

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

APRIL 25, 2006

An Adjourned Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, April 25, 2006, was called to order by Mayor/Chair Mark Lewis at 3:00 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 April 11, 2006.

ROLL CALL

Council/Agencymembers present:	McClellan, Kendrick, Ramos
Council/Agencymembers absent:	None
Mayor Pro Tem/Vice Chair present:	Hanson-Cox
Mayor/Chair present:	Lewis
Other Officers present:	Rutledge, City Clerk/Secretary Foley, City Attorney/General Counsel Henry, City Manager/Executive Director Griffiths, Deputy Director of Public Works/ Private Development 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 April 11, 2006, meetings and the Agenda of the April 25, 2006, meetings in accordance to State Law and Council/Agency Policy.

PRESENTATIONS:

- **100th Birthday – Velma Cox – May 5, 2006**
- **“Municipal City Clerk’s Week” April 30 – May 6, 2006**
- **“Building Safety Week” – May 7-13, 2006**
- **City of El Cajon “Youth of the Year” Awards**
- **“Arbor Day” - April 28, 2006**

AGENDA CHANGES: NONE

CONSENT ITEMS: (1.1 – 1.7)

MOTION BY LEWIS, SECOND BY RAMOS, to approve Consent Items 1.2 to 1.5 and 1.7, pulling Items 1.1 and 1.6, as requested by a member of the public.

MOTION CARRIES BY UNANIMOUS VOTE.

PULLED FOR DISCUSSION BY A MEMBER OF THE PUBLIC

1.1 MINUTES OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS

RECOMMENDATION: That the City Council/Redevelopment Agency approve Minutes of the April 11, 2006, 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 REQUEST FOR TIME EXTENSION OF TENTATIVE SUBDIVISION MAP (TSM) 542 – 2010 East Madison Avenue – Engineering Job No. 2911 (Report: Director of Public Works)

Grants a one-year time extension for TSM 542 and set the new expiration date to be July 13, 2007, in accordance with Municipal Code Section 16.12.110.

1.5 DISPOSAL OF SURPLUS PROPERTY (Report: Purchasing Agent)

Declares the listed property surplus and authorizes disposal in accordance with policy.

PULLED FOR DISCUSSION BY A MEMBER OF THE PUBLIC

1.6 CALIFORNIA BEVERAGE CONTAINER RECYCLING GRANT (Report: Director of Public Works)

RECOMMENDATION: That the City Council authorizes the appropriation of 2004-05 and 2005-06 Beverage Container Recycling funds for the purchase and installation of recycling containers in City facilities.

1.7 ACCEPTANCE OF PUBLIC IMPROVEMENTS TENTATIVE SUBDIVISION MAP (TSM) 514 – 303 West Washington Avenue – Engineering Job No. 2846 (Report: Director of Public Works)

Accepts the public improvements and authorize the City Clerk to release the bonds guaranteeing the improvements in accordance with the subdivision agreement and require the developer to maintain insurance in force until the release of all bonds for the project.

PULLED FOR DISCUSSION BY A MEMBER OF THE PUBLIC

1.1 MINUTES OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS

RECOMMENDATION: That the City Council/Redevelopment Agency approve Minutes of the April 11, 2006, meetings of the El Cajon City Council/Redevelopment Agency.

DISCUSSION

James Kelly, homeless, questions whether the minutes are from the open meeting or the closed meeting. **City Attorney Foley** explains that the minutes include all items from the open meeting and any direction given from the closed meeting.

MOTION BY LEWIS, SECOND BY RAMOS, to approve Minutes of the April 11, 2006, meetings of the El Cajon City Council/Redevelopment Agency.

MOTION CARRIES BY UNANIMOUS VOTE.

PULLED FOR DISCUSSION BY A MEMBER OF THE PUBLIC

1.6 CALIFORNIA BEVERAGE CONTAINER RECYCLING GRANT (Report: Director of Public Works)

RECOMMENDATION: That the **City Council** authorizes the appropriation of 2004-05 and 2005-06 Beverage Container Recycling funds for the purchase and installation of recycling containers in City facilities.

DISCUSSION

James Kelly, homeless, speaks regarding the City does not have any ash trays out and requests ash trays be put out as well as the recycling containers.

