

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



## MINUTES

### CITY OF EL CAJON EL CAJON, CALIFORNIA

---

MAY 9, 2006

A Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, May 9, 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 25, 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 Turner, 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 April 25, 2006, meetings and the Agenda of the May 9, 2006, meetings in accordance to State Law and Council/Agency Policy.

**PRESENTATIONS:**

- **El Cajon Police Department Color Guard**
- **“National Public Works Week” – May 21-27, 2006**
- **Chief of Police Recognition of Retiring Reserves**
  - **Randy Grobe ~ 26 years**
  - **Bruno Cirello, Sr. ~ 30 years**
  - **Gerry Champagne ~ 21 years**
  - **Byron Osterloh ~ 28 years**
  - **Joel Murillo ~ 10 years (was not present)**
- **“Bike to Work Day” – May 19, 2006**
- **“Days of Remembrance” – Gussy Zacks**
- **Art Beat Management Presentation – Roxanne Fulkerson, Director of Marketing**

**AGENDA CHANGES: NONE**

**CONSENT ITEMS: (1.1 – 1.12)**

**MOTION BY LEWIS, SECOND BY McCLELLAN, to approve Consent Items 1.1 to 1.6 and 1.8 to 1.11, pulling Item #1.7, as requested by Mayor Pro Tem Hanson-Cox and Item #1.12, as requested by a member of the public.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

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

Approve Minutes of the April 25, 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 PROGRAM MANAGEMENT PLAN FOR PUBLIC SAFETY FACILITIES  
(Report: Assistant to the City Manager)**

After review, accept the Public Safety Facilities Program Management Plan as prepared by the City's Program Manager, Gafcon, Inc.

**1.5 JANUARY – MARCH 2006 – QUARTERLY TREASURER'S REPORT  
(Report: Assistant City Manager/Director of Finance and Treasurer)**

Receive and accept the latest Quarterly Treasurer's Report.

**1.6 RESOLUTION - AWARD OF BID NO. 023-06 - INSTALLATION OF TRAFFIC SIGNAL AND SAFETY LIGHTING SYSTEM AT WASHINGTON AVENUE/DEHESA ROAD AND GRANITE HILLS DRIVE (Report: Purchasing Agent)**

Adopt RESOLUTION NO. 57-06 and award the bid to the low bidder, Sutherlin Contracting, Inc., in the amount of \$116,000.00.

**PULLED FOR DISCUSSION BY MAYOR PRO TEM HANSON-COX**

**1.7 RESOLUTION - AWARD OF BID NO. 025-06 – MODIFICATION OF TRAFFIC SIGNAL AND SAFETY LIGHTING SYSTEMS AT MOLLISON AVENUE AND MADISON AVENUE, AND JOHNSON AVENUE AND MADISON AVENUE  
(Report: Purchasing Agent)**

**RECOMMENDATION:** That the City Council adopt the next RESOLUTION in order and award the bid to the low bidder, Sutherlin Contracting, Inc., in the amount of \$44,405.00.

**1.8 REQUEST APPROVAL OF EXTENSION AND MODIFICATIONS OF TRAFFIC SIGNAL AND COMMUNICATION SYSTEM MAINTENANCE CONTRACT  
(Report: Director of Public Works)**

Approve the extension and modifications to existing contract for the Traffic Signal and Communication System Maintenance Contract.

**1.9 COMMUNITY EVENT IN THE RIGHT-OF-WAY – FOURTH ANNUAL WIEGHORST WESTERN HERITAGE DAYS (Report: Assistant to the City Manager)**

Approve the request for a Community Event in the right-of-way to be held the weekend of June 3rd and June 4th on Rea Avenue with the conditions contained in the Agenda Report.

**1.10 RESOLUTIONS - RESURFACING OF EL CAJON BOULEVARD, BOULEVARD PLACE TO WEST MAIN STREET, JOHNSON AVENUE, WEST MAIN STREET TO EL CAJON BOULEVARD AND WASHINGTON AVENUE, JOHNSON AVENUE TO AVOCADO BOULEVARD, ENGINEERING JOB NO. 3056/BID NO. 003-07 (Report: Director of Public Works)**

Adopt RESOLUTION NO. 59-06 to approve Plans and Specifications and adopt RESOLUTION NO. 60-06 to direct a Notice Inviting Sealed Bids to be opened on June 14, 2006 for the Resurfacing of El Cajon Boulevard, Boulevard Place to West Main Street, Johnson Avenue, West Main Street to El Cajon Boulevard and Washington Avenue, Johnson Avenue to Avocado Boulevard.

