

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

May 28, 2002

An Adjourned Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, May 28, 2002 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 6:30 p.m., Tuesday, May 14, 2002, by order of the City Council and Redevelopment Agency.

ROLL CALL

| | |
|-----------------------------------|---|
| Council/Agencymembers present: | Ramos, Santos, Kendrick |
| Council/Agencymembers absent: | None |
| Mayor Pro Tem/Vice Chair present: | McClellan |
| Mayor/Chair present: | Lewis |
| Other Officers present: | Linn, City Clerk/Secretary Foley, City Attorney/General Counsel Hubert, Assistant City Manager Munzenmaier, Director of Public Works Griffin, Director of Community Development |

PLEDGE OF ALLEGIANCE TO FLAG led by Mayor Lewis and MOMENT OF SILENCE.

POSTINGS: The City Clerk posted Orders of Adjournment of the May 14, 2002 Meetings and the Agenda of the May 28, 2002 Meetings in accordance to State Law and Council/Agency Policy.

PRESENTATIONS:

Certificate of Welcome

Catholic Charities

Mayor Lewis presents a Certificate of Welcome to Catholic Charities and offers best wishes for continued success. **Dr. Michael J. McKay** introduces staff members, outlines the work done by Catholic Charities, and invites the public to an open house on June 3 from 3:00 to 5:30 p.m. at their office at 1215 E. Main Street.

Certificate of Appreciation

Hungry Howie's Pizza and Owner, Sean Thomas Brown – Not present

Proclamation

National Homeownership Week

Mayor Pro Tem McClellan proclaims June 2-8, 2002 to be National Homeownership Week in the City of El Cajon. **Director of Community Development Griffin** accepts the proclamation and introduces Housing staff members **Jim Yerdon, Jennifer Ficacci, Pat Volkerts, and Fred Mason**. Anyone interested in the First Time Homebuyers Program is encouraged to call 441-1768.

Terry Saverson, East County Chamber of Commerce, 201 S. Magnolia, El Cajon, CA, announces the Magnolia Festival of Arts & Jazz will be held June 1 and 2 on Rea Street from 10:00 a.m. to 6:00 p.m.

Awards

2001 International Friendship Festival

Director of Recreation Beliveau announces the Recreation Department has received two Awards of Achievement from the California Parks and Recreation Society for the 2001 Friendship Festival: the district level Achievement Award for Outstanding Recreation programs and a state level award for Neighborhood/Community Life. **Mayor Lewis** accepts the awards.

MINUTES OF MEETINGS:

MOTION BY Lewis, SECOND BY McClellan to approve the Minutes of the May 14, 2002 Meetings.

MOTION CARRIES BY UNANIMOUS VOTE.

AGENDA CHANGES: None

CONSENT ITEMS: (1.1 – 1.17)

MOTION BY Lewis, SECOND BY McClellan to approve Consent Items except to continue Item 1.17 Resolution re: Summary Vacation portion of Decker Street between First and Ballard Street to the June 11, 2002 City Council Meeting, as requested by the Assistant City Manager; pulling Item 1.9 for discussion as requested by Councilmember Ramos; Item 1.10 as requested by Mayor Pro Tem McClellan; and Item 1.7 as requested by a speaker.

MOTION CARRIES BY UNANIMOUS VOTE.

1.1 WARRANTS

Approve payment of Warrants as submitted by the Finance Department.

1.2 NOTICE OF COMPLETION AND ACCEPTANCE – RENOVATE IRRIGATION SYSTEM AT CIVIC CENTER (Report: Purchasing Agent)

Accept the project and authorize the City Clerk to record a Notice of Completion and require the contractor to maintain insurance until all bonds have been released.

1.3 RESOLUTION NO. 67-02 AUTHORIZING AN AMENDMENT TO THE CITY'S CONTRACT WITH PERS TO CORRECT ERRORS IN THE CONTRACT (Report: Director of Human Resources)

Adopt Resolution No. 67-02 to amend the City's contract with PERS to correct the errors as specified in the report.

1.4 RESOLUTION NO. 68-02: REGIONAL ARTERIAL SYSTEM UPDATE (Report: Director of Public Works)

Adopt Resolution No. 68-02 to delegate to the City Manager and the Director of Public Works the authority to recommend to San Diego Association of Governments (SANDAG) additions and deletions to the Regional Arterial System.

