

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



## MINUTES

### CITY OF EL CAJON EL CAJON, CALIFORNIA

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July 12, 2005

A Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, July 12, 2005, was called to order by Mayor/Chair Mark Lewis at 3:11 p.m., in the Council Chambers, 200 East Main Street, El Cajon, California. This meeting was adjourned from the Adjourned Regular Joint meeting held at 7:00 p.m. on June 28, 2005.

#### ROLL CALL

Council/Agencymembers present:	Hanson-Cox, Kendrick, Ramos
Council/Agencymembers absent:	None
Mayor Pro Tem/Vice Chair present:	McClellan
Mayor/Chair present:	Lewis
Other Officers present:	Rutledge, City Clerk/Secretary Foley, City Attorney/General Counsel Henry, City Manager/Executive Director Munzenmaier, Director of Public Works 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 June 28, 2005, Meetings and the Agenda of the July 12, 2005, Meetings in accordance to State Law and Council/Agency Policy.

**PRESENTATIONS:**

- **Proclamation – July is “Parks and Recreation Month”**
- **Commendation – Marvin Munzenmaier – Retiring Director of Public Works**
- **Presentation – Henry Abarbanel – SANDAG Energy Working Group of the Regional Planning Committee**

**AGENDA CHANGES: NONE**

**CONSENT ITEMS: (1.1 – 1.10)**

**MOTION BY LEWIS, SECOND BY RAMOS, to approve Consent Items 1.1 to 1.7 and Items 1.9 to 1.10, pulling Item 1.8, as requested by Councilmembers Ramos and Hanson-Cox, with the understanding that Mayor Pro Tem McClellan is voting “no” on Item #1.10.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

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

Approve Minutes of the June 28, 2005, Meetings of the El Cajon City Council/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 RESOLUTION: APPOINTING CITY ATTORNEY STAFF OF THE CITY OF EL CAJON**

Adopt RESOLUTION NO. 151-05 to appoint the staff of the City Attorney's Office as follows:

Morgan L. Foley, City Attorney  
Tamara A. Smith, Assistant City Attorney  
James P. Lough, Assistant City Attorney  
Jennifer M. Lyon, Assistant City Attorney  
Laura O. Del Valle, Assistant City Attorney  
Behnaz Tashakaorian, Assistant City Attorney  
Lisa A. Foster, Assistant City Attorney  
Barbara C. Luck, Staff Attorney

**1.5 ACCEPTANCE OF PEDESTRIAN RAMPS AT VARIOUS LOCATIONS IN THE CITY OF EL CAJON, PROJECT NO. 12 – BID NO. 028-05 (Report: 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 terms of the Contract.

**1.6 ACCEPTANCE OF EMERGENCY SEWER REPAIR AT ALDWYCH ROAD AND WILLIS ROAD – BID NO. 039-05 (Report: Director of Human Resources)**

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

**1.7 RESOLUTIONS: 2005 BOND ISSUE (Report: Director of Redevelopment and Housing)**

Adopt the next two RESOLUTIONS to authorize the El Cajon Redevelopment Agency Tax Allocation Refunding Bonds Issue of 2005 to provide funds to refinance the 1997 Bonds and to finance additional redevelopment activities through issuance of new tax allocation bonds.

**As the City Council, adopt RESOLUTION NO. 152-05** approving the issuance by the El Cajon Redevelopment Agency of 2005 Tax Allocation Bonds Relating to the El Cajon Redevelopment Project.

**As the Redevelopment Agency Board of Directors, adopt RESOLUTION NO. ECRA-367** authorizing the issuance and sale of 2005 tax allocation bonds relating to the El Cajon Redevelopment Project, approving related documents and authorizing official actions.

**PULLED FOR DISCUSSION BY COUNCILMEMBERS RAMOS AND HANSON-COX.**

**1.8 DISTRICT SALES TAX AUDITING AGREEMENT  
(Report: Assistant City Manager/Director of Finance)**

**RECOMMENDATION:** That the **City Council** (1) authorize the City Manager to sign Amendment Number 1, amending the agreement between the City and MBIA to extend sales tax auditing services to the newly formed Public Safety Facilities Sales and Use District Tax; and (2) adopt the next RESOLUTION in order titled a Resolution of the City of El Cajon Authorizing the Examination of Transactions (Sales) and Use Tax Records.

**1.9 LETTERS OF APPRECIATION – WALL OF FAME**

Authorize the letter from Granite Hills High School commending School Resource Police Officer Manny Sandoval for solving two burglaries and for his volunteer work as coach on the varsity boys’ baseball team to be included on the City’s *Wall of Fame* and/or letters of appreciation be sent to the appropriate parties.

**1.10 RESOLUTION: APPROVING AMENDMENT TO VEHICLE ALLOWANCES AND MEDICAL BENEFITS PAID TO THE MAYOR AND MEMBERS OF THE CITY COUNCIL**

Adopt RESOLUTION NO. 154-05 approving amendment to vehicle allowances and medical benefits paid to the Mayor and members of the City Council.

