

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

September 9, 2014

A Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, September 9, 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:	Bales and McClellan
Council/Agencymembers absent:	Ambrose
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.

POSTINGS: The City Clerk posted Orders of Adjournment of the August 12, 2014 meetings and the Agenda of the September 9, 2014, meetings in accordance to State Law and Council/Authority/Successor Agency to the Redevelopment Agency Policy.

PRESENTATIONS:

- **America on Main Street – Sponsorship Awards**
- **Proclamation: 50th Anniversary of Miss El Cajon Pageant**
- **Proclamation: Fire Prevention Week, October 5-11, 2014.**

AGENDA CHANGES: None

CONSENT ITEMS: (1.1 – 1.13)

MOTION BY WELLS, SECOND BY McCLELLAN, to APPROVE Consent Items 1.1 to 1.13, with the exception of Item 1.3, as pulled by a member of the public.

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

1.1 MINUTES OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS

Approve Minutes of the August 12, 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 PULLED FOR DISCUSSION

1.4 JULY 22, 2014 AMENDED MINUTES OF CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY TO THE EL CAJON REDEVELOPMENT AGENCY MEETINGS

Approve the Amended Minutes of the July 22, 2014 meetings to correct the omission of Item 1.4, approving a Special Operation License for the Express Ambulance Company.

CONSENT ITEMS: (Continued)

1.5 RESOLUTION: CONFLICT OF INTEREST CODE (Report: City Attorney)

Adopt RESOLUTION No. 090-14 to approve changes to the designated employee and official positions that are required to be filed under the City's Conflict of Interest Code.

**1.6 RESOLUTIONS: ANNUAL INVESTMENT POLICY UPDATE
(Report: Director of Finance and Treasurer)**

Adopt City Council RESOLUTION No. 091-14, Housing Authority RESOLUTION No. ECHA-17, and the City of El Cajon as Successor Agency to the former Redevelopment Agency RESOLUTION No. SA 007-14, adopting the City of El Cajon Investment Policy and delegating investment authority to the Director of Finance / Agency Treasurer.

**1.7 APRIL – JUNE 2014 QUARTERLY TREASURER'S REPORT
(Report: Director of Finance and Treasurer)**

Receive the Treasurer's Report for the quarter ending June 30, 2014.

**1.8 RESOLUTION: AWARD OF BID NO. 010-15, RE-BID PREVENTATIVE
MAINTENANCE AND EMERGENCY REPAIRS TO STATIONARY
GENERATORS (Report: Purchasing Agent)**

Find the third low bidder non-responsive for failure to submit a properly notarized bid bond, and adopt RESOLUTION No. 092-14 to award the bid to the lowest responsive, responsible bidder, Bay City Equipment Industries, Inc. dba Bay City Electric Works, in the estimated amount of \$9,250.00 for the first year, with the option to renew for four additional one-year periods.

**1.9 RESOLUTION: AWARD OF BID NO. 011-15, LINEN RENTAL AND
LAUNDERING SERVICES (Report: Purchasing Agent)**

Find the apparent low bidder, Aramark Uniform Services, non-responsive for submitting a conditional bid, and adopt RESOLUTION No. 093-14 to award the bid to the lowest responsive, responsible bidder, Prudential Overall Supply, in the estimated amount of \$17,063.00 for the first year, with the option to renew for four additional one-year periods.

CONSENT ITEMS: (Continued)

1.10 RESOLUTION: REJECTION OF BID NO. 003-15, JOHNSON AVENUE SEWER RELIEF PROJECT (Report: Purchasing Agent)

Find the protest submitted by Monteleone & McCrory, LLP on behalf of Colich & Sons, LP to be timely, but without merit, and adopt RESOLUTION No. 094-14 to reject all bids and authorize re-bidding of the project with revised plans and specifications.

1.11 RESOLUTION: APPROVAL OF SIXTH AMENDMENT TO AGREEMENT FOR ADMINISTRATION OF TAXICAB AND OTHER FOR-HIRE VEHICLE REGULATIONS WITH SAN DIEGO METROPOLITAN TRANSIT SYSTEM (MTS) (Report: Assistant City Manager/Director of Community Development)

Adopt RESOLUTION No. 095-14 to approve the extension Agreement with MTS to regulate taxicabs and other vehicles for-hire within the City of El Cajon.

