

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



## MINUTES

### CITY OF EL CAJON EL CAJON, CALIFORNIA

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**August 14, 2007**

A Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, August 14, 2007, was called to order by Mayor/Chair Mark Lewis at 3:05 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 July 24, 2007.

#### **ROLL CALL**

Council/Agencymembers present:	Hanson-Cox, Kendrick, Ramos
Council/Agencymembers absent:	None
Mayor Pro Tem/Vice Chair present:	McClellan
Mayor/Chair present:	Lewis
Other Officers present:	Rutledge, City Clerk/Secretary Foley, City Attorney/General Counsel Henry, City Manager/Executive Director 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 July 24, 2007, meetings and the Agenda of the August 14, 2007, meetings in accordance to State Law and Council/Agency Policy.

**PRESENTATIONS:**

- **John Yeakey – Relay for Life**

**AGENDA CHANGES: None**

**CONSENT ITEMS: (1.1 – 1.24)**

**MOTION BY LEWIS, SECOND BY RAMOS, to approve Consent Items 1.1 (approving the corrections to page 272 of the Minutes) through 1.24, pulling Items 1.16 as requested by RAMOS, 1.17 as requested by HANSON-COX, and Item 1.21 as requested by RAMOS and a member of the public.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

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

Approve Minutes of the July 24, 2007, meetings of the El Cajon City Council/Redevelopment Agency.

**1.2 WARRANTS**

Approve payment of Warrants as submitted by the Finance Department.

**1.3 APPROVAL OF READING BY TITLE AND WAIVER OF READING IN FULL OF ORDINANCES ON AGENDA**

Approve the reading by title and waive the reading in full of all Ordinances on the Agenda.

**1.4 RESOLUTION – APPROVE AGREEMENT WITH EL CAJON MUNICIPAL EMPLOYEES ASSOCIATION**

Adopt RESOLUTION NO. 84-07 approving agreement with El Cajon Municipal Employees Association approved by the City Council at the meeting of July 24, 2007.

**CONSENT ITEMS: (Continued)**

**1.5 ACCEPTANCE OF PUBLIC IMPROVEMENTS – TENTATIVE SUBDIVISION MAP (TSM) 632 – 1277-1591 North Cuyamaca Street, Engineering Job No. 3080 (Report: Director of Public Works)**

Accept the public improvements, authorize the City Clerk to release the bonds (one for Public Improvements and one for Private Improvements) guaranteeing the improvements in accordance with the subdivision agreements, and require the developer to maintain insurance in force until the release of all bonds for the project.

**1.6 INTER-AGENCY INSTRUCTIONAL SERVICES AGREEMENT  
(Report: Fire Chief)**

Authorize the City Manager to enter into an agreement with San Diego Community College District for inter-agency instructional services.

**1.7 RESOLUTION – AWARD OF BID NO. 008-08, SUPERBLOCK DEMOLITION – PHASE I – CARQUEST, Job No. 3144 (Report: Purchasing Agent)**

Adopt RESOLUTION NO. 85-07 and award the bid to the low bidder, Whillock Contracting, Inc., in the amount of \$33,060.00.

**1.8 1<sup>st</sup> AMENDMENT TO PROFESSIONAL SERVICES CONTRACT FOR CONSULTING SERVICES (Report: Building Official/Fire Marshal)**

Renew the contract with Charles Abbott and Associates for fiscal year 2007-2008 in an annual amount of \$30,000.00.

**1.9 RESOLUTION - BACKGROUND CHECKS FOR FIREFIGHTER/  
PARAMEDIC APPLICANTS (Report: Chief of Police)**

Adopt RESOLUTION NO. 86-07 allowing access to state and federal level summary criminal history information for Firefighter/Paramedic employment consideration at the El Cajon Fire Department.

**1.10 APRIL – JUNE 2007 - QUARTERLY TREASURER'S REPORT  
(Report: Assistant City Manager/Director of Finance and Treasurer)**

Receive the latest Quarterly Treasurer's Report.

**CONSENT ITEMS: (Continued)**

**1.11 LIEN CONTRACT AND AGREEMENT NOT TO CONVEY AND COVENANT NOT TO CONVEY CONDOMINIUM UNITS – TENTATIVE SUBDIVISION MAP (TSM) 592 – 145 Taft Avenue, Engineering Job No. 2990 (Report: Director of Public Works)**

Approve the Lien Contract and Agreement Not to Convey and Covenant Not to Convey Condominium Units for TSM 592 at 145 Taft Avenue and authorize execution of the agreements.