**1.11 RESOLUTION - ESTABLISH A PROPERTY AND BUSINESS IMPROVEMENT DISTRICT FOR GREATER DOWNTOWN EL CAJON**

Adopt RESOLUTION NO. 61-06 to establish a property and business improvement district for greater downtown El Cajon and schedule a Public Hearing for June 27, 2006 at 7:00 p.m.

**PULLED FOR DISCUSSION BY A MEMBER OF THE PUBLIC.**

**1.12 ACCEPTANCE OF EMERGENCY SEDIMENT REMOVAL FROM FORRESTER CREEK CHANNEL ALONG I-8 AND STORM DRAIN REPAIR AT EL CAJON BOULEVARD, ENGINEERING JOB NO. 3015 (Report: Director of Public Works)**

**RECOMMENDATION:** That the City Council 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.

\* \* \* \* \*

**PULLED FOR DISCUSSION BY MAYOR PRO TEM HANSON-COX**

**1.7 RESOLUTION - AWARD OF BID NO. 025-06 – MODIFICATION OF TRAFFIC SIGNAL AND SAFETY LIGHTING SYSTEMS AT MOLLISON AVENUE AND MADISON AVENUE, AND JOHNSON AVENUE AND MADISON AVENUE (Report: Purchasing Agent)**

**RECOMMENDATION:** That the City Council adopt the next RESOLUTION in order and award the bid to the low bidder, Sutherlin Contracting, Inc., in the amount of \$44,405.00.

**DISCUSSION**

**Mayor Pro Tem Hanson-Cox** speaks regarding the left turn signal located at the intersection of Julian and Magnolia Avenues; requests a sign be placed stating “flashing yellow light yields” to alert drivers that they may turn left on the flashing yellow light.

No further comments are offered.

**MOTION BY LEWIS, SECOND BY HANSON-COX,** adopt RESOLUTION NO. 58-06 and award the bid to the low bidder, Sutherlin Contracting, Inc., in the amount of \$44,405.00.

**MOTION CARRIES BY UNANIMOUS VOTE.**

**PULLED FOR DISCUSSION BY A MEMBER OF THE PUBLIC.**

**1.12 ACCEPTANCE OF EMERGENCY SEDIMENT REMOVAL FROM FORRESTER CREEK CHANNEL ALONG I-8 AND STORM DRAIN REPAIR AT EL CAJON BOULEVARD, ENGINEERING JOB NO. 3015 (Report: Director of Public Works)**

**RECOMMENDATION:** That the City Council 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.

**DISCUSSION**

**James Kelly**, homeless, states he thought it is funny that the City is asking for more money to take care of the storm drain that should have been done by the Sewage Department.

No further comments are offered.

**MOTION BY LEWIS, SECOND BY McCLELLAN**, to 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.

**MOTION CARRIES BY UNANIMOUS VOTE.**

**PUBLIC COMMENT:**

**James Kelly**, homeless, recently incarcerated, will be talking to the City Attorney; feels the proclamation given to Gussy Zacks was discriminatory because it singled out only the Jewish people.

**Raymond Lutz**, 1010 Old Chase Avenue, El Cajon, speaks regarding the theater (East County Performing Arts Center); feels the presentation this afternoon was great; one problem is the difficulty in buying tickets since the box office is closed and individuals must drive over to the headquarters to buy tickets; no directions are given to find the office; feels the box office should be opened to accommodate the buying public.

**2. WRITTEN COMMUNICATIONS:**

**2.1 SIGN ORDINANCE (Report: City Manager)**

**RECOMMENDATION:** That the **City Council** review the subsequent information provided in the Agenda Report and attachments and direct Staff accordingly.

**DISCUSSION**

**City Manager Henry** gives a brief summary on this item, which was continued from the previous Council meeting.

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

- New subdivisions being considered commercial but City Attorney feels the ordinance does not allow this exception.
- Concerns allowing only this industry to have sign spinners being illegal.
- Whether the addition of the word “mechanical” before the word “animated” would allow sign spinners.
- The reason why barber-shop signs are allowed and not sign spinners. **Director of Community Development Griffin** explained that the barber-shop signs were exempted as they are traditional.
- If the ordinance is amended to allow for the sign spinners, it would have to be for all businesses, not only for condo conversions.
- A possible urgency ordinance as the selling season is upon the developers.
- Signs currently being used on private property that does not involve individuals.