**MOTION CARRIES BY A 4 TO 1 VOTE.  
McCLELLAN VOTES “NO”**

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**PULLED FOR DISCUSSION BY COUNCILMEMBERS RAMOS AND HANSON-COX.**

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**DISCUSSION**

Discussion ensues between **Council** and **Staff** regarding questions relating to cost and why if it is based on commission an hourly rate is shown.

No further comments were made.

**MOTION BY LEWIS, SECOND BY KENDRICK, to (1) authorize the City Manager to sign Amendment Number 1, amending the agreement between the City and MBIA to extend sales tax auditing services to the newly formed Public Safety Facilities Sales and Use District Tax; and (2) adopt RESOLUTION NO. 153-05 titled a Resolution of the City of El Cajon Authorizing the Examination of Transactions (Sales) and Use Tax Records.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**PUBLIC COMMENT:**

**Edy Mason**, 324 West Park Avenue, El Cajon, speaks regarding the previous meeting relating to Section 8 costs and availability; people who are being displaced by the apartments to condo conversions will have a difficult time finding affordable housing.

**Claire Carpenter**, speaks regarding Farmers Market which will open this Thursday, July 14, on Orange Avenue, from 3:00 p.m. to 7:00 p.m., with all types of merchandise and activities with special events being held once a month; announces the new Ambassador truck is parked in front of the Chambers.

**Sunshine Horton**, 1525 Granite Hills Drive, El Cajon, thanks **Councilmember Hanson-Cox** for her donation to purchase yellow ribbons for the trees and Daryl Priest for his donation; announces that her mother will be 80 years old and invites the Mayor and Council Members to the celebration at Rubios Restaurant from 3:00 p.m to 5:00 p.m.; announces that Ron Valles, who works in the City Clerk's Office, had nominated her for the Home Town Hero Award, which she won.

**2. WRITTEN COMMUNICATIONS:**

**2.1 Letter from Timothy A. Powell, Director-Franchise Development Western Region for Hilton Hotels, expressing an interest in accepting a franchise application from National Housing Fund, Inc. for a Hampton Inn to be located at the intersection of Magnolia and Madison at the exit off Interstate 8.**

**DISCUSSION**

**Councilmember Kendrick** states he would like to see a little more upscale hotel.

**MOTION BY LEWIS, SECOND BY McCLELLAN, to direct staff to work with the people to make this a reality.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**3. ADMINISTRATIVE REPORTS:**

**3.1 TENTATIVE AGREEMENT WITH EL CAJON POLICE OFFICERS' ASSOCIATION MANAGEMENT GROUP  
(Report: Director of Human Resources)**

**RECOMMENDATION:** That the City Council approve the tentative agreement reached with the El Cajon Police Officers' Association Management Group and authorize the City Manager to execute any applicable final Memorandum of Understanding implementing the terms, and adopt the next RESOLUTION in order if approved.

**After discussion in Closed Session, the following action was taken:**

**MOTION BY LEWIS, SECOND BY RAMOS, to approve the tentative agreement reached with the El Cajon Police Officers' Association Management Group and authorize the City Manager to execute any applicable final Memorandum of Understanding implementing the terms, and adopt RESOLUTION NO. 155-05.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**3.2 TENTATIVE AGREEMENT WITH EL CAJON POLICE OFFICERS' ASSOCIATION (Report: Director of Human Resources)**

**RECOMMENDATION:** That the City Council approve the tentative agreement reached with the El Cajon Police Officers' Association and authorize the City Manager to execute any applicable final Memorandum of Understanding implementing the terms provided in memo dated July 6, 2005, and adopt the next RESOLUTION in order if approved.

**After discussion in Closed Session, the following action was taken:**

**MOTION BY LEWIS, SECOND BY RAMOS, to approve the tentative agreement reached with the El Cajon Police Officers' Association and authorize the City Manager to execute any applicable final Memorandum of Understanding implementing the terms provided in memo dated July 6, 2005, and adopt RESOLUTION NO. 156-05.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**4. COMMISSION REPORTS:**

**4.1 YOUTH COMMISSION APPOINTMENTS AND OATH OF OFFICE**

**RECOMMENDATION:** That the City Council appoint 11 members to the Youth Commission for a one-year term and request the City Clerk to administer the Oath of Office to those appointees that are present.

Appoints the following 11 individuals as members to the Youth Commission for a one-year term:

<b><u>APPOINTEE</u></b>	<b><u>APPOINTED BY</u></b>
<b>Michelle J. Allen</b>	<b>Councilmember Hanson-Cox</b>
<b>Merta Audesh</b>	<b>Mayor Pro Tem McClellan</b>
<b>Arianna S. Cassani</b>	<b>Councilmember Ramos</b>
<b>Fabian Diaz</b>	<b>Councilmember Kendrick</b>
<b>Nicole R. Hanson</b>	<b>Mayor Lewis</b>
<b>Cassandre M. Kirkwood</b>	<b>Mayor Pro Tem McClellan</b>
<b>Janessa E. Marks</b>	<b>Mayor Lewis</b>
<b>Michael B. Parry</b>	<b>Councilmember Hanson-Cox</b>
<b>Tiffany A. Patterson</b>	<b>Councilmember Ramos</b>
<b>Saralyn Stevenson</b>	<b>Mayor Lewis</b>
<b>Andrew H. Wei</b>	<b>Councilmember Kendrick</b>

The City Clerk administers the Oath of Office to those appointees that are present. (Michael Parry and Michelle Allen were not present to be sworn.)

