

# 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

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**July 9, 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, July 9, 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:	Hawley, Deputy City Clerk/Secretary Foley, City Attorney/General Counsel Williford, City Manager/Executive Director Davies, 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 June 25, 2013, meeting and the Agenda of the July 9, 2013, meeting in accordance to State Law and Council/Agency Policy.

**PRESENTATIONS:**

- **Helix Water District**
- **Airport Authority Update**
- **East County Economic Development Council – Jo Marie Diamond**

**AGENDA CHANGES: None**

**CONSENT ITEMS: (1.1 – 1.11)**

**MOTION BY LEWIS, SECOND BY KENDRICK, to APPROVE Consent Items 1.1 – 1.2 and 1.4 – 1.10, pulling Items 1.3 and 1.11, as requested by 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 June 25, 2013, 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 PULLED FOR DISCUSSION**

**1.4 RESOLUTION: AWARD OF BID NO. 003-14, ROAD MAINTENANCE MATERIALS (Report: Purchasing Agent)**

Adopt RESOLUTION NO. 70-13 and award the bid to the lowest responsive bidders, Superior Ready Mix Concrete, L.P., in the estimated amount of \$89,660.40, and Vulcan Materials Company in the estimated amount of \$21,054.99.

**CONSENT ITEMS: (Continued)**

**1.5 FUNDING REQUEST FROM SAN DIEGO EAST COUNTY ECONOMIC DEVELOPMENT COUNCIL FOR FISCAL YEAR 2013-14  
(Report: Deputy City Manager/Director of Finance)**

Designate \$5,000 from the City Council Contingency Budget to the San Diego East County Economic Development Council.

**1.6 SEWER MAIN FOAMING, Bid No. 017-13, Engineering Job No. 3428  
(Report: Deputy 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.

**1.7 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.

**1.8 RESOLUTION: TENTATIVE AGREEMENT WITH THE EL CAJON POLICE OFFICERS' ASSOCIATION – MANAGEMENT GROUP ECPOA-MG)  
(Report: Director of Human Resources)**

Approve the tentative agreement reached with the El Cajon Police Officers' Association – Management Group (ECPOA-MG) and authorize the City Manager to execute the final Memorandum of Understanding implementing the terms outlined and adopt RESOLUTION NO. 71-13.

(Remainder of this page intentionally left blank)

**CONSENT ITEMS: (Continued)**

**1.9 RESOLUTION: TENTATIVE AGREEMENT WITH THE EL CAJON POLICE OFFICERS' ASSOCIATION (ECPOA)  
(Report: Director of Human Resources)**

Approve the tentative agreement reached with the El Cajon Police Officers' Association (ECPOA) and authorize the City Manager to execute the final Memorandum of Understanding implementing the terms outlined and adopt RESOLUTION NO. 72-13.

**1.10 RESOLUTION: TENTATIVE AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) LOCAL 4603  
(Report: Director of Human Resources)**

Approve the tentative agreement reached with the International Association of Firefighters (IAFF) Local 4603 and authorize the City Manager to execute the final Memorandum of Understanding implementing the terms outlined and adopt RESOLUTION NO. 73-13.

**1.11 PULLED FOR DISCUSSION**

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**CONSENT ITEMS PULLED FOR DISCUSSION:**

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

**RECOMMENDATION:** That the City Council approve the reading by title and waive the reading in full of all Ordinances on the Agenda.

**DISCUSSION**

**Ray Lutz** asks that the entire ordinance be read, rather than just the title, and suggests the City consider increasing its "web presence".

No one else comes forward to speak.

**MOTION BY LEWIS, SECOND BY McCLELLAN, to APPROVE the reading by title and waive the reading in full of all Ordinances on the Agenda.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**CONSENT ITEMS PULLED FOR DISCUSSION: (Continued)**

**1.11 SPECIAL OPERATION LICENSE – ASAP TOWING  
427 South Marshall Avenue**

**RECOMMENDATION:** That the **City Council** deny the application submitted by Rodi R. Mikha for a roadside assistance and towing business located at 427 South Marshall Avenue based upon the recommendations of the Chief of Police and the City's Planning Manager.

**DISCUSSION**

**Rodi Mikha** requests an extension of time, in order to provide more information for City Council review.

**Councilmembers** and **City Attorney Foley** discuss the options to deny the application, approve with modifications, or to continue the Item.

No one else comes forward to speak.

**MOTION BY LEWIS, SECOND BY KENDRICK, to CONTINUE the Item  
to August 27, 2013, at 3:00 p.m.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**PUBLIC COMMENT:**

**Santiago Garcia** speaks about a water desalinization method currently used across the border, as an alternative water supply.