**Michael Kenny**, AArrow Advertising, 4312 Vakta Street, San Diego, speaks regarding creating a different group addressing sign spinners in the ordinance; licensing companies and requiring the company to submit a schedule where the spinners are to be located indicating day and time; his company has been in business since 2002; 90 percent of his business is new homes, with banks and car dealerships making up the balance.

**Ron Pennock**, East County Construction Council, 124 West Main Street, El Cajon, states he has been involved with condo conversions approximately eight years; feels the biggest help to the developers for selling the conversions is the sign spinners; states there is no mention in the ordinance about human signs, but rather just policy; asking for temporary use through the temporary use permit (TUP) process; suggests a six-month sunset provision.

**Maurice “Mo” Rosenberg**, El Cajon Condominium Conversion Task Force, 4445 East Gate Mall #407, San Diego, speaks briefly on the suggestion that Mr. Pennock made; how condo conversion fits into new ventures; thinks Council and Staff can continue to be creative in resolving this situation.

**Christine LaMarca**, Condo Conversion Task Force, 8480 La Mesa Blvd, La Mesa, speaks regarding improvement of neighborhoods and feels that the conversions improve neighborhoods; states the spinners are a temporary thing; commends City Manager for all her efforts; suggests allowing the projects to be considered a new business; allow spinners to be on private property.

**Norma Scantlin**, Assoc of Realtors, 1150 Broadway #220, El Cajon, requests Council to review the rules and regulations that currently exist; marketing of homes has become very difficult as the market has slowed down since last November.

**Beth Phillips**, Action Signs & Promotions, 18041 Avenue “D”, Perris, states that she feels Council needs to help these people; states this is the only city that does not allow human directional signs.

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

- Questions of whether El Cajon is the only city that does not allow human directional signs. **Director of Community Development Griffin** states that La Mesa, Coronado, or Encinitas do not allow them.
- Ordinance allows four off-premise signs on private property as long as the individuals are not twirling or spinning the signs.
- Difficulty of enforcing the ordinance of persons holding signs on private property.
- Amending the ordinance as opposed to waiving a portion of the ordinance for a particular project.

**Councilmember Ramos** states there is no need to change the ordinance and that it would be disastrous to change it for only one industry; real estate business is still very strong even though some houses are staying on the market a little longer; feels Council is ignoring that it is suppose to provide for the health, safety, and welfare of the citizens; do not feel that the Council is suppose to bail out an industry/business with a problem; feels that if the developers offer an incentive (i.e. upgrades, discounts on prices), homes would sell sooner.

**Councilmember McClellan** agrees that sometimes the market can/will change things considerably; feels purchase of condos are the beginning of home ownership; interest before homes are sold can/do eat up the developers' equity in their developments; property taxes for the City will increase with the sale of condo conversions.

**Mayor Pro Tem Hanson-Cox** says she looked at this very carefully, writing the pros and cons on this item; regarding the new establishment proposal, based on the definition it would still mean making an ordinance change; after watching people walking, feels this is dangerous for pedestrians; states Council must look at everything and decide what is best for the residents.

**Councilmember Kendrick** is very sympathetic to the building industry; has spoken with real estate and non-real estate individuals; does not really want human directional signs advertising adult book stores; on Sunday, he observed three sign spinners located within 20 feet of each other.

**Councilmember McClellan** suggests sign spinners wear a tee-shirt with wording and wave at the people rather than spinning a sign, if that would be permissible. **City Attorney Foley** states that an individual wearing a tee-shirt and waving is not the same as a sign spinner.

No further comments are offered.

**MOTION BY LEWIS, SECOND BY RAMOS**, to file the letter with no further action taken.

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



**3. PUBLIC HEARINGS:**

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

**RECOMMENDATION: That the Redevelopment Agency**

- **Open the Public Hearing;**
- **Accept and review testimony;**
- **Close the Public Hearing; and**
- **Adopt the next RESOLUTION in order to formalize and adopt the Replacement Housing Plan for the Linda Way In-Fill Housing Project.**

**DISCUSSION**

**Jean Karam**, 945 Arnold Way, Alpine, addresses the fact that these units are 66 percent government subsidized and already designated as low-income housing; feels this project does not make sense; states he has invested a lot of time and money in these units; feels that the Council is preventing him from achieving his dream and his rights are being taken away.