**5. REPORTS OF MAYOR LEWIS                      NONE**

SANDAG (San Diego Association of Governments) Regional Transportation; SANDAG (Public Safety Committee); METRO Commission (Metropolitan Sewerage System) and METRO Wastewater JPA; MTS (Metropolitan Transit System).

**6. REPORTS OF COUNCILMEMBERS NONE**

**MAYOR PRO TEM BOB McCLELLAN:**

Council Advisory Meeting Schedule, Harry Griffen Park Joint Steering Committee; Heartland Communications JPA – Alternate; LAFCO (Local Agency Formation Commission – Advisory Committee).

**COUNCILMEMBER GARY KENDRICK:**

Heartland Communications JPA; Heartland Fire Training JPA; Chamber of Commerce – Business/Economic Development.

Acknowledges the firefighters who are in the audience.

**6.1 MODIFICATION OF RENOVATION FEE AT ECPAC**

**RECOMMENDATION:** That the City Council approve the modification to the Renovation Fee imposed on tickets sold for performances at the East County Performing Arts Center.

**DISCUSSION**

**Councilmember Kendrick** speaks regarding his proposal to modify the Renovation Fee imposed on tickets sold as a first step to recover the Arts Center.

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

- Placing this fee into a special fund for the renovation of the Center.
- Other fees being collected.
- Whether contracts will/should be modified.
- Renovation Fee would be applied to everyone purchasing a ticket with monies currently owed being paid in full.
- Renovation Fee should be placed in a special fund or perhaps reduced.
- Expense of renting the Center.
- By lowering the prices of the tickets, more tickets will be sold and more events scheduled.

**Gail Nye**, 11078 Horizon Hills Drive, El Cajon, speaks regarding the fact that Grossmont events are sold out; doesn't feel that the fee increases or reduces attendance; feels that eliminating this fee could cost up to \$50,000; feels Christian Community Theater still owes the Center \$3,500 and that CCT should pay this past due account.



Further discussion ensues among **Council** and **Staff** concerning:

- Whether the decrease will really make a difference in renting the Center more often for events.
- Whether lowering the cost of the theater will bring in additional rentals.
- This reduction will be temporary only until new management assumes the operation of the Center.
- Companies renting the Center will charge whatever they want for tickets as the City has no authority to set ticket prices.

**MOTION BY KENDRICK, SECOND BY McCLELLAN, to approve the modification to the Renovation Fee imposed on tickets sold for performances at the East County Performing Arts Center and reduce any existing contracts accordingly.**

**MOTION CARRIES BY 4 TO 1 VOTE.  
RAMOS VOTES NO.**

**COUNCILMEMBER DICK RAMOS:**

ADAPT (Alcohol and Drug Abuse Prevention Task Force); Heartland Fire Training JPA (Alternate); Legislative Report.

**Councilmember Ramos** states he has received a letter from a constituent living on El Monte Road and that the road is being inundated with truck traffic; requests authority to forward this letter to the Traffic Commission to review whether it is possible to limit the weight of trucks on this road.

**COUNCILMEMBER JILLIAN HANSON-COX:            NONE**

SANDAG (San Diego Association of Governments) (Alternate); MTS (Metropolitan Transit System Board) – Alternate; East County Economic Development Council; League of California Cities, San Diego Division; East San Diego County Gang Task Force.

**7.        LEGISLATIVE REPORT**

**7.1      League of California Cities Legislative Bulletin - *Priority Focus* dated June 24, 2005 and July 1, 2005 - *Priority Focus***

**8.        GENERAL INFORMATION ITEMS FOR DISCUSSION:            NONE**

**9. ORDINANCES: FIRST READING NONE**

**ORDINANCE: SECOND READING AND ADOPTION**

**9.1 ADOPTION OF 2004 CALIFORNIA ELECTRICAL CODE**

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

An Ordinance Adopting the 2004 California Electrical Code, as amended, by reference, repealing Chapter 15.20 of the El Cajon Municipal Code and adopting a new Chapter 15.20.

- **MOTION to adopt the Ordinance Adopting the 2004 California Electrical Code.**

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

**MOTION BY LEWIS, SECOND BY McCLELLAN, to adopt Ordinance No. 4816, adopting the 2004 California Electrical Code.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**9.2** An Ordinance amending Section 10.20.130 of Chapter 10.20 of the El Cajon Municipal Code deleting forty-five mile per hour speed limit on Cuyamaca, from Weld Boulevard to the northerly city limits and deleting fifty mile per hour speed limit on Cuyamaca, from Bradley Avenue to Weld Boulevard, and establishing a forty mile per hour speed limit on Cuyamaca, from Fletcher Parkway to Bradley Avenue, and establishing a forty-five mile per hour speed limit on Cuyamaca, from Bradley Avenue to northerly city limits.