1.5 DONATION OF COMPUTER EQUIPMENT (Report: Director of Administrative Services)

Approve the donation of outdated computers, software and parts to Chaparral High School.

CONSENT ITEMS: (Continued)

1.6 SPECIAL OPERATION LICENSE – COMPUTER SHOP – 1263 BROADWAY – SUITES A and B

Approve the application submitted by William Ross Humphrey, Jr., to operate a computer shop with miscellaneous items in the City of El Cajon at 1263 Broadway, Suites A and B, which has been recommended for approval by the Police Department, Community Development Department and City Manager.

1.7 Pulled for Discussion

1.8 RESOLUTION NO. 69-02: AWARD BID FOR FTIR SPECTROMETER WITH MICROSCOPE (Report: Purchasing Agent)

Adopt Resolution No. 69-02 and award the bid to the second low bidder, Thermo Nicolet Corporation, in the amount of \$81,721.97.

1.9 Pulled for Discussion

1.10 Pulled for Discussion

1.11 RESOLUTION NO. 70-02: AWARD BID FOR INSTALLATION OF PUBLIC STREET LIGHTING PROJECT ON MAGNOLIA AVENUE NORTH OF FLETCHER PARKWAY (Report: Purchasing Agent)

Adopt Resolution No. 70-02 and award the bid to the low bidder, T & M Electric, Inc., dba Perry Electric, in the amount of \$17,142.00.

1.12 RESOLUTION NO. 71-02: AWARD BID FOR MATTRESS AND FOUNDATION SETS (Report: Purchasing Agent)

Adopt Resolution No. 71-02 and award the bid to the low bidder, Posturecare Mattress Mfg., in the amount of \$10,990.50.

1.13 RESOLUTION NO. 72-02: JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT FUNDS (Report: Chief of Police)

Adopt Resolution No. 72-02 approving the Juvenile Accountability Incentive Block Grant funds for the fourth year.

1.14 NOTICE OF COMPLETION AND ACCEPTANCE - RENETTE RECREATION CENTER RENOVATION (Report: Purchasing Agent)

Accept the project and authorize the City Clerk to record a Notice of Completion, and require the contractor to maintain insurance until all bonds have been released.

CONSENT ITEMS: (Continued)

1.15 RESOLUTION NOS. 73-02 and 74-02: STORM DRAIN PIPE CONSTRUCTION/ REPLACEMENT/LINING AT VARIOUS LOCATIONS – PLANS AND SPECIFICATIONS AND NOTICE INVITING BIDS (Report: Director of Public Works)

Adopt Resolution No. 73-02 to approve Plans and Specifications and Resolution No. 74-02 to direct a Notice Inviting Sealed Bids to be opened on June 25, 2002 for the project.

1.16 RESOLUTION NOS. 75-02 and 76-02: CORRUGATED METAL PIPE LINING/REPLACEMENT AT VARIOUS LOCATIONS (Report: Director of Public Works)

Adopt Resolution No. 75-02 to approve Plans and Specifications and Resolution No. 76-02 to direct a Notice Inviting Sealed Bids to be opened on June 25, 2002 for the project.

1.17 RESOLUTION: SUMMARY VACATION – PORTION OF DECKER STREET BETWEEN FIRST AND BALLARD STREET (Report: Director of Public Works)

Continued to the June 11 City Council Meeting.

1.7 HOLD HARMLESS AGREEMENT AND ENCROACHMENT PERMIT FOR 447 BLACKTHORNE AVENUE (Report: Director of Public Works)

RECOMMENDATION: That the City Council consider granting a Hold Harmless Agreement and Encroachment Permit for encroachments in the right-of-way at 447 Blackthorne Avenue.

DISCUSSION

PUBLIC SPEAKER

Dan Barnes, 447 Blackthorne Avenue, El Cajon, CA 92020, requests clarification regarding the end of the concrete. **Director of Public Works Munzenmaier** states approval of the existing encroachment is recommended.

MOTION BY Lewis, SECOND BY McClellan to approve Item 1.7.

MOTION CARRIES BY UNANIMOUS VOTE.

REDEVELOPMENT AGENCY ITEM:

1.9 EDUCATIONAL REVENUE AUGMENTATION FUND (ERAF) (Report: Redevelopment Manager)

RECOMMENDATION: That the Redevelopment Agency send a letter to Governor Davis and each member of the Joint Budget Committee expressing opposition to the proposed transfer of funds from redevelopment agencies to the ERAF account.