**1.12 THE CHILDREN'S INITIATIVE GRANT FUNDS (Report: Chief of Police)**

(1) Authorize the City Manager to accept the Children's Initiative Grant Funds in the amount of \$20,000.00 and to execute any grant documents and agreements necessary for the receipt and use of these funds; (2) appropriate the Children's Initiative Grant Funds in the amount of \$20,000.00; and (3) award a contract to Harmonium, Inc. for supplemental juvenile diversion services for the period of October 1, 2007, through September 30, 2008.

**1.13 LIEN CONTRACT AND AGREEMENT NOT TO CONVEY AND COVENANT NOT TO CONVEY CONDOMINIUM UNITS AND FINAL SUBDIVISION MAP FOR TENTATIVE SUBDIVISION MAP (TSM) 593 – 469 North First Street, Engineering Job No. 2997 (Report: Director of Public Works)**

Approve the Lien Contract and Agreement Not to Convey and Covenant Not to Convey Condominium Units and the Final Map for TSM 593 at 469 North First Street, authorizing execution of the agreements.

**1.14 LIEN CONTRACT AND AGREEMENT NOT TO CONVEY AND COVENANT NOT TO CONVEY CONDOMINIUM UNITS AND FINAL SUBDIVISION MAP FOR TENTATIVE SUBDIVISION MAP (TSM) 616 – 725 Washington Heights Road, Engineering Job No. 3043 (Report: Director of Public Works)**

Approve the Lien Contract and Agreement Not to Convey and Covenant Not to Convey Condominium Units and Final Map for TSM 616 at 725 Washington Heights Road, authorizing execution of the agreements.

**CONSENT ITEMS: (Continued)**

**1.15 REQUEST FOR TIME EXTENSION OF TENTATIVE SUBDIVISION MAP (TSM) 595 – 756 South Magnolia Avenue, Engineering Job No. 2999 (Report: Director of Public Works)**

Grant a one year time extension for TSM 595 and set the new expiration date to be July 26, 2008, in accordance with Municipal Code Section 16.12.110.B.

**PULLED FOR DISCUSSION:**

**1.16 TESTING AND INSPECTION SERVICES FOR THE NEW FIRE STATION NUMBER 8 (Report: Assistant to the City Manager)**

**RECOMMENDATION:** That the City Council authorize the City Manager to execute an amendment to the agreement with San Diego Testing Engineers, Inc. to increase the current agreement from \$34,611 to \$70,000 for additional services.

**PULLED FOR DISCUSSION:**

**1.17 UTILITY EASEMENT ON MAGNOLIA AVENUE LOCATED ADJACENT TO THE EL CAJON POLICE STATION (Report: Director of Public Works)**

**RECOMMENDATION:** That the City Council approve a Grant Deed granting a utility easement to Helix Water District and authorize the City Manager to sign the Grant Deed in a form approved by the City Attorney.

**1.18 PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANT (Report: Chief of Police)**

(1) Authorize the City Manager, or her designee, to accept the amended Governor's Office of Emergency Services (OES) Paul Coverdell Forensic Science Improvement (Coverdell) Grant, which increases the amount of the grant from \$6,313.00 to \$11,859.00 and extends the grant award period from December 31, 2006, to October 31, 2007, and to execute any amended grant documents and agreements necessary for the receipt and use of these funds; and (2) appropriate the additional OES Coverdell Grant Funds in the amount of \$5,546.00.

**CONSENT ITEMS: (Continued)**

**1.19 SAN DIEGO COUNTY LAW ENFORCEMENT FOUNDATION 2007 GRANT  
(Report: Chief of Police)**

(1) Authorize the City Manager, or her designee, to accept the San Diego County Law Enforcement Foundation (SDCLEF) 2007 Grant Funds in the amount of \$5,931.00; and (2) appropriate the San Diego County Law Enforcement Foundation Grant Funds in the amount of \$5,931.00 to purchase one SRT Laddershield and one Ultralyte LRB Speed Detection Laser.

**1.20 US DOJ JUSTICE ASSISTANCE GRANT (JAG) 2005 BUDGET  
REALLOCATION (Report: Chief of Police)**

Reallocate the \$6,571.91 remaining of these grant funds for the upgrade of components of the digital evidence management system.

