

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

DECEMBER 19, 2006

A Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, December 19, 2006, was called to order by Mayor/Chair Mark Lewis at 2:00 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 November 28, 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 November 28, 2006, meetings and the Agenda of the December 19, 2006, meetings in accordance to State Law and Council/Agency Policy.

- **NOVEMBER 7, 2006 GENERAL MUNICIPAL ELECTION –
CERTIFICATE OF RESULTS OF CANVASS**

The City Clerk recites the results of the Canvass of the Election for a Mayor and one Member of the City Council.

- **RESOLUTION: DECLARING OFFICIAL RESULTS OF THE GENERAL
MUNICIPAL ELECTION HELD NOVEMBER 7, 2006**

RECOMMENDATION: That the City Council adopt RESOLUTION NO. 184-06 declaring the results of the Election and other matters as required by law.

**MOTION BY LEWIS, SECOND BY HANSON-COX, to adopt
RESOLUTION NO. 184-06 declaring the results of the Election and
other matters as required by law.**

MOTION CARRIES BY UNANIMOUS VOTE.

- **OATH OF OFFICE ADMINISTERED TO MARK LEWIS
Remarks by Mayor Lewis**
- **OATH OF OFFICE ADMINISTERED TO GARY KENDRICK
Remarks by Councilmember Kendrick**

Recess called at 2:10 p.m.

- **RECEPTION IN CITY HALL LOBBY**

Meeting called back to order at 3:00 p.m.

- **ROLL CALL OF NEWLY SEATED MAYOR AND COUNCILMEMBER**

PRESENTATIONS: None

Mayor Lewis speaks about the recent opening of Glamour Girlz Boutique at 124 East Main Street, a shop specializing in jewelry, clothing and shoes for women.

AGENDA CHANGES: None

CONSENT ITEMS: (1.1 – 1.18)

MOTION BY LEWIS, SECOND BY RAMOS, to approve Consent Items 1.1 to 1.18, pulling Item 1.6, as requested by Councilmember Hanson-Cox, and 1.15 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 November 28, 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 ENGINEERING CONSULTING SERVICES FOR COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA) FACILITY REVIEW STUDY (Report: Director of Public Works)

Authorize the City Manager to negotiate and execute a Professional Services Contract with the rated firms in order for Engineering Consulting Services for Compliance with the Americans with Disabilities Act (ADA) Facility Review Study.

CONSENT ITEMS: (CONTINUED)

1.5 DISABLED PARKING – 822 ALVEDA AVENUE (Report: Director of Public Works)

Adopt RESOLUTION NO. 185-06 establishing disabled parking as follows:

Along the west curblineline of Alveda Avenue, beginning at a point 163 feet south of Granite Hills Drive, thence southerly a distance of 38 feet.

PULLED FOR DISCUSSION:

1.6 LEASE OF CITY PROPERTY FOR WIRELESS ANTENNA (Report: Assistant City Manager)

RECOMMENDATION: That the City Council authorize the City Manager to enter into an agreement with ATS Communications to provide a wireless antenna plan to market cell sites and to serve as ongoing cell site property managers.

1.7 REVISED CLASSIFICATION SPECIFICATIONS: FLEET MANAGER, INFORMATION TECHNOLOGIES MANAGER, NETWORK ADMINISTRATOR, POLICE RECORDS MANAGER, PURCHASING AGENT AND RECREATION SERVICES MANAGER (Report: Director of Human Resources)

Approve the proposed revisions to the above-referenced specifications.

1.8 ACCEPTANCE OF MODIFICATION OF TRAFFIC SIGNAL AND SAFETY LIGHTING SYSTEMS AT MOLLISON AVENUE AND MADISON AVENUE AND AT JOHNSON AVENUE AND MADISON AVENUE – Engineering Job Nos. 3017/3049, Bid No. 025-06 (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.

CONSENT ITEMS: (CONTINUED)

REDEVELOPMENT AGENCY ITEM:

1.9 PUBLIC SAFETY FACILITIES PROJECT ACQUISITION DOCUMENTS (Report: Director of Redevelopment and Housing)

- Authorize the Executive Director to execute a purchase and sale agreement substantially in the form as presented with such changes as approved by the Executive Director.
- Authorize the Executive Director to execute any additional documents pertaining to the transaction necessary to implement the terms and conditions and close the purchase of the property.
- Adopt RESOLUTION NO. ECRA-384 to authorize purchase of the aforementioned properties necessary for construction of the Public Safety Facilities Project.

1.10 ACCEPTANCE OF ASPHALT CONCRETE SPEED HUMPS ON CHATHAM STREET BETWEEN FLETCHER PARKWAY AND EAST LAKE DRIVE, Engineering Job No. 3050, Bid No. 006-07 (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.