**Chuck Hansen** congratulates the City Manager on the Fourth of July celebration at Kennedy Park.

**Cattera Rainey, from Castle Breckenridge Management,** makes a public complaint against overpriced services and poor customer service from Waste Management.

**Frank Tsimboukakis** comments on an article from the July 4<sup>th</sup> edition of the Daily Californian, regarding businesses on Second Street. He would like to encourage local people to shop locally, and urges the City to take a look at delapidated buildings and clean them up.

**Sunshine Horton, on behalf of Downtown El Cajon Business Partners,** promotes the weekly car shows, Farmers' Market and Dinner and a Concert events. She also asks for prayers for the fallen firefighters in Arizona.

## **PUBLIC COMMENT: (Continued)**

**Ray Lutz from Citizens Oversight**, speaks about problems he has experienced with Waste Management and the better rate he was offered from Daily Disposal. He expresses concerns about whistleblower policies and encourages whistleblowers to step forward. He states if the City of El Cajon does not have such a policy, then it should get one.

*Recess called at 3:57pm.  
Meeting called back to order at 4:03pm*

**2. WRITTEN COMMUNICATIONS: None**

**3. PUBLIC HEARINGS:**

**3.1 RESOLUTION: AUTHORIZE THE COLLECTION OF SEWER SERVICE CHARGES AS A FIXED SPECIAL ASSESSMENT ON THE COUNTY PROPERTY TAX BILL BEGINNING FISCAL YEAR 2014  
(Report: Deputy Director of Public Works)**

**RECOMMENDATION: That the City Council**

- Open the Public Hearing and receive testimony;
- Close the Public Hearing;
- Certify that the protests received do not make up a majority of property owners;
- Adopt the next RESOLUTION in order confirming the report with the final determination of sewer service charges for Fiscal Year 2014 to be collected on the County property tax roll; and
- Direct the City Clerk to forward a certified copy of this Resolution, together with a copy of the report to the office of the San Diego County Auditor for billing on Fiscal Year 2014 property tax bill.

## **DISCUSSION**

**Deputy Director Davies** provides a summary of the Item.

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

- Cities that have already placed sewer charges on property tax bills;
- Benefits of the proposed billing method.

The Public Hearing is now Open.

### ITEM 3.1 (Continued)

Speakers in opposition to placing sewer service charges on property tax bills:

**Ron Nelson**  
**Gregory Woidka**  
**Keith Holmes**  
**Edith Hanson**  
**Bruce Lennick**  
**Mary Ann Evans**  
**Charles Schoder**  
**Donna Discepola**  
**Patricia Harding**  
**Liz Higgins**  
**Timothy Swing**  
**Deborah Jones**  
**Carmelinda Wood**

In response to questions from **Mayor Pro Tem Wells**, **City Attorney Foley** explains the process and steps taken leading to today's public hearing.

Speakers providing comments without taking a formal position:

**Molly Kirkland**  
**Tracy Hollingworth**

*Recess called at 5:14 p.m.*  
*Meeting called back to order at 5:21pm*

**Dr. Bigger** speaks in opposition to the proposal.

**Councilmember Ambrose** inquires as to whether it would be appropriate to take a straw poll of the **Council** at this time.

**City Attorney Foley** advises this matter concerns a legislative action, and as such, **Council** may discuss and make a pre-judgment.

**Councilmember Kendrick** apologizes for the billing errors made by the vendor and agrees that, based on testimony, the notice time was too short for the public hearing. He comments that adding sewer charges to property tax bills will create an undue financial burden on residents and property owners, and feels he would not support the recommendation.

**City Attorney Foley** responds to questions from **Council** and advises the remaining speakers should have the opportunity to speak, or they may waive their right to speak.

**ITEM 3.1 (Continued)**

Speakers in opposition: (Continued)

**Edward Rodden  
Lawrence Fletcher  
Brian Carmichael  
Ben Kalasho**

The following submitted cards in opposition to placing sewer service charges on property tax bills, but waived their right to come forward to speak:

**Karen Gomes  
Kathy Nasca  
Brian Rivers  
Janet Carlson  
Roger Phaneuf  
Janice Honczarenko**

No one else comes forward to speak.

**MOTION BY LEWIS, SECOND BY KENDRICK, to CLOSE the Public Hearing.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**MOTION BY KENDRICK, SECOND BY WELLS, to DENY the recommendation to collect sewer charges on the County property tax roll.**

**Mayor Pro Tem Wells** states that he takes this matter seriously and wants to represent everyone. He agrees with **Councilmember Kendrick** not to approve the billing change at this time.