1.12 RESOLUTIONS: APPROVAL OF PLANS AND SPECIFICATIONS FOR THE PEDESTRIAN SAFETY IMPROVEMENTS AT NORTH JOHNSON AVENUE AND WEST MADISON AVENUE, PW3400 / BID NO. 019-15 (Report: Deputy Director of Public Works)

Adopt RESOLUTION No. 096-14 to approve Plans and Specifications, and RESOLUTION No. 097-14 to direct a Notice Inviting Sealed Bids for the Pedestrian Safety Improvements at North Johnson Avenue and West Madison Avenue, to be opened on October 16, 2014.

1.13 REQUEST FOR TEMPORARY SIGNS TO PROMOTE FIRE PREVENTION WEEK AND FIRE OPEN HOUSE ON OCTOBER 11, 2014 (Report: Fire Chief)

Approve the temporary use of two banners on Fire Station 6 for the promotion of Fire Prevention Week and the Fire Open House.

CONSENT ITEM PULLED FOR DISCUSSION:

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.

DISCUSSION

Ray Lutz, Citizens Oversight Committee, requested that videotaped City Council meetings be made available for viewing on the Internet, so that members of the public who cannot attend meetings, or do not have access to the El Cajon broadcast channel, would be able to see the meetings without having to purchase DVDs. He also asked that proposed ordinances be read in full at each meeting, with more discussion, for greater public awareness and understanding.

In response to questions from **Mayor Wells'** on why only the title of the ordinance is read, **City Attorney Foley** explained this is a typical matter that prevents the City from taking up many, many hours in a year, reading the entire ordinance. The law requires the reading of the entire ordinance unless the Council votes to waive the reading, and read only the title. This allows the City Clerk to read the title after adoption or introduction of the ordinance. **City Manager Williford** further explained this is common procedure throughout the State of California, and the entire ordinance is included in the agenda packet and online for public review.

MOTION BY McCLELLAN, SECOND BY BALES to APPROVE Item 1.3.

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

PUBLIC COMMENT:

Bonnie Price advised that she is part of COPS, the group that delivered a letter to City Hall last week regarding the lease of ECPAC to the Rock Church. She asked that the matter be on the next City Council agenda for discussion, and commented on the agreement that transferred the theater to the City, which stated that the college was guaranteed use of the theater for five days.

Frank Tsimboukakis, President of East County Democratic Club, spoke about why he did not think it is a good idea for the City to lease ECPAC to the Rock Church.

PUBLIC COMMENT (Continued)

Eric Lund, General Manager, San Diego East County Chamber of Commerce, voiced strong support for the lease of ECPAC to the Rock Church and spoke of the benefits to the community.

Richard Graydon stated that he has lived in El Cajon a long time and has seen the City lose businesses. He is concerned about the parking issues the lease of ECPAC will cause, and wants the theater used for performances.

Ray Lutz, Citizens' Oversight Committee, spoke about ECPAC, the Rock Church lease, and the letter he presented to the City last Friday, which he wants placed on the next agenda. He feels the theater would be easy to rent for performances, mentioned some performers from the past, and felt the costs that the Rock Church will be charged are too low.

Tony Sottile spoke about religious freedom and why he supports the lease to the Rock Church.

2. WRITTEN COMMUNICATIONS: None

3. PUBLIC HEARINGS:

3.1 PURCHASE AND SALE AGREEMENT – JKC EL CAJON, LLC. (Report: Assistant City Manager/Director of Community Development)

RECOMMENDATION: That the City Council, acting as the Successor Agency to the former El Cajon Redevelopment Agency:

- Open the public hearing and receive testimony;
- Close the public hearing;

THEN

- Adopt the next Successor Agency RESOLUTION in order to approve the proposed Purchase and Sale Agreement (PSA) between the City of El Cajon, as Successor Agency to the former El Cajon Redevelopment Agency and JKC El Cajon, LLC for the sale of 572-588 N. Johnson Avenue (APN 482-250-34-00) substantially in the form as it is presented at this meeting, with such changes as may be approved by the Executive Director; and
- Authorize the Executive Director or his designee to execute all documents necessary to implement approved terms and conditions and complete the sale upon approval by the Oversight Board and California Department of Finance.

ITEM 3.1 (Continued)

DISCUSSION

Assistant City Manager Al-Ghafry provided a summary of the Item.

Mayor Wells announced the Public Hearing is now Open.

No one came forward to speak.