1.11 ACCEPTANCE OF PUBLIC IMPROVEMENTS – TENTATIVE SUBDIVISION MAP (TSM) 501 – 2121 and 2123 East Madison Avenue, Engineering Job No. 2812 (Report: Director of Public Works)

Accept 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 this project.

1.12 LIEN CONTRACT AND AGREEMENT NOT TO CONVEY, COVENANT NOT TO CONVEY CONDOMINIUM UNITS AND FINAL SUBDIVISION MAP FOR TENTATIVE SUBDIVISION MAP (TSM) 585 – 1509 East Washington Avenue, Engineering Job No. 2981 (Report: Director of Public Works)

Approve the Lien Contract and Agreement Not to Convey, Covenant Not to Convey Condominium Units, and Final Map for TSM 585 at 1509 East Washington Avenue authorizing execution of the agreements.

CONSENT ITEMS: (CONTINUED)

1.13 EXCLUSIVE RIGHT TO NEGOTIATE-URBAN BETTERMENT COMPANY: SMITH & COWAN (Report: Director of Redevelopment and Housing)

Approve an extension to the Exclusive Right to Negotiate with Urban Betterment Company: Smith & Cowan ("UBC" formerly Pario Greentrust) for Redevelopment Agency owned property on Rea Avenue.

1.14 SUBDIVISION AGREEMENTS AND FINAL SUBDIVISION MAP FOR TENTATIVE SUBDIVISION MAP (TSM) 632 – 1277-1591 North Cuyamaca Street, Engineering Job No. 3080 (Report: Director of Public Works)

Approve the two Subdivision Agreements, (one for Public Improvements and one for Private Improvements) and the Final Map for TSM 632 at 1277-1591 North Cuyamaca Street, authorizing execution of the agreements.

PULLED FOR DISCUSSION:

1.15 ENGINEERING CONSULTING SERVICES FOR SANITARY SEWER MASTER PLAN UPDATE – Public Works Job No. 3098 (Report: Director of Public Works)

RECOMMENDATION: That the City Council authorize the City Manager to negotiate and execute a Professional Services Contract with RMC Water and Environment for engineering consulting services to update the Sanitary Sewer Master Plan.

1.16 POINT LOMA WASTEWATER TREATMENT OPTIONS (Report: Director of Public Works)

Encourage the City of San Diego to apply for a waiver of the secondary treatment requirement, while also recommending that the City of San Diego work with the Participating Agencies in the City of San Diego's Metropolitan Wastewater System towards implementing secondary treatment or other alternative technologies to meet the requirements of the Clean Water Act (CWA) and the Ocean Pollution Reduction Act (OPRA), and issue a letter to the City of San Diego in support of these efforts.

CONSENT ITEMS: (CONTINUED)

1.17 SEWER PIPE AND CMP LINING AND REPLACEMENT – VARIOUS LOCATIONS, Engineering Job No. 3083/3084, Bid No. 018-07 (Report: Director of Public Works)

Adopt RESOLUTION NO. 186-06 to approve the plans and specifications and RESOLUTION NO. 187-06 to direct a Notice Inviting Sealed Bids to be opened on January 30, 2007 for the Sewer Pipe and CMP Lining and Replacement – Various Locations project.

1.18 2007 BOND ISSUE (Report: Director of Redevelopment and Housing)

Authorize staff to retain the necessary team of consultants to prepare a financial analysis of the Redevelopment Agency for purposes of offering a 2007 Tax Increment Bond Issue.

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1.6 LEASE OF CITY PROPERTY FOR WIRELESS ANTENNA (Report: Assistant City Manager)

Authorize the City Manager to enter into an agreement with ATS Communications to provide a wireless antenna plan to market cell sites and to serve as ongoing cell site property managers.

DISCUSSION

In response to questions and comments by **Councilmember Hanson-Cox, City Attorney Foley** indicates that modifications will be made to the language in the agreement in the following areas:

- Net revenue and compensation to the consultant;
- Term of the agreement;
- Insurance and indemnification;
- A non-assignment clause.

MOTION BY LEWIS, SECOND BY HANSON-COX, to approve Item 1.6 with modifications as discussed by Council and staff.

MOTION CARRIES BY UNANIMOUS VOTE.

CONSENT ITEMS: (CONTINUED)

1.15 ENGINEERING CONSULTING SERVICES FOR SANITARY SEWER MASTER PLAN UPDATE – Public Works Job No. 3098 (Report: Director of Public Works)

Authorize the City Manager to negotiate and execute a Professional Services Contract with RMC Water and Environment for engineering consulting services to update the Sanitary Sewer Master Plan.

DISCUSSION

James Kelly, homeless, suggests that public restrooms remain open 24 hours a day.

