

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

March 12, 2013

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, March 12, 2013, 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:	Ambrose, Kendrick, and McClellan
Council/Agencymembers absent:	None
Mayor Pro Tem/Vice Chair present:	Wells
Mayor/Chair present:	Lewis
Other Officers present:	Rutledge, City Clerk/Secretary Foley, City Attorney/General Counsel Williford, City Manager/Executive Director Griffiths, Deputy Director of Public Works Ranu, Planning Manager

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

POSTINGS: The City Clerk posted Orders of Adjournment of the February 26, 2013, meetings and the Agenda of the March 12, 2013, meetings in accordance to State Law and Council/Agency Policy.

PRESENTATIONS:

- **Proclamation – “March for Meals-on-Wheels”**
- **Proclamation – “MS Awareness Week 2013”**
- **Presentations – “Centennial Video”**
- **Presentations – “Barona, Sycuan and Viejas Indian Gaming Grants”**

*Recess called at 3:35 p.m.
Meeting called back to order at 3:40 p.m.*

AGENDA CHANGES: None

CONSENT ITEMS: (1.1 – 1.13)

MOTION BY LEWIS, SECOND BY KENDRDICK, to APPROVE Consent Items 1.1 through 1.5 and 1.7 through 1.13, pulling Item 1.6, as requested by a member of the public.

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 February 26, 2013, meetings 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 TRAVEL EXPENSES TO THE LEAGUE OF CALIFORNIA CITIES'
PLANNING COMMISSIONERS ACADEMY
(Report: Planning Manager)**

Review and approve the Claim for Reimbursement of Travel Expense forms attached to the Agenda Report for each of the following Planning Commission Members submitted in accordance with City Council Policy G-1:

Star Bales
Adel Dankha
Anthony Sottile

**1.5 SINGLE AUDIT REPORT ON FEDERAL AWARDS FOR THE FISCAL
YEAR ENDED JUNE 30, 2012
(Report: Deputy City Manager/Director of Finance)**

Receive and accept the Single Audit Report on Federal Awards for the fiscal year ended June 30, 2012.

1.6 PULLED FOR DISCUSSION

**1.7 RESOLUTION: AWARD OF BID NO. 013-13 – VEHICLE OUTFITTING
(Report: Purchasing Agent)**

Adopt RESOLUTION NO. 28-13 to award the bid to the sole responsive, responsible bidder, AEP-California, LLC, in the estimated amount of \$220,000 for the initial one-year term, with four optional one-year terms.

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CONSENT ITEMS: (Continued)

**1.8 RESOLUTIONS: FIRST-TIME HOMEBUYER PROGRAMS
(Report: Housing Manager)**

- a. Adopt RESOLUTION NO. 29-13 approving the key components of the proposed revised First-Time Homebuyer Program Manual with changes to the American Dream First-Time Homebuyer Program, and authorizing the City Manager and/or his designee to develop applicable implementation guidelines and documents on an ongoing basis.
- b. Adopt El Cajon Housing Authority RESOLUTION NO. ECHA-9 approving the key components of the proposed revised First-Time Homebuyer Program Manual, with changes to the California Dream First-Time Homebuyer Program, and authorizing the Executive Director and/or his designee to develop applicable implementation guidelines and documents on an ongoing basis.

**1.9 RESOLUTION: CALHOME GRANT APPLICATION
(Report: Housing Manager)**

Adopt RESOLUTION NO. 30-13 to approve the submittal of an application to the California Department of Housing and Community Development (HCD) for grant funding under the CalHome Program, and to authorize the City Manager, or designee, to execute all documents, including a Standard Agreement (and any necessary amendments) with HCD, necessary to participate in the CalHome Program.

**1.10 RESOLUTION: EXPANSION OF THE SOUTH SAN DIEGO RECYCLING
MARKET DEVELOPMENT ZONE
(Report: Deputy Director of Public Works)**

Adopt RESOLUTION NO. 31-13 approving the expansion of the South San Diego Recycling Market Development Zone and authorize the City of Chula Vista as the Zone Administrator.

