

# JOINT MEETING OF THE EL CAJON CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY



## MINUTES

### CITY OF EL CAJON EL CAJON, CALIFORNIA

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**December 12, 2017**

A Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the Redevelopment Agency of the City of El Cajon, California held Tuesday, December 12, 2017, was called to order by Mayor/Chair Bill Wells at 2:07 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California.

#### ROLL CALL

Council/Agencymembers present:	Goble, and Kendrick
Council/Agencymembers absent:	Kalasho
Mayor Pro Tem/Vice Chair present:	McClellan
Mayor/Chair present:	Wells
Other Officers present:	Aguirre, City Clerk/Secretary Foley, City Attorney/General Counsel Mitchell, Assistant City Manager Williford, City Manager/Executive Director

**Mayor Wells invited Dr. David Miyashiro, Superintendent of the Cajon Valley Unified School District to lead in the 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).

**POSTINGS:** The City Clerk posted Orders of Adjournment of the November 14, 2017, meetings and the Agenda of the December 12, 2017, meeting in accordance with State Law and Council/Authority/Successor Agency to the Redevelopment Agency Policy.

**Mayor Wells delivered the State of the City Address.**

***Recess called at 2:31 p.m.  
Meeting reconvened at 3:02 p.m.***

**PRESENTATIONS:**

- **RECOGNITION: Christina McBride – Award Recipient**

**AGENDA CHANGES:** City Manager Williford requested that Item 15.1, Closed Session, be removed from the Agenda.

**MOTION BY WELLS, SECOND BY GOBLE, to REMOVE Item 15.1 from the Agenda.**

**MOTION CARRIED BY A 4 – 0 VOTE  
(KALASHO – Absent).**

**CONSENT ITEMS: (1.1 – 1.19)**

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

Approve Minutes of the November 14, 2017 Meetings of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon 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.

## **CONSENT ITEMS: (Continued)**

### **1.4 RESOLUTION: SAN DIEGO GAS AND ELECTRIC (SDG&E) POWER YOUR DRIVE ELECTRIC VEHICLE CHARGING PROGRAM (Report: Dirk Epperson, Director of Public Works)**

Adopts RESOLUTION NO. 109-17 to:

- Approve the project;
- Authorize the City Manager to execute all documents on behalf of the City of El Cajon, substantially in the form as presented to the City Council, with such changes as may be approved by the City Manager; and
- Authorize recording of the easement.

### **1.5 RESOLUTION: AWARD OF BID NO. 016-18, CITY HALL HVAC RE-BID (Report: Nahid Razi, Purchasing Agent)**

#### **RECOMMENDATION: That the City Council:**

- Finds the protest submitted by Automated Controls, Inc. to be timely, but without merit;
- Finds the protest submitted by ETC Building & Design, Inc. to be timely, but without merit;
- Adopts the next RESOLUTION in order awarding the bid to the lowest responsive, responsible bidder, National Air, Inc. dba National Air & Energy, in the amount of \$2,036,578.50 for the base bid, Additive Alternate Nos. 1 and 2, and requested contingencies; and
- Appropriates an additional \$593,549.50 from the City Capital Improvement Program fund.

#### **DISCUSSION**

**Shaun Meyers**, representing Automated Controls, Inc., requested clarification of the letter received in response to his protest for not having the minimum of three (3) bids submitted. He stated since the requirements were not met the bid should not be awarded to National Air, Inc.

**Nahid Razi, Purchasing Agent**, clarified the portion of work Automated Control, Inc., bid for was for a public project which is awarded by the Purchasing Agent and does not require minimum bidders.

## **CONSENT ITEMS: (Item 1.5 - Continued)**

In answer to questions by **Councilmember Goble**, **Purchasing Agent Razi** clarified that this was an open and competitive bid, and only two bids were received in a timely manner, Automated Controls, Inc., was not one of them. She stated the bid was advertised according to policy, inviting competitive bids.

**MOTION BY WELLS, SECOND BY GOBLE, to APPROVE Item 1.5.**

**MOTION CARRIED BY A 4 – 0 VOTE  
(KALASHO – Absent).**

A second speaker card was presented for Item 1.5.

**MOTION BY WELLS, SECOND BY GOBLE, to RESCIND VOTE for  
Item 1.5 to allow comments on the Item.**

**MOTION CARRIED BY A 4 – 0 VOTE  
(KALASHO – Absent).**

**Chris Friend**, representing ETC Building & Design, Inc., spoke to protest the award of bid granted to National Air, Inc., and he stated his company was the overall low bidder.