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

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

MOTION BY McCLELLAN, SECOND BY KENDRICK, to ADOPT RESOLUTION NO. SA 008-14 to Approve the proposed Purchase and Sale Agreement (PSA) between the City of El Cajon, as Successor Agency to the former El Cajon Redevelopment Agency and JKC El Cajon, LLC for the sale of 572-588 N. Johnson Avenue (APN 482-250-34-00) substantially in the form as it is presented at this meeting, with such changes as may be approved by the Executive Director; and AUTHORIZING the Executive Director or his designee to execute all documents necessary to implement approved terms and conditions and complete the sale upon approval by the Oversight Board and California Department of Finance.

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

(Remainder of this page intentionally left blank)

3.2 CONSIDER ADOPTION OF A TWO TIER APPLICATION AND INVESTIGATION FEE FOR SPECIAL OPERATION LICENSES AND A RENEWAL FEE FOR PAWNBROKER AND SECONDHAND DEALER LICENSES (Report: Planning Manager)

RECOMMENDATION: That the City Council:

- Open the public hearing and receive testimony;
- Close the public hearing;

THEN:

- Move to adopt the next RESOLUTION in order to approve the special operation license investigation and application fees, a pawnbroker and secondhand dealer license renewal fee, and an adjustment to the miscellaneous fee schedule.

DISCUSSION

Mayor Wells recused himself from the discussion due to a financial conflict of interest and left the Chambers at 3:55 p.m.

Planning Manager Anthony Shute provided a summary of the Item.

Mayor Pro Tem Kendrick announced the Public Hearing is now Open.

Thomas DeRusseau objected to the new fee, as it will double the licensing fee.

John Timoney is opposed to the increase, and spoke about how the cost has increased over the six years since he started business in El Cajon.

No one else came forward to speak.

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

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

MOTION BY McCLELLAN, SECOND BY BALES, to ADOPT RESOLUTION NO. 099-14 to Approve the special operation license investigation and application fees, a pawnbroker and secondhand dealer license renewal fee, and an adjustment to the miscellaneous fee schedule.

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

Mayor Wells returned to the Chambers at 4:03 p.m.

4. ADMINISTRATIVE REPORTS:

4.1 RESOLUTION: AUTHORIZATION FOR THE EXECUTION OF PROGRAM SUPPLEMENT AGREEMENTS WITH CALTRANS FOR TWO (2) HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) GRANT PROJECTS. (Report: Deputy Director of Public Works)

RECOMMENDATION: That the City Council adopt the next RESOLUTION in order to approve Program Supplement Agreement Nos. 050-N and 051-N for two (2) Federal-aid Highway Safety Improvement Program (HSIP) projects.

DISCUSSION

Mario Sanchez, City Traffic Engineer, provided a description of the program.

No one else came forward to speak.

MOTION BY McCLELLAN, SECOND BY BALES, to ADOPT RESOLUTION NO. 100-14 to Approve Program Supplement Agreement Nos. 050-N and 051-N for two (2) Federal-aid Highway Safety Improvement Program (HSIP) projects.

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

4.2 RESOLUTIONS: APPROVAL OF PLANS AND SPECIFICATIONS FOR JOHNSON AVENUE SEWER RELIEF PROJECT PHASE 1 (JASRP-1) ENGINEERING JOB NO. WW3250-1 / BID NO. 021-15 (Report: Deputy Director of Public Works)

RECOMMENDATION: That the City Council adopt the next RESOLUTIONS in order to approve the Construction Plans and Specifications for Phase 1 of the Johnson Avenue Sewer Relief Project and direct a Notice Inviting Sealed Bids to be opened on October 28, 2014.

DISCUSSION

Dennis Davies, Deputy Director of Public Works, provided a summary and PowerPoint slide show to demonstrate the revised plan for the project.

Discussion ensues among **Council** and **Staff** about the specifics of the project and projected timeline.

No one else comes forward to speak.

ITEM 4.2 (Continued)

MOTION BY McCLELLAN, SECOND BY KENDRICK, to ADOPT RESOLUTION NO. 101-14 to Approve the Construction Plans and Specifications for Phase 1 of the Johnson Avenue Sewer Relief Project and RESOLUTION NO. 102-14 to direct a Notice Inviting Sealed Bids to be opened on October 28, 2014.

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

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 RECOMMENDED ACTION.

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

(No Report)

ACTIVITIES REPORTS OF COUNCILMEMBERS (Continued)

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

9.

COUNCILMEMBER BOB McCLELLAN

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

9.1 Council Activities Report/Comments

REPORT AS STATED.

