

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

JULY 10, 2007

A Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, July 10, 2007, 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 June 26, 2007.

ROLL CALL

Council/Agencymembers present:
Council/Agencymembers absent:
Mayor Pro Tem/Vice Chair present:
Mayor/Chair present:
Other Officers present:

Hanson-Cox and Kendrick
Ramos
McClellan
Lewis
Rutledge, City Clerk/Secretary
Foley, City Attorney/General Counsel
Henry, City Manager/Executive Director
Davies, Deputy Director of Public Works
Griffin, Director of Community Development

PLEDGE OF ALLEGIANCE TO FLAG led by Mayor Lewis and MOMENT OF SILENCE. (The Courts have concluded that sectarian prayer as part of City Council Meetings is not permitted under the Constitution).

POSTINGS: The City Clerk posted Orders of Adjournment of the June 26, 2007, meetings and the Agenda of the July 10, 2007, meeting in accordance to State Law and Council/Agency Policy.

PRESENTATIONS: None

Mayor Lewis speaks about the Alley Cat Art Walk event held last weekend.

AGENDA CHANGES:

MOTION BY LEWIS, SECOND BY MCCLELLAN, to add General Information A to the agenda under Item 12A.

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (RAMOS - Absent)

CONSENT ITEMS: (1.1 – 1.13)

MOTION BY LEWIS, SECOND BY HANSON-COX, to Continue Item 1.4, as requested by Staff, approve Consent Items 1.1 to 1.13, pulling Items 1.8 & 1.13, as requested by HANSON-COX and Item 1.3, as requested by a member of the public.

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (Ramos – Absent)

Mayor Lewis comments on City Council Policy A-24: Civility, which addresses personal conduct of City Councilmembers, appointed City Commissioners, City staff members and members of the public while interacting with each other.

1.1 MINUTES OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS

Approve Minutes of the June 26, 2007, meeting of the El Cajon City Council/Redevelopment Agency.

1.2 WARRANTS

Approve payment of Warrants as submitted by the Finance Department.

PULLED FOR DISCUSSION:

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.

CONSENT ITEMS: (Continued)

THROUGH EARLIER ACTION, THIS ITEM WAS CONTINUED TO THE MEETING OF JULY 24, 2007:

- 1.4 FINAL PARCEL MAP FOR TENTATIVE PARCEL MAP (TPM) 632 - 1157 Peach Avenue, Engineering Job No. 3103 (Report: Director of Public Works) CONTINUED FROM JUNE 26, 2007**

RECOMMENDATION: That the City Council approve the final parcel map for TPM 632 at 1157 Peach Avenue.

- 1.5 ACCEPTANCE OF PUBLIC IMPROVEMENTS – TENTATIVE PARCEL MAP (TPM) 604 – 1628-1646 East Madison Avenue, Engineering Job No. 2761 (Report: Director of Public Works) CONTINUED FROM JUNE 26, 2007**

Accept the public improvements and authorize the City Clerk to release the security 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.

- 1.6 REQUEST FOR TIME EXTENSION OF TENTATIVE SUBDIVISION MAP (TSM) 587 - 811 Peach Court, Engineering Job No. 2983 (Report: Director of Public Works)**

Grant a one-year time extension for TSM 587 and set the new expiration date to be June 28, 2008, in accordance with Municipal Code Section 16.12.110.

- 1.7 CONSULTANT SELECTION FOR UPDATING AND REVISING THE JURISDICTIONAL URBAN RUNOFF MANAGEMENT PLAN (JURMP) DOCUMENT (Report: Director of Public Works)**

Authorize the execution of a professional services contract with D-Max Engineering for revisions and updates to the Jurisdictional Urban Runoff Management Plan (JURMP).

PULLED FOR DISCUSSION:

- 1.8 AGREEMENT WITH CAJON VALLEY UNION SCHOOL DISTRICT (CVUSD) (Report: Director of Recreation)**

RECOMMENDATION: That the City Council approve the agreement between the City and CVUSD substantially in the form as presented at this meeting with such changes as may be approved by the City.

