

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



## MINUTES

### CITY OF EL CAJON EL CAJON, CALIFORNIA

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**March 11, 2014**

A Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, March 11, 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 Lyon, Assistant City Attorney 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 February 25, 2014, meetings and the Agenda of the March 11, 2014, meeting in accordance to State Law and Council/Authority/Successor Agency to the Redevelopment Agency Policy.

**PRESENTATIONS:**

- Youth Choir of San Diego
- America on Main Street

**AGENDA CHANGES:** Mayor Pro Tem Kendrick requests that Item 4.1 be moved ahead of Public Comment to accommodate a speaker's schedule.

**MOTION BY KENDRICK, SECOND BY McCLELLAN, to MOVE Item 4.1 ahead of Public Comment.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**CONSENT ITEMS: (1.1 – 1.14)**

**MOTION BY McCLELLAN, SECOND BY KENDRICK, to approve Consent Items 1.1 to 1.14.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**1.1 MINUTES OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS**

Approve Minutes of the February 25, 2014, 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.

**1.4 COMMUNITY EVENT IN THE RIGHT-OF-WAY: CAJON CLASSIC CRUISE (Report: Director of Recreation)**

Approve the use of the public right-of-way for the 2014 "Cajon Classic Cruise" series, subject to conditions.

**CONSENT ITEMS: (Continued)**

**1.5 COMMUNITY EVENT IN THE RIGHT-OF-WAY: DINNER AND A CONCERT  
(Report: Director of Recreation)**

Approve the use of the public right-of-way for the 2014 "Dinner and a Concert" series, subject to conditions.

**1.6 PURCHASE OF CLOSED CIRCUIT TELEVISION (CCTV) VAN  
(Report: Purchasing Agent)**

Authorize the Purchasing Agent, in accordance with Municipal Code 3.20.010(C)(5) to execute a purchase agreement with Atlantic Machinery, Inc. for the purchase of a CCTV Van in the amount of \$196,651.26.

**1.7 RESOLUTIONS: APPROVAL OF PLANS AND SPECIFICATIONS FOR  
INSTALLATION OF PROTECTED LEFT-TURN PHASING AT GREENFIELD  
DRIVE AND NORTH SECOND STREET, FEDERAL AID PROJECT HSIPL-  
5211(027), PW3488/BID NO. 021-14 (Report: Deputy Director of Public  
Works)**

Adopt RESOLUTION NO. 018-14 to approve Plans and Specifications and RESOLUTION NO. 019-14 to direct a Notice Inviting Sealed Bids for the Installation of Protected Left-Turn Phasing at Greenfield Drive and North Second Street to be opened on April 10, 2014.

**1.8 CONTRACT AMENDMENTS FOR BOTH STREET LIGHT AND TRAFFIC  
SIGNAL MAINTENANCE & EMERGENCY REPAIRS (Report: Deputy  
Director of Public Works)**

Authorize an increase to the annual Purchase Order No. 91679 for CTE, Incorporated, dba: Clark Telcom & Electric in the amount of \$25,000.00 (Street Light Contractor) and the annual Purchase Order No. 91619 to Siemens Industry, Incorporated in the amount of \$60,000.00 (Traffic Signal Contractor).

**1.9 ACCEPTANCE OF PEDESTRIAN SAFETY JOHNSON AVENUE  
SAFE ROUTES TO SCHOOL PROJECT, SRTS 5211(023), PW3433/  
Bid No. 021-13 (REPORT: Deputy Director of Public Works)**

Accept the project, authorize the City Clerk to record a Notice of Completion and release the bonds in accordance with the contract terms.

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

### **1.10 RESOLUTION: SECOND AMENDMENT TO THE AFFORDABLE HOUSING AGREEMENT – JAMES C. MILLER AND MARCIA M. MILLER, dba BAY KITCHEN AND BATH REMODELERS (Report: Community Development Department Housing Manager)**

- Adopt RESOLUTION NO. ECHA-14 to approve a Second Amendment to the Affordable Housing Agreement, substantially in a form as presented, to extend the agreement by one year from March 14, 2014 to March 13, 2015; and
- Authorize the Executive Director, or his designee, to execute all documents necessary to implement approved terms and conditions.

