

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

AUGUST 12, 2008

A Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, August 12, 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 July 22, 2008.

ROLL CALL

Council/Agencymembers present:	McClellan, Ramos
Council/Agencymembers absent:	Kendrick
Mayor Pro Tem/Vice Chair absent:	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 July 22, 2008, meeting and the Agenda of the August 12 2008, meetings in accordance to State Law and Council/Agency Policy.

PRESENTATIONS:

- Monica Zech reads Proclamation for Police Department. Former Chief Diamond accepts Proclamation.

AGENDA CHANGES: None

CONSENT ITEMS: (1.1 – 1.8)

MOTION BY LEWIS, SECOND BY RAMOS, to approve Consent Items 1.1 to 1.8.

**MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT.
(HANSON-COX, KENDRICK – Absent)**

1.1 MINUTES OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS

Approve Minutes of the July 22, 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.

1.4 SPECIAL OPERATION LICENSE – MEDICAL EQUIPMENT SUPPLY SD – 440 Front Street

Approve the application of Juan Lopez for the Special Operation License as submitted by Medical Equipment Supply SD for export and wholesale of medical equipment and supplies at 440 Front Street.

CONSENT ITEMS: (Continued)

**1.5 SPECIAL OPERATION LICENSE – DIAMOND CREATIONS BY RAMONA –
751 Jamacha Road**

Approve the application of Ramona L. Bommer for the Special Operation License as submitted by Diamond Creations by Ramona for a jewelry store at 751 Jamacha Road.

**1.6 REQUEST TO AUTHORIZE THE CITY MANAGER TO EXECUTE A
BASELINE AGREEMENT ON BEHALF OF THE CITY WITH CALTRANS
FOR PROPOSITION 1B TRAFFIC LIGHT SYNCHRONIZATION PROGRAM
(TLSP) GRANT FUNDS FOR THE MAIN STREET TRAFFIC SIGNAL TIMING
AND INTERCONNECT PROJECT (JN 3225) (Report: Director of Public
Works)**

Authorize the City Manager to execute a Baseline Agreement on behalf of the City with CALTRANS and to allocate \$120,000 from local TransNet funds for the Main Street Traffic Signal Timing and Interconnect Project. CALTRANS will reimburse the City 90 percent (\$108,000) with TLSP grant funds.

**1.7 AGREEMENT TO SHARE COST FOR IMPLEMENTATION OF UPDATED
SAN DIEGO RIVER WATERSHED URBAN RUNOFF MANAGEMENT PLAN
AND DEVELOPMENT OF ANNUAL REPORT FOR FISCAL YEAR 2007-08
(Report: Director of Public Works)**

Approve the Agreement to share the cost of a consultant that will assist the Co-permittees in the implementation of the Updated Watershed Urban Runoff Management Plan (WURMP) and development of the WURMP Annual Report for the San Diego River Watershed and authorize the City Manager to execute the Agreement on behalf of the City.

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1.8 NEW CLASSIFICATION SPECIFICATION FOR PUBLIC WORKS INSPECTOR, REVISED CLASSIFICATION SPECIFICATION FOR ENGINEERING TECHNICIAN AND SALARY RECOMMENDATIONS FOR BOTH CLASSES (Report: Director of Human Resources)

Approve the new classification specification for Public Works Inspector, the revisions to the classification specification for Engineering Technician, allocate the salary for Public Works Inspector to range 88.2, \$52,416 - \$63,856 and reallocate the salary for Engineering Technician to range 86.2 \$49,878 - \$60,778.

PUBLIC COMMENT:

Nadine Dailey asks to revisit the smoking ordinance, specifically regarding Tyler's restaurant and the enclosed room they had built for smokers.

Councilmember McClellan has seen room at Tyler's, completely enclosed, it seems like a perfect situation to allow smoking in such area. If interested submit a letter to Director of Community Development for reconsideration.

Councilmember Ramos feels this would not be appropriate, since other businesses were made to have a smokers outpost outside

City Attorney Foley comments that the discussion has gone beyond a public comment.

Marilyn Velasco, appeared concerning the issue discussed about smoking at Tyler's Taste of Texas, will send a letter to Community Development for reconsideration.

Kristy Mundt invites public to Parkway Plaza, every third weekend of the month to register to vote.

Sunshine Horton reminds the public about dance-a-thon, August 17th, on her 63rd birthday to support Rady Children's Hospital. She will replace yellow ribbons throughout the City before Mother Goose Parade.

Councilmember McClellan reads an excerpt from John Adams, The Defense of the Constitution of the Government of the United States.