**City Attorney Foley** explained the difference between low base bid and alternate bids, and stated the City followed the guidelines of the Public Contract Code. He explained the City awarded the bid based on the base bid amount as required.

Discussion amongst **Staff** and **Councilmembers** ensued to clarify the terms responsible and responsive.

**MOTION BY WELLS, SECOND BY McCLELLAN, to ADOPT  
RESOLUTION NO. 110-17 to award the bid to the lowest responsive,  
responsible bidder, National Air, Inc. dba National Air & Energy, in  
the amount of \$2,036,578.50 for the base bid, Additive Alternate  
Nos. 1 and 2, and requested contingencies; and appropriate an  
additional \$593,549.50 from the City Capital Improvement Program  
fund.**

**MOTION CARRIED BY A 4 – 0 VOTE  
(KALASHO – Absent).**

## **CONSENT ITEMS: (Continued)**

### **1.6 PROFESSIONAL SERVICES AGREEMENT WITH KLEINFELDER WEST, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO PERFORM AN ASSESSMENT OF EXISTING BOX CULVERTS. (Report: Dirk Epperson, Director of Public Works)**

Authorizes the City Manager to negotiate and execute a Professional Services Agreement (PSA) with Kleinfelder West, Inc. (Kleinfelder) for Civil Engineering Services to perform an assessment of the Forester Creek and Washington Channel box culverts (Assessment) in the amount of \$199,944.00 for a one (1) year term with renewable options upon agreement of both parties.

### **1.7 RESOLUTIONS: APPROVAL OF PLANS AND SPECIFICATIONS FOR ADA PEDESTRIAN CURB RAMPS AND SIDEWALKS 2018, PW3594, BID NO. 014-18 (Report: Dirk Epperson, Director of Public Works)**

Adopts RESOLUTION NO. 111-17 to Approve plans and specifications and direct a Notice Inviting Sealed Bids for the Americans with Disabilities Act (ADA) Pedestrian Curb Ramps and Sidewalks 2018 project to be opened on January 30, 2018; and adopt RESOLUTION NO. 112-17 to Appropriate \$35,000.00 of TransNet (503000) Funds and increase the budget in the Transportation CIP (550000) ADA Pedestrian Curb Ramps and Sidewalks 2018 (PW3594) project.

### **1.8 AWARD OF BID NO. 019-18 – GAS MASKS AND ACCESSORIES (Report: Nahid Razi, Purchasing Agent)**

Authorizes the Purchasing Agent to execute a purchase agreement with All State Police Equipment Company, Inc. for the purchase of gas masks and accessories in the total amount of \$32,279.31.

### **1.9 RunEC HALF-MARATHON, SPECIAL EVENT REQUEST FOR SUPPORT (Report: Frank Carson, Director of Recreation)**

Support RunEC by providing a \$20,000.00 donation and in-kind City services for the 2018 St. Patrick's Day Half-Marathon/5K.

## **CONSENT ITEMS: (Continued)**

### **1.10 DISPOSAL OF RETIRED PROPERTY (Report: Nahid Razi, Purchasing Agent)**

**RECOMMENDATION:** That the City Council declares the listed property retired and authorizes disposal in accordance with policy.

#### **DISCUSSION**

**Councilmember Goble** confirmed that all personal information would be deleted from the items to be disposed, to protect the public's information.

**MOTION BY GOBLE, SECOND BY KENDRICK, to ACCEPT the listed property retired and authorizes disposal in accordance with policy.**

**MOTION CARRIED BY A 4 – 0 VOTE  
(KALASHO – Absent).**

### **1.11 DONATION FOR RESTORATION OF HISTORIC EL CAJON 1950 AMERICAN LaFRANCE FIRE TRUCK (Report: Douglas Williford, City Manager)**

Approves a donation of \$3,200.00 to the El Cajon Professional Firefighters Association to complete restoration of the historic vehicle.

### **1.12 ADDITIONAL BATTALION CHIEF POSITION REQUEST (Report: Colin Stowell, Fire Chief)**

Approves the addition of one Fire Battalion Chief Position to the Fiscal Year 2017-18 Annual Budget.

### **1.13 FISCAL YEAR 2016-17 EL CAJON HOUSING AUTHORITY ANNUAL REPORT (PURSUANT TO CALIFORNIA HEALTH & SAFETY CODE SECTION 34176.1) (Report: Anthony Shute, Director of Community Development)**

**RECOMMENDATION:** That the El Cajon Housing Authority review and accept the Annual Report of the El Cajon Housing Authority, substantially in the form as presented, for fiscal year ending June 30, 2017.