MOTION BY LEWIS, SECOND BY RAMOS, to approve Item 1.15.

MOTION CARRIES BY UNANIMOUS VOTE.

PUBLIC COMMENT:

James Kelly, homeless, speaks about harassment of the homeless and the need for donations to the homeless.

2. WRITTEN COMMUNICATIONS:

2.1 REQUEST FROM CAJON VALLEY UNION SCHOOL DISTRICT

Memo from Robyn Perlin, Assistant Superintendent of Educational Services at Cajon Valley Union School District requesting permission to hang two banners advertising the Early Admission to Kindergarten Program.

DISCUSSION

Mayor Lewis has questions about eligibility for the Early Admission program and asks if a representative from the school district is in the audience to address the questions.

No one comes forward to speak.

MOTION BY LEWIS, SECOND BY RAMOS, to Continue the Item to January 9, 2007.

MOTION CARRIES BY UNANIMOUS VOTE.

WRITTEN COMMUNICATIONS: (CONTINUED)

2.2 APPEAL OF CITY MANAGER'S DENIAL OF REQUEST TO WAIVE UNDERGROUNDING OF UTILITIES AT 437 CLAYDELLE AVENUE

In a letter dated December 1, 2006, the City Manager denied a request from Fakhry Zora to waive the undergrounding of utilities at 437 Claydelle Avenue. Mr. Fakhry is appealing that decision to the City Council.

DISCUSSION

In response to questions by **Councilmember McClellan**, **City Manager Henry** indicates that other homes in the area have utility poles. A lien contract would be an acceptable option and there are no easements involved for this project.

Fakhry Zora, 1053 East Washington Avenue, El Cajon, expresses concerns about the cost to underground utilities and his attempts to obtain cooperation from adjacent neighbors.

Discussion ensues among **Council**, **Staff** and the speaker concerning:

- The purpose of lien contracts;
- The option to Continue the item to the next Council meeting;
- Possible increases in cost to underground utilities in the future.

MOTION BY LEWIS, SECOND BY RAMOS, to Continue the Item to the January 9, 2007 meeting.

MOTION CARRIES BY UNANIMOUS VOTE.

2.3 COMMUNITIES AGAINST SUBSTANCE ABUSE (CASA) REPORT

DISCUSSION

Mary Harrison, 554 Broadway, El Cajon, representing CASA, thanks Council for the opportunity to share their report of an undercover survey of tobacco sales to minors.

Evelyn Hogan, 554 Broadway, El Cajon, representing CASA, describes the protocol for the survey process.

In response to questions by **Councilmember Ramos**, **City Attorney Foley** indicates the report will be referred back to staff for processing pursuant to the City's ordinance for a determination on whether violations have occurred, giving notice to the vendors if violations are found, as well as an opportunity for a hearing and appeal to the City Council.

ITEM 2.3 (CONTINUED)

Amy Budzynski, representing Students Together Against Alcohol N Drugs (STAANDD), speaks about addiction to smoking and the need for laws to curtail sales to minors.

Ian O'Brien, representing STAANDD, speaks about his experiences as a participant in the survey and the importance of keeping tobacco away from students.

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

- Suggestions to improve survey methods;
- Imposing fines to retailers found in violation.

Lorenzo Higley, representing CASA, suggest that fines be imposed for the retailers that sold tobacco to underage students, and supports a possible increase in tobacco license fees. Use of an identification scanner as a tool for age verification is suggested for vendors. He submits a packet of information for review by **Council**.

MOTION BY LEWIS, SECOND BY RAMOS, to refer the report to Staff and look into cost and availability of identification card scanners.

MOTION CARRIES BY UNANIMOUS VOTE.

3. PUBLIC HEARINGS:

3.1 SUBSTANDARD CONDITIONS AT 746 SOUTH SUNSHINE AVENUE (Report: Building Official/Fire Marshal)

RECOMMENDATION: That the City Council

- **Open the Public Hearing, consider any testimony**
- **Close the Public Hearing**
- **Deem appropriate** the Building Official/Fire Marshal's actions in this case.
- (1) Establish an accrual date for civil penalties in this case, (2) direct staff to file a notice of restriction against the property, (3) direct staff to monitor the progress of renovation of the dwelling, and (4) direct staff to bring this case back to Council for final resolution and determination of staff time, administrative fees and civil penalties.

DISCUSSION

Dan Pavao, Building Official/Fire Marshal, provides a summary of the report.

ITEM 3.1 (CONTINUED)

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

- Inoperable plumbing at the subject property;
- Criteria to be met in order for the City to take action;
- The severity of the current conditions.