- **MOTION to adopt the Ordinance amending speed zone on Cuyamaca.**

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

**MOTION BY LEWIS, SECOND BY McCLELLAN, to adopt Ordinance No. 4817 amending speed zone on Cuyamaca.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**10. CLOSED SESSION:**

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

- **CONFERENCE WITH LABOR NEGOTIATORS** – Conference with labor negotiators pursuant to Government Code Section 54957.6:

Agency Designated Representatives: Kathi Henry  
Mike Shelton  
Joan Ward

Employee Organizations: El Cajon Police Officers Association  
El Cajon Police Officers  
Association Management Group  
El Cajon Firefighters Association  
El Cajon Fire Captain's Unit

- **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** - pursuant to subdivision (a) of Government Code Section 54956.9:

Name of Case: Valley Coast Construction, Inc. v. City of El Cajon  
Case No. AAA 73 110 133 04 OLTR

**MOTION BY LEWIS, SECOND BY McCLELLAN, to adjourn into Closed Session at 4:39 p.m.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

- 11. RECONVENE TO OPEN SESSION -**  
**Approved items #3.1 and #3.2 following Closed Session.**

**Adjournment:** Mayor Lewis adjourned the Regular Joint Meeting of the City Council/Redevelopment Agency held this 12th day of July, 2005, at 5:07 p.m. to Tuesday, July 12, 2005 at 7:00 p.m.

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**KATHIE J. RUTLEDGE**  
**City Clerk/Secretary**

**GENERAL INFORMATION:**

The following items are informational and are not discussed unless the Council/Agency brings the item(s) forward for discussion under Item No. 8 of the agenda.

- A. SANDAG – Board Actions – June 24, 2005
- B. Letter from Rick’s RV Centers – Re: Support for Shadow Mountain Church, Set Free Ministries, Emma’s Family Restaurant and Fabulous 7 Motel

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



## MINUTES

### CITY OF EL CAJON EL CAJON, CALIFORNIA

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**July 12, 2005**

An Adjourned Regular Joint Meeting of the City Council and Redevelopment Agency of the City of El Cajon, California, held Tuesday, July 12, 2005, 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. This meeting was adjourned from the Regular Joint Meeting held at 3:00 p.m., Tuesday, July 12, 2005, by order of the City Council and Redevelopment Agency.

#### **ROLL CALL**

Council/Agencymembers present:	Hanson-Cox, Kendrick, Ramos
Council/Agencymembers absent:	None
Mayor Pro Tem/Vice Chair present:	McClellan
Mayor/Chair present:	Lewis
Other Officers present:	Rutledge, City Clerk/Secretary Foley, City Attorney/General Counsel Henry, City Manager/Executive Director Munzenmaier, Director of Public Works Griffin, Director of Community Development

#### **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:**

**Chris Christensen**, 4817 Palm Avenue, Suite I, La Mesa, informs Council that City of El Cajon has received national recognition regarding a condo conversion project which makes the City a more affordable place to live, and commended the Council for the actions taken by Council.

**PUBLIC HEARINGS:**

**100 ADOPTION OF NEW FEES; MODIFICATION OF EXISTING FEES; AND AMENDMENT OF SCHEDULE OF MISCELLANEOUS FEES  
(Report: City Attorney)**

**RECOMMENDATION: That the City Council**

- **Open the Public Hearing and receive testimony**
- **Close the Public Hearing**
- **Adopt the next RESOLUTION** in order (1) to adopt new fees for the preparation of agreements not to convey condominium units in the conversion of apartments to condominiums, escrow demand lien releases, processing of over-the-counter erosion control plans, and single inspections, drainage plans with NPDES inspections, the preparation of subdivision agreements, and alley closures for special use events; (2) to modify certain existing fees, which includes increasing and decreasing certain building fees and development fees, as well as restructuring emergency medical services provided to residents; and (3) to amend the City's Schedule of Miscellaneous Fees.

**DISCUSSION**

**City Manager Henry** provides a summary of the Item.

**Mayor Lewis** announces the Public Hearing is now Open.

No comments are offered.

**MOTION BY LEWIS, SECOND BY RAMOS, to Close the Public Hearing.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**MOTION BY LEWIS, SECOND BY RAMOS, to adopt RESOLUTION NO. 157-05 (1) to adopt new fees for the preparation of agreements not to convey condominium units in the conversion of apartments to condominiums, escrow demand lien releases, processing of over-the-counter erosion control plans, and single inspections, drainage plans with NPDES inspections, the preparation of subdivision agreements, and alley closures for special use events; (2) to modify certain existing fees, which includes increasing and decreasing certain building fees and development fees, as well as restructuring emergency medical services provided to residents; and (3) to amend the City's Schedule of Miscellaneous Fees.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**101 APPEAL – PLANNING COMMISSION DENIAL OF THE ADDENDUM TO ENVIRONMENTAL IMPACT REPORT #74; ZONE RECLASSIFICATION 2261 REQUESTING TO PREZONE PROPERTY FROM THE COUNTY RS-7 TO THE CITY OF EL CAJON C-2 ZONE ON PROPERTY LOCATED ON THE EAST SIDE OF EAST MAIN STREET BETWEEN LAVALA LANE AND PEPPER DRIVE; CONDITIONAL USE PERMIT 2004 FOR OUTDOOR STORAGE AND DISPLAY FOR A PROPOSED HOME IMPROVEMENT STORE (Home Depot USA, Inc.) (Report: City Clerk)**