CONSENT ITEMS: (Continued)

1.9 SPECIAL OPERATION LICENSE – FIGUEROA’S JEWELRY - 1110 Broadway #104

Approve the application as submitted by Ignacio and Rosalia Figueroa for a Special Operation License for a jewelry store business at 1110 Broadway #104.

1.10 SPECIAL OPERATION LICENSE – THRIFT TRADER, INC. D/B/A THRIFT TRADER – 1035 Broadway

Approve the application as submitted by Jeff Clark for a Special Operation License for a business dealing in the general resale and purchase of secondhand goods, clothing, music and movies at 1035 Broadway.

1.11 RESOLUTION – APPROVE AGREEMENTS WITH EL CAJON MID-MANAGEMENT AND PROFESSIONAL EMPLOYEES’ GROUP; EXECUTIVE AND UNREPRESENTED MANAGEMENT; AND CONFIDENTIAL EMPLOYEES (Report: Director of Human Resources)

Adopt RESOLUTION NO. 77-07 approving agreement with El Cajon Mid-Management and Professional Employees’ Group; Executive and Unrepresented Management; and Confidential Employees approved by the City Council at the meeting of June 26, 2007.

1.12 RESOLUTION – LINDA WAY IN-FILL HOUSING PROJECT ACQUISITION DOCUMENTS (Report: Director of Redevelopment and Housing)

- Approve the negotiated Settlement Agreement and Mutual Release 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 property; and
- Adopt RESOLUTION NO. (ECRA-389) to authorize purchase of the aforementioned properties necessary for construction of the Linda Way In-Fill Housing Project.

CONSENT ITEMS: (Continued)

PULLED FOR DISCUSSION:

1.13 GRANT APPLICATION AUTHORIZATION (Report: Chief of Police)

RECOMMENDATION: That the City Council authorize the City Manager or her designee to submit a grant application for \$1,132,077 to the Federal Community Policing Development 2007 Grant Program: Ethics and Integrity (COPS-CPD-2007-06; Community Oriented Policing Services, Department of Justice.

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.

DISCUSSION

Kristy Mundt, representing Citizens Oversight.org, presents a Certificate of Appreciation to the City Council for posting the entire agenda on-line.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Approve Item 1.3

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (RAMOS – Absent)

1.8 AGREEMENT WITH CAJON VALLEY UNION SCHOOL DISTRICT (CVUSD) (Report: Director of Recreation)

Approve the agreement between the City and CVUSD substantially in the form as presented at this meeting with such changes as may be approved by the City.

DISCUSSION

Councilmember Hanson-Cox states she is pleased that Cajon Valley Union School District is working with the City in a partnership to benefit youth.

MOTION BY LEWIS, SECOND BY HANSON-COX, to approve Item 1.8

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (RAMOS – Absent)

CONSENT ITEMS: (Continued)

1.13 GRANT APPLICATION AUTHORIZATION (Report: Chief of Police)

Authorize the City Manager or her designee to submit a grant application for \$1,132,077 to the Federal Community Policing Development 2007 Grant Program: Ethics and Integrity (COPS-CPD-2007-06; Community Oriented Policing Services, Department of Justice

DISCUSSION

Councilmember Hanson-Cox thanks staff for bringing forward the grant application and for researching other grant opportunities.

MOTION BY LEWIS, SECOND BY HANSON-COX, to approve Item 1.13.

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (RAMOS – Absent)

PUBLIC COMMENT:

Lester Boggs, 1973 La Cresta Road, El Cajon, speaks about the Cajon Classic Cruise car show and ways to deter illegal street racing.

Councilmember Hanson-Cox indicates the League of CA Cities is working on a bill concerning illegal drag racing.

Kristy Mundt, representing Citizens Oversight.org, urges citizens to get involved in local government.

Raymond Lutz, representing Citizens Oversight.org, speaks about the City's budget and suggests the Council consider an urgent plan to make some changes to the budget.

Mario Tilaro, 735 Mundy Terrace, El Cajon, comments on the City's budget and contributions to the retirement plan.