### **1.11 2013 GENERAL PLAN ANNUAL REPORT (Report: Senior Planner)**

- Accept the annual progress report required by the State; and
- Direct staff to forward the report to the Governor's Office of Planning and Research (OPR), the State Department of Housing and Community Development (HCD) and the San Diego Association of Governments (SANDAG).

### **1.12 REPLACEMENT APPOINTEE TO OVERSIGHT BOARD (Report Community Development Department Housing Manager)**

Mayor appoints Anthony Shute to serve as a member of the Oversight Board of the Successor Agency to the El Cajon Redevelopment Agency, replacing Manjeet Ranu as the prior appointee, representing the employees from the recognized employee organization with the largest number of former redevelopment agency employees.

### **1.13 AMENDED LONG RANGE PROPERTY MANAGEMENT PLAN (Report: Community Development Department Housing Manager)**

City Council, acting as the Successor Agency, approves the Amended Long Range Property Management Plan approved by the Oversight Board on January 15, 2014, and by the California Department of Finance on February 21, 2014.

**CONSENT ITEMS: (Continued)**

**1.14 AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH COMMERCIAL PROPERTIES GROUP AND RETAIL INSITE FOR REPRESENTATION IN THE SALE OF SELECT SUCCESSOR AGENCY PROPERTIES  
(Report: Community Development Department Housing Manager)**

Authorize the Executive Director, or his designee, to execute an agreement in a form substantially as presented with changes approved by the City Manager, between Commercial Properties Group and Retail Insite, for representation in the sale of select Successor Agency properties identified in the Amended Long Range Property Management Plan, upon approval from the Oversight Board and California Department of Finance.

**4. ADMINISTRATIVE REPORTS:**

**4.1 REGULATING ELECTRONIC/VAPOR INHALATION AND UPDATING THE TOBACCO RETAILER INSPECTION AND COST RECOVERY PROGRAM  
(Report: Planning Manager)**

**RECOMMENDATION: That the City Council:**

- Receive comments from the public;
- Discuss the subject matter in this report;

**THEN**

- Direct the City Manager to prepare amendments to Titles 5, 8 and 17 of the El Cajon Municipal Code to broaden the tobacco definition, regulate e-cigarettes, hookah and similar methods of inhaling substances;
- Direct the City Manager to prepare municipal code amendments to the tobacco licensing inspection and cost recovery program; and
- 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.

**OR**

- Move to provide policy direction to staff.

## ADMINISTRATIVE REPORT – ITEM 4.1 (Continued)

### DISCUSSION

**City Manager Williford** introduces new **Planning Manager Anthony Shute** to give the presentation on Item 4.1.

**Planning Manager Shute** gives a detailed presentation on ‘vaping’ products, including but not limited to, e-cigarettes, hookah and similar methods of inhaling substances.

**David Miyashiro**, Superintendent in the Cajon Valley School District speaks on behalf of the PTA Presidents and students to support the proposed Resolution (Option #1).

**Frank Tsimboukakis**, President of East County Democratic Club, a candidate for State Senate Seat #38, speaks in support of the proposed Resolution, Option #1. He gives statistics on the projected amount of e-cigarette smokers that will transition to using other tobacco products.

**Debra Kelly**, from The American Lung Association, congratulates the City Council on being leaders in the fight against tobacco consumption in public places, and expresses her support of the proposed Resolution. **Councilmembers** discuss with Ms. Kelly the revenue earned by the tobacco dealers, and different issues caused by vapor inhalation products.

**Lorenzo Higley**, from Communities Against Substance Abuse (CASA), gives a video presentation on e-cigarettes and how advertising of these products is targeted at the youth population. **Councilmember Bales** asks for clarification on how people under the age of 18 are allowed to be in possession and use e-cigarettes. Mr. Higley provides insight on the issue and the loopholes in the law regulating the use of e-cigarettes.