**RECOMMENDATION: That the City Council**

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

**ADDENDUM TO ENVIRONMENTAL IMPACT REPORT (EIR) #74**

- **Adopt the next RESOLUTION in order to Approve, Modify or Deny the appeal of Planning Commission Resolution No. 10123 denying the Addendum to Environmental Impact Report #74 for a proposed retail commercial development project on property located on the east side of East Main Street between Lavala Lane and Pepper Drive.**
- **If City Council approves the appeal, certify the Addendum to EIR #74 and adopt the Mitigation Monitoring and Reporting Program.**

**ZONE RECLASSIFICATION 2261**

- **Adopt the next RESOLUTION in order to Approve, Modify or Deny the appeal of Planning Commission Resolution No. 10143 denying Zone Reclassification 2261 to prezone property located on the east side of East Main Street between Lavala Lane and Pepper Drive from the County of San Diego RS-7 Zone to the City of El Cajon C-2 Zone.**

- **If the City Council approves the appeal, refer Zone Reclassification 2261 to the City Attorney for preparation of an Ordinance upon completion of conditions.**

#### **CONDITIONAL USE PERMIT 2004**

**Adopt the next RESOLUTION in order to Approve, Modify or Deny** the appeal of Planning Commission Resolution No. 10125 denying Conditional Use Permit 2004 for outdoor storage and display in conjunction with a home improvement store in the (pending) C-2 Zone on property located on the east side of East Main Street between Lavala Lane and Pepper Drive.

#### **DISCUSSION**

**Mayor Lewis** states he received numerous calls; announces that Cliff Albert, News Radio 600, sent Staff two dozen Krispy Kreme donuts.

**Councilmember Kendrick** states he received numerous calls of which he did not return and requests **City Attorney Foley** to explain why Council Members are discouraged from returning such calls once an item has been scheduled for hearing.

**City Attorney Foley** explains Council Members may not have returned telephone calls from members of the community, as once an item is scheduled for hearing, the Members sit as a quasi-judicial board and it must consider only the testimony that is presented at the time of the hearing in order to provide appropriate due process to all involved.

**Councilmember Ramos** informs that he has received numerous telephone calls; he has sold some stock that wasn't doing well, which includes stock in Home Depot.

**Mayor Pro Tem McClellan** informs that he has received telephone calls and that he tried to stop each call as soon as he learned that it pertained to Home Depot; also that he did not return any calls.

**Councilmember Hanson-Cox** states she also received numerous telephone calls and letters; she has reviewed all the letters and documents received; she has also reviewed the site location.

**Councilmember Kendrick** states that one caller told him that a realtor had tried to convince the caller to sell his house because of the proposal by Home Depot.

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

**Mayor Lewis** announces the Public Hearing is now Open.



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

- Lights going in and out of Home Depot at night.
- Decibel level of the forklifts, which activity is limited to the 7:00 a.m. to 7:00 p.m. time zones.
- County zone classification of the area.
- Feasibility of a residential area.
- Dayworkers more numerous at the Arnele location as opposed to the Santee location.
- Pedestrian safety, particularly children going to and from school.
- Traffic at intersection of Greenfield Drive and East Main Street.
- Traffic at Jasmine on Sydney Terrace.

**George Ray**, real estate manager for Home Depot, 3800 Chapman Avenue, Orange, CA, thanks Council for allowing him to speak; thanks Staff for all its assistance; speaks regarding the concerns the citizens have; the fact that most of Home Depot's stores are in similar areas.

**John Ziebarth**, 2900 Fourth Avenue, San Diego, presents a PowerPoint presentation regarding the project, including the CEQA process; the annexation criteria; the CUP process; proposed improvements; land use and compatibility issues; property values; traffic; truck delivery scheduling; alternate retail; pedestrian safety; noise contours; day laborers; alleged increase in reported crimes in surrounding neighborhoods; benefits to the community; sales tax benefits; supportive organizations.

**County Supervisor Dianne Jacob** speaks regarding:

- Whether the property should be residential or commercial
- Requests the City deny the project
- Problem of the project being processed through the City as opposed to the County
- Project is even more incompatible than when first proposed six years ago as there are even more residents now
- Urges the City deny this project
- Introduces Glenn Russell, Department of Planning and Land Use

**Glenn Russell**, Environmental Coordinator, Department of Planning and Land Use, County of San Diego, provides his opinion regarding the deficiencies of the EIR.

**Cliff Albert**, 1597 Villa Crest Drive, El Cajon, speaks for individuals, both in the audience and signers of a petition who are not able to attend this meeting, who are opposed to the project; outlines concerns the surrounding residents have; urges the Council to deny this project.