Sunshine Horton, 1525 Granite Hills Drive, El Cajon, speaks about patriotism and her yellow ribbon program in the downtown area.

2. WRITTEN COMMUNICATIONS:

2.1 DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR 2007 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

Letter from League of California Cities requesting the designation of Voting Delegate and Alternate for 2007 League Annual Conference September 5 – 8, 2007 in Sacramento and requesting Voting Delegate Form be completed and returned to them no later than August 13, 2007.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to designate Councilmember Hanson-Cox as the Voting Delegate, with City Manager Henry as the First Alternate and Councilmember Ramos as the Second Alternate, for 2007 League Annual Conference.

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (RAMOS – Absent)

2.2 LETTER FROM CAROL BUECHERL REQUESTING CONSIDERATION OF A COMBINATION FENCE AND WALL IN FRONT OF RESIDENCE AT 275 NORTH WESTWIND DRIVE

DISCUSSION

Carol Buecherl speaks in support of her request and submits a brochure on vinyl fencing.

In response to questions by **Council, Director of Community Development Griffin** provides clarification on current Municipal Code requirements for fences, and adds that Council may wish to consider an amendment to the code to allow the use of alternative fence materials.

Mayor Lewis and **Councilmember Kendrick** comment on the quality of vinyl fence materials.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to refer the Item to staff for consideration.

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (RAMOS – Absent)

3. PUBLIC HEARINGS: None

4. ADMINISTRATIVE REPORTS:

4.1 EL CAJON PERFORMING ARTS CENTER (Report: Director of Redevelopment and Housing)

RECOMMENDATION: That the City Council review the report pertaining to the El Cajon Performing Arts Center ("ECPAC") and provide direction to staff.

DISCUSSION

City Manager Henry provides a summary of the item.

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

- The opportunity to utilize energy-saving designs and water conservation measures;
- The goal of self-sufficiency for ECPAC;
- Suggestions to include development of the area surrounding ECPAC;
- Financing options and a suggestion to require a letter of credit for \$1,000,000;
- Parking and traffic issues;
- The possibility of working with the County of San Diego on a joint development.

*Recess called at 4:04 p.m.
Meeting called back to order at 4:08 p.m.*

Mario Tilaro, 735 Mundy, El Cajon, speaks about the declining losses of ECPAC over the last few years and urges Council not to close ECPAC.

Raymond Lutz, representing Citizens Oversight.org, speaks about traffic issues and the language and limits the City wants to impose in the Request for Qualification.

City Manager Henry clarifies that this Item does not pertain to the operator of the theater.

Charles Nichols, 9887 Mollie Lane, Santee, suggests the long-range plan for the development include a financial bridge incorporating ECPAC.

MOTION BY LEWIS, to direct Staff to formulate a Request for Qualification, incorporating the comments heard at today's meeting.

MOTION BY HANSON-COX, to direct Staff to prepare a Request for Qualification opportunity package to set out for bid, for a hotel conference facility with performing arts venue, or any other type of development, that will augment the City and the arts.

Discussion ensues among **Council** and **Staff** concerning alternatives for the specific areas to be developed.

ITEM 4.1 (Continued)

LEWIS SECONDS THE MOTION AS STATED BY HANSON-COX.

**MOTION CARRIES BY UNANIMOUS VOTE OF
THOSE PRESENT. (RAMOS – Absent)**

**MOTION BY LEWIS, SECOND BY KENDRICK, to consider Item 9.2 at this
time.**

**MOTION CARRIES BY UNANIMOUS VOTE OF
THOSE PRESENT. (RAMOS – Absent)**

**9.2 REALLOCATION OF CITY FUNDS TO ART BEAT FOR EAST COUNTY
PERFORMING ARTS CENTER**

RECOMMENDATION: That the **City Council** reconsider allocating City funds to Art Beat for the operation of the East County Performing Arts Center.

DISCUSSION

Councilmember Kendrick speaks in support of the Item and suggests changes to the current contract with Art Beat Management, including eliminating some of the headliner acts and keeping the theater open as a community theater.

