

# JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



## MINUTES

### CITY OF EL CAJON EL CAJON, CALIFORNIA

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**January 14, 2014**

A Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, January 14, 2014, was called to order by Mayor/Chair Bill Wells at 3:00 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California.

#### **ROLL CALL**

Council/Agencymembers present:	Ambrose, Bales and McClellan
Council/Agencymembers absent:	None
Mayor Pro Tem/Vice Chair present:	Kendrick
Mayor/Chair present:	Wells
Other Officers present:	Hawley, City Clerk/Secretary Foley, City Attorney/General Counsel Williford, City Manager/Executive Director Al-Ghafry, Assistant City Manager

**PLEDGE OF ALLEGIANCE TO FLAG led by Mayor Wells 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 December 17, 2013, meeting and the Agenda of the January 14, 2014, meeting in accordance to State Law and Council/Agency Policy.

**PRESENTATIONS:**

**Recognitions:**

- **Manjeet Ranu** - incoming chair of SANDAG's Regional Planning Committee's Technical Working Group (TWG)
- **Mario Sanchez** - incoming chair of SANDAG's Cities/County Transportation Advisory Committee (CTAC)

**AGENDA CHANGES: None**

**CONSENT ITEMS: (1.1 – 1.11)**

**MOTION BY McCLELLAN, SECOND BY AMBROSE, to approve Consent Items 1.1 through 1.11.**

**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 December 10 and 17, 2013, Meetings of the El Cajon 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 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AND OTHER WRITTEN COMMUNICATION FROM THE CITY'S AUDITORS FOR THE FISCAL YEAR ENDED JUNE 30, 2013 (Report: Interim Director of Finance)**

Receive and accept the Comprehensive Annual Financial Report (CAFR) and other written communication from the independent accounting firm of Rogers, Anderson, Malody & Scott, LLP, for the fiscal year ended June 30, 2013.

**1.5 SPECIAL OPERATION LICENSE: S.K. SECURITY SVC - 925 Amistad Court, #A**

Approve the application submitted by Osama Kata for a security patrol service located at 925 Amistad Court, #A.

**1.6 JOHNSON AVENUE SEWER RELIEF PROJECT (JASRP) - AMENDMENT TO PROFESSIONAL SERVICES CONTRACT (Report: Deputy Director of Public Works)**

- 1) Authorize the City Manager to increase the professional services contract with Atkins, North America by \$235,245 to provide for an expanded scope requested by City staff in order to complete the plans and specifications for the project; and
- 2) Appropriate \$315,245 from the Wastewater Enterprise Fund to cover additional work for professional services, of which \$20,000 will be reimbursed back to the City by SDG&E.

**1.7 RESOLUTIONS: APPROVAL OF PLANS AND SPECIFICATIONS FOR HILLSIDE RECREATION CENTER PROJECT AND BUDGET APPROPRIATION, JOB NO. IFM3440 / BID NO. 017-14 (Report: Deputy Director of Public Works)**

- Adopt RESOLUTION NO. 001-14 approving Plans and Specifications for Hillside Recreation Center Project, IFM3440/Bid No. 017-14, and RESOLUTION NO. 002-14 to direct a Notice Inviting Sealed Bids to be opened on February 19, 2014; and
- Appropriate \$250,000 from the Undesignated Fund Balance of the Recreation Special Revenue Fund to augment the construction budget for the project.

## **CONSENT ITEMS: (Continued)**

### **1.8 FY 2013 STATE HOMELAND SECURITY GRANT (Report: Fire Chief and Police Chief)**

- Authorize the City Manager or designee to accept the FY 2013 State Homeland Security Grant in the amount of \$68,630 and to execute any grant documents and agreements necessary for the receipt and use of these funds; and
- Appropriate the State Homeland Security Grant funds in the amount of \$68,630.

### **1.9 MODIFICATION OF LOCAL APPOINTMENTS LIST FOR 2014 (Report: City Attorney)**

Direct the City Clerk to modify the Local Appointments List for 2014, to include a second position on the Planning Commission resulting from the vacancy of former Commissioner Bales upon her appointment to the City Council on December 17, 2013.

