there during business hours at least a day before the event takes place. It should be made more clear as to the day and time people are not allowed to park in that area.

Zach Miller feels that youth are under-represented and wanted to make people aware he is running for the Governing Board of the Grossmont School District. He encouraged all citizens to register and vote.

Ray Lutz indicates he has toured the ECPAC facility and speaks of his support to re-open it. He is researching the history of finances for the facility and will be sharing that additional information with **City Manager Williford**.

Margaret Carlson compliments the bands selected for the Friday night concerts. Also compliments the Neighborhood Watch Program, and request support for her neighborhood. She would like to see more Senior recreation programs for the citizens in East El Cajon. She also expresses concern about the increase in sewer bills in El Cajon. **Director of Public Works Turner** explains how the fees are calculated.

John Gibson advises he is a member of The Lincoln Club and explains they have a list of pre-approved signs for properties owned or managed by their members. He provided a list for the Council and advises any signs that are not approved and are placed on these properties are removed by the owners or managers, and that they have a right to do so. No one should be putting signs up without the consent of the property owners.

Mario Tilaro states he is the owner of a popular site for political and real estate signs. He states this is a property rights issue and that if permission is not obtained from owner to place sign, they should be removed.

Councilmember McClellan encourages citizens to have a moment of silence for the 9/11 victims and their families and that people never forget what happened on 9/11/01.

Mayor Pro Tem Tony Ambrose announces the passing of former Councilmember Todd Keegan.

*Recess called 4:11 p.m.
Meeting resumes 4:23 p.m.*

2. WRITTEN COMMUNICATIONS: None

3. PUBLIC HEARINGS:

**3.1 RESOLUTIONS: JOHNSON AVENUE SEWER RELIEF PROJECT AND
MITIGATED NEGATIVE DECLARATION
(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 approving the Mitigated Negative Declaration, Mitigation Monitoring, and Reporting Program (collectively, MND) for the Johnson Avenue Sewer Relief Project;
- Accept for filing at the Public Works Department, the pre-design report for the Johnson Avenue Sewer Relief and Consolidation Plan; and
- Adopt the next RESOLUTION in order to approve the project.

DISCUSSION

The Public Hearing is now open.

Deputy City Manager/Director of Public Works Turner gives a brief explanation of project, and introduces **Project Manager Mark Elliot** from Atkins North America, who gives a power point presentation on Johnson Avenue Sewer Relief Project.

Discussion ensues among **Council** and **Staff** concerning the depth of project. Mr. Elliott responds to their inquiries and states the project has to go under Forester Creek and El Monte Road.

No further comments made.

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

MOTION CARRIES BY UNANIMOUS VOTE.

ITEM 3.1: (Continued)

MOTION BY LEWIS, SECOND BY McCLELLAN, to ADOPT RESOLUTION No. 84-12 approving the Mitigated Negative Declaration, Mitigation Monitoring, and Reporting Program (collectively, MND) for the Johnson Avenue Sewer Relief Project.

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY McCLELLAN, to ACCEPT for filing at the Public Works Department, the pre-design report for the Johnson Avenue Sewer Relief and Consolidation Plan and ADOPT RESOLUTION NO. 85-12 to approve the project.

MOTION CARRIES BY UNANIMOUS VOTE.

4. ADMINISTRATIVE REPORTS:

4.1 FISCAL YEAR 2012/2013 YOUTH LEAGUE UTILITY SUPPORT RECOMMENDATION (Report: Director of Recreation)

RECOMMENDATION: That the City Council approve the El Cajon Recreation Council recommendation to provide utility support to nine Executive Member youth leagues.

DISCUSSION

Al Westermeyer speaks of the importance of volunteering time for the youth of El Cajon, and thanks Council for their support, and requests continuation of utility support.

Lou Tejada, Recreation Council President, speaks in support of the youth leagues, and thanks ECPD for their support. He invites Council to their annual dinner.

No one else comes forward to speak.

MOTION BY LEWIS, SECOND BY McCLELLAN, to APPROVE the El Cajon Recreation Council recommendation to provide utility support to nine Executive Member youth leagues.

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.

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.

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

COUNCILMEMBER WELLS reports AB 1572 regarding callboxes passed and the State should be allocating refunds to California cities. SB 1156 regarding sustainable communities also passed. These bills are on the Governor's desk for signature.

11.1 League of California Cities Legislative Bulletin dated August 8, 10, 13, 14, 16, 17, 20, 22, 24, 27, 28, 30 and 31, 2012 – *City Advocate Weekly*

NO RECOMMENDED ACTION

12. GENERAL INFORMATION ITEMS FOR DISCUSSION: None

13. ORDINANCES: FIRST READING - None

14. ORDINANCES: SECOND READING - None

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15. CLOSED SESSION

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

15.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to California Government Code Section 54957:

Title: City Attorney

MOTION BY LEWIS, SECOND BY McCLELLAN to Adjourn to Closed Session at 4:56 p.m.