MOTION BY LEWIS, SECOND BY RAMOS, authorizes the appropriation of 2004-05 and 2005-06 Beverage Container Recycling funds for the purchase and installation of recycling containers in City facilities.

MOTION CARRIES BY UNANIMOUS VOTE.

PUBLIC COMMENT:

James Kelly, homeless, speaks regarding the sign ordinance (Item 2.1 on the Agenda).

Sunshine Horton, 1525 Granite Hills Drive, El Cajon, speaks regarding the "Paper Clip Project" which is about the holocaust during World War II and questions why people hate each other so much; will be re-doing the ribbons on June 2 and will have some students to help; displayed a certificate from Dr. John Kevorkian to "Drunk Driver."

2. WRITTEN COMMUNICATIONS:

2.1 SIGN ORDINANCE (Report: City Manager)

RECOMMENDATION: That the City Council review the information provided, take comments from the public and determine whether or not to proceed with the process to amend the current sign Ordinance.

DISCUSSION

Maurice “Mo” Rosenberg, 4445 East Gate Mall, San Diego, representing the El Cajon Condominium Conversion Task Force, reads a statement into the record regarding the current sign Ordinance.

Max Durovic, 4312 Valeta Street, San Diego, representing Aarrow Advertising, company was started in order to create jobs for themselves and other young people, says that they feel “sign spinning” should be allowed in El Cajon as it will help the economy as well as teach the young people good habits they will carry with them throughout their life time; “sign spinning” also fosters a sense of community spirit.

Milly Durovic, 4312 Valeta Street, San Diego, speaks regarding how her son (Max Durovic) had originally started his business, the first individuals that were hired, and how this employment changed their attitude.

Michael Kenny, 4312 Valeta Street, San Diego, speaks regarding licensing and permits for this type of business; would like to work with the City to make it work for the business and for the City; the safety training each employee receives.

Don Sturtevant, 4542 Ruffner Street, San Diego, speaks in favor of altering the ordinance to allow “sign spinners”; feels that the lack of “sign spinners” has had a negative impact on his business; projects not on the main streets do not receive the traffic and needs direction to where the projects are located; feels spinning the signs are not really necessary but rather “human directional signs” directing people down the street to projects; also requests additional small A-signs be allowed with the developer being responsible for distributing the signs each morning and picking them up each evening.

Ron Pennock, 124 West Main Street, El Cajon, speaks regarding the El Cajon Condominium Conversion Task Force and what can be done to increase sales of the condo conversions; feels the proposal by the Task Force should be reviewed and implemented.

Christine LaMarca, 8480 La Mesa Blvd, La Mesa, speaks on behalf of the El Cajon Condominium Conversion Task Force, stating she feels the problems can be controlled by working together.

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

- What kind of advertising signs are currently allowed under the City Ordinance.
- Procedure for off-premise signs.
- Mechanism to allow advertising signs; which would be a formal ordinance amendment.

Randy Hansen, 3360 North Chestnut, Mesa, Arizona, states that after doing business in El Cajon for many years, he is in the process of buying a condo in El Cajon; states the developers are a short-term entity; developers sell a product that is not visible but that will bring customers to every other business in El Cajon.

Chris Christensen, 4817 Palm Avenue, La Mesa, speaks in favor of the provisions that have been proposed; encourages the Council to support the changes proposed by the El Cajon Condominium Conversion Task Force.

Sherry Casper, 245 South Lincoln #27, El Cajon, states she a member of El Cajon Condominium Conversion Task Force; addresses the amendment proposed by the developers; and requests Council support the amendments of the Task Force.

Joe Garzanelli, broker at Century 21 All Service, 810 Jamacha Road, El Cajon, states he has worked with some of the developers who spoke this afternoon; real estate business in East County is much slower than in other parts of San Diego County; feels that the developers have converted some marginal units into very beautiful condos.

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

- Cycles of ups and downs for businesses and steps the businesses can take.
- Changing the ordinance will apply to all businesses, not only the building industry.
- Type of advertisements **Councilmember McClellan's** car dealership uses to attract customers.
- Council needs to look at the whole picture and consider how things will affect all citizens.
- Changes cannot jeopardize public safety and right-of-way.
- Number of individuals speaking for a change in the ordinance and the lack of individuals speaking against any change.
- Number of signs allowed on private property.
- Company/person who obtains the permit should not only have insurance but also sign a hold harmless agreement with the City.
- Allowing sign spinners only on Fridays, Saturdays, and Sundays, for condo conversions, and only for a certain period of time.