2. WRITTEN COMMUNICATIONS: None

3. PUBLIC HEARINGS:

3.1 PUBLIC NUISANCE AT 1300 NORTH JOHNSON AVENUE, SUITES 101 AND 102 (Report: Building Official/Fire Marshal)

RECOMMENDATION: That the City Council

- **Open the Public Hearing and receive testimony**
- **Close the Public Hearing**
- **Deem appropriate** the Building Official/Fire Marshal's actions in this case
- **Direct staff to** (1) monitor the progress of clean-up and/or permitting of the plating shop, (2) begin accrual of civil penalties starting August 13, 2008, and (3) direct staff to bring this case back to Council for final resolution and determination of staff time, administrative fees and civil penalties.

DISCUSSION

The Public Hearing is now open.

Dan Pavao, Building Official/Fire Marshal, reports on the status of the property, indicating that adequate permits were not obtained. The one permit they did request was never finalized.

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

- Materials being poured into sewer from the establishment;
- HAZMAT involvement;
- The original 10-year permit for a gas line and berm;
- The closure of operations while clean up takes place;
- The absence of a deadline for the clean up in light of operations being closed down.

Bob Thompson, representing House Properties/Center Pointe, L.L.C., owners of said property, states that when lease was signed to AWR, also known as Advanced Finishing, tenant agreed that permits and licenses would be in compliance. Since then, they have been made aware of situation and site not being in compliance. They have issued an eviction notice to Advanced Finishing.

In response to **Councilmember Ramos**, **Mr. Bob Thompson**, indicates they need to get possession of property to be able to give a date of when this will be finalized.

Warren Moore, owner of Advanced Finishing, states he has been spending hours on cleaning up the site and would like to relocate to a more commercial area.

ITEM 3.1 (Continued)

In response to **Councilmember McClellan's** question regarding whether Hazmat ever gave them a citation, **Mr. Moore**, replies that they have received citations for unidentified chemicals—where labels were missing but not for any major violations.

Mr. Pavao adds that there were six violations of the Building & Fire Safety Municipal Code found at 1300 N Johnson Ave, Suites 101 & 102.

Mike Chasin, Deputy Fire Marshal, indicates that a concern from County Hazmat is what started a close look upon the site, which, upon inspection revealed a gross disregard for safety.

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

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (HANSON-COX, KENDRICK – Absent)

MOTION BY LEWIS, SECOND BY RAMOS, to direct staff to monitor progress of clean up and/or permitting of plating shop and to begin accrual of civil penalties on August 13, 2008 on all six counts and directs staff to bring back to council for final resolution and determination of staff time, administrative fees and civil penalties.

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (HANSON-COX, KENDRICK – Absent)

3.2.1 SUBSTANDARD CONDITIONS AT 340 WITHERSPOON WAY (Report: Building Official/Fire Marshal)

RECOMMENDATION: That the City Council

- **Open the Public Hearing and receive testimony**
- **Close the Public Hearing**
- **Deem appropriate** the Building Official/Fire Marshal's actions in this case

ITEM 3.2 (Continued)

- **Direct staff to** (1) file a Notice of Restriction against the property, (2) begin accrual of civil penalties starting August 13, 2008, (3) direct staff to monitor the progress of cleanup of the dwelling, and (4) direct staff to bring this case back to Council for final resolution and determination of staff time, administrative fees and civil penalties.

DISCUSSION

Dan Pavao, Building Official/Fire Marshal, reports on the status of the property. He states the owner, Terence Lynch, remains in the hospital.

Brian Lynch, speaking on behalf of owner/father (as he remains in the hospital), says his siblings are working on cleaning up violations. He provides photographs for Council to show improvements.

Councilmember Ramos, asked Mr. Lynch when will clean up be completed.

In response to questions by Council, **Mr. Brian Lynch**, requests a couple weeks to complete clean up, as he and his sister have full time jobs. They do have friends helping.

Councilmember McClellan, asked Mr. Lynch if they have considered hiring help and **Mr. Lynch**, replies that they do have friends helping.

Kelly Lynch believes all violations have been corrected, except for plumbing. She requests a two week extension to finish clean up.

Mr. Pavao returns to podium to answer questions by Staff. He states that a total of seven violations were given and four violations remain. He encourages the owners to do other renovations on property as this is a very old structure. For the record, violations remaining are: Combustible materials adjacent to Water heater, plumbing facilities inoperable, (need to replace), general filth through residence, and water turned off.

No further comments are made.

ITEM 3.2 (Continued)

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

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (HANSON-COX, KENDRICK – Absent)

MOTION BY LEWIS, SECOND BY RAMOS, to Direct staff to (1) file a Notice of Restriction against the property, (2) begin accrual of civil penalties starting August 13, 2008, (3) direct staff to monitor the progress of cleanup of the dwelling, and (4) direct staff to bring this case back to Council for final resolution and determination of staff time, administrative fees and civil penalties.