**1.11 PROFESSIONAL SERVICES AGREEMENT WITH CDM SMITH, INC.
FOR A FINANCIAL UPDATE TO THE WASTEWATER RATE CASE
STUDY (Report: Deputy Director of Public Works)**

Authorize the City Manager, or designee, to enter into an agreement with CDM Smith, Inc. for a financial update to the Wastewater Rate Case Study.

CONSENT ITEMS: (Continued)

**1.12 SPECIAL OPERATION LICENSE – PRESTIGE CLUB –
115 South Mollison Avenue**

Approve the application submitted by Salma H. Naamo and Francis Ibrahim to add a cabaret license to an existing restaurant located at 115 South Mollison Avenue.

**1.13 SPECIAL OPERATION LICENSE FOR A CARD ROOM AT
115 SOUTH MOLLISON AVENUE – PRESTIGE RESTAURANT
(Report: Planning Manager)**

Approve the Special Operation License submitted by Salma H. Naamo and Francis Ibrahim for a card room located at 115 South Mollison Avenue, Prestige Restaurant, for only the applicant to operate.

CONSENT ITEMS PULLED FOR DISCUSSION:

**1.6 RESOLUTION: AWARD OF BID NO. 012-13 – SEWER PLANT
DEMOLITION, Engineering Job No. 3397 (Report: Purchasing Agent)**

RECOMMENDATION: That the City Council:

1. Find that the bid of the apparent low bidder, BTS Equipment Unlimited, Inc., is non-responsive and should be rejected for failing to possess the required certifications for hazardous substance removal; and
2. Adopt the next RESOLUTION in order and award the bid to the lowest responsive, responsible bidder, Anton's Service, Inc., in the amount of \$72,000.00.

DISCUSSION

Ronnie Swaim, BTS Equipment, submit documents for review and requests that **Council** either award the bid to their company, or postpone the decision, so that **Staff** can review the documentation concerning hazardous substance removal certification.

City Manager Williford states a two-week delay for the review will do no harm.

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to CONTINUE
Item 1.6 for two weeks.**

MOTION CARRIES BY UNANIMOUS VOTE.

PUBLIC COMMENT:

LaVonna Connelly expresses gratitude to **City Staff**, with special thanks to **Monica Zech**, for their efforts on the Centennial Celebration.

Sunshine Horton speaks about Riley Care Ambulance Services and commends them for all they do for the community and various organizations.

Monica Zech, Public Information Officer, states that a tenth Centennial Banner, featuring Jimmie Johnson, will be on display at various locations throughout the City.

Councilmember McClellan reads a statement from Justice William O. Douglas on First Amendment rights with respect to religion and government.

Mayor Lewis reads a historical fact from 100 years ago regarding a request from the Automobile Club of Southern California for placement of traffic signs in the City.

2. WRITTEN COMMUNICATIONS:

2.1 REQUEST FROM MOTHER GOOSE PARADE ASSOCIATION TO PARTICIPATE IN THE 2013 MOTHER GOOSE PARADE AS THE TITLE SPONSOR AND TO PROVIDE IN-KIND SUPPORT (Report: Deputy City Manager/Director of Finance)

RECOMMENDATION: That the **City Council** review the letter dated February 7, 2013, from the Mother Goose Parade Association requesting support for the 2013 Mother Goose Parade and provide direction to staff.

DISCUSSION

Jennifer Carnley, representing Mother Goose Parade Association, speaks in support of the request for sponsorship and in-kind support from the City.

No one else comes forward to speak.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPROVE the request from the Mother Goose Parade Association.

MOTION CARRIES BY UNANIMOUS VOTE.

3. **PUBLIC HEARINGS: None**
4. **ADMINISTRATIVE REPORTS: None**
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

- 6.1 **SANDAG Board of Directors Agenda – February 22, 2013**
- 6.2 **SANDAG Board of Directors Agenda – March 8, 2013**

REPORTS AS STATED.