**Kimberly Snell**, 362 Linda Way, El Cajon, informs Council she moved approximately a year ago when the apartments where she lived was converted into condos; states there are a lot of children living on that street that are involved in baseball; feels safe knowing that her child is playing right in front of her apartment; safety is the whole issue.

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

- Low-income
- Renovate existing 15 units into 24 units.

**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. ECRA-373 to formalize and adopt the Replacement Housing Plan for the Linda Way In-Fill Housing Project.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**3.2 RESOLUTION – COST RECOVERY – EMERGENCY RESPONSE  
INTERSECTION OF EL CAJON BOULEVARD AND BOULEVARD PLACE  
Courtesy Auto Transport, LLC (Report: City Clerk)**

**RECOMMENDATION: That the City Council**

- **Open the Public Hearing and receive testimony.**
- **Consider the Report and Account from the Fire Chief on the costs of the Fire and Public Works Departments in responding to an emergency fuel spill incident at the intersection of El Cajon Boulevard and Boulevard Place in the amount of \$1,209.03.**
- **Close the Public Hearing and adopt the next RESOLUTION in order approving the report and account as submitted.**

**DISCUSSION**

**City Attorney Foley** gives a brief summary relating to this item.

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

- Since this was a mechanical failure, whether the owner or the driver is responsible.
- Whether owner's or driver's insurance would cover this cost.

**Issam Sam Kort**, 19801 Franks Street, Corona, states he is a member of the corporation; states his company is strictly an owner/operator business and the trucks are leased; offered information on the driver to Staff.

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

- The vehicle is sold to the driver over time using it to transport goods.
- Hold harmless agreement is of no use to the City.

**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. 62-06 approving the report and account as submitted.

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

**ADMINISTRATIVE REPORTS:**

**3.3 SP 182 AD HOC COMMITTEE (Report: Director of Redevelopment and Housing)**

**RECOMMENDATION:** That the Redevelopment Agency review the staff recommendations for the Specific Plan 182 Ad Hoc Committee.

**DISCUSSION**

No comments are offered.

**MOTION BY LEWIS, SECOND BY RAMOS,** accepts the staff recommendations for the Specific Plan 182 Ad Hoc Committee.

**MOTION CARRIES BY UNANIMOUS VOTE.**

**4. COMMISSION REPORTS: NONE**

**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 SANDAG Board of Directors Meeting – April 28, 2006**

Attended a fund-raising function for the PTA at Naranca School; one of the most discipline schools; the principal at the school has a doctorate, the last name of “Scooby,” and everyone calls her “Dr. Scooby.”

**6. REPORTS OF COUNCILMEMBERS**

**MAYOR PRO TEM JILLIAN HANSON-COX:**

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**

Every Monday night, watches The Apprentice, Michael Whitman of El Cajon was the individual who guessed the contestant that was going to be fired on that evening's program.

**COUNCILMEMBER GARY KENDRICK:**

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

**6.2 No Report**

**COUNCILMEMBER BOB McCLELLAN:**

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**

Attended the LAFCO meeting regarding the Home Depot project; there will be another meeting on June 5.

**COUNCILMEMBER DICK RAMOS:**

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

**6.4 El Cajon Police Department Appreciation Luncheon on April 26, 2006**

**7. LEGISLATIVE REPORT**

**7.1 League of California Cities Legislative Bulletin - *Priority Focus* - dated April 21, 2006 and April 28, 2006**

Assembly Bill (AB) 2174 which deals with driving under the influence (DUIs) which would force the defendants to appear in court.

**MOTION BY RAMOS, SECOND BY LEWIS, to adopt RESOLUTION NO. 63-06 in support of AB 2174.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

Assembly Bill (AB) 2987 is opposed by the League as it is currently written; it would remove franchise fees for cable and utility companies, and build-out discrimination issues.