The following spoke in support of the request for funding:

Jim Kelly, 9453 Debbie Ct., El Cajon

Dan Regas, representing Art Beat Management

Paul Russell, representing Art Beat Management

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

- Fundraising efforts by Art Beat Management, including recruitment of a sponsor for naming rights;
- Venues booked at the theater;
- Utilities and maintenance fees paid by the City;
- Staffing cuts by the City.

Additional speakers in support of the Item:

Elnora Rusnak representing Slovak Heritage Association of San Diego

Courtney Evans, 1211 Adobe Lane, El Cajon

Rick Alexander, 2033 Chardon Lane, El Cajon

Earl Cantos, representing Art Beat Management

Harold Ayer, representing Art Beat Management

ITEM 9.2 (Continued)

The following spoke in opposition to the request for funding:

Mike Chasin, representing the El Cajon Firefighters Association

Bryan Zmijewski, representing the El Cajon Police Officers Association

Barbara Thompson, representing El Cajon Municipal Employees Association

Raymond Lutz, representing Citizens Oversight.org

Recess at 5:16 p.m.

Called back at 5:21

Ivars Bezdechi, Citizens Oversight.org, speaks in opposition to the Item.

Additional speakers in support of the Item:

Greg Brown, representing East County Posse

Gene Mullaly, 6869 Belle Glade Avenue, San Diego

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

- Suggestions for Art Beat Management to increase fundraising efforts;
- Budgetary cuts made by the City over the last few years;
- The City's option to provide a subsidy to Art Beat Management;
- Funding for the City's lobbyist;
- Budgeting for future legal publishing needs;
- The request to review Art Beat Management's budget;
- Suggestions to review the contract with Art Beat Management and amend as necessary, in order to assist Art Beat Management in working towards successful operation of ECPAC.

MOTION BY KENDRICK, SECOND BY MCCLELLAN, to fund \$75,000 to Art Beat Management, from funds to be determined by City Manager Henry, and an additional \$25,000 in funding (from funds to be determined by City Manager Henry) which must be matched by fundraising efforts by Art Beat Management, in the next 90 days.

MOTION CARRIES. (HANSON-COX – No, LEWIS – Abstained, RAMOS – Absent)

Mayor Lewis states the motion fails 2 to 2, as he voted "no". **City Attorney Foley** requests clarification on the vote of **Mayor Lewis**, indicating his vote reflected an abstention, which would count in the positive. **Mayor Lewis** requests the motion be repeated.

ITEM 9.2 (Continued)

MOTION RESTATED BY KENDRICK, SECOND BY MCCLELLAN, to fund \$75,000 to Art Beat Management, from funds to be determined by City Manager Henry, and an additional \$25,000 in funding (from funds to be determined by City Manager Henry) which must be matched by fundraising efforts by Art Beat Management, in the next 90 days.

MOTION CARRIES. (HANSON-COX – No, RAMOS – Absent)

5. COMMISSION REPORTS: None

6. ACTIVITIES REPORTS OF MAYOR LEWIS

SANDAG (San Diego Association of Governments); SANDAG (Public Safety Committee); METRO Commission (Metropolitan Sewerage System) and METRO Wastewater JPA; MTS (Metropolitan Transit System Board) – Alternate; LAFCO (Local Agency Formation Commission - Alternate).

6.1 SANDAG Board of Directors Agenda – June 22, 2007

6.2 SANDAG Board Actions – June 22, 2007

6.3 PROPOSAL TO SUSPEND USE OF THE TRAFFIC COMMISSION

RECOMMENDATION: That the City Council suspend use of the Traffic Commission indefinitely.

DISCUSSION

Mayor Lewis speaks in support of the recommendation, and if approved, requests that notification letters be sent to the commissioners, thanking them for their service.

Bill Murphy, 245 Lincoln Avenue, El Cajon, a previous Traffic Commissioner, speaks in opposition to the Item.