MOTION BY LEWIS, SECOND BY McCLELLAN, to direct Staff to take comments by Council, plus testimony received from the public, to determine if an amended ordinance is possible with limited time allowing sign spinners to be permitted, and return to Council in two weeks (May 9).

**MOTION CARRIES BY A FOUR TO ONE VOTE.
CONCILMEMBER RAMOS VOTING NO.**

3. PUBLIC HEARINGS:

**3.1 SUBSTANDARD CONDITIONS AT 221 WEST PARK AVENUE UPDATE
(Report: Building Official/Fire Marshal)**

RECOMMENDATION: That the City Council

- **Open the continued Public Hearing;**
- **Receive verbal report from Building Official/Fire Marshal on status of property;**
- **Accept and review testimony and close the Public Hearing; and
(1) Establish a date by which the dwelling unit and detached garage must be completely renovated; and (2) Direct staff to monitor progress of the renovation and bring this case back to Council for final resolution and determination of administrative fees, staff time, and civil penalties.**

DISCUSSION

Maryann Tarango, 221 West Park, El Cajon, states she has come to an agreement with the tenants and City of El Cajon; hopefully in 90 days she will be able to come back to inform Council the project is completed.

MOTION BY LEWIS, SECOND BY McCLELLAN, to close the Public Hearing.

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY McCLELLAN, to:

(1) Establish July 25, 2006, as the date which the dwelling unit and detached garage must be completely renovated; and (2) Direct staff to monitor progress of the renovation and bring this case back to Council for final resolution on July 25, 2006, and determination of administrative fees, staff time, and civil penalties.

MOTION CARRIES BY UNANIMOUS VOTE.

ADMINISTRATIVE REPORTS:

3.2 LINDA WAY IN-FILL HOUSING PROJECT PROPOSED REPLACEMENT HOUSING PLAN (Report: Director of Redevelopment and Housing)

RECOMMENDATION: That the Redevelopment Agency

- 1. Review the proposed Replacement Housing Plan for the Linda Way In-Fill Housing Project;**
- 2. Provide comment and authorization to publish a Public Hearing Notice for two publishing cycles prior to scheduling of a Public Hearing; and**
- 3. Set the Public Hearing for adoption at the next regularly held Council/Agency meeting on May 9, 2006.**

DISCUSSION

No comments are offered.

MOTION BY LEWIS, SECOND BY McCLELLAN, to schedule a public hearing for May 9, 2006, at 3:00 p.m. for adoption.

MOTION CARRIES BY UNANIMOUS VOTE.

3.3 DESIGN FOR DEVELOPMENT/OWNER PARTICIPATION OPPORTUNITY JOHNSON AVENUE - AUTOMOTIVE DEALERSHIP (Report: Director of Redevelopment and Housing)

RECOMMENDATION: That the Redevelopment Agency review and adopt the Design for Development and Owner Participation letter and authorize the Executive Director to transmit these documents to Project Site property owners and tenants.

DISCUSSION

No comments are offered.

MOTION BY LEWIS, SECOND BY McCLELLAN, to adopt the Design for Development and Owner Participation letter and authorize the Executive Director to transmit these documents to Project Site property owners and tenants.

MOTION CARRIES BY UNANIMOUS VOTE.

3.4 AMENDMENT OF SPECIFIC PLAN 182 (Report: Director of Redevelopment and Housing)

RECOMMENDATION: That the Redevelopment Agency review the draft proposed appendix to Specific Plan 182: Development Guidelines for Mixed-Use, and provide instruction for the creation of an SP 182 Ad-Hoc Committee.

DISCUSSION

No comments are offered.

MOTION BY LEWIS, SECOND BY McCLELLAN, to accept the report.

MOTION CARRIES BY UNANIMOUS VOTE.

ITEMS 3.5 AND 3.6 WILL BE CONSIDERED WHEN RECONVENING FROM THE CLOSED SESSION ITEM 10

3.5 DESIGN FOR DEVELOPMENT/OWNER PARTICIPATION OPPORTUNITY MAGNOLIA AVENUE PROJECT (Report: Director of Redevelopment and Housing)

RECOMMENDATION: That the Redevelopment Agency review and adopt the Design for Development and Owner Participation letter and authorize the Executive Director to transmit these documents to Project Site property owners and tenants.