DISCUSSION

Consensus of the Council agrees that the City's lobbyist should also be contacted and Council is to be kept informed.

MOTION BY Lewis, SECOND BY McClellan to approve Item 1.9.

MOTION CARRIES BY UNANIMOUS VOTE.

1.10 APPOINTMENT OF NEW AUDIT FIRM (Report: Director of Finance)

RECOMMENDATION: That the City Council and Redevelopment Agency authorize the City Manager/Agency Director to enter into an agreement with the firm Conrad and Associates, L.L.P. (Irvine, CA) to provide auditing services for a three year period in the amount of \$89,328.00 for the City and \$31,527.00 for the Redevelopment Agency.

DISCUSSION

Mayor Pro Tem McClellan recommends choosing the low bidder, which was \$38,000 less than the recommended firm. **Assistant City Manager** remarks that Requests for Professional Services consider qualifications in addition to costs.

Director of Finance Shelton informs it is considered good practice to change auditors occasionally and it is important to act soon. The recommended firm is skilled in grants, Redevelopment agencies and cities, and has extensive experience.

Councilmember Ramos requests a report on what the current firm was paid and the qualifications of the low bidder.

MOTION BY Lewis, SECOND BY Ramos to continue to the Meeting of June 11, 2002.

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY Lewis, SECOND BY Ramos to appoint Councilmembers Santos and Ramos to meet with the recommended auditors to answer questions before the next meeting.

MOTION CARRIES BY UNANIMOUS VOTE.

PUBLIC COMMENT: None

Mayor Lewis reads a portion of an essay about El Cajon from 3rd grader Danielle Hiel in connection with the Historical Society Essay Contest.

2. WRITTEN COMMUNICATIONS:

2.1 LETTER: GILLESPIE FIELD DEVELOPMENT COUNCIL SEMI-ANNUAL REPORT

Letter from Rick Fordem, Chairman, Gillespie Field Development Council, with operational report including Gillespie Field operations, the nearly completed FAA Master Plan, Industrial Park, Fixed Based Operators, Homeowner groups, Airport Enterprise Fund, current and proposed Air Operations improvements, and miscellaneous items.

DISCUSSION

PUBLIC SPEAKER

Rick Fordem, Chairman, Gillespie Field Development Council, 1937 Hacienda Drive, El Cajon, CA 92020, advises the report, required by the Joint Powers Agreement, provides an update of Gillespie Field. The Planning Advisory Committee has been updating the Master Plan and a final report will be available in 2-3 months.

Mayor Pro Tem McClellan notes the revenue for Gillespie is \$3.8 million and \$1.3 million is being spent. Where does the remainder go?

Mr. Fordem states the Airport Enterprise Fund must be spent on airports and Gillespie Field supplies the money to operate the other seven County airports. The Gillespie Field Development Council will consider a budget presentation at the June meeting. Funds can be used for an airport fire department only under specific FAA regulations, which Gillespie Field does not meet.

MOTION BY Lewis, SECOND BY Ramos to accept the semi-annual report.

MOTION CARRIES BY UNANIMOUS VOTE.

3. ADMINISTRATIVE REPORTS:

3.1 POLICE CHIEF'S REPORT

Report on activities of the Department presented by **Police Chief Davis**.

DISCUSSION

In response to Councilmember's comments, **Chief Davis** confirms:

- Arrest records for young people are no longer sealed in certain instances.
- The location at Navajo/Fletcher will not be part of the new red light camera system.
- Research is being done on the pin map for sex offenders.

NO ACTION TAKEN.

3.2 RECOMMENDATION FROM POLICE DEPARTMENT FACILITY COMMITTEE (Report: Chief of Police)

RECOMMENDATION: That the City Council direct staff to negotiate a contract with Leach Mounce to conduct a needs assessment, assessment of the current facility and location, and recommend a plan to increase the number of parking spaces, and enhance security. Leach Mounce is recommended due to the firm's extensive experience in police facilities.

DISCUSSION

Assistant City Manager Hubert states the current facility is crowded and has parking and structural problems. A committee interviewed four architects and chose Leach Mounce, which has the most experience with police facilities including police laboratories. There will be architectural renderings and a model later; the assessment will help determine whether the existing facility can be used or if a new facility is needed, and if it can be located on the present property. The City may have to issue bonds for this project and the architectural firm that is chosen will help get bonding support.