**Lorraine Gonzalez** speaks in support of proposed change to the tobacco regulations.

**Dana Stevens**, from CASA, presents a handout to Council and speaks about the secondhand smoke effect from e-cigarettes, and how TV and web advertising is highly targeted to youth to promote the use of e-cigarettes.

**Evelyn Hogan**, from CASA, brings a pamphlet for Council and speaks about coordinating tobacco retail license compliance checks to ensure stores are educated about proper signage and rules to be in compliance with City and State laws.

## **ADMINISTRATIVE REPORT – ITEM 4.1 (Continued)**

**Stacie Francis**, a senior at Santana High School and a public health intern with Students Together Against Alcohol and Drugs, speaks in support of the proposed changes to the tobacco regulations.

**Katherine Webb** speaks about how accessible e-cigarettes are to the youth, and speaks in support of Option #1 of the proposed Resolution.

**Luis Martinez**, intern for CASA, speaks in support of the comprehensive regulation of e-cigarettes.

The following people submitted a speaker card in support of the proposed changes, but did not wish to speak:

- **Linda Sheeba**
- **Noor Atto**
- **Normal Jameel**
- **James Riffel**
- **Claudia Llamas**

**Mayor Pro Tem Kendrick** shows a video on cigarettes being promoted on a cartoon, a commercial featuring Debi Austin, a cancer victim, and a message from actor Yul Brynner encouraging people not to smoke. He suggests exempting common areas at apartment units from the e-cigarette regulations.

**MOTION BY KENDRICK, SECOND BY McCLELLAN, to DIRECT the City Manager to prepare amendments to Titles 5, 8 and 17 of the El Cajon Municipal Code to broaden the tobacco definition, regulate e-cigarettes, hookah and similar methods of inhaling substances, exempting apartment buildings to allow e-cigarettes in the common areas.**

**Mayor Wells** requests that further discussion be allowed on this issue.

**Councilmember Bales** feels it's important to educate students about the dangers of smoking and the use of e-cigarettes.

**Councilmember McClellan** and **Mayor Pro Tem Kendrick** give testimony on how lung cancer affected their families.

**Councilmember Ambrose** requests that staff provide a report supporting the recommendation to reduce the number of inspections of tobacco retailers. He fully supports Option #1 on the staff report.

**ADMINISTRATIVE REPORT – ITEM 4.1 (Continued)**

**Mayor Wells**, states that while he fully agrees and supports the fight against tobacco products, he feels the negative publicity against e-cigarettes is unjustified as there is not enough information from the scientific community to prove e-cigarettes and the vapor emitted from them to be harmful. He cautions against governmental over-reach.

Discussion ensues about the possibility of an Ordinance that limits the sale of e-cigarettes to minors but that would not change the laws for adults in regards to 'vaping' products.

**City Manager Williford** reminds Council that a motion and second are on the floor for approval.

**MOTION RE-STATED BY KENDRICK, SECOND BY McCLELLAN, to DIRECT the City Manager to prepare amendments to Titles 5, 8 and 17 of the El Cajon Municipal Code to broaden the tobacco definition, regulate e-cigarettes, hookah and similar methods of inhaling substances, exempting apartment buildings to allow e-cigarettes in the common areas.**

**MOTION CARRIES BY 4-1 VOTE.  
(WELLS – NO)**

**MOTION BY WELLS, SECOND BY BALES, to DIRECT Staff to prepare a report on other municipalities with lower tobacco licensing inspection fees and the success rate of their programs in keeping tobacco products from minors.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**MOTION BY WELLS, SECOND BY McCLELLAN to ADOPT RESOLUTION NO. 020-14 APPROVING a Resolution of Intention to amend Title 17 (Zoning Code) of the El Cajon Municipal Code pertaining to tobacco and smoke shops.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

*Recess called at 4:54 p.m.  
Meeting called back to order 5:08 p.m.*



**PUBLIC COMMENT:**

**Chuck DeWent** speaks about a nuisance abatement at 1473 Avenida Arriba. He states the settlement agreement was not enforced for almost three years. He asks that City Council follow through and enforce the terms of the settlement.