Diane Webster, 746 South Sunshine Avenue, El Cajon, indicates the property owner has recently passed away. She reports on their efforts to clean up the property, and speaks about the need for funds in order to repair the plumbing.

Discussion continues among **Council** and **Staff** regarding the following:

- Inspection of the property and obtaining an estimate for the clean up;
- Procedures for a summary abatement;
- A suggestion to have the property owner work with the Building Official to have a contractor clean up the property;
- Returning the Item for a status review in 30 days for possible accrual of fees and civil penalties.

James Kelly, homeless, offers to help the previous speaker with the clean up effort.

MOTION BY LEWIS, SECOND BY RAMOS, to Continue the Item to January 9, 2007 and instruct the Building Inspector to visit the site as soon as possible.

MOTION CARRIES BY UNANIMOUS VOTE.

*Recess called at 4:30 P.M.
Meeting called back to order at 4:37 P.M.*

3.2 SUMMARY ABATEMENT AT 1709 EAST MAIN STREET (Report: Building Official/Fire Marshal)

RECOMMENDATION: That the City Council

- Open the Public hearing and receive testimony
- Close the Public Hearing
- Make a final determination regarding staff time, administrative fees, and civil penalties (if any) regarding this case.
- Direct staff to bill the property owner for staff time, administrative fees, and civil penalties as appropriate.
- Adopt RESOLUTION NO. 188-06 pursuant to action taken on the items listed above.

ITEM 3.2 (CONTINUED)

DISCUSSION

Mayor Lewis announces the Public Hearing is now Open.

Pedro Gutierrez, 1709 East Main Street, El Cajon, thanks the Staff and Council for their cooperation and assistance with resolution of the problems.

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

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY RAMOS, to direct staff to bill the property owner for staff time, administrative fees, and civil penalties in the amount of \$998.64 and Adopt RESOLUTION NO. 188-06 pursuant to action taken on the items.

MOTION CARRIES BY UNANIMOUS VOTE.

3. ADMINISTRATIVE REPORTS:

3.3 CONSIDERATION OF CADDYSHACK APPEAL OF DENIAL OF SPECIAL OPERATION LICENSE (Continued from November 28, 2006) (Report: City Attorney)

RECOMMENDATION: That the **City Council** finish its deliberations and consider the appeal of the denial of the Special Operations License for Caddyshack Bar, located at 351 West Main Street, to allow dancing and live entertainment; and, if the City Council decides to sustain the appeal, to grant the license subject to the proposed conditions.

DISCUSSION

City Attorney Foley provides a summary of the Item and indicates the business owners have agreed to the proposed conditions.

Council and **Staff** discuss the following:

- A suggestion to modify Condition H.7, changing the wording from “25 years of age or younger” to “35 years of age or younger”;
- A suggestion to approve the special operation license without entertainment, followed by a six-month review.

ITEM 3.3 (CONTINUED)

Alan Neff, 351 West Main Street, El Cajon, speaks about the availability of food items at the bar and indicates that identification cards are required to be shown of all patrons entering the business. Per a recommendation at the last meeting, the payphone on the property has since been removed.

MOTION BY LEWIS, SECOND BY KENDRICK to sustain the appeal and grant the special operation license subject to the proposed conditions, including modification of Condition H.7, changing the wording from “25 years of age or younger” to “35 years of age or younger”.

MOTION CARRIES. (RAMOS - NO)

3.4 MOTEL VOUCHER PROGRAM (Report: Director of Redevelopment and Housing)

RECOMMENDATION: That the Redevelopment Agency review the letter from Ms. Sue Christopher, Executive Director of Crisis House, requesting assistance to fund the Motel Voucher Program and to direct staff pending a City Council/Redevelopment Agency decision.

DISCUSSION

In response to questions by **Council**, **City Manager Henry** indicates that \$54,000 remains in the Unreserved General Fund through this fiscal year, and the request from Crisis House is for \$45,000

Sue Christopher, representing Crisis House, 1034 North Magnolia Avenue, El Cajon, speaks in support of their request for funding of the Motel Voucher Program.

Discussion ensues among **Council**, **Staff** and the speaker concerning:

- Availability of Community Development Block Grant (CDBG) funding;
- The application period to apply for CDBG funding for fiscal year 2007-2008;
- A suggestion to allocate funds on an as-needed basis.

MOTION BY LEWIS, SECOND BY KENDRICK, to approve the request, with funding on an as-needed basis, not to exceed \$45,000 from the Unreserved General Fund.

MOTION CARRIES BY UNANIMOUS VOTE.

3.5 SELECTION OF MAYOR PRO TEM (Report: City Clerk)

RECOMMENDATION: That the City Council select a Mayor Pro Tem according to the El Cajon Municipal Code.