**Honorable Jim Kelly** commends the Council on its support of property rights; speaks regarding property rights; encourages the Council to continue to do the right thing and think of all of El Cajon, not just a few individuals.

**Janet Carlson**, 1500 Delight Street, El Cajon, speaks regarding the project affecting the quality of life of the residents; the lack of police protection in the area; urges the Council to protect the quality of life of the residents in this area by denying the project.

**Charles Houser**, 1601 Souvenir Drive, El Cajon, speaks regarding the safety issues relating to children going to and from school, especially along Pepper Drive.

**Matthew McFalls**, 1732 Lomacita Terrace, El Cajon, speaks in opposition to the project because of traffic issues and air quality.

**Phil Eisenhart**, 1713 Manfred Court, owner of an El Cajon trucking company which delivers to Home Depot, speaks regarding the traffic problems which the proposed project will create, the health concerns relating to the traffic pollution; urges the Council to consider all aspects of the project.

**Sharon McFalls**, 1732 Lomacita Terrace, El Cajon, presents crime statistics received from the Police Department; speaks regarding the fact that representatives from Home Depot had not met with residents nor had the representatives responded to Ms. McFalls' concerns or questions; feels Home Depot distributed misinformation to the residents.

**William Brown**, 1731 Chatsbury Street, El Cajon, speaks in opposition to and history of this project.

**Debra Opfer**, 1914 Cornerstone Court, El Cajon, speaks for a small group of residents/home owners; problems encountered relating to the day laborers; noises relating to the business activities.

**Dennis Nottingham**, 1883 Jasmine Street, El Cajon, informs Council that citizens against this project are very supportive of the employees of El Cajon; felt that the fire and police protection groups contacted by Home Depot should not have taken a position on the project.

**Marsi Haney**, 1898 Jasmine Street, El Cajon, speaks regarding keeping the proposed site as residential; feels the project could be developed as residential similar to the McDougal Terrace/McDougal Way project was developed.

**Edward Rodden**, 1636 Villa Crest Drive, El Cajon, speaks regarding the concerns mentioned by individuals who have spoken before him; presents his concept that this property be used for homes for first-time homeowners entitled, "Home Depot Village."

**Gordon C. Gardner II**, 1739 Jasmine Street, El Cajon, speaks in opposition to the proposed project; questions how this project can be approved with a six-year old EIR and how this one retail store can be allowed to have such a large impact to the area/City.

**Tim Tichy**, 1899 Jasmine Street, El Cajon, speaks in opposition to the proposed project; if approved, Council will be going against several agencies; feels this project is not a “good fit” for this area.

**Dorothy White**, 1722 Kadwell Way, El Cajon, speaks regarding concerns relating to traffic; suggests additional homes be built on this land; quality of life will diminish if the project is approved; urges Council to consider the negative side of the project and deny it.

**Gary Hicks**, 1346 Bermuda Lane, El Cajon, speaks regarding mitigation measures to be provided by Home Depot as outlined.

**Steve Lambert**, 359 West Madison Avenue, El Cajon, Chair of East County Chamber of Commerce, speaks in favor of the Home Depot project; states jobs are needed in the City.

**Marcia Neal**, 1367 Weers Street, El Cajon, El Cajon Firefighters Association, urges Council to support the project as it will benefit the City overall.

**Grant Mitchell**, 127 North Park Drive, El Cajon, speaks in favor of the project; feels property is not acceptable for residential use.

**Peter Alkatib**, 1811 McDougal Terrace, El Cajon, speaks regarding how he and his family will deal with a Home Depot right across the street from their home; urges the Council to deny the project.

**Jacob Ioannides**, 1743 Elder Court, El Cajon, speaks regarding where the children will be walking to the bus stop; asks that Council take into consideration the children that haven't been driving long, coming from Alpine driving to school; children walking to school on Pepper Drive without sidewalks.

**Gary Burrows**, 1725 Lomacita Terrace, El Cajon, says he supports Mr. Hicks' suggestion of setting up funds; feels that a bond should be set aside to improve East Main Street.

**Rod Archer**, 1831 McDougal Terrace, El Cajon, says his back fence overlooks the area; drives at night so must sleep during the day; doesn't feel he will be able to sleep with the forklift activities; speaks regarding the pollution from the trucks; problems of the day laborers; urges the Council to deny the project.

**Ryan Darsey**, 1222 Dawnridge Avenue, El Cajon, speaks in opposition to the project because of the traffic, danger to the children; urges the Council to deny the project.

**Marci Bailey**, 1606 Lomacita Terrace, El Cajon, states that the area is zoned residential and should remain residential; speaks relating to the quality of life; noise; children that walk and bike to school; day laborers.

**David Peden**, 1923 Jasmine Street, El Cajon, speaks in opposition as he feels that nothing has changed since the previous hearing six years ago.

**Linda French**, 1626 Pepper Drive, El Cajon, speaks in opposition to the project; states that other Home Depot stores in the county are in industrial zones; feels the location is not a viable location for this type of project; feels the City has a shortage of housing.