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

- Potential savings of staff time from attendance at the Traffic Commission meetings and savings from stipends paid to the commissioners;
- Length of Traffic Commission meetings and possible additional burden to Councilmembers;
- The option to reinstate service of the Traffic Commission.

ITEM 6.3 (Continued)

Sherry Casper, 367 Emerald Ave., #1, El Cajon, speaks in opposition to the Item.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to suspend use of the Traffic Commission indefinitely.

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (RAMOS – Absent)

ACTIVITIES REPORTS OF COUNCILMEMBERS

7.

MAYOR PRO-TEM BOB McCLELLAN:

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

7.1 Council Activities Report

Report as stated.

8.

COUNCILMEMBER 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.

8.1 Council Activities Report

Councilmember Hanson-Cox speaks about marketing efforts and sponsorship being sought for the Mother Goose Parade.

9.

COUNCILMEMBER GARY KENDRICK

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

9.1 Council Activities Report

Report as stated.

(THROUGH EARLIER ACTION, THIS ITEM WAS CONSIDERED AT THE CONCLUSION OF ITEM 4.1)

9.2 REALLOCATION OF CITY FUNDS TO ART BEAT FOR EAST COUNTY PERFORMING ARTS CENTER

RECOMMENDATION: That the **City Council** reconsider allocating City funds to Art Beat for the operation of the East County Performing Arts Center.

10.

COUNCILMEMBER DICK RAMOS

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

10.1 No report.

11. LEGISLATIVE REPORT

11.1 League of California Cities Legislative Bulletin - *Priority Focus – June 22 and June 29, 2007.*

Director of Community Development Griffin reports that **SB 303** did not get out of the Assembly, and there is no urgency for action at this time.

12. GENERAL INFORMATION ITEMS FOR DISCUSSION:

A. “Soil-Sensor” Based Irrigation Controllers report from Director of Public Works

DISCUSSION

In response to questions by **Councilmember Hanson-Cox**, **Deputy Director of Public Works Davies** provides clarification about the operation of soil sensor controllers.

NO ACTION TAKEN.

13. ORDINANCES: FIRST READING - None

14. ORDINANCES: SECOND READING AND ADOPTION - None

15. CLOSED SESSION

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

15.1

- **CONFERENCE WITH LABOR NEGOTIATOR – Pursuant to Government Code Section 54957.6**

Agency Designated Representatives: Kathi Henry
Mike Shelton
Joan Ward

Employee Organizations:
El Cajon Firefighters Association
El Cajon Fire Supervisory Unit
El Cajon Police Officers Association
El Cajon Police Officers Association Management Group
El Cajon Municipal Employees Association

15.2

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

Number of potential cases: 1

15.3

- **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to subsection (c) of Government Code Section 54956.9:**

Name of Case: City of El Cajon v. Heartland Coalition d/b/a Heartland
Foundation
Case No. GIE 036582

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adjourn to Closed Session at 6:27 p.m.

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (Ramos – Absent)

16. RECONVENE TO OPEN SESSION AT 6:55 P.M.

City Attorney Foley reports on action taken in Closed Session.

15.1 On the **MOTION BY KENDRICK, SECOND BY MCCLELLAN**, the Council tentatively approved an agreement with the El Cajon Fire Firefighters Association, El Cajon Fire Supervisory Unit, and the El Cajon Police Officers Association Management Group, approving payment of a one-time, \$1,000 stipend to each of the employees governed by those groups, on July 27, 2007 and a \$50 per month increase in the cafeteria allowance benefit effective January 1, 2008. A resolution will be brought back for adoption at the next meeting. Direction was given to the Labor Negotiator on the other two units.

15.2 Council provided direction to Legal Counsel.

15.3 Council provided direction to Legal Counsel.

Adjournment: Mayor Lewis adjourned the Regular Joint Meeting of the City Council/ Redevelopment Agency held this 10th day of July 2007, at 6:56 p.m. to Tuesday, July 24, 2007, at 3:00 p.m.

KATHIE J. RUTLEDGE
City Clerk/Secretary