MOTION BY LEWIS, SECOND BY HANSON-COX, to select Councilmember McClellan as Mayor Pro Tem.

MOTION CARRIES BY UNANIMOUS VOTE.

4. COMMISSION REPORTS:

4.1 RECREATION COUNCIL UTILITY SUPPORT (Report: Recreation Services Manager)

RECOMMENDATION: That the City Council consider reducing Fletcher Hills Little League's (FHLL) outstanding utility bill for Fiscal Year 05/06 to \$2,348.04; increasing the utility support allocation to all member leagues of the Recreation Council to \$2,300 from \$1,800; and reducing the field night use fee for youth groups to \$14.50 per hour from \$20.25 per hour.

DISCUSSION

Luis Tejeda, representing the Recreation Council, indicates SDG&E has worked with the Recreation Council to lower the utility rates and provided direction on how to reduce costs in order to fall within the rate structure.

Tamara Diaz, 676 North Pierce Street, representing Fletcher Hills Little League, thanks the City and SDG&E for their efforts and support of Little League.

MOTION BY LEWIS, SECOND BY HANSON-COX, to approve Item 4.1 per Staff recommendation.

MOTION CARRIES BY UNANIMOUS VOTE.

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4.2 TRAFFIC COMMISSION RECOMMENDATIONS from November 8, 2006 Traffic Commission Meeting (Report: Director of Public Works)

RECOMMENDATION: That the City Council refer bus stop #7 (along the westerly curblineline of East Main Street, beginning at a point 120 feet south of the southerly extended curblineline of Broadway, thence southerly a distance of 21 feet) and the bus stop at 910/868 South Magnolia back to the Traffic Commission as requested at the November 28, 2006, City Council Meeting.

DISCUSSION

No one comes forward to speak.

MOTION BY LEWIS, SECOND BY HANSON-COX, to refer consideration of Bus Stop #7 back to the Traffic Commission and approve the bus stop at 868 South Magnolia.

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 SANDAG Board Actions – November 17, 2006

5.2 E-mail message via Teri Basta at Padre Water and memo from Henry D. I. Abarbanel regarding meeting on November 28, 2006 with City of San Diego Mayor Jerry Sanders.

5.3 Metro Wastewater JPA News Brief – December 2006

5.4 Metropolitan Transit System Joint Meeting Minutes – November 9, 2006

5.5 Metropolitan Transit System Special Joint Meeting Minutes – November 16, 2006

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

Report as stated.

Mayor Pro Tem Hanson-Cox indicates she participated in the groundbreaking ceremony for the trolley station in La Mesa.

COUNCILMEMBER GARY KENDRICK

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

6.2 Council Activities Report

Report as stated.

Councilmember Kendrick indicates he was in Sacramento on December 3rd and 4th and met the Governor, new State legislators and the new insurance commissioner.

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 No Report

Councilmember McClellan states he attended the Harry Griffen Park meeting this morning. They are working on a grant for a new type of irrigation system that determines moisture levels in the ground. Eagle Scouts will be building a shade structure for the dog run in the park.

COUNCILMEMBER DICK RAMOS

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

6.4 No Report

7. LEGISLATIVE REPORT

7.1 League of California Cities Legislative Bulletins dated December 1 and December 8, 2006 - *Priority Focus*

No recommended action.

8. GENERAL INFORMATION ITEMS FOR DISCUSSION: None

9. ORDINANCES: FIRST READING - None

ORDINANCE: SECOND READING AND ADOPTION

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

9.1 SPECIFIC PLAN 511 – 421 and 423 East Main Street

An Ordinance approving Specific Plan 511 for interconnecting access between structures on adjacent, separately owned properties in lieu of a lot consolidation in the C-2 (General Commercial) Zone on property located on the southeast corner of East Main Street and Avocado Avenue, and addressed as 421 and 423 East Main Street.

- **MOTION to adopt Ordinance approving Specific Plan 511.**

INDEMNIFICATION AGREEMENT: The developer has signed an Indemnification Agreement waiving the 30-day waiting period for the effective date of the Ordinance in order to commence construction for the project.

MOTION BY LEWIS, SECOND BY RAMOS, to adopt Ordinance No. 4865.

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY MCCLELLAN, TO APPROVE THE INDEMNIFICATION AGREEMENT.

MOTION CARRIES BY UNANIMOUS VOTE.

10. CLOSED SESSION

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

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

Number of potential cases: 1

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

Property

APN #488-111-28

A portion of City owned property

APN #488-111-30

A portion of Agency owned property

Negotiating Parties

G8 Development

Agency Negotiator

Executive Director
Director, Redevelopment
and Housing:
City Attorney/General
Counsel

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

MOTION BY LEWIS, SECOND BY HANSON-COX, to Adjourn to Closed Session at 5:24 p.m.