ACTIVITIES REPORTS OF COUNCILMEMBERS

7.

MAYOR PRO TEM 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; Heartland Fire Training JPA – Alternate

- 7.1 **Council Activities Report**

REPORT AS STATED.

- 7.2 **Legislative Report**

NOTHING TO REPORT.

- 7.3 **League of California Cities Bulletins dated February 22, 27, 28 and March 1, and 6, 2013 – *City Advocate Weekly***

NOTHING TO REPORT.

ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

7.4 CITYWIDE WEEKEND AUTO SALES – SHARED ADVERTISING COSTS WITH THE EL CAJON AUTO DEALERSHIP COMMUNITY

RECOMMENDATION: That the City Council allocate up to \$20,000 to share advertising costs with the El Cajon Auto Dealership Community for a Citywide weekend auto sale.

DISCUSSION

Councilmember Wells speaks in support of the request for a citywide car sale.

Councilmembers concur on the benefits of having a citywide sale.

No further comments made.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to ALLOCATE \$20,000 to share advertising costs with the El Cajon Auto Dealership Community for a Citywide weekend auto sale.

MOTION CARRIES BY UNANIMOUS VOTE.

8.

COUNCILMEMBER TONY AMBROSE

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

8.1 Council Activities Report

REPORT AS STATED.

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ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

8.2 CREATION OF A CITY OF EL CAJON EL CAJON VETERAN'S COMMISSION

RECOMMENDATION: That the City Council direct staff to return with an amendment to Chapter 2.24 of the Municipal Code to establish a Veteran's Commission.

DISCUSSION

Mayor Pro Tem Tony Ambrose speaks of the need to increase recognition of veterans. He suggests forming a Veterans' Commission and that the first task of the Commission should be to plan an annual Veterans' Day event at City Hall. He further suggests that four of the five Commission members should have, and show proof of, an honorable discharge from the Armed Services, and the fifth member should be an active duty service member.

In response to questions from **Mayor Lewis, Mayor Pro Tem Tony Ambrose** suggests that the active duty member be stationed here, and that the Commission meet on a quarterly basis.

Councilmember Kendrick comments that veterans in the community should come forward to identify their needs.

In response to questions from **Mayor Lewis, City Manager Williford** indicates **Staff** support will be provided for the Commission and this item will come back to **Council** for consideration of an amendment to the ordinance sometime after the next couple of meetings.

No further comments made.

MOTION BY AMBROSE, SECOND BY LEWIS, to APPROVE Item 8.2 as recommended.

MOTION CARRIES BY UNANIMOUS VOTE.

9.

COUNCILMEMBER GARY KENDRICK

Heartland Communications JPA; Heartland Fire Training JPA.

9.1 Council Activities Report

REPORT AS STATED.

ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

10.

COUNCILMEMBER BOB McCLELLAN

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

10.1 Council Activities Report

In addition to his report, **Councilmember McClellan** states he attended the groundbreaking ceremony for the Rock Church, and that he received an email on the red light camera program discussing some mitigating factors. He requests that the City Manager review the concerns and report the findings to **Council**.

City Manager Williford informs that he also received the email and that **Staff** is already looking into the concerns.

11. GENERAL INFORMATION ITEMS FOR DISCUSSION: None

12. ORDINANCES: None

13. ORDINANCES: None

14. CLOSED SESSIONS

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

14.1

- **CONFERENCE WITH LEGAL COUNSEL – Pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9**

Murillo v. City of El Cajon, et al
San Diego Superior Court
Case Number 37-2013-00030258-CU-WM-CTL

CLOSED SESSIONS: (Continued)

14.2

- **CONFERENCE WITH LEGAL COUNSEL – Pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9**

Kaitlyn Ours, a minor, et al v. City of El Cajon, et al
San Diego Superior Court
Case Number 37-2011-00711648-CU-PO-EC

14.3

- **CONFERENCE WITH LABOR NEGOTIATORS – Pursuant to Government Code Section 54957.6**

Agency Designated Representatives: Nancy Palm
Jim Lynch

Employee Organizations:

El Cajon Mid-Management and Professional Employees Group
El Cajon Municipal Employees Association
El Cajon Police Officers Association
El Cajon Police Officers Association Management Group
El Cajon Professional Firefighters International Association of Fire
Fighters Local 4603 (includes El Cajon Fire Supervisory Unit
and El Cajon Firefighters' Association)
Executive, Unrepresented and Confidential Employees

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adjourn to Closed Session at 4:10 p.m.