10.

COUNCILMEMBER STAR BALES

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

10.1 Council Activities Report/Comments

Councilmember Bales reports on August 25th she attended the Elks Law Enforcement event and the September 9th City Council meetings. She explained she lost her father recently, and that the support of family, friends and even strangers, has helped her move on.

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 Wells requests the City Clerk to recite the title.

14.1 AMENDMENT TO EL CAJON MUNICIPAL CODE SECTION 9.22.050 ADDRESSING ALCOHOLIC BEVERAGES – POSSESSION OF OPEN CONTAINERS – LIQUOR STORES AND ADJACENT AREAS

The **City Clerk** recited the title of the Ordinance.

An Ordinance of the City Council of the City of El Cajon Repealing Section 9.22.050 of Chapter 9.22 and Adding a New Section 9.22.050 to Chapter 9.22 of Title 9 of the El Cajon Municipal Code

MOTION BY McCLELLAN, SECOND BY BALES, to ADOPT ORDINANCE NO. 5013 amending Municipal Code Section 9.22.050.

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

14.2 AMENDMENTS TO TITLES 5 & 17 ADDRESSING SECONDHAND MERCHANDISE AND ALTERNATIVE LENDING – ZONING CODE AMENDMENT NO. 425

The **City Clerk** recited the titles of the Ordinances.

Title 5: An Ordinance of the City Council of the City of El Cajon Repealing Chapters 5.16 and 5.48 and adding New Chapters 5.16 and 5.48 to Title 5 of the El Cajon Municipal Code

Title 17: An Ordinance of the City Council of the City of El Cajon Repealing Section 17.105.020 and Adding a New Section 17.105.020 to Chapter 17.105; Repealing Section 17.110.020 and adding a New Section 17.110.020 to Chapter 17.110; Repealing Section 17.145.150 and Adding a New Section 17.145.150 to Chapter 17.145; Adding a New Section 17.225.200 to Chapter 17.225; and Adding a New Chapter 17.250; All to Title 17 of the El Cajon Municipal Code

ITEM 14.2 (Continued)

MOTION BY McCLELLAN, SECOND BY KENDRICK, to ADOPT ORDINANCE NO. 5014 approving amendments to Title 5 and ORDINANCE NO. 5015 approving amendments to Title 17 of El Cajon Municipal Code, addressing secondhand merchandise and alternative lending – Zoning Code Amendment No. 425.

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

15. CLOSED SESSIONS:

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

15.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9:

Names of Cases:

Rovelynn Reyes v. City of El Cajon, et al
San Diego Superior Court
Case Number: 37-2013-00054494-CU-PA-CTL

State Farm Mutual Automobile Insurance Company v. City of El Cajon
San Diego Superior Court
Case Number: 37-2013-00054529-CL-IC-CTL

San Diego Gas & Electric Company v. City of El Cajon, et al;
Rovelynn Lerillo Reyes; Roumel O. Reyes
San Diego Superior Court
Case Number: 37-2014-00082721-CU-PA-CTL

15.2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9:

Name of Case:

City of El Cajon v. Samuel C. Thornton
San Diego Superior Court
Case Number: 37-2014-00010886-CU-MC-CTL

15.3 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9:

Name of Case:

City of El Cajon v. Scott Yerebeck
San Diego Superior Court
Case Number: 37-2012-00069135-CU-MC-EC

15.4 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9:

Number of potential cases: 1

Facts and Circumstances Known to Potential Plaintiffs: Code violations and the need for compliance measures have existed in regard to the subject property since at least the City's first notification letter to the owners of October 10, 2007. At a City Council meeting on June 24, 2008, City staff was directed to file a Notice of Restriction against the property, begin accrual of civil penalties as of June 25, 2008, monitor the property, and bring the matter back to Council for resolution of costs and penalties. The Notice of Restriction was filed and recorded with the County on June 25, 2008. On May 15, 2009, a Notice of Assessment of Administrative Fee, Civil Penalties and Costs, was sent to the parties. On May 26, 2009, civil penalties of \$128,400.00, an administrative fee of \$615.00, and personnel costs of \$527.51, were assessed, totaling \$129,542.41. Since the filing of the Notice of Restriction and the assessment of fees, costs and penalties, the owner of the property has died and the family indicates they are in the process of selling the property to a third party. The owners have agreed to correct the violations existing on the property.