Councilmember Santos requests a report on how many properties the City owns in the downtown area or Specific Plan 182 area.

MOTION BY Lewis, SECOND BY Kendrick to approve according to the staff recommendation.

MOTION CARRIES BY UNANIMOUS VOTE.

4. COMMISSION REPORTS: None

5. REPORTS OF MAYOR MARK LEWIS

5.1 RESOLUTION NO. 77-02: OPPOSITION OF REGIONAL AIRPORT AUTHORITY CLEANUP BILL SB 1896

RECOMMENDATION: That the City Council adopt Resolution No. 77-02 opposing San Diego County Regional Airport Authority Cleanup Bill SB 1896 due to lack of East County representation.

MOTION BY Lewis, SECOND BY Kendrick to approve staff recommendation.

MOTION CARRIES BY UNANIMOUS VOTE.

6. REPORTS OF COUNCILMEMBERS

MAYOR PRO TEM BOB McCLELLAN

6.1 ORDINANCE – PARKING REQUIREMENTS FOR APARTMENT CONVERSION

RECOMMENDATION: That the City Council request the City Attorney to draft an Ordinance for apartment conversion wherein the parking requirements would not be anymore stringent than the apartment being converted.

DISCUSSION

Mayor Pro Tem McClellan informs it is difficult to convert apartments with one parking space to condominiums because the ordinance requires 1-1/2 parking places per unit. He recommends directing staff to draft an ordinance that would allow conversion to condominiums with no additional parking spaces, unless additional land is available.

MOTION BY McClellan, SECOND BY Kendrick to send to the Planning Commission.

MOTION CARRIES BY UNANIMOUS VOTE.

COUNCILMEMBER CHARLES SANTOS: No reports

COUNCILMEMBER DICK RAMOS: No reports

COUNCILMEMBER GARY KENDRICK: No reports

7. LEGISLATIVE REPORT

7.1 League of California Cities Legislative Bulletin - *Priority Focus*

MOTION BY Santos, SECOND BY Lewis to support AB 2351 (Water Quality - Mandatory Minimum Penalties).

MOTION CARRIES BY UNANIMOUS VOTE.

8. GENERAL INFORMATION ITEMS FOR DISCUSSION: None

9. ORDINANCES: FIRST READING

RECOMMENDATION: That the City Council introduce the Ordinances and request the City Clerk to recite the title and waive full reading of the text.

9.1 ZONE RECLASSIFICATION 2182 (SWEAT) – 1750, 1754 and 1756 GREENFIELD COURT

Adopting Ordinance No. 4694 rezoning property at 1750, 1754 and 1756 Greenfield Court from the R-2 Zone to the O-P Zone.

MOTION BY Lewis, SECOND BY Ramos that the City Council waive second reading of the text and adopt Ordinance No. 4694.

MOTION CARRIES BY UNANIMOUS VOTE.

9.2 AMENDMENT OF MUNICIPAL CODE – APPOINTMENT OF MEMBERS OF THE PLANNING COMMISSION

Adopting Ordinance No. 4695 repealing Section 2.24.030 of Chapter 2.24 of the El Cajon Municipal Code and adding new Section 2.24.030 to Chapter 2.24 providing for the method of appointment of members of the Planning Commission.

MOTION BY Lewis, SECOND BY McClellan that the City Council waive second reading of the text and adopt Ordinance No. 4695.

MOTION CARRIES BY UNANIMOUS VOTE.

9.3 AMENDMENT OF MUNICIPAL CODE – SIDEWALK DINING

Adopting Ordinance No. 4696 repealing subsection L of section 12.09.030 and subsection A of section 12.09.050 of Chapter 12.09 of Title 12 of the El Cajon Municipal Code and adding new subsection L to section 12.09.030 and new subsection A to section 12.09.050 of Chapter 12.09 of Title 12 of the El Cajon Municipal Code regulating sidewalk dining.

MOTION BY Lewis, SECOND BY McClellan that the City Council waive second reading of the text and adopt Ordinance No. 4696.

MOTION CARRIES BY UNANIMOUS VOTE.

10. CLOSED SESSION: None

ADJOURNMENT: Mayor Lewis adjourned the adjourned Regular Joint Meeting of the El Cajon City Council and the El Cajon Redevelopment Agency held this 28th day of May, 2002 at 4:40 p.m. to Tuesday, May 28, 2002 at 7:00 p.m.

