

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

May 27, 2008

An Adjourned Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, May 27, 2008, 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 3:00 p.m. on May 13, 2008.

ROLL CALL

Council/Agencymembers present:	McClellan, Ramos
Council/Agencymembers absent:	Kendrick
Mayor Pro Tem/Vice Chair present:	Hanson-Cox
Mayor/Chair present:	Lewis
Other Officers present:	Rutledge, City Clerk/Secretary
	Foley, City Attorney/General Counsel
	Henry, City Manager/Executive Director
	Turner, Director of Public Works
	Ayres, 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 May 13, 2008, meeting and the Agenda of the May 27, 2008, meetings in accordance to State Law and Council/Agency Policy.

PRESENTATIONS:

- **Disaster Search Dog Program**
- **Pollution Prevention Days**
- **Barona and Sycuan Indian Gaming Grants and Ceremony**

*Recess called at 3:25 p.m.
Meeting called back to order at 3:35 p.m.*

Representatives from Shadow Mountain Church speak about their Friendship Center and the upcoming Philippine Independence Day celebration to be held on June 7 and 8th in the MotoWorld parking lot on North Magnolia at Park Avenue.

AGENDA CHANGES: None

CONSENT ITEMS: (1.1 – 1.12)

MOTION BY LEWIS, SECOND BY RAMOS, to approve Consent Items 1.1 to 1.12, pulling Item 1.9 as requested by HANSON-COX and LEWIS, Item 1.10 as requested by a member of the public, and Item 1.11 as requested by HANSON-COX.

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

1.1 MINUTES OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS

Approve Minutes of the May 13, 2008, meeting 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.

CONSENT ITEMS: (Continued)

1.4 REQUEST FOR TIME EXTENSION OF TENTATIVE SUBDIVISION MAP (TSM) 629 – 822 South Mollison Avenue, Engineering Job No. 3070 (Report: Director of Public Works)

Grant a one-year time extension for TSM 629 and set the new expiration date to June 13, 2009, in accordance with Municipal Code Section 16.12.110.

1.5 RESOLUTION – AWARD OF BID NO. 038-08 – CHAIN LINK FENCE IMPROVEMENTS (Report: Purchasing Agent)

Adopt RESOLUTION NO. 45-08 and award the bid to the lowest responsive bidder, Area-West Fence Co., in the amount of \$41,900.00.

1.6 DISPOSAL OF SURPLUS PROPERTY (Report: Purchasing Agent)

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

1.7 REQUEST TO PRE-QUALIFY BIDDERS FOR THE CONSTRUCTION OF THE PUBLIC SAFETY FACILITY (Report: Purchasing Agent)

Adopt RESOLUTION NO. 46-08 to establish a process for pre-qualifying contractors to bid on the construction of the Public Safety Facility, in accordance with Public Contract Code Section 20101.

1.8 NRA FOUNDATION, SOUTHERN CALIFORNIA FRIENDS OF NRA 2008 GRANT (Report: Chief of Police)

1. Authorize the City Manager or her designee to accept the NRA Foundation, Southern California Friends of NRA 2008 grant funds in the amount of \$5,480; and
2. Appropriate the NRA Foundation, Southern California Friends of NRA 2008 Grant Funds in the amount of \$5,480 to pay for Rangemaster and Armorer Training.

CONSENT ITEMS: (Continued)

PULLED FOR DISCUSSION:

1.9 SIDE LETTERS OF AGREEMENT BETWEEN THE CITY AND ITS BARGAINING UNITS (Report: Director of Human Resources)

RECOMMENDATION: That the City Council approve the extension of the following Memoranda of Understanding for one year for the following bargaining units: El Cajon Firefighters Association (ECFFA), El Cajon Fire Supervisory Unit (ECFSU), El Cajon Municipal Employees Association (ECMEA), El Cajon Police Officers Association (ECPOA), El Cajon Police Officers Association Management Group (ECPOAMG) and the El Cajon Mid-Management and Professional Employees Group (MMPEG).