**PULLED FOR DISCUSSION:**

**1.21 RESOLUTION – AWARD OF BID NO. 003-08, CARPET REPLACEMENT AT  
RONALD REAGAN COMMUNITY CENTER (Report: Purchasing Agent)**

**RECOMMENDATION:** That the City Council adopt the next RESOLUTION in order and award the bid for Carpet Replacement at Ronald Reagan Community Center to the low bidder, Moore Flooring, Inc., in the amount of \$40,833.00.

**1.22 CHANGE ORDER FOR SEWER AND CMP LINING AND REPLACEMENT  
VARIOUS LOCATIONS, Engineering Job Nos. 3083/3084 (Report:  
Director of Public Works)**

Approve contract Change Order No. 3 to line a forty-foot (40') deep manhole on Whitsett Drive. The cost of this Change Order is \$27,744.00.

**1.23 APPROVAL OF A RESOLUTION AUTHORIZING EXECUTION OF THE  
THIRD AMENDMENT TO THE JOINT EXERCISE OF POWERS  
AGREEMENT FOR THE METRO WASTEWATER JOINT POWERS  
AUTHORITY REGARDING THE CITY OF CHULA VISTA'S MEMBERSHIP  
(Report: Director of Public Works)**

Approve Chula Vista joining the Metropolitan Wastewater Joint Powers Authority (JPA) and adopt RESOLUTION NO. 88-07 authorizing the execution of the Third Amendment to the Metro Wastewater JPA Agreement.

**CONSENT ITEMS: (Continued)**

**1.24 DISPOSAL OF SURPLUS PROPERTY (Report: Purchasing Agent)**

Declare the listed property surplus and authorize disposal in accordance with Council policy.

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**1.16 TESTING AND INSPECTION SERVICES FOR THE NEW FIRE STATION NUMBER 8 (Report: Assistant to the City Manager)**

**RECOMMENDATION:** That the City Council authorize the City Manager to execute an amendment to the agreement with San Diego Testing Engineers, Inc. to increase the current agreement from \$34,611 to \$70,000 for additional services.

**DISCUSSION**

**Councilmembers** express concern about the increase in costs and suggest the need for more accurate figures when entering into contracts and agreements.

In answer to questions by **Councilmember Ramos, Director of Public Works Turner** indicates that unit rates are negotiated at the beginning and are at the same rate for the amendment. In addition, there were complicating issues that contributed to the increase in costs.

**MOTION BY LEWIS, SECOND BY HANSON-COX, to Approve Item 1.16**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**1.17 UTILITY EASEMENT ON MAGNOLIA AVENUE LOCATED ADJACENT TO THE EL CAJON POLICE STATION (Report: Director of Public Works)**

**RECOMMENDATION:** That the City Council approve a Grant Deed granting a utility easement to Helix Water District and authorize the City Manager to sign the Grant Deed in a form approved by the City Attorney.

**DISCUSSION**

In response to questions by **Councilmember Hanson-Cox, Director of Public Works Turner** indicates that Helix Water District provided the service to the property at no charge to the City, so a purchase price was not recommended for the easement.

**ITEM 1.17 (Continued)**

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to Approve Item 1.17.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**1.21 RESOLUTION – AWARD OF BID NO. 003-08, CARPET REPLACEMENT AT RONALD REAGAN COMMUNITY CENTER (Report: Purchasing Agent)**

**RECOMMENDATION:** That the **City Council** adopt the next RESOLUTION in order and award the bid for Carpet Replacement at Ronald Reagan Community Center to the low bidder, Moore Flooring, Inc., in the amount of \$40,833.00.

**DISCUSSION**

**Raymond Lutz**, representing Citizens Oversight.org, opposes awarding the bid of \$40,833, as the low bid cost is too high.

**Councilmember Ramos** indicates that he has not discussed any items with Mr. Lutz, but he has concerns about the cost for replacement of the carpet. He toured the facility and did not see any areas of carpet in need of immediate replacement.

**City Manager Henry** confirms that two other bids were received, also in \$40,000 range, but were deemed non-responsive. The City is trying to make the facility marketable, by utilizing a nicer quality of furnishings, carpet and draperies. She indicates the carpet does not need to be replaced immediately, and that Council has the option to hold off on the replacement for a year or two.

In response to questions about the cost, **Matt Lyer**, Facilities Maintenance Operations Manager, states that a commercial grade, heavy-duty carpet is proposed and the bid includes payment of prevailing wages and repair of floor foundation damage underneath the carpeted area.