**Frank Tsimboukakis** states he is running for State Senate, and encourages the City Council to seek competitive bids to find a group to manage ECPAC.

**John Berg**, Operations Manager for the Downtown El Cajon Business Partners, promotes the car shows in downtown El Cajon. Season begins April 23rd. He also promotes the concerts series on Friday nights. A special concert to support a local family in need will be performed Saturday March 15. For more information please go to [Downtownelcajon.com](http://Downtownelcajon.com).

**Ray Lutz** with Citizens Oversight.org, spoke about Closed Session Item 15.2 on the Feb. 25, 2014 meeting. He feels proposals in regards to ECPAC should be made in public. He suggests the City should hold conversations with groups that have experience running theaters, and to open ECPAC as soon as possible.

**Monica Zech** speaks about the St. Patrick's Day Half Marathon on 3/16/14, and also the El Cajon City News and Guide to Recreation, Spring edition.

**2. WRITTEN COMMUNICATIONS: None**

**3. PUBLIC HEARINGS: None**

**5. COMMISSION REPORTS: None**

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

SANDAG (San Diego Association of Governments); SANDAG Public Safety Committee; League of California Cities, San Diego Division; Heartland; Fire Training JPA – Alternate; Indian Gaming Local Community Benefit Committee.

**6.1 Council Activities Report/Comments**

**REPORT AS STATED.**

**6.2 Legislative Report: No Report**

## ACTIVITIES REPORTS OF COUNCILMEMBERS

7.

### MAYOR PRO TEM GARY KENDRICK

Heartland Communications JPA; Heartland Fire Training JPA; SANDAG (San Diego Association of Governments) - Alternate; SANDAG Public Safety Committee – Alternate

#### 7.1 Council Activities Report/Comments

In addition to the stated report, **Mayor Pro Tem Kendrick** indicates that he met with the Police Officer's Association on March 6, 2014.

8.

### COUNCILMEMBER TONY AMBROSE

Chamber of Commerce – Government Affairs; MTS (Metropolitan Transit System Board) - Alternate; East County Economic Development Council; METRO Commission/ Wastewater JPA.

#### 8.1 Council Activities Report/Comments

**REPORT AS STATED.**

9.

### COUNCILMEMBER STAR BALES

East County Economic Development Council - Alternate; METRO Commission/ Wastewater JPA – Alternate; Indian Gaming Local Community Benefit Committee – Alternate.

#### 9.1 Council Activities Report/Comments

**REPORT AS STATED.**

10.

### COUNCILMEMBER BOB McCLELLAN

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

#### 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 SESSION**

**RECOMMENDATION: That the City Council/Redevelopment Agency adjourn to Closed Session as follows:**

- 15.1 **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE – Pursuant to Government Code Section 54957.**

**MOTION BY McCLELLAN, SECOND BY BALES, to ADJOURN to Closed Session at 5:25 p.m.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

- 16. **RECONVENE TO OPEN SESSION AT 5:35 P.M.**

**George Eiser, Special Counsel to the City, reports the following actions:**

**15.1** The City Council of the City of El Cajon deliberated in Closed Session on March 11, 2014 in the appeal of the termination of employment of the Appellant, a City of El Cajon Police Records Division Secretary. After considering the administrative record, it is the decision of the City Council to affirm the decision of the Appointing Authority to terminate the employment of the Appellant.

**Adjournment: Mayor Wells adjourned the Regular Joint Meeting of the City Council/ Redevelopment Agency held this 11 day of March 2014, at 5:36 p.m. to Tuesday, March 25, 2014, at 3:00 p.m.**

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