PULLED FOR DISCUSSION:

1.10 COMMUNITY EVENT IN THE RIGHT-OF-WAY – SIXTH ANNUAL OLAF WIEGHORST WESTERN HERITAGE DAYS (Report: Assistant to the City Manager)

RECOMMENDATION: That the City Council concur with the City's Special Events Committee and approve the request for a Community Event in the right-of-way to be held on June 7 and June 8, 2008, with conditions listed in Agenda Report.

PULLED FOR DISCUSSION

1.11 RESOLUTIONS – FIRE STATION 9 REMODEL, Bid No. 005-09, Engineering Job No. 3221 (Report: Director of Public Works)

RECOMMENDATION: That the City Council adopt the next RESOLUTIONS in order to approve Plans and Specifications and direct publication of the Notice Inviting Sealed Bids to be opened on July 9, 2008, for the Fire Station 9 Remodel Project.

1.12 RESOLUTION – APPROVAL OF HOLD HARMLESS AGREEMENT WITH EL CAJON FIREMENS RELIEF ASSOCIATION AND RELEASING LIABILITY UNDER EXISTING HOLD HARMLESS AGREEMENT FOLLOWING TRANSFER OF OLD EL CAJON FIRE STATION (Report: City Attorney)

Adopt RESOLUTION NO. 49-08, approving a hold harmless agreement between the City of El Cajon and the El Cajon Firemens Relief Association, and releasing Herbert W. Hall and Richard W. Hall, on behalf of the El Cajon Historical Society, from liabilities following the transfer of title of the Old El Cajon Fire Station to the Association, and authorize the Mayor, the City Manager (or her designee), and the City Clerk to execute the new hold harmless agreement.

CONSENT ITEMS: (Continued)

1.9 SIDE LETTERS OF AGREEMENT BETWEEN THE CITY AND ITS BARGAINING UNITS (Report: Director of Human Resources)

RECOMMENDATION: That the City Council approve the extension of the following Memoranda of Understanding for one year for the following bargaining units: El Cajon Firefighters Association (ECFFA), El Cajon Fire Supervisory Unit (ECFSU), El Cajon Municipal Employees Association (ECMEA), El Cajon Police Officers Association (ECPOA), El Cajon Police Officers Association Management Group (ECPOAMG) and the El Cajon Mid-Management and Professional Employees Group (MMPEG).

DISCUSSION

Mayor Lewis thanks City employees and bargaining units for their cooperation and understanding of the City's financial situation.

Mayor Pro-Tem Jillian Hanson-Cox also thanks Police and Fire Departments for coming up with solutions for this process.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Approve Item 1.9

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

1.10 COMMUNITY EVENT IN THE RIGHT-OF-WAY – SIXTH ANNUAL OLAF WIEGHORST WESTERN HERITAGE DAYS (Report: Assistant to the City Manager)

RECOMMENDATION: That the City Council concur with the City's Special Events Committee and approve the request for a Community Event in the right-of-way to be held on June 7 and June 8, 2008, with conditions listed in Agenda Report.

DISCUSSION

Ross Provence, representing the Olaf Wieghorst Museum, speaks in support of the request, and submits to Council a media kit and posters for the event on June 7 and 8, 2008.

Mayor Pro-Tem Jillian Hanson-Cox encourages citizens to attend the event.

ITEM 1.10 (Continued)

MOTION BY LEWIS, SECOND BY HANSON-COX, to Approve Item 1.10

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

**1.11 RESOLUTIONS – FIRE STATION 9 REMODEL, Bid No. 005-09, Engineering
Job No. 3221 (Report: Director of Public Works)**

RECOMMENDATION: That the City Council adopt the next RESOLUTIONS in order to approve Plans and Specifications and direct publication of the Notice Inviting Sealed Bids to be opened on July 9, 2008, for the Fire Station 9 Remodel Project.

DISCUSSION

In reply to questions by **Mayor Pro-Tem Jillian Hanson-Cox, Director of Public Works Turner** indicates that in addition to the \$1.5 million dollar cost for construction, there will be staff costs on top of that, roughly in the neighborhood of ten percent of the construction cost.

