

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

DECEMBER 2, 2003

A Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, December 2, 2003 was called to order by Mayor/Chair Mark Lewis at 7:00 p.m., in the Council Chambers, 200 East Main Street, El Cajon, California.

ROLL CALL

Council/Agencymembers present:	McClellan, Ramos, Santos
Council/Agencymembers absent:	
Mayor Pro Tem/Vice Chair present:	Kendrick
Mayor/Chair present:	Lewis
Other Officers present:	Linn, City Clerk/Secretary Foley, City Attorney/General Counsel Garrett, City Manager/Executive Director Odiorne, City Engineer Griffin, Director of Community Development

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 November 18, 2002 Meetings and the Agenda of the December 2, 2003 Meeting in accordance to State Law and Council/Agency Policy.

AGENDA CHANGES: None

CONSENT ITEMS: (1.1 – 1.4)

MOTION BY Lewis, SECOND BY Santos, to approve Consent Items 1.1 – 1.4, with the exception of Item 1.3 as requested for discussion by Councilmember McClellan.

MOTION CARRIES BY UNANIMOUS VOTE.

1.1 MINUTES OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS:

Approve the Minutes of the November 18, 2003 Meetings of the El Cajon City Council/Redevelopment Agency.

1.2 WARRANTS

Approve payment of Warrants as submitted by the Finance Department.

1.3 PULLED FOR DISCUSSION.

1.4 SUBDIVISION AGREEMENT FOR TENTATIVE PARCEL MAP (TPM) 611 – 280/350 CYPRESS LANE AND 315/365 BRADLEY AVENUE (Report: Director of Public Works)

Approve the Subdivision Agreement for Tentative Parcel Map 611.

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1.3 RESOLUTION NO. 216-03: AWARD BID FOR BUS SHELTERS (Report: Purchasing Agent)

Adopt RESOLUTION NO. 216-03 in order to appropriate additional funding in the amount of \$10,000 from the TDA Transit Fund and award the bid to Sutherlin Contracting, Inc. in the amount of \$67,836.00.

DISCUSSION

In answer to **Councilmember McClellan's** question, **City Engineer Odiorne** indicates adequate funding is available in the TDA Transit Fund for the project.

In answer to **Mayor Lewis'** questions, **City Traffic Engineer Krulikowski** indicates the new bus shelters will not have an area for art display. An informal inquiry could be made to the Metropolitan Transit System (MTS) Board regarding funds for murals at the trolley overpass.

City Clerk Linn advises the Arts and Culture Commission held preliminary discussions on the topic of a mural at the trolley overpass and will be preparing a proposal for presentation to the MTS Board.

MOTION BY Lewis, SECOND BY Kendrick, to approve Item 1.3.

MOTION CARRIES BY UNANIMOUS VOTE.

PUBLIC COMMENT:

Kevin Braudaway, Carroll K. Wampler, and John McIntosh speak regarding a violent neighbor on Robbie Jean Place and a recent incident.

Councilmember McClellan speaks of the Safe Streets Program, which may assist the residents on Robbie Jean Place.

Mayor Lewis suggests the speakers contact the City Manager for information and assistance.

John Gibson, 1000 Pioneer Way, El Cajon, CA, speaks regarding the Set-Free program at the Fabulous 7 facility.

WRITTEN COMMUNICATIONS:

2.1 LETTER: CAJON VALLEY UNION SCHOOL DISTRICT – REPRESENTATIVE ON THE PARKS AND RECREATION COMMISSION

Janice Cook, Superintendent of the Cajon Valley Union School District, requests that the Council consider changing the candidates nominated by the District to reside within El Cajon City Limits, but also in the unincorporated area of El Cajon. (The district nominee(s) will be considered by Council on January 27, 2004 with other commissions that have terms that are expiring).

DISCUSSION

Janice Cook, Superintendent, Cajon Valley Union School District, speaks in support of the request, indicating a larger pool of candidates would be available should Council agree to modify the residency requirement.

MOTION BY Lewis, SECOND BY Santos, to refer to Staff to amend the Code to allow for a nominee from the school district to reside outside the City limits with an El Cajon address.

MOTION CARRIES BY UNANIMOUS VOTE.