MOTION CARRIES BY UNANIMOUS VOTE.

15. RECONVENE TO OPEN SESSION AT 5:01 P.M.

City Attorney Foley reports the following actions:

- 14.1** Council received information – no action taken.
- 14.2** Direction was given to the City's Legal Counsel.
- 14.3** Direction was given to the City's Labor Negotiators.

Adjournment: **Mayor Lewis** adjourned the Regular Joint Meeting of the City Council/ Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 12th day of March 2013, at 5:02 p.m. to Tuesday, March 12, 2013 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

MARCH 12, 2013

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, March 12, 2013, 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, March 12, 2013, by order of the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

ROLL CALL

Council/Agencymembers present:	Kendrick, and McClellan
Council/Agencymembers absent:	Ambrose
Mayor Pro Tem/Vice Chair present:	Wells
Mayor/Chair present:	Lewis
Other Officers present:	Rutledge, City Clerk/Secretary Foley, City Attorney/General Counsel Williford, City Manager/Executive Director Griffiths, Deputy Director of Public Works Ranu, Planning Manager

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:

Councilmember Wells acknowledges the presence of two acquaintances in the audience.

Mayor Lewis speaks about the opening of Nicolosi's Restaurant in El Cajon.

PUBLIC HEARINGS:

100 CENTRO MEDICO EL CAJON - CONDITIONAL USE PERMIT NO. 2172, APPROVING THE EXPANSION OF AN OFFICE BUILDING BY 1,848 SQUARE FEET AND A REDUCTION OF SIX PARKING SPACES WITHIN SP NO. 182 (Report: Planning Manager)

RECOMMENDATION: That the City Council:

- Open the Public Hearing and receive testimony;
- Close the Public Hearing;
- Move to adopt the next RESOLUTION in order approving Conditional Use Permit No. 2172, subject to conditions.

DISCUSSION

Planning Manager Ranu provides a summary of the Item, and answers questions from **Councilmember McClellan** concerning the loss of six parking spaces.

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.32-13 approving Conditional Use Permit No. 2172, subject to conditions.

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

101 LORNA AVENUE RESIDENTIAL – REZONE PROPERTY FROM THE RS-40 TO THE PRD-LOW AND PRD-LOW LOW ZONES, FOR THE DEVELOPMENT OF 21 SINGLE-FAMILY RESIDENCES WITHIN A COMMON INTEREST DEVELOPMENT (Report: Planning Manager)

RECOMMENDATION: That the City Council

- Open the Public Hearing and receive testimony;
- Close the Public Hearing;
- Move to adopt the next RESOLUTION in order approving applicable CEQA exemptions;
- Move to APPROVE and INTRODUCE an Ordinance for Zone Reclassification No. 2309; and
- Move to adopt the next RESOLUTIONS in order approving Planned Residential Development No. 67 and Tentative Subdivision Map No. 655, subject to conditions.

If approved, Mayor requests the City Clerk to read the title of the Ordinance.

DISCUSSION

Manjeet Ranu, Planning Manager, provides an overview of the project and discusses some of the neighborhood concerns raised at the Planning Commission meeting.

A discussion ensues among **Council** and **Staff** concerning enforcement of CC&Rs (Conditions, Covenants and Restrictions) and the required number of parking spaces per unit.

City Attorney Foley clarifies that the City is not a party to enforce the agreements between the homeowners association and homeowners unless the issues involve such matters as protecting the integrity of the neighborhood and enforcing regular City guidelines and ordinances.