**City Attorney Foley** indicates there were 144 objections or protests to this proposal.

In response to questions from **Mayor Lewis**, **Deputy Director Davies** indicates there is an annual deadline of August 10<sup>th</sup>, for placing the charges on the property tax roll.

**City Attorney Foley** adds that the ordinance does allow this change to happen in the future. However, the City must go through same process, with lessons learned from the testimony heard today, regarding the timing of the public hearing.



### **ITEM 3.1 (Continued)**

**City Attorney Foley** advises **Council** that the Deputy City Clerk indicates 24 more protests should be added, bringing the total number of protests to 168.

**Mayor Lewis** states that staff must now certify that the protests received do not make up a majority of property owners.

**City Attorney Foley** indicates a motion is on the floor from **Councilmember Kendrick** and that if the motion succeeds, there will be no need to certify the number of protests.

**Mayor Lewis** states he would like to make a substitute motion to certify that the protests received does not make up a majority of the property owners.

**City Attorney Foley** reiterates that a motion is on the floor, from **Councilmember Kendrick**, to deny the recommendation to place the billings on the tax roll, and that if the motion succeeds, there will be no need to certify the number of protests.

**Councilmember McClellan** feels that the majority does not want to put the charges on the tax roll, and it seems the people like the inefficient billing we have now. He states that down the road, El Cajon may follow in the footsteps of La Mesa and other cities, and that it could happen in the future, with more notice.

**MOTION CARRIES. (LEWIS – No)**

*Recess called at 5:52pm.  
Meeting called back to order at 6:00pm*

*Remainder of this page intentionally left blank*

**4. ADMINISTRATIVE REPORTS:**

**4.1 AUTHORIZATION FOR REQUEST FOR QUALIFICATIONS FOR ARCHITECTURAL SERVICES FOR THE EAST COUNTY PERFORMING ARTS CENTER (ECPAC) (Report: City Manager)**

**RECOMMENDATION:** That the **City Council** authorize the City Manager to issue a formal Request for Qualifications to hire an architect to prepare and provide construction documents ready for bid.

**DISCUSSION**

**City Manager Williford** provides a summary of the report.

**Ray Lutz, from Citizens Oversight,** speaks in support of opening ECPAC and states that time is of the essence.

**Eva Tanonis** speaks in support of the arts and re-opening ECPAC.

**Councilmember Kendrick** and **Mayor Lewis** speak in support of recommendation.

No one else comes forward to speak.

**MOTION BY LEWIS, SECOND BY McCLELLAN, to AUTHORIZE the City Manager to issue a formal Request for Qualifications to hire an architect to prepare and provide construction documents ready for bid.**

**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

**6.1 SANDAG Board of Directors Agenda – June 28, 2013**

**REPORT 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/Comments

REPORT AS STATED.

#### 7.2 Legislative Report

NOTHING TO REPORT

#### 7.3 League of California Cities Bulletins dated June 21, 24, 26, 28 and July 1, 2013 – *City Advocate Weekly*

NO RECOMMENDED ACTION.

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/Comments

**Councilmember Ambrose** reports he attended the East County Economic Development Council meeting last week and today's Council meeting.

9.

### COUNCILMEMBER GARY KENDRICK

Heartland Communications JPA; Heartland Fire Training JPA.

#### 9.1 Council Activities Report/Comments

In addition to the stated report, **Councilmember Kendrick** adds that he attended grand opening for Little Caesar's Pizza.

**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/Comments**

**REPORT AS STATED.**

**11.**

**JOINT COUNCILMEMBER REPORTS - None**

**12. GENERAL INFORMATION ITEMS FOR DISCUSSION: None**

**13. ORDINANCES: FIRST READING - None**

**14. ORDINANCES: SECOND READING AND ADOPTION**

**RECOMMENDATION:** That Mayor Lewis requests the City Clerk to recite the title.

**14.1 ZONE RECLASSIFICATION NO. 2309 – LORNA AVENUE RESIDENTIAL TO REZONE PROPERTY FOR DEVELOPMENT OF 21 SINGLE-FAMILY RESIDENCES**

The **City Clerk** recites the title of the ordinance for a second 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)

**MOTION BY LEWIS, SECOND BY AMBROSE, to ADOPT Ordinance No. 4991 approving Zone Reclassification No. 2309.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**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 9th day of July 2013, at 6:18 p.m. to Tuesday, July 23, 2013 at 3:00 p.m.

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**BELINDA HAWLEY, CMC**  
**Deputy City Clerk/Secretary**