PUBLIC HEARINGS: (100 – 101)

100 PLANNED UNIT DEVELOPMENT 212 AND TENTATIVE SUBDIVISION MAP 523 – 930 PEACH AVENUE (Report: City Clerk)

RECOMMENDATION: That the City Council

- **Open** the Public Hearing and receive testimony
- **Close** the Public Hearing

PLANNED UNIT DEVELOPMENT 212

- **Adopt RESOLUTION NO. 217-03, in order to Approve, Modify or Disapprove Planning Commission Resolution No. 9867** to convert a 26-unit apartment complex to a 26-unit common interest development in the R-3 Zone at 930 Peach Avenue.

PUBLIC HEARINGS: (100 – Continued)

TENTATIVE SUBDIVISION MAP 523

- **Adopt RESOLUTION NO. 218-03 in order to Approve, Modify or Disapprove Planning Commission No. 9868 for a one-lot subdivision in the R-3 Zone at 930 Peach Avenue.**

DISCUSSION

Director of Community Development Griffin provides a summary of the Item.

In answer to **Councilmember Ramos'** question on hot water pipes, **Director Griffin** indicates the developer is required to repair any known mechanical, electrical, plumbing or heating system problems. Down the road if there were an internal, interior issue, the homeowner would be responsible for repair. There may be issues involving common areas, for which the homeowners' association would be responsible.

Mayor Lewis announces the Public Hearing is now Open.

Joseph Scarlatti, representing Westone Management Consultants, 710 Camino de la Reina, Suite 129, San Diego, CA, indicates any known plumbing issues in all common areas would be brought up to a 25 year standard. Future problems would be a homeowners' association issue.

Pam Thomas, 930 Peach Avenue, El Cajon, CA, speaks concerning safety issues and requests consideration given for a gated community.

Mr. Scarlatti indicates the client will make the project a gated community.

In answer to **Councilmember Santos'** question, **Director Griffin** indicates Council may add the condition for a gate, and suggests the developer work with Staff on location of the gate.

No further comments are offered.

MOTION BY Lewis, SECOND BY McClellan, to Close the Public Hearing.

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY Lewis, SECOND BY McClellan, to adopt RESOLUTION NO. 217-03, to concur with Planning Commission Resolution No. 9867 to convert a 26 unit apartment complex to a 26 unit common interest development at 930 Peach Avenue, including the requirement for a gated community and the developer to work with staff on the location.

MOTION CARRIES BY UNANIMOUS VOTE.

PUBLIC HEARINGS: (100 – Continued)

MOTION BY Lewis, SECOND BY Santos, to adopt RESOLUTION NO. 218-03, to concur with Planning Commission Resolution No. 9868, for a one-lot subdivision at 930 Peach Avenue.

MOTION CARRIES BY UNANIMOUS VOTE.

101 TENTATIVE PARCEL MAP 617 – 1426 COKER WAY (Report: City Clerk)

RECOMMENDATION: That the City Council

- **Open** the Public Hearing and receive testimony
- **Close** the Public Hearing
- **Adopt RESOLUTION NO. 219-03 in order to Approve, Modify or Disapprove Planning Commission Resolution No. 9869, recommending approval of a four-lot subdivision in the R-1-6 Zone at 1426 Coker Way.**

DISCUSSION

Director of Community Development Griffin provides a summary of the Item.

Mayor Lewis announces the Public Hearing is now Open.

No one comes forward to be heard.

MOTION BY Lewis, SECOND BY Kendrick, to Close the Public Hearing.

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY Lewis, SECOND BY McClellan, to adopt RESOLUTION NO. 219-03 in order to approve Planning Commission Resolution No. 9869 approving a 4 lot subdivision at 426 Coker Way.

MOTION CARRIES BY UNANIMOUS VOTE.

ADMINISTRATIVE REPORTS: (3.1)

3.1 TENANT RELOCATION ASSISTANCE – CONDOMINIUM CONVERSIONS POLICY AND ORDINANCE (Report: City Attorney)

RECOMMENDATION: That the City Council review the draft ordinance and policy providing for tenant relocation assistance and procedures for the payment of such assistance.

ADMINISTRATIVE REPORTS: (3.1 - Continued)

DISCUSSION

City Attorney Foley provides a summary of the recommendation.

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

- State law requirements for notice of termination of tenancy
- Lease agreements dictating variations in the number of days required for notice of termination
- Final map recording

Joseph Scarlatti, representing Westone Management Consultants, 710 Camino de la Reina, Suite 129, San Diego, CA, indicates his clients are willing to provide a 60-day notice to vacate, and suggests the developer provide the tenant with the last month's free rent in lieu of a check for relocation assistance.