**MOTION BY HANSON-COX, SECOND BY RAMOS,** to direct Staff to prepare a letter in opposition of AB 2987

**MOTION CARRIES BY UNANIMOUS VOTE.**

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

**9. ORDINANCES: FIRST READING**

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

**9.1 SPECIFIC PLAN 505**

An Ordinance approving Specific Plan 505 to allow non-contiguous parking for an existing and the expansion of a motorcycle sales and service business in the C-2 (General Commercial) Zone on property located on the southeast side of El Cajon Boulevard between Franklin and South Johnson Avenues and addressed as 557 and 621 El Cajon Boulevard, and on the south side of Chamberlain Avenue between El Cajon Boulevard and South Johnson Avenue, and addressed as 791 Chamberlain Avenue.

**ORDINANCE: SECOND READING AND ADOPTION**

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

**9.2 TWO-HOUR PARKING ON EAST MAIN**

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.

• **MOTION to adopt Ordinance approving Two-Hour Parking.**

**MOTION BY LEWIS, SECOND BY McCLELLAN,** to adopt Ordinance No. 4839 approving Two-Hour Parking.

**MOTION CARRIES BY UNANIMOUS VOTE.**

### **9.3 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.

- **MOTION to adopt Ordinance amending Zoning Ordinance and clarifying the size of parking spaces.**

**MOTION BY LEWIS, SECOND BY RAMOS**, to adopt Ordinance No. 4840 amending Zoning Ordinance and clarifying the size of parking spaces.

**MOTION CARRIES BY UNANIMOUS VOTE.**

### **9.4 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.

- **MOTION to adopt Ordinance approving Specific Plan 508.**

**MOTION BY LEWIS, SECOND BY RAMOS**, to adopt Ordinance No. 4841 approving Specific Plan 508.

**MOTION CARRIES BY UNANIMOUS VOTE.**

**9.5 ADDING CHAPTER 17.88 AND AMENDING ZONING ORDINANCE REGARDING REGULATION OF “TOBACCO SHOPS” AND “SMOKE SHOPS”**

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.”

- **MOTION to adopt Ordinance adding Chapter 17.88 and amending Zoning Ordinance regarding regulation of “tobacco shops” and “smoke shops.”**

**MOTION BY LEWIS, SECOND BY RAMOS**, to adopt Ordinance No. 4842 adding Chapter 17.88 and amending Zoning Ordinance regarding regulation of “tobacco shops” and “smoke shops.”

**MOTION CARRIES BY UNANIMOUS VOTE.**

**10. CLOSED SESSIONS: None**

**11. RECONVENE TO OPEN SESSION: None**

**Adjournment: Mayor Lewis adjourned the Regular Joint Meeting of the City Council/ Redevelopment Agency held this 9th day of May, 2006, at 5:30 p.m. to Tuesday, May 9, 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 Mr. and Mrs. Richard Berry for Animal Control in accordance with City Council Policy B-2.
- B** Letter from Lynne Barber regarding Chubby Checkers performance at East County Performing Arts Center.

## **C PLANNING COMMISSION RESOLUTIONS**

**Resolution No. 10302** – A resolution of intention to initiate Zone Reclassification 2280, to consider rezoning the properties located at 134, 142, 154-156, 160, 206, 214, 228-230, 232, 234, 258-262, 302, and 306 South Johnson Avenue from the R-P (Residential Professional) Zone to the R-2 (Two Family) Zone.

**Resolution No. 10304** – A resolution granting Conditional Use Permit 2022 to construct an accessory building greater than 800 square feet in the R-1-6 (Residential One-Family 6,000 Sq. Ft.) Zone on property located on the east side of South Orange Avenue between West Washington and Chamberlain Avenues, and addressed as 633 South Orange Avenue.

**Resolution No. 10305** – A resolution granting Variance 948 for a reduction in rear yard setback in the R-S-14 (Residential Suburban 14,000 Sq. Ft.) Zone on property located on the north side of Horizon Hills Drive between Avocado Boulevard and Circo de Cielo Drive, and addressed as 222 Horizon Hills Drive.



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



## MINUTES

### CITY OF EL CAJON EL CAJON, CALIFORNIA

---

MAY 9, 2006

An Adjourned Regular Joint Meeting of the City Council and Redevelopment Agency of the City of El Cajon, California, held Tuesday, May 9, 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, May 9, 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 Turner, 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:**

**Sunshine Horton**, 1525 Granite Hills Drive, El Cajon, informs Council that she and her husband have ordered magnetic ribbons and cards that say “Designated Drivers are Life Savers”; will start redoing the yellow ribbons on June 7; May 10 is Mother’s Day in Mexico; the loss of respect for one another.