MOTION BY LEWIS, SECOND BY HANSON-COX, to Adopt RESOLUTION NO. 47-08 to approve Plans and Specifications and RESOLUTION NO. 48-08 to direct publication of the Notice Inviting Sealed Bids to be opened on July 9, 2008, for the Fire Station 9 Remodel Project.

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

PUBLIC COMMENT:

Pat Sprecco, Police Chief, speaks about changes to the Police Department's web page, including a section called "The Project", which encourages citizen involvement in problem-solving solutions for the City and "ElCajonNeighbors.org" which will send out email alerts to subscribers and provides information about programs such as Neighborhood Watch.

Tom Black, representing the Optimist Club and the El Cajon Film and Video Festival, speaks about the festival that will take place on June 24th.

Raymond Lutz, representing Citizens Oversight.org, speaks about his opposition to the Sunrise Power Link project.

PUBLIC COMMENT: (Continued)

Sunshine Horton speaks about her meeting with Sheriff Baca, from Los Angeles, her yellow-ribbon project and fundraising efforts for Children's Hospital.

2. WRITTEN COMMUNICATIONS:

2.1 REQUEST FROM SAN DIEGO HABITAT FOR HUMANITY

Letter from Peggy Mazzella, Architect for San Diego Habitat for Humanity, requesting a "not to exceed" sum total of \$200,000.00 for estimated City fees and costs for pre-development of the project at 801 Avocado Avenue.

DISCUSSION

Councilmember Ramos requests clarification on the projected total cost for the development.

Peggy Mazzella, Architect for San Diego Habitat for Humanity, is here to answer questions concerning the request.

A discussion ensues among **Council, Staff** and **Ms. Mazzella** concerning the following:

- Storm drain area improvements;
- Cost projections based on required conditions from **Staff** and the final submitted project;
- Possible use of Redevelopment set-aside funds;
- Increasing the City's Affordable Housing inventory.

MOTION BY LEWIS, SECOND BY HANSON-COX, to refer the request to Staff.

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

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3. PUBLIC HEARINGS:

3.1 CONSIDERATION OF INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 10.28 OF THE EL CAJON MUNICIPAL CODE (Report: City Attorney)

RECOMMENDATION: That the City Council

- Open the Public Hearing and receive testimony;
- Close the Public Hearing;
- Consider the proposed amendments;
- Make a MOTION, and second to approve the first reading of the ordinance amending Section 10.28.070 of Chapter 10.28 of the El Cajon Municipal Code, with or without change;
- Discussion
- Vote
- If approved, the Mayor requests the City Clerk to recite the title

An Ordinance repealing Section 10.28.070 of Chapter 10.28 of the El Cajon Municipal Code and adopting a new Section 10.28.070 of Chapter 10.28 to the El Cajon Municipal Code regulating the parking of commercial vehicles, recreational vehicles and trailers upon City streets

DISCUSSION

City Attorney Foley provides a summary of the Item, and discusses changes to the draft ordinance to add language in Section 2.A to be consistent with Section 10.28.080, adding the definition of semi-trailers in Section 2. C-10, and to stay the enforcement of the ordinance until August 1, 2008, after the equipment and software have been obtained and the system is up and running.

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

- Public outreach to inform and educate the public about the ordinance;
- Having the ability to alter the ordinance in the future, to make changes to the permit process as necessary.

Mayor Lewis announces the Public Hearing is now Open.

Joe Garzanelli speaks about problems with people living in motor homes parked on City streets.

Oliver Severin and **Kelly Deeg** speak in support of the ordinance.

ITEM 3.1 (Continued)

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

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

MOTION BY LEWIS, SECOND BY RAMOS to introduce the ordinance, including the changes specified by the City Attorney.

DISCUSSION

No one else comes forward to speak.