### **1.10 REORGANIZATION OF STAFFING IN HUMAN RESOURCES DEPARTMENT AND AUTHORIZATION OF ADDITIONAL POSITION (Report: City Manager)**

- Approve the reorganization of the Human Resources Department, including the reclassification of the Senior Human Resources Analyst position to a Senior Risk Management Analyst position and the addition of one Human Resources Analyst position;
- Approve the class specification for the Senior Risk Management Analyst; and
- Approve the corresponding revisions to City Council Policy A-29 to implement the changes.

### **1.11 RESOLUTION: CITY ATTORNEY STAFF MEMBERS**

Adopt RESOLUTION NO. 003-14, appointing the professional staff of the City Attorney's Department effective January 8, 2014.

**PUBLIC COMMENT:**

**Ben Kalasho** congratulates **Councilmember Bales** for being the first Chaldean-American female to be elected into the El Cajon City Council and Belinda Hawley on her appointment to City Clerk. Mr. Kalasho gives update on the Chaldean-American Chamber of Commerce and announces they will be forming a Political Action Committee soon.

**Michael Pate** with Electric Guard Dog out of South Carolina, speaks about electric security fences and how they are prohibited by a zoning code in El Cajon. He seeks an amendment to the code.

In response to a question from **Councilmember McClellan, Assistant City Manager Al-Ghafry** indicates the City of San Diego allows electric fences in commercial and agricultural areas as long as they are more than 600 feet from a residential area. He notes additional restrictions of electric fences.

**Councilmember McClellan** supports putting this item on a future agenda to discuss further.

**Monica Zech** reminds citizens about the upcoming America on Main Street Event, to be held on June 14, 2014. Volunteers and sponsors are invited to attend the first planning meeting on Tuesday, January 21, 2014, at 6:00 p.m. at the Ronald Reagan Community Center.

**2. WRITTEN COMMUNICATIONS: None**

**3. PUBLIC HEARINGS: None**

**4. ADMINISTRATIVE HEARING**

**4-A ADMINISTRATIVE HEARING – APPEAL  
DENIAL OF SPECIAL OPERATION LICENSE – URE  
RESTAURANT, 1255 East Main Street (Report: City Attorney)**

**RECOMMENDATION:** That the City Council conduct the Administrative Hearing, review documents submitted; receive testimony from witnesses who have been identified on each party's witness list; and determine whether the City Council's denial of the Special Operation License to operate a card room at 1255 East Main Street, Suite A, should be upheld or overturned.

## ADMINISTRATIVE HEARING – ITEM 4-A (Continued)

### DISCUSSION

**City Attorney Foley** describes the procedures for the Administrative Hearing.

In response to the question from **Mayor Wells**, the Councilmembers indicate they have not received any information prior to this hearing, that is not contained in the Staff Report or the documents submitted to the City Council in the Agenda Packet. **Mayor Wells** calls forward representatives and any designated witnesses to be sworn in.

**City Attorney Foley** swears in the witnesses.

Testimony given by **Sam Abbod**, representing **Shamon Korkis** – Appellant. **Mr. Abbod** speaks in support of the request to overturn the City Council's decision. He explains the cultural differences of why this card room is needed for the growing Middle Eastern population in El Cajon.

**Councilmember Bales** translates and verifies that **Mr. Korkis'** answers are correctly translated by **Mr. Abbod**. **Mr. Korkis** understands that it is against the law to gamble in his establishment. He says they have never had illegal gambling in the past, in response to **Councilmember Kendrick's** question.

No additional witnesses on the appellants behalf.

**Chief Redman** gives details of police findings of gambling while visiting this establishment and during one visit, they found alcohol being sold without a license at URE Restaurant. The Police Department strongly recommends denial of this Special Operations License.

**Councilmember Kendrick** asks how many times there have been complaints at this establishment. **Chief Redman** recalls at least 20 complaints for gambling, drinking and illegal drug use.

**Mayor Wells** requests a closing statement from the City's representatives.

**Councilmember Kendrick** asks **City Attorney Foley** if they should consider a nuisance factor. **City Attorney Foley** responds that they can only consider the material presented and testimony received.

Deliberations proceed with Council and Staff discussing the following:

- Whether this establishment could be considered a genuine restaurant;
- The history of any problems at other card rooms;
- The suggestion that card rooms do not fit within the City's Ordinance as a restaurant and it does not warrant the Special Operation License.