**PUBLIC HEARINGS:**

**100 DELETION OF SPECIFIC PLAN 217 (Initiated by Planning Commission)  
(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. 10296** to delete Specific Plan 217 for a proposed office development in the pending R-S-9-H Zone on property located on the northwest corner of West Main Street and Dewane Drive.

**DISCUSSION**

**Councilmember Kendrick** disqualifies himself from this item.

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

No comments are offered.

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

**MOTION CARRIES BY UNANIMOUS VOTE.  
COUNCILMEMBER KENDRICK DISQUALIFIES HIMSELF.**

**MOTION BY LEWIS, SECOND BY McCLELLAN, to approve Planning Commission Resolution No. 10296** to delete Specific Plan 217 for a proposed office development in the pending R-S-9-H Zone on property located on the northwest corner of West Main Street and Dewane Drive.

**MOTION CARRIES BY UNANIMOUS VOTE.  
COUNCILMEMBER KENDRICK DISQUALIFIES HIMSELF.**

**101 TENTATIVE SUBDIVISION MAP 627 (Hertel for Shadow Mountain Community Church, Inc.) South side of East Madison Avenue between Granite Hills and Greenfield Drives (Report: City Clerk)**

**RECOMMENDATION: That the City Council**

- **Open the Public Hearing and receive testimony**
- **Close the Public Hearing**
- **Adopt the next RESOLUTION in order to Approve, Modify or Disapprove Planning Commission Resolution No. 10297** recommending approval of Tentative Subdivision Map 627 for a six-lot residential subdivision in the R-E-20 and R-E-20-H Zones on property located on the south side of East Madison Avenue between Granite Hills and Greenfield Drives.

**DISCUSSION**

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

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

- Drainage plan, soils report and possibly a geotechnic report.

**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 McCLELLAN,** to adopt RESOLUTION NO. 64-06 to approve Planning Commission Resolution No. 10297 recommending approval of Tentative Subdivision Map 627 for a six-lot residential subdivision in the R-E-20 and R-E-20-H Zones on property located on the south side of East Madison Avenue between Granite Hills and Greenfield Drives.

**MOTION CARRIES BY UNANIMOUS VOTE.**

**102 APPEAL – PLANNING COMMISSION DENIAL OF CONDITIONAL USE PERMIT 2021 – MULTIPLE USED CAR TENT SALES DURING THE YEAR 2006 (Suzuki of El Cajon for Westfield Shoppingtown Parkway) 415 Fletcher Parkway (Report: City Clerk)**

**RECOMMENDATION: That the City Council**

- **Open the Public Hearing and receive testimony**
- **Close the Public Hearing**
- **Adopt the next RESOLUTION in order to Grant, Deny or Modify the Appeal of Planning Commission Resolution No. 10301 denying Conditional Use Permit 2021 for multiple used car tent sales during the year 2006 in the C-R Zone at 415 Fletcher Parkway.**

**DISCUSSION**

**Councilmember McClellan** disqualifies himself due to a financial conflict of interest.

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

- Whether multiple used car tent sales are compatible with the surrounding property and/or businesses.

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

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

**Shawn Sagart**, 1150 San Lorie Lane, El Cajon, owner of Suzuki of El Cajon, states he was before Council this past year opposing out-of-town dealers having car tent sales for several weeks; asking for three-day sales for a total of ten sales; increase in sales tax.

Discussion ensues among **Council, Staff, and Mr. Sagart** concerning:

- Other dealers located in El Cajon that might be interested in holding used car tent sales; Mr. Sagart states there were none.

**MICHAEL CAVENDER**, 415 Parkway Plaza, El Cajon, General Manager for Westfield Parkway, states these sales have been very successful in the past; inquiries were sent to other local dealerships and all declined with the exception of Mr. Sagart; sales tax increases because of the sale of used vehicles and shoppers coming into the shopping center.

Discussion ensues among **Council, Staff, and Mr. Cavender** concerning:

- Potential impact on WalMart shoppers.
- Other possible locations within the parking lot.
- Complaints because of the debris left at the site of the used car tent sales location.

**Rick Urban**, Budget Car Sales, 400 North Johnson, El Cajon, did not appear last year because he believed that it was two car sales per year per location; states he is interested in having used car tent sales; sales do bring in people from outside.