MOTION CARRIES BY UNANIMOUS VOTE.

16. RECONVENE TO OPEN SESSION AT 5:13 P.M.

City Attorney Foley reports the following:

15.1 City Manager reports no action was taken.

Adjournment: **Mayor Lewis** adjourned the Regular Joint Meeting of the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 11th day of September, 2012, at 5:14 p.m. **in Memory of former City Councilmember Todd Keegan**, to Tuesday, September 11, 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

SEPTEMBER 11, 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, September 11, 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, September 11, 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 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 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

Councilmember McClellan requests the **City Manager** provide an update from the Conference he attended last week.

City Manager Williford reports that he and **Councilmember Wells** attended the League of California Cities Conference last week. The three primary areas covered were the demise of redevelopment, pension reform and economic development.

PUBLIC COMMENT:

Karen Marie Otter states she saw John Gibson, a representative of Priest Development and Bill Wells removing Ben Kalasho's campaign signs and that is a violation of Freedom of Speech and due process. She claimed that this conduct violated due process and vandalized property by throwing the signs in the dumpster. She requested the resignation of Bill Wells from the City Council for violating the Constitution.

Bonnie Price states that she was made a party to the sign removal issue by Karen Otter calling her and describing over the phone that some citizens and Bill Wells were removing campaign signs from property. She feels Bill Wells has violated the law, that this is a matter of honesty and requested the City take proper action.

John Gibson responds to Karen Otter's allegations. He asked them to consider property rights. He denied that Bill Wells removed any signs, and took responsibility for the actions. He removed the campaign signs because the candidate did not have permission to affix signs on the properties. He feels this is a publicity stunt. He runs a first class property management company. His company has a pre-approved list of people authorized to put signs on his properties and the properties he manages. The list is compiled by The Lincoln Club and is posted in property locations at the property owners' requests. He feels that it is a matter of following common courtesy to ask a property owner before entering their property or affixing a sign on someone else's property.

PUBLIC COMMENT (Continued)

Ron Pennock believes in private property rights. A person has a moral and legal obligation to ask permission to put signs on other people's property. People are not allowed to put signs on other people's property without the property owner's permission.

Mario Tilaro indicates he manages several properties in El Cajon, and feels it is outrageous that people feel they have a right to put signs on someone else's property. They must ask permission.

Councilmember Wells responds to the claims of Karen Otter and Bonnie Price by stating that he did not touch anybody's sign and suggested they take it to the District Attorney's office for prosecution.

Councilmember McClellan states he has no signs up.

Mayor Pro Tem Ambrose states he did not see anything.

Councilmember Kendrick suggests people call the property owner before they put up a sign.

PUBLIC HEARINGS:

100 ZONE RECLASSIFICATION APPLICATION NO. 2308 – PISCATELLI REZONING (Report: Director of Community Development)

RECOMMENDATION: That the City Council

- **Open the Public Hearing and receive testimony;**
- **Close the Public Hearing;**

THEN

- **Move to APPROVE Zone Reclassification Application No. 2308, subject to conditions listed in Planning Commission Resolution No. 10699; and**
- **Move to INTRODUCE an Ordinance rezoning property at 111 and 117 South Marshall Avenue and 125 and 129 South Marshall Avenue, from the M (Manufacturing) Zone to the C-M (Heavy Commercial – Light Industrial) Zone.**

DISCUSSION

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

ITEM 100 (Continued)

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.

MOTION BY LEWIS, SECOND BY McCLELLAN to APPROVE Zone Reclassification Application No. 2308, subject to conditions listed in Planning Commission Resolution No. 10699 and INTRODUCE an Ordinance rezoning property at 111 and 117 South Marshall Avenue and 125 and 129 South Marshall Avenue, from the M (Manufacturing) Zone to the C-M (Heavy Commercial-Light Industrial Zone).

MOTION CARRIES BY UNANIMOUS VOTE.

The Mayor requested the City Clerk recite the title of the Ordinance for the first reading:

An Ordinance Approving Zone Reclassification No. 2308 to Rezone Property from the M (Manufacturing) Zone to the C-M (Heavy Commercial – Light Industrial) Zone; APNs: 487-281-04 & 487-281-05; General Plan Designation: Light Industrial (LI) and Special Development Area 11 (SDA 11).

101. 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 11th day of September 2012, at 7:40 p.m. to Tuesday, September 25, 2012, at 3:00 p.m.

KATHIE J. RUTLEDGE, CMC
City Clerk/Secretary