DISCUSSION

No comments are offered.

FOLLOWING DISCUSSION IN CLOSED SESSION, MOTION BY LEWIS, SECOND BY RAMOS, to adopt the Design for Development and Owner Participation letter and authorize the Executive Director to transmit these documents to Project Site property owners and tenants.

MOTION CARRIES BY UNANIMOUS VOTE.

3.6 LETTER TO LAFCO IN RESPONSE TO THEIR STAFF REPORT REGARDING HOME DEPOT ANNEXATION (Report: City Manager)

RECOMMENDATION: That the City Council review the draft letter and direct staff to send it to LAFCO Commissioners and other appropriate staff.

DISCUSSION

No comments are offered.

FOLLOWING DISCUSSION IN CLOSED SESSION, MOTION BY LEWIS, SECOND BY RAMOS, to direct staff to send it to LAFCO Commissioners and other appropriate staff.

MOTION CARRIES BY UNANIMOUS VOTE.

4. COMMISSION REPORTS:

4.1 TRAFFIC COMMISSION RECOMMENDATIONS – APRIL 12, 2006 (Report: Secretary to the Traffic Commission)

ITEM III. TWO-HOUR PARKING – SOUTH SIDE OF EAST MAIN STREET BETWEEN SOUTH ANZA STREET AND FIRST STREET

RECOMMENDATION: That the City Council introduce the proposed ORDINANCE to approve the request and install a two-hour Time Limited Parking Zone, including Saturdays and Sundays, along the south side of East Main Street between Anza Street and First Street.

- **If approved, request the City Clerk to recite the title of the Ordinance for a first reading.**

An Ordinance of the City Council of the City of El Cajon adding a new Section 10.28.235 to Chapter 10.28 of the El Cajon Municipal Code establishing a two-hour parking zone on East Main Street between South Anza Street and First Street.

DISCUSSION

No comments are offered.

MOTION BY LEWIS, SECOND BY McCLELLAN, to approve the request and install a two-hour Time Limited Parking Zone, including Saturdays and Sundays, along the south side of East Main Street between Anza Street and First Street and City Clerk recited title of Ordinance for first reading.

MOTION CARRIES BY UNANIMOUS VOTE.

ITEM IV. SPEED ZONE – MOLLISON AVENUE BETWEEN CHASE AVENUE AND WASHINGTON AVENUE

RECOMMENDATION: No additional action needed at this time as based on the results of this survey and the information provided, it is recommended that the existing 40 MPH speed zone on Mollison Avenue be retained noting the following special conditions: 1. High density of driveways with multiple dwellings; 2. Sight distance and related past concerns; 3. Access to a school; and 4. Bicycle and pedestrian safety.

DISCUSSION

No comments are offered.

MOTION BY LEWIS, SECOND BY McCLELLAN, to retain the existing 40 MPH speed zone on Mollison Avenue noting the following special conditions: 1. High density of driveways with multiple dwellings; 2. Sight distance and related past concerns; 3. Access to a school; and 4. Bicycle and pedestrian safety.

MOTION CARRIES BY UNANIMOUS VOTE.

5. REPORTS OF MAYOR LEWIS

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 Board) - Alternate.

5.1 Metro Commission and Metro Wastewater JPA Special Meeting – April 13, 2006

5.2 SANDAG Board of Director Meeting – April 14, 2006

5.3 Metropolitan Transit System Meeting – April 20, 2006

6. REPORTS OF COUNCILMEMBERS

MAYOR PRO TEM JILLIAN HANSON-COX: NONE

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

6.1 Council Activities Report

COUNCILMEMBER GARY KENDRICK: NONE

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

6.2 No Report

COUNCILMEMBER DICK RAMOS: NONE

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

6.3 Council Activities Report

COUNCILMEMBER BOB McCLELLAN:

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

- 6.4 Announces that the next Heartland Fire Training meeting will be held on May 3; also attended first El Cajon car show held on Wednesday, April 19.**

7. LEGISLATIVE REPORT

- 7.1 League of California Cities Legislative Bulletin - *Priority Focus* – dated April 7, 2006 and April 14, 2006**