Chris Christiansen, 3rd Street, La Mesa, CA, speaks concerning the procedure adopted from conversion guidelines prepared by SANDAG and used in Solana Beach.

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

- Protecting the best interests of the tenants
- Having the City administer distribution of the relocation assistance checks

MOTION BY Lewis SECOND BY Santos, to approve the language as presented by the City Attorney.

MOTION CARRIES BY UNANIMOUS VOTE.

4. REPORTS OF MAYOR LEWIS: None

5. REPORTS OF COUNCILMEMBERS

MAYOR PRO TEM GARY KENDRICK: None

COUNCILMEMBER BOB McCLELLAN:

Councilmember McClellan reports he represented the City at a recent event to congratulate fire fighters on their efforts in connection with the recent fires.

COUNCILMEMBER CHARLES SANTOS: None

COUNCILMEMBER DICK RAMOS: None

ORDINANCE: FIRST READING (6.1)

6.1 ZONE RECLASSIFICATION 2218 – West side of Richardson Avenue between West Main Street and Palm Avenue

As a result of Public Hearing and action taken at the June 26, 2001 meeting, approving Zone Reclassification 2218 to rezone property on the West Side of Richardson Avenue between West Main Street and Palm Avenue, from the R-3 Zone to the C-M Zone.

MOTION BY Lewis, SECOND BY Ramos, to introduce the Ordinance and request the City Clerk to recite the title and waive full reading of the text.

MOTION CARRIES BY UNANIMOUS VOTE.

ORDINANCES: SECOND READING AND ADOPTION (6.2-6.3)

RECOMMENDATION: That the City Council request the City Clerk to recite the titles, waive full reading of the text and adopt the Ordinances.

6.2 ZONE RECLASSIFICATION 2226 – LYNNWOOD WEST MOBILEHOME PARK – WASHINGTON AVENUE BETWEEN SOUTH SECOND STREET AND LELAND PLACE

Adopting Ordinance No. 4757 rezoning subject property from the R-1-6 and R-S-9 Zones to the R-2-MH Zone and from the R-2-MH Zone to the R-3-R-MH Zone.

MOTION BY Lewis, SECOND BY Ramos, to request the City Clerk to recite the title, waive full reading of the text and adopt Ordinance No. 4757.

MOTION CARRIES BY UNANIMOUS VOTE.

6.3 AMENDMENT OF EL CAJON MUNICIPAL CODE (Chapter 9.34) – VEHICLE ABATEMENT FOR NUISANCE

Adopting Ordinance No. 4758 to amend the El Cajon Municipal Code to authorize seizure and forfeiture of nuisance vehicles used to solicit prostitution or purchase controlled substances.

MOTION BY Lewis, SECOND BY Ramos, to request the City Clerk to recite the title, waive full reading of the text and adopt Ordinance No. 4758.

MOTION CARRIES BY UNANIMOUS VOTE.

7. LEGISLATIVE REPORT

7.1 League of California Cities Legislative Bulletin - *Priority Focus*

NO RECOMMENDED ACTION.

8. GENERAL INFORMATION ITEMS FOR DISCUSSION: NONE

9. CLOSED SESSION:

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

- **Under Government Code Section 54956.9 (b) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Significant exposure to litigation**
Number of Potential Cases: 1
- **Under Government Code Section 54956.9 (a) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Name of Case: Williams v. City of El Cajon, et al.
Case No. 99 CV 2176J
- **Under Government Code Section 54956.9 (a) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Name of Case: Ada v. City of El Cajon, et al.
Case No. GIC 800251

MOTION BY Lewis, SECOND BY Santos, to adjourn to Closed Session at 8:36 p.m.

MOTION CARRIES BY UNANIMOUS VOTE.

10. RECONVENE TO OPEN SESSION at 8:59 p.m. - City Council gave direction to the City's legal representative regarding Items 1 and 2, and no action was taken on Item 3.

ADJOURNMENT: Mayor Lewis adjourned the Regular Joint Meeting of the El Cajon City Council and the El Cajon Redevelopment Agency held this 2nd day of December 2003 at 9:00 p.m. to Tuesday, December 16, 2003 at 3:00 p.m.

City Clerk/Secretary