**City Attorney Foley** confirms Labor Code requirements for payment of prevailing wages for contracts over \$5,000.00.

**MOTION BY LEWIS to approve Item 1.16.**

**MOTION FAILS FOR LACK OF A SECOND.**

**MOTION BY LEWIS, SECOND BY RAMOS, to adopt RESOLUTION NO. 87-07 to reject the bid for Carpet Replacement at the Ronald Reagan Community Center.**

**MOTION CARRIES BY UNANIMOUS VOTE.**



**PUBLIC COMMENT:**

In reply to questions by **Mayor Lewis, Director of Community Development Griffin** states there will be an electronic recycling event to be held at the Best Buy store in El Cajon, on August 24<sup>th</sup> and 25<sup>th</sup>, from 10:00 a.m. to 4:00 p.m.

**Tom Black**, representing the Optimist Club of the Performing Arts, speaks about the El Cajon Film Festival, which has been moved to a new date of Sept. 15<sup>th</sup> at the East County Performing Arts Center.

**2. WRITTEN COMMUNICATIONS: None**

**3. PUBLIC HEARINGS: None**

**4. ADMINISTRATIVE REPORTS:**

**4.1 AMENDMENT OF ZONING ORDINANCE REGARDING MATERIALS AND HEIGHTS OF FENCES IN FRONT SETBACKS (Report: Director of Community Development)**

**RECOMMENDATION:** That the **City Council** rescind its request to have the Planning Commission initiate a Zoning Ordinance Amendment.

**DISCUSSION**

**Director of Community Development Griffin** confirms the request for consideration has been withdrawn.

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to rescind the request to have the Planning Commission initiate a Zoning Ordinance Amendment.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**4.2 REQUEST FOR QUALIFICATIONS – EAST COUNTY PERFORMING ARTS CENTER (Report: Director of Redevelopment and Housing)**

**RECOMMENDATION:** That the **City Council** review the three project area options presented in the Agenda Report when considering a Request for Qualifications (RFQ) in the redevelopment of the East County Performing Arts Center.

## ITEM 4.2 (Continued)

### DISCUSSION

In response to questions by **Council**, **City Manager Henry** outlines the process for review of the RFQs and negotiations for proposals.

**Raymond Lutz**, representing Citizens Oversight.org, offers a suggestion to construct a parking structure at the site of the Wieghorst Museum and office building.

**MOTION BY LEWIS, SECOND BY KENDRICK, to recommend Option 1, as the preferred option for the Request for Qualifications, as outlined in Attachment A of the agenda report.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

### **4.3 EAST COUNTY PERFORMING ARTS CENTER (ECPAC) FACILITY ASSESSMENT AND EMERGENCY REPAIRS (Report: Assistant to the City Manager)**

**RECOMMENDATION:** That the **City Council** direct staff regarding the necessary repairs at the East County Performing Arts Center. If directed to make the repairs, then the following City Council action is required:

- 1. Adopt the next RESOLUTION in order, by four-fifths vote declaring an emergency that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property per Public Contract Code 22050 and authorize the City Manager to enter into any emergency contracts to repair ECPAC per El Cajon Municipal Code Section 2.04.145 and waiving the bidding requirement in accordance with El Cajon Municipal Code Section 3.20.010(C)(6);**
- 2. Appropriate General Funds from the undesignated fund balance in the amount of \$230,000; and**
- 3. Establish a project budget of \$230,000 to make emergency repairs at ECPAC per Attachment A of Agenda Report.**

### DISCUSSION

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

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

- The urgency of the repairs;
- Monies due to the City from the Arts Center Foundation.

### **ITEM 4.3 (Continued)**

**Raymond Lutz**, representing Citizens Oversight.org, feels the City's Facilities Maintenance department should be able to take care of several items in need of repair, and that the repairs should cost considerably less than \$230,000.

**John Gibson**, 1000 Pioneer Way, El Cajon, supports the staff's recommendation.

**Paul Russell**, representing Art Beat Management, 1545 Pioneer Way, speaks about the venues booked and number of patrons who attended the theater last year. He feels the estimate of \$230,000 for repairs is too high a number.

**Councilmembers** discuss the following:

- A suggestion to shut down the theater, to pursue Requests for Qualifications, and delay the repair work until the qualifications are evaluated;
- A suggestion to honor booking contracts through June of 2008 and to suspend bookings after June, 2008;
- A suggestion to withhold payment of the \$100,000 allocation to Art Beat Management and apply those funds towards the urgent repairs;
- To pursue monies due to the City from the Arts Center Foundation from previous ticket sales.