15.5 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9:

Name of Case:

City of El Centro; City of El Cajon, et al. v. David Lanier
San Diego Superior Court – Central
Case Number: 37-2014-00003824-CU-WM-CTL

15.6 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9

Name of Case:

HSH, Inc., et al. v. City of El Cajon
United States District Court
Case Number: 13cv2881 WQH-NLS

MOTION BY McCLELLAN, SECOND BY BALES, to ADJOURN to Closed Session at 4:21 p.m.

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

16. RECONVENED TO OPEN SESSION AT 4:50 P.M.

City Attorney Foley reported the following actions:

- 15.1 Direction was given to the City’s Legal Counsel, the Law Firm of Daley and Heft, to handle those matters.**
- 15.2 Direction was given to the City Attorney’s office.**
- 15.3 Direction was given to the City Attorney’s office.**
- 15.4 Direction was given to the City Attorney’s office in the handling of this matter.**
- 15.5 This case involves a number of cities, but also involves the City of El Cajon vs. the State of California. Direction was given to the City Attorney’s office in the handling of this matter.¹**
- 15.6 Information given to the City and no action was taken.**

¹See additional comments from City Attorney Foley in the Minutes for the 7:00 p.m. meeting

ADJOURNMENT: Mayor Wells adjourned the Regular Joint Meeting of the City Council/Redevelopment Agency held this 9th day of September 2014, at 4:52 p.m. to Tuesday, September 9, 2014 at 7:00 p.m.

BELINDA A. HAWLEY, CMC
City Clerk/Secretary

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

September 9, 2014

An Adjourned Regular Joint Meeting of the City Council and Redevelopment Agency of the City of El Cajon, California, held Tuesday, September 9, 2014, was called to order by Mayor/Chair Bill Wells 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 9, 2014, by order of the City Council and Redevelopment Agency.

ROLL CALL

Council/Agencymembers present:	Bales and McClellan
Council/Agencymembers absent:	Ambrose
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 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:

City Attorney Foley made an additional announcement pertaining to a Closed Session Item from the afternoon meeting. Regarding Item 15.5, Existing Litigation involving the City of El Centro, El Cajon and other cities, against David Lanier, a lawsuit challenging Senate Bill (SB) 7 and one other bill, the City Council, on MOTION BY KENDRICK, SECOND BY MCCLELLAN, authorized the City to participate in an appeal of the Superior Court decision. It was a 4-0 vote. (AMBROSE – Absent)

Steve Goble spoke on the Rock Church lease agreement and noted his dismay over the negative opposition from some citizens in the community.

PUBLIC HEARINGS:

100 ESTABLISH A COMPUTER SALES, SERVICE AND GAMING CENTER WITH REDUCED PARKING – CONDITIONAL USE PERMIT NO. 2206 (Report: Planning Manager)

RECOMMENDATION: That the City Council:

- Open the public hearing and receive testimony;
- Close the public hearing;

THEN:

- Move to ADOPT the next RESOLUTION in order APPROVING Conditional Use Permit No. 2206.

DISCUSSION

Planning Manager Anthony Shute provided a summary of the Item.

Mayor Wells announced the Public Hearing is now Open.

No one came forward to speak.

Mayor Pro Tem Kendrick and **Mayor Wells** spoke in favor of the new business.

MOTION BY MCCLELLAN, SECOND BY BALES, to CLOSE the Public Hearing.

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

ITEM 100 (Continued)

MOTION BY KENDRICK, SECOND BY MCCLELLAN, to ADOPT RESOLUTION NO. 103-14 Approving Conditional Use Permit No. 2206.

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

101 CONSIDER PROPOSED CODE AMENDMENTS TO TITLE 17 ADDRESSING THEFT DETERRENT SECURITY FENCING – ZONING CODE AMENDMENT NO. 428 (Report: Planning Manager)

RECOMMENDATION: That the City Council:

- Open the public hearing and receive testimony;
- Close the public hearing;

THEN:

- Move to INTRODUCE the next ORDINANCE in order APPROVING amendments to Title 17 to allow theft deterrent security fencing in the C-M and M zones;
- If approved, the Mayor requests the City Clerk to recite the title.

An Ordinance of the City Council of the City of El Cajon Repealing Section 17.130.220 and Adding New Section 17.130.220 to Chapter 17.130 to Title 17 of the El Cajon Municipal Code

DISCUSSION

Planning Manager Anthony Shute provided a summary of the Item and responded to questions about placement of the electrified fence.