MOTION CARRIES BY UNANIMOUS VOTE.

11. RECONVENE TO OPEN SESSION AT 5:43 P.M.

City Attorney reports on action taken in Closed Session.

City Attorney Foley reports that on Motion by Lewis, Second by Kendrick, **Council** unanimously voted to approve action to object to the San Diego Regional Water Quality Control Board amendment to the regional storm water permit and to participate jointly with other cities and the County in litigation, if necessary, to challenge the amendment on the basis that it creates an unfunded state mandate.

On the second item, the Redevelopment Agency provided instruction to its real property negotiators.

Adjournment: Mayor Lewis adjourned the Regular Joint Meeting of the City Council/ Redevelopment Agency held this 19th day of December 2006 at 5:45 p.m. to Tuesday, December 19, 2006, at 7:00 p.m.

KATHIE J. RUTLEDGE
City Clerk/Secretary

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

DECEMBER 19, 2006

An Adjourned Regular Joint Meeting of the City Council and Redevelopment Agency of the City of El Cajon, California, held Tuesday, December 19, 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 2:00 p.m., Tuesday, December 19, 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, CA, relays a Christmas message and talks about the importance of giving.

PUBLIC HEARINGS:

100 AMENDMENT OF SPECIFIC PLAN 197 (David Gatzke for Jackson Pendo Cuyamaca Street, L.P.) – 1277-1591 North Cuyamaca Street (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. 10391 recommending approval of an Amendment of Specific Plan 197 to delete an existing specific plan for sign program criteria for an existing development in the C-M Zone at 1277-1591 North Cuyamaca Street.**

DISCUSSION

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

Mayor Lewis announces the Public Hearing is now Open.

David Gatzke, representing the applicant, indicates he is here to answer any questions.

No questions are asked of the speaker.

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

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY RAMOS, to Approve Planning Commission Resolution No. 10391 recommending approval of an Amendment of Specific Plan 197 to delete an existing specific plan for sign program criteria for an existing development in the C-M Zone at 1277-1591 North Cuyamaca Street.

MOTION CARRIES BY UNANIMOUS VOTE.

101 **TENTATIVE PARCEL MAP 634 (Gilmore for Gilmore) – 1984 Valley View Boulevard (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. 10392** recommending approval of Tentative Parcel Map 634 for a two-lot subdivision in the R-E-20 Zone at 1984 Valley View Boulevard.

DISCUSSION

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

Mayor Lewis announces the Public Hearing is now Open.

No one comes forward to speak.

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

MOTION CARRIES BY UNANIMOUS VOTE.

In response to questions by **Council, Director Griffin** indicates the house on the existing lot is on the historic inventory and was built around 1914. There are plans to build a new house on back of the property.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adopt RESOLUTION NO. 189-06 to Approve Planning Commission Resolution No. 10392 recommending approval of Tentative Parcel Map 634 for a two-lot subdivision in the R-E-20 Zone at 1984 Valley View Boulevard.

MOTION CARRIES BY UNANIMOUS VOTE.

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102 AMENDMENT OF ZONING ORDINANCE DELETING THE R-P (RESIDENTIAL PROFESSIONAL) ZONE (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. 10394** recommending approval of Amendment of the Zoning Ordinance deleting the R-P Zone in Chapter 17.34 of the Municipal Code and selected other Zoning Ordinance text, which refers to the R-P Zone in accordance with Exhibit "A" of the resolution.
- **If approved, request the City Clerk to recite the title of the Ordinance for a first reading.**

An Ordinance amending the Zoning Ordinance and repealing Chapter 17.34 of Title 17 of the El Cajon Municipal Code deleting the R-P (Residential Professional) Zone and amending other Zoning Ordinance text which refers to the R-P (Residential Professional) Zone.

DISCUSSION

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

Mayor Lewis announces the Public Hearing is now Open.

No one comes forward to speak.

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

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY HANSON-COX, to Approve Planning Commission Resolution No. 10394 recommending approval of Amendment of the Zoning Ordinance deleting the R-P Zone in Chapter 17.34 of the Municipal Code and selected other Zoning Ordinance text, which refers to the R-P Zone in accordance with Exhibit "A" of the resolution.

MOTION CARRIES BY UNANIMOUS VOTE.

The City Clerk recites the title of the Ordinance for a first reading.

Councilmember McClellan advises he must recuse himself from Item 103 as it represents a potential financial conflict of interest according to State Law. He leaves the Chambers at 7:22 p.m.