8. GENERAL INFORMATION ITEMS FOR DISCUSSION:

9. ORDINANCES: FIRST READING

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

9.1 AMENDMENT OF ZONING ORDINANCE CLARIFYING THE SIZE OF PARKING SPACES

An Ordinance repealing Section 17.08.110 of Chapter 17.08, Section 17.10.100 of Chapter 17.10, Section 17.54.110 of Chapter 17.54, and Section 17.64.200 of Chapter 17.64 of the El Cajon Municipal Code and adding new Section 17.08.110 to Chapter 17.08, Section 17.10.100 to Chapter 17.10, Section 17.54.110 to Chapter 17.54, and Section 17.64.200 to Chapter 17.64 of the El Cajon Municipal Code clarifying the size of parking spaces.

9.2 SPECIFIC PLAN 508

An Ordinance approving Specific Plan 508 for an increase in building height to 60 feet and for a reduction in exterior setbacks for a proposed mixed-use development in the C-2 (General Commercial) Zone on vacant property located on the southwest corner of West Main Street and South Magnolia Avenue.

ORDINANCE: SECOND READING AND ADOPTION

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

9.3 ZONE RECLASSIFICATION 2271

An ordinance approving Zone Reclassification 2271 to rezone a portion of the subject property from the R-1-6 (Residential One-Family 6,000 Sq. Ft.) Zone to the R-3 (Multiple-Family) Zone on property located on the east side of South Sunshine Avenue between East Renette and East Washington Avenues, and addressed as 873 South Sunshine Avenue.

- **MOTION to adopt Ordinance approving Zone Reclassification 2271.**

DISCUSSION

No comments are offered.

MOTION BY LEWIS, SECOND BY KENDRICK, to adopt ORDINANCE NO. 4834 approving Zone Reclassification 2271 including Planning Commission finding that the PRD District of less than one acre is acceptable.

MOTION CARRIES BY UNANIMOUS VOTE.

9.4 ZONE RECLASSIFICATION 2262

An ordinance approving Zone Reclassification 2262 to rezone property located on the northwest corner of Broadway and Ballantyne Street, and addressed as 380 Broadway, from the C-2 (General Commercial) and R-E-40 (Residential Estates 40,000 Sq. Ft.) Zones to the C-R (Regional Commercial) Zone.

- **MOTION to adopt Ordinance approving Zone Reclassification 2262.**

DISCUSSION

No comments are offered.

MOTION BY LEWIS, SECOND BY KENDRICK, to adopt ORDINANCE NO. 4835 approving Zone Reclassification 2262.

MOTION CARRIES BY UNANIMOUS VOTE.

9.5 ZONE RECLASSIFICATION 2275

An ordinance approving Zone Reclassification 2275 to rezone property from the R-P (Residential Professional) Zone to the O-P (Office Professional) Zone on property located on the east side of Fletcher Parkway between Chatham Street and Southern Road, and addressed as 256 Witherspoon Way.

- **MOTION to adopt Ordinance approving Zone Reclassification 2275.**

DISCUSSION

No comments are offered.

MOTION BY LEWIS, SECOND BY KENDRICK, to adopt ORDINANCE NO. 4836 approving Zone Reclassification 2275.

MOTION CARRIES BY UNANIMOUS VOTE.

9.6 ZONE RECLASSIFICATION 2276

An ordinance approving Zone Reclassification 2276 to rezone properties addressed as 277, 1050 and 1201 Broadway from the R-P (Residential Professional) Zone to the O-P (Office Professional) Zone.

- **MOTION to adopt Ordinance approving Zone Reclassification 2276.**

DISCUSSION

No comments are offered.

MOTION BY LEWIS, SECOND BY KENDRICK, to adopt ORDINANCE NO. 4837 approving Zone Reclassification 2276.

MOTION CARRIES BY UNANIMOUS VOTE.

9.7 ZONE RECLASSIFICATION 2277

An ordinance approving Zone Reclassification 2277 to rezone properties addressed as 328, 334 and 402 Highland Avenue, and 357, 522 and 552 South Magnolia Avenue from the R-P (Residential Professional) Zone to the O-P (Office Professional) Zone, and 551 Farragut Circle from the R-P (Residential Professional) Zone to the R-2 (Two Family) Zone.

- **MOTION to adopt Ordinance approving Zone Reclassification 2277.**

DISCUSSION

No comments are offered.