**John Newsom**, 13637 Browncroft Way, El Cajon, speaks in favor of Home Depot; urges Council to make its decision on the facts of the project; feels that the project will be a benefit as a whole.

**Michael Gurchiek**, 13162 Highway 8 Business, El Cajon, speaks regarding the accidents that have already taken children's lives; does not feel another housing project is a good fit for this area.

**Eddie Guinnip**, 1575 Heron Avenue, El Cajon, is an associate of and speaks in favor of Home Depot.

**Janet Wheeler**, 428 Silverbrook Drive, El Cajon, a fire victim that was rewarded by Home Depot; feels that Home Depot is the type of business that she wants in her neighborhood.

**Edward Hurst**, 1670 Whitestone Road, Spring Valley, employee of Home Depot, speaks on how Home Depot gives back to the community where stores are located.

**Bill Walker**, 10725 Stoney Creek Court, Santee, current Home Depot store manager, speaks in favor of the project; feels that the project will benefit El Cajon and East County.

**Sue DeBellis**, 903 Amistad Court #B, El Cajon, thanks the Council for the opportunity to speak; she is an associate of Home Depot; feels that it is not "just a job" but turns into a career; has a good benefits plan; Home Depot takes care of its employees and promotes from within; feels the project will have a positive impact.

**Kristopher Baldwin**, 715 Terra Lane, El Cajon, speaks in favor of the project; is a Home Depot employee paying his way through college; feels the new jobs would be beneficial; feels if there is no work for the day workers there, they will leave the area.

**Gary Woods**, 1202 East Madison, El Cajon, would like to see Business 8 widen and Freeway 8 widen to six lanes with lights allowing two cars per light; does not want to see additional housing in this location; far too much noise, dust, and pollution in the area for more housing; would like to see a place for his children to work when they get

out of school; would like to purchase material locally; would like the Business 8 area revitalized; would like to support El Cajon police and fire; and would like to see property rights respected; doesn't understand building additional homes right next to the freeway.

**Teresa Robertson**, 1785 Eldon Court, El Cajon, thanks the Council for the opportunity to speak; states that any access to the Santee Home Depot has two lanes as does the store currently located in El Cajon; feels her home is a safe place but with Home Depot being placed in this location it will affect the quality of life.

**Mario Tilaro**, 735 Mundy Terrace, El Cajon, informs Council that his home is about six blocks from the current Home Depot on Arnele; has never seen the congestion around the store area that is being talked about; the Council represents the whole city of El Cajon; feels if the project is denied, it may go outside the City and the City would not receive the benefit of the taxes.

**Charles Bayer**, 5330 Soledad Mountain Road, San Diego, Home Depot manager; addresses what Home Depot stands for; Home Depot assisted during the September 11, 2001, incident, the hurricanes on the east coast, and the recent fire victims of San Diego County.

**Alex Pilon**, 1805 Jasmine, El Cajon, reminds Council that the citizens raise the funds for paying for fire and police protection; no left hand turn lane into Sydney; would like a wall around Home Depot; feels Home Depot knows that the project will cause a problem for the residents in the area; speaks regarding the store in Huntington Beach.

**Andrea Scott**, 1916 Cornerstone Court, El Cajon, speaks regarding the truck deliveries and forklifts; traffic; feels the quality of life would diminish.

**Elizabeth McCune**, 1810 McDougal Way, El Cajon, speaks regarding traffic and day laborers problems; feels it will cost more as she will have to have the air conditioner on because she will not feel safe enough to leave windows open in rooms where she is not present.

**William Taylor**, 1803 McDougal Terrace, El Cajon, feels the value of the homes will go down; quality of life will diminish; problems with the day laborers; urges Council to deny project.

**Stephanie Icardi**, 1613 Hanson Lane, El Cajon, feels the chemical aspect (i.e., fertilizers; plastic furniture) is too heavy for a residential site; her home is located just north of the proposed site; feels a Home Depot in any residential area is not good.

**Ken Icardi**, 1613 Hansen Lane, El Cajon, speaks regarding noise, lights, and safety issues.

**David Von Behren**, 1610 Pepper Hill, El Cajon, withdrew his request to speak as his daughter has spoken.

**Shelli Parker**, 1789 Jasmine Street, El Cajon, was present but did not speak.

The following individuals had left the meeting prior to being called to speak:

<b>Karla Carroll</b>	1140 Mountain View	El Cajon
<b>Richard Campbell</b>	247 Murray Drive	El Cajon
<b>Marcia McEvey</b>	1621 Hanson	El Cajon
<b>John L. Wood</b>	6794 Central	Lemon Grove
<b>Job Nelson</b>	860 Friendly Circle	El Cajon
<b>John Wooddell</b>	1163 Broadway, #106	El Cajon
<b>Diane Strum</b>	4647 Zion Avenue	San Diego
<b>Isaac Thomas</b>	330 El Monte	El Cajon
<b>Jennifer Thomas</b>	330 El Monte	El Cajon
<b>Karen Franco</b>	1508 Woodpine Drive	El Cajon
<b>Marc Darr</b>	10880 Hwy 67	Lakeside
<b>Larry Franco</b>	1508 Woodpine Drive	El Cajon
<b>Myrna Roys</b>	630 West Chase Avenue	El Cajon
<b>Shawn Davidson</b>	8851 Los Coches Road	Lakeside
<b>Lauren Sandkuhl</b>	2134 Valley View Blvd	El Cajon
<b>Kelly Graves</b>	383 West Renette Avenue	El Cajon
<b>Claude T. Stark</b>	1985 Jasmine	El Cajon