## **CONSENT ITEMS: (Item 1.13 - Continued)**

### **DISCUSSION**

**Councilmember Goble** complimented the Housing Department for being conservative in their fees to prepare the Annual Report of the El Cajon Housing Authority.

**MOTION BY GOBLE, SECOND BY KENDRICK, to Acting as the El Cajon Housing Authority review and ACCEPT the Annual Report of the El Cajon Housing Authority, substantially in the form as presented, for fiscal year ending June 30, 2017.**

**MOTION CARRIED BY A 4 – 0 VOTE  
(KALASHO – Absent).**

#### **1.14 RESOLUTION: AWARD OF BID NO. 018-18, ADA PEDESTRIAN CURB RAMPS AND SIDEWALKS 2017 – RE-BID (Report: Nahid Razi, Purchasing Agent)**

- Finds the third low bidder non-responsive for the reason set forth in the agenda report;
- Adopts RESOLUTION NO. 113-17 awarding the bid to the lowest responsive, responsible bidder, Crest Equipment, Inc., in the total amount of \$213,699.35 for the base bid and Additive Alternate Nos. 1 and 2; and
- Amends ADA Pedestrian Curb Ramps and Sidewalks 2017 (PW3575) project budget by \$26,065.00 to include Community Development Block Grant (C0916) funds previously appropriated for this purpose.

#### **1.15 FY 2017 STATE HOMELAND SECURITY GRANT – URBAN AREA SECURITY INITIATIVE FUNDING (Report: Jeff Davis, Chief of Police)**

- Authorize the City Manager or designee to accept the FY 2017 State Homeland Security – Urban Area Security Initiative (UASI) Grant funds in the amount of \$98,902.00 and to execute any grant documents and agreements necessary for the receipt and use of these funds; and
- Appropriate the State Homeland Security – Urban Area Security Initiative (UASI) Grant funds in the amount of \$98,902.00; and
- Authorize the City Manager or designee to accept FY 2017 State Homeland Security – Urban Area Security Initiative (UASI) Grant funded equipment purchased on behalf of the City of El Cajon.

## **CONSENT ITEMS: (Continued)**

### **1.16 PURCHASE OF TRUCK MOUNTED SEWER RODDER (Report: Nahid Razi, Purchasing Agent)**

Authorizes the Purchasing Agent, in accordance with Municipal Code 3.20.010.C.3, to execute a purchase agreement with Sewer Equipment Company of America for the purchase of a truck mounted sewer rodder in the amount of \$141,960.77.

### **1.17 PURCHASE OF COMBINATION SEWER CLEANING MACHINE (Report: Nahid Razi, Purchasing Agent)**

Authorizes the Purchasing Agent, in accordance with Municipal Code 3.20.010.C.3, to execute a purchase agreement with National Auto Fleet Group for the purchase of a combination sewer cleaning machine in the amount of \$472,316.40.

### **1.18 TERM EXPIRATIONS ON CITY COMMISSIONS – SCHEDULE FOR APPLICATIONS AND INTERVIEWS (Report: Angela Aguirre, City Clerk)**

Approves the timeline for accepting applications and scheduling of interviews for candidates to serve on City Commissions, or reappoint, if appropriate.

- Application Period: December 13, 2017 – January 11, 2018 at 5:30 p.m.
- Interview and Appoint Applicants: January 23, 2018 at 7:00 p.m.

### **1.19 PURCHASE OF FACTORY LOADED AMMUNITION (Report: Nahid Razi, Purchasing Agent)**

**RECOMMENDATION:** That the City Council authorizes the Purchasing Agent to waive the bidding requirements in accordance with Municipal Code 3.20.010.C.1.A, and execute a purchase agreement with Dooley Enterprises, Inc., for the purchase of factory loaded ammunition in the amount of \$81,727.67.

**MOTION BY WELLS, SECOND BY McCLELLAN, to APPROVE  
Consent Items 1.1 to 1.4, Items 1.6 to 1.9, Items 1.11, 1.12, and  
Items 1.14 to 1.19.**

**MOTION CARRIED BY A 4 – 0 VOTE  
(KALASHO – Absent).**



## **PUBLIC COMMENT:**

**Therese Perez** spoke about parking issues at Berry Dale, Adele and Burnet Streets. She stated the street parking is being used by surrounding apartment renters, and shared that illegal activities take place and more security is needed.