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

- Whether this will open it up for any dealership that wants to hold more than two sales per year.
- Cannot discriminate between outside dealers and El Cajon dealers.
- If the appeal is granted, it will be with conditions as set out in the conditional use permit.
- Whether further direction needs to be given to the Planning Department.
- Eliminate unfair competition giving it to only one car dealership; rather rotate it between all the car dealerships that are interested.
- Amend the ordinance to allow only two inflatables.
- Limited it 10 days total per month until the end of October, than change the procedure to the rotational process of the applications received on a first come, first approved basis.
- Decision tonight will only be good for calendar year 2006.
- Since it is the City that issues the temporary use permit, then Westfield should not be involved with the issuance of the temporary use permit.

No further comments are offered.

**MOTION BY LEWIS, SECOND BY KENDRICK**, to continue the Public Hearing until May 23, 2006, 7:00 p.m. to allow Staff time to prepare a draft resolution containing conditions in order to grant the appeal.

**MOTION CARRIES BY UNANIMOUS VOTE.  
McCLELLAN DISQUALIFIES HIMSELF BECAUSE  
OF POSSIBLE FINANCIAL CONFLICT OF INTEREST.**

**103 APPEAL – PLANNING COMMISSION REVOCATION OF CONDITIONAL USE PERMIT 2012 – OCEAN-GOING CONTAINERS (PREFABRICATED STRUCTURES) (Mark and Susan Whillock) 330-346 Front Street (Report: City Clerk)**

**RECOMMENDATION: That the City Council**

- **Open the Public Hearing and receive testimony**
- **Close the Public Hearing**
- **Adopt the next RESOLUTION in order to Grant, Deny or Modify the Appeal of Planning Commission Resolution No. 10300** revoking Conditional Use Permit 2012 for ocean-going containers (prefabricated structures) in the M Zone at 330-346 Front Street.

## DISCUSSION

**City Attorney Foley** informs Council that because this is an administrative procedure, all witnesses need to be sworn in prior to testifying. (Four persons in the audience and Director of Community Development Griffin were sworn.) **City Attorney Foley** also informs Council of the procedure that should be followed in this Administrative Procedure and time limits as they apply to this hearing.

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

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

**Thomas Finrow**, attorney for Mark and Susan Whillock, 9131 Fletcher Parkway #125, La Mesa, states this particular controversy started out with an inspection regarding sea-going containers; feels this has escalated where City Staff is giving citations and/or notices to eliminate the sea-going containers/prefabricated structures; feels the City included language in the CUP as if the containers were prefabricated structures.

**Mark Whillock**, 2336 Orchard Avenue, El Cajon, in 2004, Mr. Hagen requested that the containers be placed on a permanent foundation.

**Director of Community Development Griffin** inquires if Mr. Whillock remembers receiving a letter dated December 29 from Mr. Hagen. **Mr. Whillock** states he does but that Mr. Hagen did not feel Mr. Whillock needed a CUP at that time and neither does Mr. Whillock.

**Scott Tallman**, 15447 Lawson Valley Road, Jamul, reads a statement into the record.

**Director of Community Development Griffin** inquires if the containers are more than 120 square feet; **Mr. Tallman** answers that they are larger than 120 square feet. **Director of Community Development Griffin** asks if they are touching the ground; **Mr. Tallman** answers no. **Director of Community Development Griffin** asks if they are on supports; **Mr. Tallman** answers yes.

**Councilmember Ramos** inquires how long the containers were on the property; **Mr. Tallman** started work 3-3 1/2 years ago and they were there at that time. **Councilmember Ramos** inquires as to what Mr. Tallman's interpretation is of temporary: **Mr. Tallman** states that everything in construction is considered temporary.

**Councilmember McClellan** inquires as to what kind of foundations prefabricated houses and houses with wood floors have; also whether piling foundations would be allowed.

**Councilmember Kendrick** asks if it is the California Uniform Building Code that **Director of Community Development Griffin** is referring to.

**Councilmember Ramos** inquires as to the City's definition of temporary; **Director of Community Development Griffin** states the Zoning Ordinance uses 30 days; he also says he would approve 90 days, with perhaps an extension depending on what is being done.