103 AMENDMENT OF ZONING ORDINANCE PROHIBITING OFF-SITE MOTOR VEHICLE SALES (Report: City Clerk)

RECOMMENDATION: That the City Council

- **Continue the Public Hearing and receive testimony**
- **Close the Public Hearing**
- **Approve, Modify or Disapprove Planning Commission Resolution No. 10382**, recommending approval of an Amendment of the Zoning Ordinance prohibiting offsite motor vehicle sales in accordance with Exhibit "A" attached to the Planning Commission Resolution.
- **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 repealing Sections 17.38.040 of Chapter 17.38, 17.40.050 of Chapter 17.40 and 17.42.050 of Chapter 17.42 of the El Cajon Municipal Code and adopting new Sections 17.38.040 to Chapter 17.38, 17.40.050 to Chapter 17.40 and 17.42.050 to Chapter 17.42 of the El Cajon Municipal Code prohibiting off-site motor vehicle sales.

DISCUSSION

Staff responds to questions by **Council** relating to:

- The distinction between temporary use permits and conditional use permits;
- Clarification of the current City ordinance;
- Potential legal challenges concerning the Equal Protection clause in State and Constitutional laws;

Mayor Lewis announces the Public Hearing is now Open.

Mike Ziegler, 1507 Falda del Cerro Court, El Cajon, representing El Cajon Ford, speaks in support of tent sales in the City, recommending a limit of one sale per month, for ten months out of the year.

Robin Munro, 501 West Broadway, San Diego, representing Westfield Parkway, speaks in opposition to the ordinance as proposed by **Staff**. They feel an environmental impact report is required, as the ordinance should not be exempt from CEQA (California Environmental Quality Act) requirements. She thanks **City Attorney Foley** for meeting with the various parties who are working towards a compromise. They support the proposal for issuance of a single, blanket conditional use permit to Westfield Parkway.

ITEM 103 (CONTINUED)

In response to questions by **Council, City Attorney Foley** briefly outlines points proposed by Alan Haynie, an attorney representing several of the car dealerships.

Rick Urban, 400 North Johnson Avenue, El Cajon, representing Budget Car Sales, speaks in support of used car tent sales (eight to ten per year), but expresses the need for equal opportunity with respect to dealer participation.

Alan Haynie, 600 West Broadway, San Diego, representing Suzuki of El Cajon, submits copies of their latest proposal for the ordinance, and speaks about limiting the number of car sales to ten per year, each for a 72 hour period, with some limitation as to acreage, and a requirement for reporting of sales tax.

Horace Eure, 889 Arnele Avenue, El Cajon, representing Tipton Honda, indicates they do not support off-site tent car sales.

Loren Campbell, 900 Arnele Avenue, El Cajon, representing Bob Baker Chevrolet, agrees with most of the items proposed in the compromise, but feels Parkway Plaza should be a shopping mall, rather than a used car sales lot.

Michael Cavendar, 415 Parkway Plaza, El Cajon, representing Westfield Parkway, speaks in support of the proposal to limit the number of tent sales to one per month, January through October. They recommend one CUP with Westfield Parkway to manage participation of the dealerships.

Discussion ensues among **Council, Staff** and the speaker concerning:

- Use of the parking lot owned by Sears;
- Revenue to the shopping mall.

Steve Hodson, 965 Waxie Way, San Diego, representing San Diego Auto Connection, indicates they support competition among dealers.

Zach Marrouni, 464 West Main Street, El Cajon, representing Suzuki of El Cajon, agrees with the proposed compromises to the ordinance.

Harold Fleig, 624 El Cajon Boulevard, El Cajon, representing The Price is Right Now, indicates he supports the proposal of ten sales per year.

ITEM 103 (CONTINUED)

Shawn Sagart, 464 West Main Street, El Cajon, representing Suzuki of El Cajon, speaks in support of tent sales at Westfield Parkway, and references his proposal, which was delivered to Council last week. They suggest ten sales per year, of 3 days duration, using a maximum of 120 parking spaces. He indicates that tent sales take place in many high-end shopping malls in the County. They feel tent sales are good for economy, the City and its citizens.

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

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (MCCLELLAN - Abstain)

Under discussion, **Councilmember Ramos** has questions about the impact of parking for Wal-Mart customers.

No one comes forward to speak on behalf of Wal-Mart.

The consensus of **Council** agrees to re-open the Public Hearing.

Alan Haynie returns to the podium to address questions by **Council**, and suggests the conditional use permit process allow designation of the number of parking spaces to be utilized at the tent sales.

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

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (MCCLELLAN - Abstain)

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

- Zoning issues and recommendations for establishing minimum size acreage;
- Use of inflatables;
- Prohibiting food sales during car sale events;
- A suggestion for Westfield Parkway to regulate dealer participation by means of a comprehensive conditional use permit.