**Mayor Wells** instructed **Ms. Perez** to speak with **Director of Community Development, Anthony Shute**.

**Sharon Hoffman** – did not wish to speak when called upon.

**Joseph LaVeque** complimented the El Cajon Police Department for the continued help, and spoke about the homeless issues in the City. He also stated illegal activities are happening in front of their homes.

**Mayor Wells** acknowledged the growing problem of homelessness, and stated the City has been working within the limits of the laws in the State of California to alleviate the problem.

**City Manager Williford** asked **Mr. LaVeque** to contact his office to further discuss the problem on Herbert Street.

**Naomi Swinford** suggested signs with laws to be printed in different languages for the new people coming in to the City, who may not read English.

**Bonnie Price** shared that many homeless people suffer from mental health issues, and there seems to be a lack of services for those individuals.

**Shane Parmely** provided Council a copy of a letter sent to City Attorney Foley regarding El Cajon's Urgency Ordinance No. 5066.

**Patricia Zamora**, Program Director for Crisis House, introduced Karina Hernandez who serves as the Homeless Housing Navigator for El Cajon Housing Connections.

In answer to a question by **Councilmember Kendrick**, **Assistant City Manager Mitchell** stated the City usually spends about \$100,000.00 per year on homeless services. This year however, due to additional funds for the Housing Navigator Program, Housing Voucher Program, and food sharing programs, it estimated that about \$250,000.00 may be spent.

**Mayor Wells** acknowledged the presence of former Mayor, **Joan Shoemaker** in the audience.

2. **WRITTEN COMMUNICATIONS: None**

3. **PUBLIC HEARINGS: None**

4. **ADMINISTRATIVE REPORTS:**

4.1 **MANAGEMENT AGREEMENT FOR THE EAST COUNTY PERFORMING ARTS CENTER WITH LIVE NATION WORLDWIDE INC.  
(Report: Douglas Williford, City Manager)**

**RECOMMENDATION:** That the **City Council** adopt a RESOLUTION approving a Management Agreement for the East County Performing Arts Center with Live Nation Worldwide, Inc., and authorizing the City Manager to execute the agreement, and any amendments thereto and extensions thereof, with such changes as the City Manager shall accept with the approval of the City Attorney.

### **DISCUSSION**

**City Manager Williford** provided detailed information on the Item.

**City Manager Williford** introduced **Arich Berghammer**, Executive Vice President of Live Nation, who spoke about entering into a partnership with the City of El Cajon.

**Robert Clark** congratulated City Management for their work to re-open the East County Performing Arts Center (ECPAC). He spoke against the idea of paying Live Nation consulting fees during the renovation period.

**City Manager Williford** stated that Live Nation will be actively participating in the renovation process of ECPAC, therefore consulting fees are appropriate in this case.

**Councilmember Kendrick** and **Councilmember Goble** spoke in support of paying the consulting fees for their years of expertise in the matter.

**Eric Lund**, President of the San Diego East County Chamber of Commerce, spoke in support of the proposed project.

**Bonnie Price** thanked the City Council for supporting the re-opening of ECPAC.

**Ray Lutz** with Citizens Oversight spoke in support of re-opening ECPAC, and he spoke in support of having LED signs near the freeway to advertise for the upcoming events.

## **ADMINISTRATIVE REPORTS: (Item 4.1 – Continued)**

**MOTION BY McCLELLAN, SECOND BY KENDRICK, to ADOPT RESOLUTION NO. 114-17 approving a Management Agreement for the East County Performing Arts Center with Live Nation Worldwide, Inc., and authorizing the City Manager to execute the agreement, and any amendments thereto and extensions thereof, with such changes as the City Manager shall accept with the approval of the City Attorney.**

**MOTION CARRIED BY A 4 – 0 VOTE  
(KALASHO – Absent).**

### **4.2 SELECTION OF MAYOR PRO TEM (Report: Angela Aguirre, City Clerk)**

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

**City Manager Williford** provided a summary of the Item.

**MOTION BY WELLS, SECOND BY McCLELLAN, to APPOINT Councilmember Kendrick as Mayor Pro Tem according to the El Cajon Municipal Code for the 2018 Calendar Year.**

**MOTION CARRIED BY A 4 – 0 VOTE  
(KALASHO – Absent).**

### **5. COMMISSION REPORTS: None**

### **6. ACTIVITIES REPORTS OF MAYOR WELLS/COMMENTS**

SANDAG (San Diego Association of Governments); SANDAG Public Safety Committee – Chair; League of California Cities, San Diego Division; Heartland Fire Training JPA – Alternate; Indian Gaming Local Community Benefit Committee.