**MOTION BY LEWIS, SECOND BY KENDRICK, to Adopt the next RESOLUTION in order, by four-fifths vote, declaring an emergency that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property per Public Contract Code 22050 and authorize the City Manager to enter into any emergency contracts to repair ECPAC per El Cajon Municipal Code Section 2.04.145.**

In response to questions by **Council**, **Mr. Russell** indicates the \$100,000 allocation from the City is needed in order to fund payroll, and will not be applied towards the repair costs. He feels that Art Beat Management should be allowed to make the decision on contractors in order to save at least \$50,000 in costs.

**City Attorney Foley** clarifies the repairs are considered a Public Works project and prevailing wages must be paid.

**Raymond Lutz**, representing Citizens Oversight.org, speaks about Art Beat Management's financial report and their declared profit of \$40,000, which he feels, should be returned to the City.

**ITEM 4.3 (Continued)**

**MOTION RESTATED BY LEWIS, SECOND BY KENDRICK, to Adopt RESOLUTION NO. 89-07, by four-fifths vote, declaring an emergency, that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property per Public Contract Code 22050 and authorize the City Manager to enter into any emergency contracts to repair ECPAC per El Cajon Municipal Code Section 2.04.145.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**MOTION BY LEWIS, SECOND BY KENDRICK, to Adopt RESOLUTION NO. 90-07, waiving the bidding requirement in accordance with El Cajon Municipal Code Section 3.20.010(C)(6).**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**MOTION BY LEWIS, SECOND BY KENDRICK, to Appropriate General Funds from the undesignated fund balance in the amount of \$230,000, and withholding payment of the \$100,000 allocation to Art Beat Management, which will be applied towards repair costs over the amount of \$230,000.**

**MOTION CARRIES. (RAMOS – No)**

**MOTION BY LEWIS, SECOND BY KENDRICK, to Establish a project budget of \$230,000 to make emergency repairs at ECPAC per Attachment A of Agenda Report, withholding payment of the \$100,000 allocation to Art Beat Management, which will be applied towards repair costs over the amount of \$230,000.**

**MOTION CARRIES. (RAMOS – No)**

*Recess called at 4:21 p.m.  
Meeting called back to order at 4:28 p.m.*

**5. COMMISSION REPORTS:**

**5.1 RECOMMENDATION FOR 2007/2008 YOUTH LEAGUE UTILITY SUPPORT  
(Report: Recreation Services Manager)**

**RECOMMENDATION:** That the City Council approve the recommendation of the Recreation Council that 14 of the 16 Youth Leagues, which are members of the Recreation Council, receive utility support during fiscal year 2007/2008.

**DISCUSSION**

**Lou Tejeda** thanks the City Council for continued support of youth leagues.

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to approve the recommendation of the Recreation Council that 14 of the 16 Youth Leagues, which are members of the Recreation Council, receive utility support during fiscal year 2007/2008.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**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 Public Safety Committee Agenda – July 20, 2007**

**6.2 LAFCO Bulletin – June-July 2007**

**6.3 Metro Wastewater JPA News Brief – July, 2007**

**6.4 Metro Commission and Metro Wastewater JPA Meeting – August 2, 2007**

**6.5 SANDAG Board Actions – July 27, 2007**

**6.6 LAFCO Agenda – August 6, 2007**

**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**

**Report as stated.**

9.

**COUNCILMEMBER GARY KENDRICK**

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

**9.1 No Report**

10.

**COUNCILMEMBER DICK RAMOS**

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

**10.1 Council Activities Report**

**Report as stated.**

**11. LEGISLATIVE REPORT**

**11.1 League of California Cities Legislative Bulletin - *Priority Focus* - July 20, July 27 and August 3, 2007**

**Councilmember Ramos** speaks about AB 414, a bill that has changed substantially since initiated, with new changes that won't allow cities to count all eligible housing that has been built.