**Councilmember Kendrick** states if a building is over 120 square feet, it requires a CUP; definition of temporary.

**Jimmy Kenniston**, 235 Taft Avenue, El Cajon, speaks regarding the fact that these are temporary storage containers meant for shipping and are not designed to be placed on a foundation as a permanent building; permanently affixing something to property, makes it part of that property; refers Council to the City's Municipal Code relating to fees that may/may not be charged and temporary storage containers.

**Director of Community Development Griffin** inquires as to whether the property is on the alley. **Mr. Kenniston** answers no, that the property was originally divided in 1901 and later removed by CalTrans for Interstate 8.

**Al Sanchez**, 1339 Broadway, El Cajon, feels the storage containers are in a gray area as most codes/regulations do not cover them; requests Council to revisit this and feels a compromise can be reached; states they are located all over the City as well as all over the country.

**Director of Community Development Griffin** says the City Ordinance does include sea- or ocean-going containers if they are over 120 sq ft; Mr. Whillock's containers are over 120 square feet and are on the ground, thereby, meeting the requirement for a foundation; containers cannot be made part of the permanent business; states an alley is not a public street; conditions of approval are standard conditions in getting a building permit; people are asked to prove the lots are legal or to get a certificate of compliance; feels there are still issues that are unresolved.

**Thomas Finrow** questions **Director of Community Development Griffin** regarding:

- Statute of 17.04
- Statute 17.50.040 - Conduct of Use
- City's own storage units.
- Whether prefabricated sea-going containers are structures.
- Authority for considering the sea-going containers as structures.

**Jimmy Kenniston** visited Public Works Department on Vernon Way today where there are six containers that are not on foundations or screened from the public.

**Director of Community Development Griffin** states these structures require a permit, Mr. Whillock did not follow permit requirements, did not meet deadlines for hearing appeal; does not understand why applicant satisfied other uses of the CUP and not this one.

**Thomas Finrow** questions whether since the City has not moved the containers, has the City instituted any process within the past 60 days to get CUPs for their own containers; whether it is the intent of the City to ask every owner to come in and get a CUP for their containers.

**Mayor Pro Tem Hanson-Cox** inquires of Mr. Whillock:

- Comment made by last witness, if you can consider a permit for a period of time - Mr. Kenniston states the containers were on the witness' property when he bought the property and were told the containers had to be removed.
- Whether Mr. Whillock rents or owns the containers. Mr. Whillock states he owns the containers.

Summation by **Thomas Finrow**:

- Main issue is whether statute 17.50.040 came into existence covers sea-going containers.
- City Staff has decided within last week, they did not want storage container in the City but wanted permanent storage buildings.
- Purpose of joining two properties, which has an alley separating those two properties.
- Definition of structure, which these storage containers are not.
- Storage containers cannot be viewed from the street.
- Containers came from a job site – a school.
- Come here to have Council listen to what's normal and reasonable.

Summation by **Director of Community Development Griffin**:

- These are structures.
- City Council has concurred.
- Foundation required if structure is over 120 square feet.
- If Council wants to allow these, then the ordinance requires changing.

**Mayor Lewis** makes the statement that each side has been given ample time for testimony and cross-examination.

No further comments are offered.

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

**MOTION CARRIES BY UNANIMOUS VOTE.**

**Councilmember McClellan** states that he does not see the difference between storage under a tarp and the sea-going containers; when a new ordinance is adopted, current items are usually grandfathered in.



**Councilmember Ramos** says he agrees with **Director of Community Development Griffin**; feels the ordinance is very clear regarding outdoor storage; when items are placed in containers, it is no longer considered outdoor storage; difference in using the containers as a temporary storage (such as a retailer moving merchandise in and out of the container) and using them on a permanent basis.

**Mayor Pro Tem Hanson-Cox** feels the storage containers are essential to the building industry but that these are not being used as temporary storage; supports Staff in their findings.

**MOTION BY LEWIS, SECOND BY RAMOS**, to Deny the Appeal of Planning Commission Resolution No. 10300 revoking Conditional Use Permit 2012 for ocean-going containers (prefabricated structures) in the M Zone at 330-346 Front Street and request Staff to prepare resolution with findings and return to Council on May 23, 2006, meeting for adoption on the consent calendar.

**MOTION CARRIES ON A 4 TO 1 VOTE.  
COUNCILMEMBER McCLELLAN VOTES NO.**

**104                    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 9th day of May, 2006, at 9:25 p.m. to Tuesday, May 23, 2006, at 3:00 p.m.

---

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