#### **6.1 Council Activities Report/Comments**

**REPORT AS STATED.**

#### **6.2 LEGISLATIVE REPORT - No Report.**

## **ACTIVITIES REPORTS OF COUNCILMEMBERS**

**7.**

### **COUNCILMEMBER GARY KENDRICK**

Heartland Communications JPA; Heartland Fire Training JPA.

#### **7.1 Council Activities Report/Comments**

**REPORT AS STATED.**

**8.**

### **MAYOR PRO TEM BOB MCCLELLAN**

MTS (Metropolitan Transit System Board); Harry Griffen Park Joint Steering Committee; Heartland Communications JPA – Alternate.

#### **8.1 Council Activities Report/Comments**

**REPORT AS STATED.**

**9.**

### **COUNCILMEMBER BEN KALASHO**

East County Economic Development Council – Alternate; METRO Commission/Wastewater JPA; Indian Gaming Local Community Benefit Committee – Alternate.

#### **9.1 Council Activities Report/Comments**

**NO REPORT.**

**10.**

### **COUNCILMEMBER STEVE GOBLE**

SANDAG – Alternate; SANDAG Public Safety Committee – Alternate; Chamber of Commerce – Government Affairs; MTS (Metropolitan Transit System Board) – Alternate; East County Economic Development Council; METRO Commission/Wastewater JPA - Alternate.

#### **10.1 Council Activities Report/Comments**

**REPORT AS STATED.**

**11. JOINT COUNCILMEMBER REPORTS: None**

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

**13. ORDINANCES: FIRST READING - None**

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

**14.1 MIXED-USE OVERLAY – CREATING VIBRANT NEIGHBORHOODS**

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

- An Ordinance rezoning property located on the West side of Marshall Avenue between Petree Street and Arnele Avenue from the M (Industrial) and C-M (Heavy Commercial and Light Manufacturing) Zone to the C-R (Regional Commercial) and the property located on the North side of East Main Street between first street and South Anza Street from the RS-6 (Single-Family Residential Minimum 6,000 Square Feet) to C-G (General Commercial); General Plan Designation: Regional Commercial (RC) and General Commercial (CG) APNS: 482-190-34, 482-190-40, 482-190-47, and 489-130-19.
- An Ordinance amending Title 17 of the El Cajon Municipal Code for the application of the mixed-use overlay zone to various properties; amending the mixed-use overlay Chapter 17.135; amending Chapter 17.125 to include new provisions for common interest developments; and adopting a mixed-use overlay and mixed-use residential required overlay zone map.
- An Ordinance amending Specific Plan No. 19 to require further review for a reduction in commercial space of 10,000 Square Feet or more.
- An Ordinance amending Specific Plan No. 182 to eliminate conflicts between the Downtown Specific Plan with the mixed-use overlay zone.

**MOTION BY McCLELLAN, SECOND BY KENDRICK, to Adopt Ordinance No. 5067**

**MOTION CARRIED BY A 4 – 0 VOTE  
(KALASHO – Absent).**

**ORDINANCES: SECOND READING AND ADOPTION (Item 14.1 – Continued)**

**MOTION BY McCLELLAN, SECOND BY KENDRICK, to Adopt Ordinance No. 5068.**

**MOTION CARRIED BY A 4 – 0 VOTE  
(KALASHO – Absent).**

**MOTION BY McCLELLAN, SECOND BY KENDRICK, to Adopt Ordinance No. 5069.**

**MOTION CARRIED BY A 4 – 0 VOTE  
(KALASHO – Absent).**

**MOTION BY McCLELLAN, SECOND BY KENDRICK, to Adopt Ordinance No. 5070.**

**MOTION CARRIED BY A 4 – 0 VOTE  
(KALASHO – Absent).**

**ITEM REMOVED FROM AGENDA UNDER AGENDA CHANGES:**

**15. CLOSED SESSION**

**RECOMMENDATION: That the City Council/Housing Authority/Successor Agency to the Redevelopment Agency adjourns to Closed Session as follows:**

**15.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - Pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9:**

Name of Case: Larry Hauser, et al.  
v.  
City of El Cajon, et al.

United States District Court  
Southern District of California  
Case No. 16cv3091-W-MDD

**Adjournment: Mayor Wells adjourned the Regular Joint Meeting of the City Council/Housing Authority/Successor Agency to the Redevelopment Agency held this 12th day of December 2017, at 4:42 p.m. to Tuesday, January 9, 2018, at 3:00 p.m.**

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**Angela Aguirre  
City Clerk/Secretary**