Mayor Lewis opens the Public Hearing and states that a letter recently received on this Item has been distributed to **Council**.

Planning Manager Ranu confirms that **Council** has received the following: A letter from an attorney representing a property owner, a response letter from the applicant, and an intersection analysis of Chase and Lorna Avenue, prepared by **Staff**.

Councilmember McClellan comments that the applicant may want to wait for a full **Council** for consideration of this Item.

ITEM 101 (Continued)

Dean Wilson, the applicant, states he is here to answer questions, and comments that zoning at the property allows for 28 units, but they went 25% lower to 21 units. He responds to questions raised by **Council** concerning the requirement for parking in garages, traffic concerns, and use of the the open space area.

Joel Waymire, Polaris Development, the engineer for the project, also addresses issues raised at Planning Commission meeting, and responds to questions from **Council** concerning traffic and possible alternatives for access to Avocado Avenue.

Further discussion ensues among **Council** and **Staff** concerning access to and from the development and safety concerns with the neighboring school.

Cynthia Eldred, representing Gary Gentry, does not feel the project can be approved under the CEQA exemptions, and discusses traffic concerns and a suggestion by Mr. Gentry for a traffic loop.

Kelly Minard submits handouts to **Council**, including a site plan he developed. He feels that reducing the number of units by one or two allows for more parking spaces and may eliminate the parking issues. He is also concerned about maintaining the character of the neighborhood.

Dennis Birkbeck suggests an alternative to add a road out to Magnolia Avenue, as it is very wide, and to tone down the project by having a few less houses. He feels the main problem is access and traffic, rather than parking issues.

Planning Manager Ranu responds to questions from **Council** regarding increasing the number of parking spaces by reducing the size of the open space area.

Gary Gentry expresses concerns about the traffic and access to Chase Avenue. He comments on traffic studies conducted by neighbors, and suggests modifying traffic signals at Chase Avenue to help the flow of traffic.

No one else 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)**

ITEM 101 (Continued)

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

- Use of a “keep clear” zone;
- Speed and acceleration considerations when accessing Avocado Avenue;
- Plans for the open space area;
- A suggestion to continue the Item and wait for input from **Mayor Pro Tem Ambrose**;
- Issues raised by **Ms. Eldred** concerning the CEQA exemption;
- Consideration for an environmental impact report (EIR) or a mitigated negative declaration;
- A suggestion by **City Attorney Foley** to add language to the CEQA resolution making the applicant defend, indemnify and hold the City harmless, from any and all claims, actions, proceedings and costs, including attorneys’ fees, relating to the Categorical Exemption determination, and relating to the approval of Zone Reclassification No. 2309, Planned Residential Development No. 67, and Tentative Subdivision Map No. 655.

No further comments made.

MOTION BY LEWIS, SECOND BY WELLS, to ADOPT RESOLUTION NOS. 33-13 approving applicable CEQA exemptions, RESOLUTION NO. 34-13 approving Planned Residential Development No. 67 and RESOLUTION NO. 35-13 approving Tentative Subdivision Map No. 655, subject to conditions, and adding an indemnity clause to each Resolution as suggested by the City Attorney.

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

The City Clerk recites the title of the ordinance for the first reading:

AN ORDINANCE REZONING PROPERTY LOCATED AT THE SOUTHERN TERMINUS OF LORNA AVENUE SOUTH OF CHASE AVENUE FROM THE RS-40 (RESIDENTIAL SUBURBAN, 40,000 SQUARE FEET) TO THE PLANNED RESIDENTIAL DEVELOPMENT (PRD) LOW AND LOW LOW ZONES; APN: 493-391-10; GENERAL PLAN DESIGNATION: LR (LOW DENSITY, 3-10) AND LLR (LOW LOW DENSITY, 0-3)

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 12th day of March 2013, at 8:34 p.m. to Tuesday, March 26, 2013, at 3:00 p.m.

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