City Clerk/Secretary

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

MAY 28, 2002

An Adjourned Regular Joint Meeting of the City Council and Redevelopment Agency of the City of El Cajon, California, held Tuesday, May 28, 2002, 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 Regular Joint Meeting held at 3:00 p.m., Tuesday, May 28, 2002, by order of the City Council and Redevelopment Agency.

ROLL CALL

| | |
|-----------------------------------|---|
| Council/Agencymembers present: | Ramos, Santos, Kendrick |
| Council/Agencymembers absent: | None |
| Mayor Pro Tem/Vice Chair present: | McClellan |
| Mayor/Chair present: | Lewis |
| Other Officers present: | Steele, Deputy City Clerk/Secretary Foley, City Attorney/General Counsel Hubert, Assistant City Manager Griffin, Director of Community Development |

PLEDGE OF ALLEGIANCE TO FLAG led by Mayor Lewis and MOMENT OF SILENCE.

AGENDA CHANGES: None

PUBLIC COMMENT:

Sunshine Horton, 1525 Granite Hills Drive, El Cajon, CA addresses the Council regarding Seaworld's pet program, members of Sister Cities from Comondu coming to El Cajon next month, the importance of a good attitude, and a meeting she attended sponsored by the California Conservation Corps.

PUBLIC HEARINGS:

100 APPEAL by RODGER F. GRIESSEL – AMENDMENT OF CONDITIONAL USE PERMIT 389 - EL CAJON MASONIC TEMPLE ASSOCIATION – 695 BALLANTYNE STREET (Report: City Clerk)

RECOMMENDATION: That the City Council

- Open the Public Hearing and receive testimony
- Close the Public Hearing
- Adopt Resolution No. 78-02 to approve, modify or disapprove Planning Commission Resolution No. 9636 granting Amendment of Conditional Use Permit 389 to modify conditions of approval for an existing fraternal organization (El Cajon Masonic Temple Association) in the R-1-6 Zone at 695 Ballantyne Street.

DISCUSSION

Director of Community Development Griffin informs the existing Conditional Use Permit did not contain restrictions on activities and times. In response to a petition from Mr. Griessel, the Planning Commission held a Public Hearing to review the CUP to determine if additional operational conditions should be imposed. At the same time, the Greek Festival was granted a Conditional Use Permit for their third festival at the Masonic Lodge. For the Masonic Lodge, the Planning Commission recommended a condition that an event with music or loud activities outside after 10:00 p.m. would require its own CUP. Mr. Griessel appealed the conditions applicable to the Masonic Lodge, not the Festival decision.

Councilmember Santos states his residence is within 500' of the Masonic Temple, disqualifies himself from participation, and leaves Council Chambers at 7:08 p.m.

In response to **Councilmember Kendrick**, **Director Griffin** reviews the noise ordinance sound levels allowed in residential areas. The Lodge is limited to a 10:00 p.m. curfew for any outdoor activity without a separate CUP, subject to the noise restrictions. A CUP is required to allow the Planning Commission to determine if the music for an event would be appropriate and to impose conditions if necessary.

PUBLIC SPEAKERS

Rodger Griessel, 616 Oakwood Way, El Cajon, CA 92021, states the appeal is about the noise and the music from early morning until late in the evening during the Greek Festival. He requests a continuous restriction on loud music or noise in the Masonic Lodge parking lot.

Laurie Perry, 620 Oakwood Way, El Cajon, CA 92021, states her fence is 12' tall to keep people from throwing things over her fence, climbing over her fence, and looking into her back yard. There is no security in the back and no parking available in front of her home.

Dianna White, 498 Sandalwood Drive, El Cajon, CA 92021, comments the noise has been adjusted and they are not impacted. She supports the Greek Festival for the neighborhood.

Paul Robinson submits a speaker card on behalf of **Bob Winterton, 695 Ballantyne Street, El Cajon, CA 92020**, who was unable to attend the Meeting.

Yvonne Boyd, 433 Sandalwood Drive, El Cajon, CA 92021, states the Greek Festival and other affairs have been an asset for the neighborhood.

MOTION BY Lewis, SECOND BY Kendrick to close the Public Hearing.

| | |
|--------------------|---|
| AYES: | McClellan, Ramos, Kendrick, Lewis |
| NOES: | None |
| DISQUALIFY: | Santos (due to the proximity of his residence to the subject property) |

MOTION CARRIES.