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

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

4. ADMINISTRATIVE REPORTS:

4.1 REQUEST FOR MODIFICATION OF TWO CONDITIONS OF APPROVAL PUD 334 – SAN DIEGO HABITAT FOR HUMANITY VACANT LOT ON THE EAST SIDE OF AVOCADO AVENUE OPPOSITE LINDELL AVENUE (Report: Director of Community Development)

RECOMMENDATION: That the **City Council** adopt the next RESOLUTION in order amending City Council Resolution No. 32-08 adopted March 25, 2008, which approved Planned Unit Development Application 334, subject to conditions, in order to allow GAF Timberline, Prestique High Definition Roof Shingles with a 40 year warranty (instead of concrete roof tiles) and 6x6 cedar, dog-eared wood fencing (instead of block walls) within the approved development.

DISCUSSION

Councilmember Ramos speaks in favor of the condition requiring a block wall.

Peggy Mazzella, Architect for San Diego Habitat for Humanity, requests to install wood fencing, citing high cost of a block wall, and possible future development of a neighboring property.

ITEM 4.1 (Continued)

- The possibility of utilizing funds towards the cost of the wall on the north side of the property;
- The possibility of a lien contract to ensure completion of the wall by a specified period of time.

MOTION BY RAMOS, SECOND BY LEWIS, to adopt RESOLUTION NO. 50-08 amending City Council Resolution No. 32-08, to allow use of GAF Timberline, Prestique High Definition Roof Shingles, and to direct the City Attorney prepare a lien contract to set a five-year deadline for construction of the block wall.

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

*Recess called at 4:50 p.m.
Meeting called back to order at 4:58 p.m.*

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

RECOMMENDATION: That the Redevelopment Agency consider the three responses received, determine that none of the responses suitably addressed the stated objectives of the Request for Qualifications (RFQ), opt to terminate the RFQ process at this time and take no further action on these proposals.

DISCUSSION

Councilmembers speak about the following:

- The feasibility of building a hotel on the subject property;
- The value of having a performing arts center;
- Costs to relocate the storm drain;
- Changing the requirements in the RFQ;
- The need to generate revenue for the City.

ITEM 4.2 (Continued)

Raymond Lutz, representing Citizens Oversight.org, speaks about lost revenue to the City due to operating costs of the theater. He supports going “back to the drawing board” for the RFQ.

John Gibson speaks in support of the proposal submitted by Pacific Realty Advisors, LP.

Paul Russell, representing Art Beat Management, speaks about their fundraising efforts and supports the proposal by Pacific Realty Advisors.

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

- A suggestion to refer the item to staff to negotiate with Pacific Realty Advisors;
- The goal to lessen the City’s financial liability with respect to operation of the theater;
- The suitability of the site for a hotel in the downtown area;
- Changing the requirements of the RFQ and allowing all parties submitting RFQs the opportunity to respond.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to refer to Staff to work with the RFQ submitted by Pacific Realty Advisors, and to incorporate options for a conference center with catering or other revenue generating functions.

MOTION CARRIES. (RAMOS - No, KENDRICK – Absent)

5. COMMISSION REPORTS

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 Metro Wastewater JPA News Brief – May, 2008

6.2 SANDAG Board of Directors and Policy Advisory Committee Leadership Meeting – May 16, 2008

ACTIVITIES REPORTS OF COUNCILMEMBERS

7.

MAYOR PRO-TEM JILLIAN HANSON-COX

SANDAG (San Diego Association of Governments) (Alternate); MTS (Metropolitan Transit System Board); East County Economic Development Council; League of California Cities, San Diego Division; East San Diego County Gang Task Force.

7.1 Council Activities - Verbal Report

Mayor Pro-Tem Jillian Hanson-Cox will provide her report during the 7:00 p.m. meeting.

8.

COUNCILMEMBER BOB McCLELLAN:

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

8.1 Council Activities Report

8.2 Agenda and Meeting Notice – Harry Griffen Park Joint Powers – May 13, 2008

Report as stated.

9.

COUNCILMEMBER GARY KENDRICK

Heartland Communications JPA; Heartland Fire Training JPA.