ITEM 103 (CONTINUED)

MOTION BY LEWIS, SECOND BY KENDRICK, to refer the ordinance back to the Planning Commission for a recommendation based on the compromise as presented.

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (MCCLELLAN - Abstain)

Recess called at 8:30 p.m.

Councilmember McClellan returns to the Chambers at 8:31 p.m.

Meeting called back to order at 8:36 p.m.

104 APPEAL - PLANNING COMMISSION GRANTING OF AMENDMENT OF CONDITIONAL USE PERMIT 1461 (Hassebrock) – 1448 Peach Avenue (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, Approve with Conditions or Deny the appeal of Planning Commission Resolution No. 10395** granting Amendment of Conditional Use Permit 1461 to add a multi-purpose building to an existing religious facility in the R-1-6 Zone at 1448 Peach Avenue.

DISCUSSION

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

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

- The traffic study conducted in conjunction with the project;
- Complaints received under the conditional use permit;
- Size of parking spaces

Mayor Lewis announces the Public Hearing is now Open.

Mark Stevenson, Pastor, represents the church at 1448 Peach Avenue. He speaks about the off-street parking situation and their plans to upgrade the entire property and add an additional building.

ITEM 104 (CONTINUED)

Discussion ensues among **Council, Staff** and the speaker concerning:

- The condition of the vacant building on the property;
- The importance of maintaining open communication lines between the church and neighbors;

Betty Hassebrock, 1475 Peach Avenue, El Cajon, speaks in support of the appeal and sites problems with parking and upkeep of the buildings on the church property.

Edwin Hassebrock, 1475 Peach Avenue, El Cajon, speaks in support of the appeal and indicates there is a moratorium on second story buildings in the area of the subject property.

Council and **Staff** discuss zoning and height limitations in the area of the church.

Edwin Hassebrock, 1475 Peach Avenue, El Cajon, speaks about the shortage of parking at the church and possible problems with lights in the parking lots. He is opposed to the addition of a two-story building.

In answer to questions by **Council**, **Director Griffin** discusses the requirement for submission of a lighting plan.

Holly Meeks, 1480 Peach Avenue, El Cajon, speaks in support of the appeal. She discusses dialog from the Planning Commission meeting on November 20, 2006, and submits pictures of a thrift store operated by the church in the summer. She indicates a food bank was being operated on the property by the church.

Director Griffin clarifies the parking requirement of one space for every five fixed seats, or one for every 200 square feet of area.

Patricia Meeks, 1480 Peach Avenue, El Cajon, expresses concern about the addition of a two-story building in the neighborhood.

Mark Stevenson returns to the podium to answer questions by Council concerning the addition of a two-story building. He indicates the proposed use is for offices and classrooms.

Discussion ensues among **Council, Staff** and the speaker concerning:

- Approved uses in the R-1-6 zone - cannot be a commercial enterprise (sale of merchandise);
- A condition to require review of any sign changes;

ITEM 104 (CONTINUED)

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

MOTION CARRIES BY UNANIMOUS VOTE.

Council and Staff discuss the following issues:

- Lighting and signage;
- A condition of approval requiring improvements to the existing building.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adopt RESOLUTION NO. 190-06 to Deny the appeal of Planning Commission Resolution No. 10395 granting Amendment of Conditional Use Permit 1461 to add a multi-purpose building to an existing religious facility in the R-1-6 Zone at 1448 Peach Avenue, incorporating the conditions discussed by Council, with a six-month review of the conditional use permit after completion of the building and signage review.

MOTION CARRIES BY UNANIMOUS VOTE.

105 ADOPTION OF NEW FEES; MODIFICATION OF EXISTING FEES; AND AMENDMENT OF SCHEDULE OF MISCELLANEOUS FEES; AND REVISION OF CITY COUNCIL POLICY E-2 (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** to modify certain existing fees, add or delete certain fees, and amend the City's Schedule of Miscellaneous Fees; and
- **Approve revision of City Council Policy E-2** in order to clarify the policy.

DISCUSSION

Mayor Lewis acknowledges receipt of a correction to proposed Planning fees.

The Public Hearing is now Open.

No one comes forward to speak.

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

MOTION CARRIES BY UNANIMOUS VOTE.

ITEM 105 (CONTINUED)

MOTION BY LEWIS, SECOND BY RAMOS, to Adopt RESOLUTION NO. 191-06 to modify certain existing fees, add or delete certain fees, including the revisions to Planning fees, and amend the City's Schedule of Miscellaneous Fees effective January 1, 2007.

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY RAMOS, to approve revision of City Council Policy E-2 in order to clarify the policy.

MOTION CARRIES BY UNANIMOUS VOTE.

106 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 19th day of December 2006, at 9:53 p.m. to Tuesday, January 9, 2007, at 3:00 p.m.

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