**MOTION BY RAMOS, SECOND BY LEWIS, to send a letter of opposition regarding AB 414.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**ITEM 11.1 (Continued)**

**Councilmember Ramos** expresses support for SB 10 concerning local airport authority and accountability.

**MOTION BY RAMOS, SECOND BY MCCLELLAN, to send a letter in support of SB 10.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**12. GENERAL INFORMATION ITEMS FOR DISCUSSION: None**

**13. ORDINANCES: FIRST READING**

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

**13.1 AMENDMENT OF SPECIFIC PLAN 428**

**An Ordinance approving Amendment of Specific Plan 428 to allow manufactured home sales in the C-2 (General Commercial) Zone, with joint interconnecting access between properties on property located on the south side of East Main Street between Melody Lane and East Madison Avenue, and addressed as 1341 East Main Street**

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

**14. ORDINANCES: SECOND READING AND ADOPTION**

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

**14.1 ORDINANCE PROHIBITING THE SALE OF NOVELTY LIGHTERS**

**An Ordinance adding new Chapter 9.77 to Title 9 of the El Cajon Municipal Code regarding prohibition of retail sale or distribution of novelty lighters**

**DISCUSSION**

**Councilmember Hanson-Cox** speaks about the dangers of novelty lighters, and a lighter that looks like a miniature baseball bat.

**ITEM 14.1 (Continued)**

The **City Clerk** recites the title of the ordinance for a second reading.

**MOTION BY LEWIS, SECOND BY KENDRICK, to Adopt Ordinance No. 4885.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**14.2 ORDINANCE REGULATING SMOKE AND SECONDHAND SMOKE**

**An Ordinance repealing Chapter 8.32 of the El Cajon Municipal Code and adopting a new Chapter 8.32 to the El Cajon Municipal Code regarding regulation of smoking and secondhand smoke in public areas and places of employment**

**DISCUSSION**

The following spoke in support of the ordinance:

<b>Melissa Reader</b>	
<b>Katherine Webb</b>	
<b>Molly Bowman-Stiles</b>	representing the American Lung Association
<b>Samantha Bowman</b>	representing Substance Abuse Free Environment
<b>Kristy Mundt</b>	
<b>Lorenzo Higley</b>	representing Communities Against Substance Abuse
<b>Kathleen Sullivan</b>	
<b>Mary Baum</b>	representing Tobacco Free Communities Coalition
<b>Manuel Andrade</b>	representing Tobacco Free Mid-City Project

**Mayor Lewis** acknowledges the receipt of letters and email messages in support and opposition to the ordinance, as well as a phone log of calls received concerning the ordinance.

**Raymond Lutz**, representing Citizens Oversight.org, feels the ordinance should allow for appropriate disposal of cigarettes.



**ITEM 14.2 (Continued)**

Speaker cards were submitted for the following the individuals, but they did not come forward to speak:

<b>Gena Knutson</b>	Supports ordinance
<b>Ariel Willingham</b>	Supports ordinance
<b>Lisa Archibald</b>	Supports ordinance
<b>Jeanette Lawrence</b>	Supports ordinance

The following spoke in opposition to the ordinance:

<b>Wendy Kaylin</b>
<b>Chuck Stout</b>
<b>Robert Murphy</b>
<b>Sonya Vaughn</b>
<b>James Weeks</b>

The **City Clerk** recites the title of the ordinance for a second reading.

**MOTION BY LEWIS, SECOND BY RAMOS, to adopt Ordinance No. 4886.**

**Councilmember Kendrick** comments that the ordinance does not affect the considerate smoker, and will save lives. He indicates that the City of La Mesa is also considering adoption of a similar ordinance.

**Mayor Pro Tem McClellan** states that police won't be sent out to enforce the ordinance. It is a self-policing, courtesy type of policy.

**MOTION CARRIES BY UNANIMOUS VOTE.**

**14.3 ZONE RECLASSIFICATION 2290**

**An Ordinance approving Zone Reclassification 2290 to rezone property from the R-1-6 (Residential One-Family 6,000 Sq. Ft.) Zone to the PRD-Low (Planned Residential Development-Low Density) Zone on property located on the south side of Mary Street between June Way and Ann Street**

**Mayor Lewis** indicates he opposed the approval of the Zone Reclassification and he will not support adoption of the ordinance.

**ITEM 14.3 (Continued)**

The **City Clerk** recites the title of the ordinance for a second reading.

**MOTION BY MCCLELLAN, SECOND BY RAMOS, to adopt Ordinance No. 4887.**

**MOTION CARRIES. (LEWIS - No)**

**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 Police Officers Association

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adjourn to Closed Session at 5:06 p.m.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**16. RECONVENE TO OPEN SESSION AT 5:16 P.M.**

**City Attorney or Representative** reports the following:

- 15.1** Council did not take any action in Closed Session and there is nothing to report.