MOTION BY Lewis, SECOND BY McClellan to deny the appeal and adopt Resolution No. 78-02 approving Planning Commission Resolution No. 9636 granting Amendment of Conditional Use Permit 389 to modify conditions of approval for an existing fraternal organization (El Cajon Masonic Temple Association) in the R-1-6 Zone at 695 Ballantyne Street.

| | |
|--------------------|---|
| AYES: | McClellan, Ramos, Kendrick, Lewis |
| NOES: | None |
| DISQUALIFY: | Santos (due to the proximity of his residence to the subject property) |

MOTION CARRIES.

Councilmember Santos returns to Council Chambers at 7:21 p.m.

101 AMENDMENT TO UNIFORM FIRE CODE – ABOVE GROUND STORAGE TANKS (Report: Fire Chief)

RECOMMENDATION: That the City Council

- Open the Public Hearing and receive testimony
- Close the Public Hearing and
- Approve amendment to the 1998 Edition of the Uniform Fire Code and amendment to the El Cajon Municipal Code Sections 15.56.040 B and 15.56.040 C to allow for 12,000 gallon maximum size above ground fuel tanks to comply with NFPA 30 and 30A, construction and safety features with no more than two tanks allowed on any given property.

DISCUSSION

Fire Chief Jarrell advises the Fire Department has reviewed the Fire Code and Municipal Code and determined that a change to the code would be appropriate due to changes in tank design and requirements. Businesses will be allowed to further their businesses to provide for their customers and there will be more consistency regarding above ground tanks.

In response to Councilmembers' questions, **Chief Jarrell** informs the larger tanks are required for use at the airport. One thousand gallons is currently the maximum size for above ground fuel tanks, and many planes hold 1,000 gallons or more. The National Fire Protection Association (NFPA) sets forth the design features, including spill containment and safety devices. The tanks, limited to two per property, will be double-walled and used for both jet fuel and aviation fuel.

Mayor Lewis announces the Public Hearing is now open.

Jean Garrow, Royal Jet, 681 Kenney Street, El Cajon, CA 92020, speaks in support of the amendment to the Municipal Code.

MOTION BY Lewis, SECOND BY McClellan to close the Public Hearing.

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY Lewis, SECOND BY McClellan to approve amendment to the El Cajon Municipal Code Sections 15.56.040 B and 15.56.040 C to allow for 12,000 gallon maximum size above ground fuel tanks to comply with NFPA 30 and 30A, construction and safety features with no more than two tanks allowed on any given property.

MOTION CARRIES BY UNANIMOUS VOTE.

ORDINANCE: SECOND READING AND ADOPTION

AMENDMENT TO 1998 CALIFORNIA FIRE CODE AND EL CAJON MUNICIPAL CODE – ABOVE GROUND FUEL STORAGE TANKS

Adopting Ordinance No. 4697 repealing subsections B and C of section 15.56.040 of Chapter 15.56 of the El Cajon Municipal Code and adding new subsections B and C to section 15.56.040 of Chapter 15.56 of the El Cajon Municipal Code amending the California Fire Code, 1998 Edition, regulating above ground storage tanks.

MOTION BY Lewis, SECOND BY Santos to waive second reading of the text and adopt Ordinance No. 4697.

MOTION CARRIES BY UNANIMOUS VOTE.

102 AMENDMENT TO UNIFORM FIRE CODE – REGULATING SPRINKLER REQUIREMENTS (Report: Fire Chief)

RECOMMENDATION: That the City Council

- Open the Public Hearing and receive testimony
- Close the Public Hearing
- Approve amendment to the 1998 Edition of the Uniform Fire Code and amendment to the El Cajon Municipal Code Section 15.56.050 E(b)2 to eliminate partial Fire Sprinkler System requirements in additions of more than 2500 square feet.

DISCUSSION

Fire Chief Jarrell informs the current Code could result in half of a building having a sprinkler system, and when a fire starts in the part of the structure without sprinklers, the sprinkler system could be overwhelmed which goes against what a sprinkler system was designed to do.

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.

MOTION BY Lewis, SECOND BY Kendrick to approve amendment to the 1998 Edition of the Uniform Fire Code and amendment to the El Cajon Municipal Code Section 15.56.050 E(b)2 to eliminate partial Fire Sprinkler System requirements in additions of more than 2500 square feet.