**ADMINISTRATIVE HEARING – ITEM 4-A (Continued)**

**MOTION BY McCLELLAN, SECOND BY KENDRICK, to UPHOLD the City Council’s denial of a Special Operation License to operate a card room at 1255 East Main Street, Suite A.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**4. ADMINISTRATIVE REPORTS:**

**4.1 NEXTGEN RADIO COMMUNICATION REPLACEMENT PROJECT (Report: Police Chief)**

**RECOMMENDATION:** That the City Council authorize the City Manager or designee to enter into Agreement with County of San Diego for City participation in Next Generation Regional Communications System (NextGen RCS).

**DISCUSSION**

**Chief Redman** introduces **Captain Jeff Arvan** to give information and the timeline for the City’s participation in NextGen RCS system. He advises that Sue Willy is available to answer questions for Council and Staff if needed.

**MOTION BY McCLELLAN, SECOND BY BALES, to AUTHORIZE the City Manager or designee to enter into Agreement with County of San Diego for City participation in Next Generation Regional Communications System (NextGen RCS).**

**MOTION CARRIES BY UNANIMOUS VOTE.**

*Recess called at 4:09 p.m.  
Meeting called back to order at 4:13 p.m.*

**5. COMMISSION REPORTS: None**

## **6. ACTIVITIES REPORTS OF MAYOR WELLS/COMMENTS**

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.

### **6.1 Council Activities Report/Comments**

**REPORT AS STATED.**

## **ACTIVITIES REPORTS OF COUNCILMEMBERS**

### **7.**

#### **MAYOR PRO TEM GARY KENDRICK**

Heartland Communications JPA; Heartland Fire Training JPA.

### **7.1 Council Activities Report/Comments**

**REPORT AS STATED.**

### **7.2 Regulating Electronic/Vapor Inhalation and Updating the Tobacco Retailer Inspection and Cost Recovery Program**

**RECOMMENDATION:** That the City Council accept public comment; then

- 1) Direct the City Manager to prepare amendments to Titles 5, 8 and 17 of the El Cajon Municipal Code to regulate e-cigarettes, hookah and similar methods of inhaling substances;
- 2) Report back on the efficacy of the tobacco licensing inspection and cost recovery program and recommend any necessary updates; and
- 3) Move to ADOPT the next RESOLUTION in order approving a Resolution of Intention to amend Title 17 (Zoning Code) of the El Cajon Municipal Code pertaining to tobacco and smoke shops.

## **DISCUSSION**

**Councilmember Kendrick** gives a summary on e-cigarettes and the growing use of this product by people under the age of 18.

**Mayor Wells** suggest requesting a detailed report from Staff on the health dangers, and current legislation of e-cigarettes.



## **ACTIVITIES REPORTS OF COUNCILMEMBERS – Item 7.2 (Continued)**

**City Manager Williford** states that Staff will present a report to Council in six weeks.

**Frank Tsimboukakis** speaks in support of the regulation of e-cigarettes.

**Lorenzo Higley from C.A.S.A**, gives presentation on dangers of e-cigarettes.

**Chrestina Jalil** speaks of fellow students using e-cigarettes in school, even during class time.

**MOTION BY WELLS, SECOND BY KENDRICK, for DIRECT STAFF to prepare a report on the health hazards and other potential effects of e-cigarette use, and current legislation relating to its use, consider excluding multi-family housing from the proposed regulations.**

**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/Comments**

In addition to the submitted report, **Councilmember Ambrose** indicates he attended the East County Christmas for Kids Event.

**9.**

### **COUNCILMEMBER STAR BALES**

#### **9.1 Council Activities Report/Comments**

In addition to the submitted report, **Councilmember Bales** indicates she was interviewed by Grossmont/Cuyamaca College and by KUSI News.

**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 - None**

**15. CLOSED SESSIONS: None**

**Adjournment: Mayor Wells adjourned the Regular Joint Meeting of the City Council/Redevelopment Agency held this 14th day of January, 2014, at 4:36 p.m. to Tuesday, January 28, 2014, at 3:00 p.m.**

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**BELINDA A. HAWLEY, CMC  
City Clerk/Secretary**