**Adjournment:** Mayor Lewis adjourned the Regular Joint Meeting of the City Council/ Redevelopment Agency held this 14th day of August 2007, at 5:17 p.m. to Tuesday, August 14, 2007, at 7:00 p.m.

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**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

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**AUGUST 14, 2007**

An Adjourned Regular Joint Meeting of the City Council and Redevelopment Agency of the City of El Cajon, California, held Tuesday, August 14, 2007, 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 August 14, 2007, by order of the City Council and Redevelopment Agency.

#### **ROLL CALL**

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

**Barbara Romey** thanks **Council** for adopting the smoking ban. She suggests a ban of boom boxes in the City.

In response to the question by **Councilmember McClellan, City Attorney Foley** speaks about the noise ordinance pertaining to excessive noise. The law is difficult to prosecute, and particularly so with transitory issues involving moving vehicles.

**Natalie Austin**, representing Team Nimitz, submit documents for review by **Council**. They are seeking the City's permission to hang a homecoming banner from September 29th through October 3rd, for the homecoming of sailors on the U.S.S. Nimitz.

**Mayor Lewis** would like **Staff** to consider putting a notice about the homecoming on the City's website and placing the request for a banner, as a community event, on a future agenda.

## **ADMINISTRATIVE REPORTS**

### **100 SUMMARY CRIME REPORT IN THE AREA OF 792 NORTH MOLLISON AVENUE (Report: Chief of Police)**

**RECOMMENDATION:** That the **City Council** review the agenda report pertaining to crime in the area of 792 North Mollison Avenue and provide staff with direction.

## **DISCUSSION**

**Elizabeth Miller** thanks **Council, Staff** and police officers for their cooperation and assistance with the safety issues in her neighborhood.

**Police Chief Diamond** commends the speaker and other residents for their participation in addressing the issues. He suggests the formation of a neighborhood watch program.

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

- Use of locked dumpsters on the property;
- Suggestions for increased police patrols in the area;
- Successful neighborhood watch programs.

No further comments are offered.

## **NO ACTION TAKEN.**

**Councilmember Hanson-Cox** shows a novelty lighter designed to look like a miniature baseball bat, and speaks of the dangers to children.

**PUBLIC HEARINGS:**

**101 CONDITIONAL USE PERMIT (CUP) 2046 – Acme Cycles, Inc. (d/b/a MotoWorld of El Cajon) for JBMMD, LLC – 315 North Magnolia 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, Modify or Disapprove Planning Commission Resolution No. 10443** for an outdoor special event, including carnival games, rides, food booths, and demonstrations (“Annual Midnight Madness Sale” on November 16-17, 2007), in conjunction with an existing motorcycle, ATV and watercraft dealership in the C-R Zone at 315 North Magnolia Avenue.

**DISCUSSION**

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

**Victor Mosso**, CFO, Motoworld, expresses concern about the proposed one-year time limit for the CUP. He requests a ten-year term for the CUP, and speaks about the 13-year track record of the event, which brings thousands of visitors to the City.

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

- A requirement to provide sufficient trash receptacles;
- A suggestion for use of recycling bins at the event;
- Noise levels during the event.

**Glen Bagge**, General Manager, Motoworld, gives an overview of the products available at Motoworld. He indicates they can provide overflow parking, if needed, for the Mother Goose Parade.

No one else comes forward to speak.

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

**MOTION CARRIES BY UNANIMOUS VOTE.**

**ITEM 101 (Continued)**

**Mayor Lewis** speaks about the track record for the event and the willingness of the applicant to work with the City in order to make this a successful family event. He supports a ten-year term for the CUP.

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adopt RESOLUTION NO. 90-07 to modify Planning Commission Resolution No. 10443 by approving a ten-year conditional use permit for an outdoor special event, including carnival games, rides, food booths, and demonstrations (“Annual Midnight Madness Sale” on November 16-17, 2007), in conjunction with an existing motorcycle, ATV and watercraft dealership in the C-R Zone at 315 North Magnolia Avenue, and requiring the use of recycling bins at the event.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

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

**ADJOURNMENT: Mayor Lewis adjourned the Adjourned Regular Joint Meeting of the City Council and the Redevelopment Agency held this 14th day of August 2007, at 7:50 p.m. to Tuesday, August 28, 2007, at 3:00 p.m.**

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