MOTION BY LEWIS, SECOND BY KENDRICK, to adopt ORDINANCE NO. 4838 approving Zone Reclassification 2277.

MOTION CARRIES BY UNANIMOUS VOTE.

10. CLOSED SESSIONS:

- CONFERENCE WITH REAL PROPERTY NEGOTIATOR - pursuant to Section 54956.8 of the Government Code:

<u>Property</u>	<u>Negotiating Parties</u>	<u>Agency Negotiator</u>
APN #482-302-02 Property located at 480 N. Magnolia Avenue	Mark and Michelle Rubin Family Trust	City Manager/Executive Director Redevelopment Manager Best, Best & Krieger, Attorneys/ Special Counsel
APN #482-302-06 Property located at 185 W. Madison Avenue	Copley Press, Inc.	City Manager/Executive Director Redevelopment Manager Best, Best & Krieger, Attorneys/ Special Counsel
APN #487-171-46/47 Property located at 460 N. Magnolia Avenue	Security Title Insurance	City Manager/Executive Director Redevelopment Manager Best, Best & Krieger, Attorneys/ Special Counsel
APN #487-171-37 Property located at 456 N. Magnolia Avenue	Guerrara Family Trust	City Manager/Executive Director Redevelopment Manager Best, Best & Krieger, Attorneys/

APN #487-171-33/34/38
Property located at
414 N. Magnolia Avenue

Chaldean-American
Association

Special Counsel

City Manager/Executive Director
Redevelopment Manager
Best, Best & Krieger, Attorneys/
Special Counsel

APN #487-171-29-00
Property located at
220 Wisconsin Avenue

Jose & Nydia Sandoval

City Manager/Executive Director
Redevelopment Manager
Best, Best & Krieger, Attorneys/
Special Counsel

APN #487-171-50-00
Property located at
225 W. Madison Avenue

Eye Center LLC

City Manager/Executive Director
Redevelopment Manager
Best, Best & Krieger, Attorneys/
Special Counsel

Under negotiation: For the Agency/Council to provide instructions to its negotiators regarding the price and terms for the potential purchase of property.

- CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION – Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9

Number of potential cases: 1

MOTION BY LEWIS, SECOND BY McCLELLAN, to adjourn into closed session.

MOTION CARRIES BY UNANIMOUS VOTE.

11. **RECONVENE TO OPEN SESSION – Directions were given to Special Council on first Closed Session item and to City Attorney on the second Closed Session item.**

Action taken on Items 3.5 and 3.6 were each approved per recommendations.

Adjournment: Mayor Lewis adjourned the Regular Joint Meeting of the City Council/ Redevelopment Agency held this 25th day of April, 2006, at 6:09 p.m. to Tuesday, April 25, 2006, at 7:00 p.m.

KATHIE J. RUTLEDGE
City Clerk/Secretary

GENERAL INFORMATION:

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

- A.** Donation of \$100 received from Bridget Branch for Animal Control in accordance with City Council Policy B-2.

B PLANNING COMMISSION RESOLUTIONS

Resolution No. 10290 – A resolution of intention to initiate Zone Reclassification 2278, to consider rezoning the properties located at 229, 240 West Lexington Avenue, 200, 233, 317 South Orange Avenue, 140, 164 West Park Avenue, 227, 303, 315, 320 South Sunshine Avenue, and an unaddressed property (APN 487 172 69) from the R-P (Residential Professional) Zone to O-P (Office Professional) Zone.

Resolution No. 10291 – A resolution granting withdrawal of Planned Unit Development 307 for a three-unit common interest development in the R-2-R (Two-Family Residential, Restricted) Zone at 1463 Marline Avenue.

Resolution No. 10292 – A resolution granting withdrawal of Tentative Parcel Map 627 for a three-unit common interest development in the R-2-R (Two-Family Residential, Restricted) Zone at 1463 Marline Avenue.

Resolution No. 10299 – A resolution granting an amendment of Conditional Use Permit 1193 for on-sale general alcoholic beverage sales (Type 47) and outdoor dining in conjunction with an existing restaurant in the C-1 (Neighborhood Commercial) Zone at 820 Jamacha Road, Suite 102.

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

APRIL 25, 2006

An Adjourned Regular Joint Meeting of the City Council and Redevelopment Agency of the City of El Cajon, California, held Tuesday, April 25, 2006, 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 Adjourned Regular Joint Meeting held at 3:00 p.m., Tuesday, April 25, 2006, by order of the City Council and Redevelopment Agency.