**John Ziebarth**, Home Depot, addresses concerns raised by many of the prior speakers, and states that because of the volume of business, Home Depot needs two stores in this area; does not feel that there is traffic congestion at the Arnele store; speaks regarding the plans and objectives of the general plan; regional air quality standards recognizes this particular property as retail; noise; EIR impacts; community contributions; states Home Depot will bond for the “pork chop” installation, and if the Council feels there is a problem, Home Depot will install the “pork chop.”

**Cliff Albert**, 1597 Villa Crest Drive, responds to Mr. Ziebarth’s comments regarding the bond for the “pork chop”; safety issue of an increase in traffic; does not feel it is a debate of the quality of the employees or the charitable contributions made by the company; feels the Council has already taken a stand based on its previous vote six years ago.

**Councilmember Hanson-Cox** questions Mr. Ziebarth regarding:

- When the property was purchased
- Feels the plans are great
- Problems with the day laborers
- Traffic at Arnele
- Restriping, traffic loops, modifications
- Forklifts
- “Needed deliveries”

**Councilmember Ramos** questions the hours of the outside storage machines in the garden area.

**Councilmember Kendrick** asks if there would be any forklifts after 8:00 p.m. on the backside; Mr. Bayler responds that only electric forklifts could be used.

No further comments are offered.

**MOTION BY LEWIS, SECOND BY RAMOS, to Close the Public Hearing.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

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

- EIR process; whether a supplemental or addendum EIR may be required and under what conditions
- Evaluation made by Staff of the addendum; feels there were no significant changes in the project or in the area
- Traffic will get worse as more people move into San Diego County
- Concerns regarding what legal responsibilities/remedies are necessary to curtail the issue of day laborers
- If approved, whether dual pane windows, a bond for the “pork chop”, fence, and a sidewalk on Pepper Drive could be provided by Home Depot
- A five-year bond for improvement along Main Street instead of a one-year bond
- Speed bumps and traffic-calming issues to slow traffic and a red curb opposite Home Depot
- Only electric forklifts to be allowed on back (north) side of Home Depot
- Estimated cost of installing a “pork chop” and speed bumps

**ADDENDUM TO ENVIRONMENTAL IMPACT REPORT (EIR) #74**

**MOTION BY LEWIS, SECOND BY RAMOS, to adopt RESOLUTION NO. 158-05 to approve** the appeal of Planning Commission Resolution No. 10123 denying the Addendum to Environmental Impact Report #74 for a proposed retail commercial development project on property located on the east side of East Main Street between Lavala Lane and Pepper Drive.

**MOTION CARRIES BY UNANIMOUS VOTE.**

**MOTION BY LEWIS, SECOND BY RAMOS, to certify the Addendum to EIR #74 and adopt the Mitigation Monitoring and Reporting Program.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**ZONE RECLASSIFICATION 2261**

**MOTION BY LEWIS, SECOND BY RAMOS, to adopt RESOLUTION NO. 159-05 to approve** the appeal of Planning Commission Resolution No. 10143 denying Zone Reclassification 2261 to prezone property located on the east side of East Main Street between Lavala Lane and Pepper Drive from the County of San Diego RS-7 Zone to the City of El Cajon C-2 Zone.

**MOTION CARRIES BY UNANIMOUS VOTE.**

**MOTION BY LEWIS, SECOND BY RAMOS, to refer Zone Reclassification 2261 to the City Attorney for preparation of an Ordinance upon completion of conditions.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**CONDITIONAL USE PERMIT 2004**

**MOTION BY LEWIS, SECOND BY RAMOS, to adopt RESOLUTION NO. 160-05 to approve, with the additional conditions as discussed,** the appeal of Planning Commission Resolution No. 10125 denying Conditional Use Permit 2004 for outdoor storage and display in conjunction with a home improvement store in the (pending) C-2 Zone on property located on the east side of East Main Street between Lavala Lane and Pepper Drive.

**MOTION CARRIES BY UNANIMOUS VOTE.**

**Additional Conditions:**

- **5-year bond for pork chop**
- **Fence the west side, and red curbing and signs indicating no stopping**
- **Traffic-calming devices into the bond as the PW Director deems appropriate**
- **Electric forklifts**
- **No forklifts on the north side after 8 p.m.**



**102 ITEMS CONTINUED FROM THE 3:00 P.M. MEETING: NONE**

**ADJOURNMENT: Mayor Lewis adjourned the Adjourned Regular Joint Meeting of the City Council and the Redevelopment Agency held this 12th day of July, 2005, at 11:52 p.m. to Tuesday, July 26, 2005 at 3:00 p.m.**

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**KATHIE J. RUTLEDGE  
City Clerk/Secretary**