MOTION CARRIES BY UNANIMOUS VOTE.

ORDINANCE: SECOND READING AND ADOPTION

AMENDMENT TO 1998 CALIFORNIA FIRE CODE AND EL CAJON MUNICIPAL CODE – SPRINKLER SYSTEMS

Adopting Ordinance No. 4698 repealing subsection E(b)2 of Section 15.56.050 of Chapter 15.56 of the El Cajon Municipal Code and adding new subsection E(b)2 to Section 15.56.050 of Chapter 15.56 of the El Cajon Municipal Code amending the California Fire Code, 1998 Edition, regulating sprinkler requirements.

MOTION BY Lewis, SECOND BY Ramos to waive second reading of the text and adopt Ordinance No. 4698.

MOTION CARRIES BY UNANIMOUS VOTE.

103 AMENDMENT OF SPECIFIC PLAN 243 – INCREASE BUILDING HEIGHT – 880 ARNELE AVENUE (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. 9638 recommending approval of Amendment of Specific Plan 243 to increase building height from 35 feet to 50 feet to accommodate building face signage at 880 Arnele Avenue in the C-R Zone.

DISCUSSION

Director of Community Development Griffin states the applicant, SuperStores of America, requests increasing the building height to 50 feet to accommodate signs on the upper portion of the building.

Mayor Lewis announces the Public Hearing is now open. No one comes forward to speak.

MOTION BY Lewis, SECOND BY Kendrick to close the Public Hearing.

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY Lewis, SECOND BY Kendrick to approve Planning Commission Resolution No. 9638 recommending approval of Amendment of Specific Plan 243 to increase building height from 35 feet to 50 feet to accommodate building face signage at 880 Arnele Avenue in the C-R Zone.

MOTION CARRIES BY UNANIMOUS VOTE.

**Recess called at 8:00 p.m.
Meeting Called Back to Order at 8:10 p.m.**

**Items 104 and 105 are related, therefore the Public Hearing
for Amendment to Specific Plan 325 may be opened
at the same time as the appeal of Conditional Use Permit 1892.**

**104 APPEAL by STEVEN P. SCHNEIDER: PLANNING COMMISSION DENIAL OF
CONDITIONAL USE PERMIT 1892 FOR A FAST-FOOD RESTAURANT WITH
A DRIVE-THROUGH – VACANT PROPERTY AT THE NORTHWEST CORNER
OF EAST CHASE AND AVOCADO AVENUES (Report: City Clerk)**

RECOMMENDATION: That the City Council

- Open the Public Hearing and receive testimony
- Close the Public Hearing
- Adopt Resolution No. 79-02 to approve, modify or disapprove Planning Commission Resolution No. 9634 denying Conditional Use Permit 1892.

**105 AMENDMENT OF SPECIFIC PLAN 325 – ADDING DRIVE-THROUGH
RESTAURANT THAT INCLUDES A 2 STORY OFFICE BUILDING – 250-260 E.
CHASE AVENUE (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. 9633 recommending approval of amendment to Specific Plan 325.

DISCUSSION

Director of Community Development Griffin states there is a 2-story office building on the west two-thirds of the subject property, and the corner proposed as the Jack in the Box site is vacant. Amendment of Specific Plan 325, Item 105, is required to go forward with the project. Because a drive-through facility is requested, a Conditional Use Permit is required, Item 104. The Planning Commission recommended approval of the Conditional Use Permit with conditions on its first two Hearings, but denied the Conditional Use Permit on its last Hearing. A number of neighbors wanted a more formidable barrier between the Jack in the Box and the residences to the north. Several Commissioners wanted an 8' high wall on the property line, but a variance is required to have an 8' wall. Because the Planning Commission could not impose the requirement for an 8' wall, they could not make findings that this use would be compatible and the Conditional Use Permit was denied. Jack in the Box has appealed that decision.

Director Griffin adds there have been several issues regarding this proposal:

- Odors from cooking
- Hours of operation of the drive-through
- Traffic issues
- Noise

The Planning Commission felt those issues were addressed in the applicant's plan and Jack in the Box has modified its request from 24-hour operation to 5:00 a.m. to midnight Sunday through Thursday, and 5:00 a.m. to 1:00 a.m. on Friday and Saturday. Jack in the Box had agreed to install trees along the property line.