ROLL CALL

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

MOTION BY LEWIS, SECOND BY McCLELLAN, to move Item #103 for discussion as the first hearing item.

MOTION CARRIES BY UNANIMOUS VOTE.

PUBLIC COMMENT: NONE

PUBLIC HEARINGS:

100 PLANNED UNIT DEVELOPMENT 307 AND TENTATIVE PARCEL MAP 627 (Skinner) 1463 Marline Avenue - WITHDRAWN BY APPLICANT AT PLANNING COMMISSION MEETING ON MARCH 27, 2006

101 ZONE RECLASSIFICATION 2273, PLANNED RESIDENTIAL DEVELOPMENT 63 AND TENTATIVE SUBDIVISION MAP 621 (Snyder) 1338 Naranca Avenue (Report: City Clerk)

RECOMMENDATION: That the City Council

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

ZONE RECLASSIFICATION 2273

- **Approve, Modify or Disapprove Planning Commission Resolution No. 10293** recommending approval of Zone Reclassification 2273 to rezone property located at 1338 Naranca Avenue from the R-2-R Zone to the PRD-Low Zone.

PLANNED RESIDENTIAL DEVELOPMENT 63

- **Adopt the next RESOLUTION in order to Approve, Modify or Disapprove Planning Commission Resolution No. 10294** recommending approval of Planned Residential Development 63 to construct a four-unit residential development in the pending PRD-Low Zone on property located at 1338 Naranca Avenue.

TENTATIVE SUBDIVISION MAP 621

- **Adopt the next RESOLUTION in order to Approve, Modify or Disapprove Planning Commission Resolution No. 10295** recommending approval of Tentative Subdivision Map 621 for a five-lot subdivision in the pending PRD-Low Zone on property located at 1338 Naranca Avenue.

DISCUSSION

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

Mayor Lewis announces the Public Hearing is now Open.

Alan Austin, 1622 Pioneer Way, El Cajon, is present to answer any questions the Council may have on this project.

No further comments are offered.

MOTION BY LEWIS, SECOND BY McCLELLAN, to Close the Public Hearing.

MOTION CARRIES BY UNANIMOUS VOTE.

ZONE RECLASSIFICATION 2273

MOTION BY LEWIS, SECOND BY McCLELLAN, to approve Planning Commission Resolution No. 10293 recommending approval of Zone Reclassification 2273 to rezone property located at 1338 Naranca Avenue from the R-2-R Zone to the PRD-Low Zone including the Planning Commission finding that the PRD District of less than one acre is acceptable.

MOTION CARRIES BY UNANIMOUS VOTE.

PLANNED RESIDENTIAL DEVELOPMENT 63

MOTION BY LEWIS, SECOND BY McCLELLAN, to adopt RESOLUTION NO. 55-06 to approve Planning Commission Resolution No. 10294 recommending approval of Planned Residential Development 63 to construct a four-unit residential development in the pending PRD-Low Zone on property located at 1338 Naranca Avenue.

MOTION CARRIES BY UNANIMOUS VOTE.

TENTATIVE SUBDIVISION MAP 621

MOTION BY LEWIS, SECOND BY McCLELLAN, to adopt RESOLUTION NO. 56-06 to approve Planning Commission Resolution No. 10295 recommending approval of Tentative Subdivision Map 621 for a five-lot subdivision in the pending PRD-Low Zone on property located at 1338 Naranca Avenue.

MOTION CARRIES BY UNANIMOUS VOTE.

102 PLANNED UNIT DEVELOPMENT 312 AND TENTATIVE SUBDIVISION MAP 626 (Westone Management Consultants for Jacoba Estes LLC) 945 Estes Street - CONTINUED BY PLANNING COMMISSION TO PLANNING COMMISSION MEETING OF MAY 8, 2006 AND CITY COUNCIL MEETING OF JUNE 13, 2006

103 AMENDMENT OF ZONING ORDINANCE TO ADD A NEW CHAPTER 17.88 REGARDING THE REGULATION OF TOBACCO AND SMOKE SHOPS (Report: City Clerk)

RECOMMENDATION: That the City Council

- **Open the Public Hearing and receive testimony**
- **Close the Public Hearing**
- **Approve, Modify or Disapprove Planning Commission Resolution No. 10298** recommending approval of Amendment of Zoning Ordinance to add Chapter 17.88 regarding the regulation of tobacco and smoke shops.
- **If approved, request the City Clerk to recite the title of the Ordinance for a first reading.**

An ordinance adding new Chapter 17.88 to the El Cajon Municipal Code and amending Chapters 17.35, 17.38, 17.40, and 17.42 of the El Cajon Municipal Code regarding regulation of “tobacco shops” and “smoke shops.”