Mayor Wells announced the Public Hearing is now Open.

Michael Pate, representing Electric Guard Dog, spoke in support of the project. In response to questions from **Council**, he reported he is not aware of any problems resulting from the use of the fence.

No one else came forward to speak.

ITEM 101 (Continued)

MOTION BY WELLS, SECOND BY MCCLELLAN, to CLOSE the Public Hearing.

MOTION CARRIES BY UNANIMOUS VOTE.

Mayor Pro Tem Kendrick stated that unfortunately, some people want to steal from others, and that the City Council has an obligation to give citizens and businesses the ability to protect themselves. He supports the proposed amendments.

Mayor Wells asked about providing warning signs in the Arabic language, as El Cajon has a large population of Arabic people. **Mayor Pro Tem Kendrick** supported the suggestion.

City Manager Williford informed that **Council** may add the requirement for signs in the Arabic language.

MOTION BY MCCLELLAN, SECOND BY BALES, to INTRODUCE the Ordinance, and add the requirement to provide warning signs in the Arabic language.

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

The **City Clerk** recited the title:

An Ordinance of the City Council of the City of El Cajon Repealing Section 17.130.220 and Adding New Section 17.130.220 to Chapter 17.130 to Title 17 of the El Cajon Municipal Code

(Remainder of this page intentionally left blank)

102 APPEAL OF PLANNING COMMISSION'S DECISION DENYING REQUEST TO AMEND ZONING CODE SECTIONS 17.190.180 AND 17.190.270, AND FOR AN OFF-SITE DIGITAL BILLBOARD IN THE O-S ZONE – ZONING CODE AMENDMENT NO. 419 AND CONDITIONAL USE PERMIT NO. 2162 (Report: Planning Manager)

RECOMMENDATION: That the City Council:

- Open the public hearing and receive testimony;
- Close the public hearing;

THEN:

- Move to ADOPT the next RESOLUTIONS in order DENYING the appeal of Zoning Code Amendment No. 419 and Conditional Use Permit No. 2162.

DISCUSSION

Councilmember McClellan inquired about offering the applicant the option to wait for a full **Council**. **City Attorney Foley** indicated it is up to the **Council** to decide whether to conduct the hearing or offer the option to wait for a full **Council**.

Planning Manager Anthony Shute provided a summary of the Item.

In response to questions from **Mayor Pro Tem Kendrick**, regarding the possibility of a 2-2 tie vote, **City Attorney Foley** indicated the Municipal Code provides a procedure that mandates the Item be brought back to next meeting where a fifth council member would be available to break the tie. **Councilmember Ambrose** would need to have listened to tape, watched the video, reviewed materials and testimony, and would need to state for the record, that he feels sufficiently prepared to assist in breaking the tie.

Mayor Wells polled the **Council** on whether to proceed with the public hearing. The consensus was to proceed with the hearing.

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

- Zoning of the subject property and development allowed (a maximum of three units per acre);
- Previous requests for an off-site sign/billboard at the subject property;
- Concerns of setting precedent by approving the applicant's request.

Mayor Wells announced the Public Hearing is now Open.

ITEM 102 (Continued)

The following spoke in favor of denying the appeal:

Sandra Yeaman
Don Ridgway
Phuoc Le
Felix Motisi
Jon David Peterson
Janice Motisi
Kathy Spacone
Lisa Macon
Robert Lewin
Bridgette Lewin
Wilasinee Valencia
Lori Hamilton

The following spoke in support of the appeal:

David Wick, the appellant
Rick Rodriguez, Manager, De La Fuente Cadillac
Diane Kirma

No one else came forward to speak.

MOTION BY MCCLELLAN, SECOND BY BALES, to CLOSE the Public Hearing.

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

Council and Staff further discussed concerns of precedent setting, property owners' rights and the need to preserve the open space.

MOTION BY KENDRICK, SECOND BY BALES, to ADOPT RESOLUTION NO. 104-14 to Deny the appeal of Zoning Code Amendment No. 419 and RESOLUTION NO. 105-14 to Deny Conditional Use Permit No. 2162.

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

ADJOURNMENT: **Mayor Wells** adjourned the Adjourned Regular Joint Meeting of the City Council and the Redevelopment Agency held 9th day of September 2014, at 8:50 p.m., to Tuesday, September 23, 2014 at 3:00 p.m.

BELINDA A. HAWLEY, CMC
City Clerk/Secretary