Staff's recommended conditions appear in the April 22, 2002 staff report for Council's review if the Conditional Use Permit is granted.

In response to Councilmembers' questions, **Director Griffin** remarks a 7-Eleven or other businesses could locate at that site, if they did not sell alcohol, without Council's permission or a Public Hearing. Jack in the Box could locate there and be open 24 hours if it did not have the drive-through. The Traffic Engineer did not conclude there would be traffic impact.

Mayor Lewis announces the Public Hearing is now open.

PUBLIC SPEAKERS

Steve Schneider, Jack in the Box, 9455 Ridgehaven, San Diego, CA 92124 states they have made efforts to address the concerns of the neighbors. Jack in the Box suggested an 8' wall and the Planning Commission concurred, but a variance is required. This property is 3' higher than residential areas behind them. If they build a 6' wall, the properties behind them will see a 9' wall. This project noticed 63 properties in the neighborhood, 54 of which are residential. Six properties are on record as opposing the project.

In response to comment from **Councilmember Santos, Mr. Schneider** states Jack in the Box has stated their hood system will capture 90% of the grease, the fan will catch 5%. Fans will shoot the exhausted air up to 45' above the building. Jack in the Box has agreed to cut the hours of operations, but in the future they will propose a 24-hour operation. A certain amount of traffic is required to stay open and it is unlikely the subject location will operate past 10:00 p.m. during the week.

Dr. Joseph Vidali, 205 Noden Street, El Cajon, CA, voices concern regarding the two possible entrances and exits, causing forced circling of traffic through the neighborhood.

Sissi Brackney, 1032 Prescott Avenue, El Cajon, CA 92020, speaks in opposition to the project due to the impact it will have on their neighborhood.

Nege Coane, 225 Palette Street, El Cajon, CA 9202, states the bedrooms of homes behind the proposed site are in the back. There will be increased noise, odors and traffic. Many in the neighborhood have signed petitions against Jack in the Box.

Ron Havis, 1704 Monserate Way, Fallbrook, CA 92028, real estate consultant for Jack in the Box, states the restaurant use with a drive-through is appropriate for the site.

Walt Mitchell, 100 N. Barranga #200, West Covina, CA, Regional Director of Construction for Jack in the Box, states they have mitigated the concerns of the City and worked with the community to mitigate their concerns, and will continue to do so.

Fernando Arreola, 110 East Main Street, El Cajon, CA 92020, comments residents in the neighborhood have been there for many years and do not want the Jack in the Box.

Joe McKany, 1266 Sumner Avenue, El Cajon, CA 92021, leasing agent for Jack in the Box, states this is the best project for the City and for the neighborhood.

Stephen Vallely, 241 Palette Street, El Cajon, CA 92020, voices his concern regarding traffic. Jack in the Box could locate across the street.

Cheryl O'Meara, 1025 Maxwell Avenue, El Cajon, CA 92020, states her opposition to the project, but if the project is approved, she urges that no conditions be changed.

Sunshine Horton, 1525 Granite Hills Drive, El Cajon, CA, speaks in opposition to the project.

MOTION BY Lewis, SECOND BY Kendrick to close the Public Hearing on Items 104 and 105.

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY Lewis, SECOND BY McClellan to grant the appeal and adopt Resolution No. 79-02 disapproving Planning Commission Resolution No. 9634 and approving Conditional Use Permit 1892 containing conditions of the April 22, 2002 staff report.

DISCUSSION

Councilmember Santos states the project is an incompatible use.

VOTES ARE NOW CAST ON MOTION BY Lewis, SECOND BY McClellan to grant the appeal and adopt Resolution No. 79-02 disapproving Planning Commission Resolution No. 9634 and approving Conditional Use Permit 1892 containing conditions of the April 22, 2002 staff report.

**AYES: McClellan, Kendrick, Lewis
NOES: Ramos, Santos**

MOTION CARRIES.

MOTION BY Lewis, SECOND BY Kendrick to approve Planning Commission Resolution No. 9633 recommending approval of amendment to Specific Plan 325.

**AYES: McClellan, Ramos, Kendrick, Lewis
NOES: Santos**

MOTION CARRIES.

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

ADJOURNMENT: Mayor Lewis adjourned the Adjourned Regular Joint Meeting of the El Cajon City Council and the El Cajon Redevelopment Agency held this 28th day of May, 2002 at 9:10 p.m.

Deputy City Clerk/Secretary