DISCUSSION

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

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

- Fees and/or costs to change CUP are for new ownerships only, not necessarily an existing shop that sells to a new owner.
- Conditions that would cause a shop to come into compliance.

Mayor Lewis announces the Public Hearing is now Open.

Joanne Bushby, 131 Avocado, El Cajon, representing the El Cajon Collaborative, thanks the Council and Attorney for their time in hearing this matter; reads a statement into the record regarding the proposed ordinance; presents paraphernalia she recently purchased at a smoke shop; turns in petitions.

Lorenzo Higley, 554 Broadway, El Cajon, speaks regarding merchandise sold by smoke shops that are disguised as something else; feels that these items need to be kept away from the community's children.

City Attorney Foley corrects a previously made statement that a change in ownership would trigger a new CUP.

Ali Crespa, 554 Broadway, El Cajon, CASA, student and high school editor, states that a lot of students are purchasing tobacco products from stores other than smoke shops; states that the students also purchase paraphernalia from the smoke shops;

Cynthia Burton, 566 Nadeen Way, El Cajon, speaks regarding the fact that between her home and her son's school there are six smoke shops, some within walking distance; reads a statement into the record regarding opposition to smoke shops and the products that are sold in the shops.

Carlos Perez, Set-Free Ministries, 1527 Main Street, El Cajon, states that he visited a smoke shop today, and that it was not selling any tobacco products, only paraphernalia; feels drug use contributes to the rise in crime; feels the smoke shops are helping crime and helping kids die.

Hubert Barnes, Set-Free Ministries, 1527 Main Street, El Cajon, says that six months ago he would not have thought he would be speaking against smoke shops as he was a user; speaks regarding the young age children are using drugs now.

J. D. Loveland, Set-Free Ministries, 1527 Main Street, El Cajon, says he visited a smoke shop today and was amazed at what is being sold in the shop; stands in support of anything that will assist ministers in helping them keep people off drugs.

Roxy Walnum, 669 Witchita, El Cajon, informs Council of youth activities she has been involved with; thanks the Council for considering this ordinance; displays some paraphernalia that she was able to purchase at a smoke shop; informs Council of some of the treatment programs where she has worked.

Debbie Comstock, 874 Terra Lane, El Cajon, says this issue is important for the community's youth in getting the message across that drug use is not all right; says the Council's support is needed in this endeavor.

Ron Pennock, 124 West Main Street, El Cajon, representing the Church of Jesus Christ of Latter Day Saints, 124 East Main Street, El Cajon, speaks regarding what he has seen drugs do to individuals.

City Attorney Foley states he has distributed a revised copy of the proposed ordinance to the Council with changes and what those revisions involve.

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

- The percent of merchandise that would be required to be sold in a smoke shop.
- Whether sting operations are being sent into a smoke shop.
- The fact that the 15% requirement is based on it being considered “adult entertainment.”

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 approve Planning Commission Resolution No. 10298 recommending approval of Amendment of Zoning Ordinance to add Chapter 17.88 regarding the regulation of tobacco and smoke shops as amended, and City Clerk recited title of Amendment of Zoning Ordinance for first reading.

MOTION CARRIES BY UNANIMOUS VOTE.

104 ITEMS 3.2, 3.3, 3.5, 3.6, 4.1, 5., 6., and 9.1 THROUGH 9.7 WERE CONTINUED FROM THE 3:00 P.M. MEETING AND DISCUSSED FOLLOWING THE PUBLIC HEARINGS.

ADJOURNMENT: Mayor Lewis adjourned the Adjourned Regular Joint Meeting of the City Council and the Redevelopment Agency held this 25th day of April, 2006, at 8:12 p.m. to Tuesday, May 9, 2006, at 3:00 p.m.

KATHIE J. RUTLEDGE
City Clerk/Secretary