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (HANSON-COX, KENDRICK – Absent)

4. ADMINISTRATIVE REPORTS:

4.1 REQUEST TO RESCIND EXISTING TWO-HOUR PARKING ON BROADWAY BETWEEN FIRST STREET AND ORO STREET, RESTORING REGULAR PARKING AND INSTALL NO PARKING ZONE AT 1138 BROADWAY (Report: Director of Public Works)

RECOMMENDATIONS: That the City Council

- **Deny the request** to rescind the existing Two-Hour Parking Zone on the north side of Broadway between First Street and Oro Street; and
- **Adopt the next RESOLUTION in order** to establish the following No Parking Zone:

1138 BROADWAY

Along the northerly curblineline of Broadway, beginning at a point 602 feet east of the easterly extended curblineline of First Street, thence easterly a distance of 20 feet.

ITEM 4.1 (Continued)

DISCUSSION

Alan Snyderman, owner of business located at 1198 Broadway, states he is not in favor of vehicles parking for an unlimited amount of time on Broadway.

Benjamin Town, Operations Manager, representing Balboa EMS., indicates he is in favor of removing the two hour parking restriction.

Councilmember McClellan speaks in support of two hour parking.

No further comments are made.

MOTION BY LEWIS, SECOND BY RAMOS, to deny the request to rescind the existing Two-Hour Parking Zone on the north side of Broadway between First Street and Oro Street, and to adopt RESOLUTION NO. 86-08 to establish the No Parking Zone as recommended by Staff.

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (HANSON-COX, 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).

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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 No Report

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

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

Councilmember Ramos requests SB 375 and the California State Budget be monitored.

12. GENERAL INFORMATION ITEMS FOR DISCUSSION:

13. ORDINANCES: FIRST READING - None

14. ORDINANCES: SECOND READING AND ADOPTION - None

Mayor Lewis allows John Minarick to speak for three minutes:

John Minarick speaks in favor of homeless people and suggests making El Cajon Valley hospital a rehabilitation center/shelter for homeless people.

15. CLOSED SESSIONS

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

15.1

- **CONFERENCE WITH REAL PROPERTY NEGOTIATOR - pursuant to Section 54956.8 of the Government Code:**
-

Property

Negotiating Parties

Agency Negotiators

APN #508-080-31
A portion of City-owned
surplus property
APN #512-120-04
A portion of City-owned
surplus property

Hamann Companies
John Gibson, Broker

Executive Director/City Manager
Director of Redevelopment &
Housing
General Counsel/City Attorney

Under negotiation: For the Agency/Council to provide instructions to its negotiators regarding the price and terms for the potential sale of property owned by the City and Agency.

15.2

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

Name of Case: Tolbert/Vella, et al. v. City of El Cajon, et al.
Case No. GIE 028951 [Consolidated with
Case No. GIE 037309-1]

15.3

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

Name of Case: Get Outdoors, LLC v. City of El Cajon, et al.
Case No. 03CV 1437W(JAH)

MOTION BY LEWIS, SECOND BY RAMOS, to Adjourn to Closed Session at 4:42 p.m.

MOTION CARRIES BY UNANIMOUS VOTE.

16. RECONVENE TO OPEN SESSION AT 5:03 P.M.

City Attorney Foley reports the following actions:

15.1 Council gave direction to real property negotiators.

15.2 Council gave direction to the legal Counsel.

15.3 Council gave direction to the legal Counsel.

Adjournment: Mayor Lewis adjourned the Regular Joint Meeting of the City Council/ Redevelopment Agency held this 12th day of August 2008, at 5:05 p.m. to Tuesday, August 12, 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

AUGUST 12, 2008

An Adjourned Regular Joint Meeting of the City Council and Redevelopment Agency of the City of El Cajon, California, held Tuesday, August 12, 2008, was called to order by Mayor/Chair Mark Lewis at 7:03 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 12, 2008, by order of the City Council and Redevelopment Agency.

ROLL CALL

Council/Agencymembers present:	Kendrick, McClellan, Ramos
Council/Agencymembers absent:	None
Mayor Pro Tem/Vice Chair absent:	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 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: NONE

PUBLIC HEARINGS:

100 ZONE RECLASSIFICATION NO. 2295 (Report: Director of Community Development)

RECOMMENDATION: That the City Council

- **Open the Public Hearing and receive testimony**
- **Close the Public Hearing**
- **Move to** approve Zone Reclassification No. 2295, subject to conditions listed in Planning Commission Resolution No. 10504

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.

No further comments are offered.

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

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (HANSON-COX, - Absent)

MOTION BY LEWIS, SECOND BY McClellan, to Approve Zone Reclassification No. 2295, subject to conditions listed in Planning Commission Resolution No. 10504

MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT. (HANSON-COX, - Absent)

101. 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 12th day of August 2008, at 7:05 p.m. to Tuesday, August, 26, 2008, at 3:00 p.m.

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