9.1 Council Activities Report

10.

COUNCILMEMBER DICK RAMOS

Heartland Fire Training JPA (Alternate); Legislative Report.

10.1 No Report

11. LEGISLATIVE REPORT

11.1 League of California Cities Legislative Bulletin - *Priority Focus* - dated May 9 and 16, 2008

No recommended action.

12. GENERAL INFORMATION ITEMS FOR DISCUSSION: None

13. ORDINANCES: FIRST READING - None

14. ORDINANCES: SECOND READING AND ADOPTION

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

14.1 SPECIFIC PLAN 513

An Ordinance approving Specific Plan 513 to provide off-site parking in conjunction with the proposed expansion of an existing health care facility in the O-P (Office Professional) and R-3 (Multiple-Family) Zones on property located on the south side of East Madison Avenue between North Mollison Avenue and Ballantyne Street, and addressed as 855 East Madison Avenue and 470 North Mollison Avenue

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

MOTION BY LEWIS, SECOND BY RAMOS, to Adopt Ordinance No. 4914.

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

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

MOTION BY LEWIS, SECOND BY RAMOS, to Approve the Indemnification Agreement.

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

14.2 SPEED ZONE ON MELODY LANE

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

An Ordinance amending Section 10.20.130 of Chapter 10.20 of the El Cajon Municipal Code deleting Thirty-five Mile Per Hour Speed Limit on Melody Lane, from Main Street to Granite Hills Drive, and establishing a Thirty-five Mile Per Hour Speed Limit on Melody Lane, from Third Street to Granite Hills Drive

MOTION BY LEWIS, SECOND BY RAMOS, to Adopt Ordinance No. 4915.

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

15. CLOSED SESSION

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

15.1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9:

Number of potential cases: 1

The “existing facts and circumstances” supporting a determination, based on legal advice, that a point has been reached that there is significant exposure to litigation, is the receipt of a claim pursuant to the California Tort Claims Act filed by State Farm Insurance on May 12, 2008 on behalf of its insured Donald Moyer, alleging that Mr. Moyer’s vehicle was struck by a City police vehicle while responding to a call from another officer.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adjourn to Closed Session at 5:42 p.m.

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

16. RECONVENE TO OPEN SESSION AT 5:45 P.M.

Mayor Lewis indicates there is nothing to report on the Closed Session item.

Adjournment: Mayor Lewis adjourned the Adjourned Regular Joint Meeting of the City Council/ Redevelopment Agency held this 27th day of May 2008, at 5:45 p.m. to Tuesday, May 27, 2008, at 7:00 p.m.

KATHIE J. RUTLEDGE, CMC
City Clerk/Secretary

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

May 27, 2008

An Adjourned Regular Joint Meeting of the City Council and Redevelopment Agency of the City of El Cajon, California, held Tuesday, May 27, 2008, 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 May 27, 2008, by order of the City Council and Redevelopment Agency.

ROLL CALL

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

McClellan, Ramos
Kendrick
Hanson-Cox
Lewis
Rutledge, City Clerk/Secretary
Foley, City Attorney/General Counsel
Henry, City Manager/Executive Director
Turner, Director of Public Works
Ayres, 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:

Mayor Pro-Tem Jillian Hanson-Cox reports on her Council activities.

Michael DiMaio voices his concerns about noise from a food market at 852 Avocado Avenue, near his residence on Minnesota Avenue. **Mayor Lewis** requests that Code Enforcement personnel look into the matter.

Andrea Burrow introduces Miss El Cajon and Miss Teen El Cajon.

Jillian Hanson-Cox provides an update on the plans for the Mother Goose Parade.

Mike Culley – Introduced himself as the new president of the East County Chamber of Commerce.

PUBLIC HEARINGS:

100 APPEAL OF PLANNING COMMISSION ACTION – CONDITIONAL USE PERMIT NO. 2066 – T MOBILE WIRELESS FACILITY (Report: Director of Community Development)

RECOMMENDATION: That the City Council

- **Open the Public Hearing and receive testimony**
- **Close the Public Hearing**
- **Adopt the next RESOLUTION in order denying the appeal and reapproving Conditional Use Permit No. 2066, subject to conditions outlined in Planning Commission Resolution No. 10489**

DISCUSSION

Mayor Lewis announces the Public Hearing is now Open.

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

City Attorney Foley comments on the Telecommunications Act, with respect to the decisions that **Council** may make.

The following spoke in support of the appeal:

Gary Williams (the appellant, shows a PowerPoint presentation)

Patricia Herrera (representing a group of residents)

Kim Williams

ITEM 100 (Continued)

Speakers in support of the appeal (continued):

Dawn Burtless

Lori Clemons

Judy Crookshanks (submits a petition containing signatures)

David Lutz (submits documents for review by Council)

Lynne Dallas

Richard Haack

Councilmember Ramos comments on the requirement for the Director of Community Development to produce an agenda report expressing an opinion and a recommendation for the Planning Commission and City Council.

City Attorney Foley reviews the guidelines and rules established for Mr. Dudas, the property owner and a City employee, to comply with the Political Reform Act and to prevent a claim of conflict of interest.

Speakers in opposition to the appeal:

Jim Kennedy is the applicant representing T-Mobile (submits petitions in favor of the project)

Discussion ensues among **Council** and **Mr. Kennedy** concerning:

- Choice of site selection;
- Possible co-location of equipment with other service providers;
- A suggestion to require borings.

Joseph Escaloni, RF engineer (submits a coverage map)

Victor Bitter

Margery Bitter

Nadia Mikhael

Jerry Bushby available to answer questions from **Council** regarding health and safety issues.

Discussion ensues among **Council** and **Mr. Bushby** concerning required signage for the proposed equipment.

Dr. Carolyn Bigger indicates she receives very good T-Mobile service on Hacienda Drive and in the Fletcher Hills area.

Mike Cully, representing East County Chamber of Commerce, speaks about the importance of providing consistent services for personal, business and emergency communications.

ITEM 100 (Continued)

Mr. Kennedy returns to the podium to address questions from **Council** concerning alternative sites for the project.

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

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

Discussion continues concerning

- Compatibility issues and the option of installing facilities in the public rights-of -way;
- Whether or not due diligence was done with respect to a search for alternative project locations.

No further comments are made.

MOTION BY LEWIS, SECOND BY HANSON-COX, to Adopt RESOLUTION NO. 51-08 to Grant the appeal.

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

Recess called at 9:24 p.m.

Meeting called back to order at 9:36 p.m.

**101 EXPANSION OF LIST OF USES BY MINOR CONDITIONAL USE PERMIT
(Report: Director of Community Development)**

RECOMMENDATION: That the City Council

- **Open the Public Hearing and receive testimony**
- **Close the Public Hearing**
- **Adopt the next RESOLUTION in order expanding the list of uses allowed with a Minor Conditional Use Permit.**

DISCUSSION

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

Mayor Lewis announces the Public Hearing is now Open.

No one comes forward to speak.

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

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

MOTION BY LEWIS, SECOND BY RAMOS, to Adopt RESOLUTION NO. 52-08 expanding the list of uses allowed with a Minor Conditional Use Permit.

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

ADMINISTRATIVE REPORT:

102 TAX MEASURE POLL RESULTS (Report: City Manager)

RECOMMENDATION: That the **City Council** consider the poll results presented by the pollster, True North Research, regarding the viability of a tax measure to be placed on the November 2008 ballot, and direct staff accordingly.

DISCUSSION

Bonnie Maas and Tim McClarty give a presentation from True North Research and Tramutola on the feasibility of placing a tax measure on the November 2008 ballot.

City Council directed Staff to move forward with the process for consideration of a tax measure on the November 4, 2008, ballot.

104 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 27th day of May, 2008, at 10:30 p.m. to Tuesday, June 10, 2008, at 3:00 p.m.

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