

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

MARCH 9, 2010

A Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, March 9, 2010, was called to order by Mayor/Chair Mark Lewis at 3:00 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California. This meeting was adjourned from the Adjourned Regular Joint meeting held at 7:00 p.m. on February 23, 2010.

ROLL CALL

Council/Agencymembers present:	Hanson-Cox, Kendrick, McClellan
Council/Agencymembers absent:	None
Mayor Pro Tem/Vice Chair present:	Wells
Mayor/Chair present:	Lewis
Other Officers present:	Rutledge, City Clerk/Secretary Reid, Staff Attorney/General Counsel Henry, City Manager/Executive Director Turner, Deputy City Manager/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 February 23, 2010, meetings and the Agenda of the March 9, 2010, meetings in accordance to State Law and Council/Agency Policy.

PRESENTATIONS:

- **Commendation in Memory of Robert Dale Hamann**
- **Recognition of Neighborhood Watch Participants**

AGENDA CHANGES: None

CONSENT ITEMS: (1.1 – 1.5)

MOTION BY LEWIS, SECOND BY WELLS, to approve Consent Items 1.1 to 1.5.

MOTION CARRIES BY UNANIMOUS VOTE.

1.1 MINUTES OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS

Approve Minutes of the February 23, 2010, meetings of the El Cajon City Council/Redevelopment Agency.

1.2 WARRANTS

Approve payment of Warrants as submitted by the Finance Department.

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

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

1.4 ACCEPTANCE OF PUBLIC IMPROVEMENTS – TENTATIVE SUBDIVISION MAP (TSM) 591, 419-439 South Johnson Avenue, Engineering Job No. 2989 (Report: Deputy City Manager/Director of Public Works)

Accept the public improvements and authorize the City Clerk to release the bonds guaranteeing the improvements in accordance with the Subdivision Agreement and require the developer to maintain insurance in force until the release of all bonds for the project.

CONSENT ITEMS: (Continued)

**1.5 FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES – TORTI GALLAS AND PARTNERS, INC.
(Report: Director of Community Development)**

Authorize the Executive Director to execute an amendment to the Agreement for Professional Services between the El Cajon Redevelopment Agency and Torti Gallas and Partners, Inc. to complete Chapter 4 of Downtown Design Guidelines for an amount not to exceed \$12,000.00.

PUBLIC COMMENT:

Elly Harris, representing Trauma Intervention Program (TIP), distributes a handout to Council and thanks them for their support.

Ron Shelby and **Mario Tilaro** were called forward to speak, but appear to have left the Chambers.

Jo Anne Bushby reports on the search for a new President and CEO for the El Cajon Community Development Corporation.

Sunshine Horton speaks about the right to vote and urges tougher sentences for pedophiles.

Bob McClellan reads notes kept by President James Madison.

2. WRITTEN COMMUNICATIONS: None

3. PUBLIC HEARINGS:

**3.1 SUBSTANDARD CONDITIONS AT 545 BALLANTYNE STREET
(Report: Building Official/Fire Marshal)
(Continued from December 15, 2009 and January 12, 2010)**

RECOMMENDATION: That the City Council

- Continue the Public Hearing and receive testimony;
- Receive verbal progress report from Building Official/Fire Marshal;
- Close the Public Hearing; and
- Direct staff to (1) file a Notice of Restriction against the property; (2) begin accrual of civil penalties starting March 10, 2010; (3) direct staff to monitor the progress of repairs/demolition, and (4) direct staff to bring this case back to Council for final resolution and determination of staff time, administrative fees and civil penalties at the resolution of this case.

ITEM 3.1 (Continued)

DISCUSSION

Dan Pavao, Building Official/Fire Marshal, gives a verbal report on the status of the property.

Discussion ensues among **Council** and **Staff** concerning the lack of progress made in clean-up efforts since January of this year.

No one else comes forward to speak.

MOTION BY LEWIS, SECOND BY HANSON-COX, to Close the Public Hearing.

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Direct staff to (1) file a Notice of Restriction against the property; (2) begin accrual of civil penalties starting March 10, 2010; (3) direct staff to monitor the progress of repairs/demolition, and (4) direct staff to bring this case back to Council for final resolution and determination of staff time, administrative fees and civil penalties at the resolution of this case.

MOTION CARRIES BY UNANIMOUS VOTE.

3.2 RESOLUTION: SUBSTANDARD CONDITIONS AND SUMMARY ABATEMENT AT 504 MILLAR AVENUE (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 file a Notice of Restriction against the property;
- Direct staff to monitor the condition of the property and take action as appropriate with regard to keeping the structure secure;
- Assess staff time, administrative costs, and the costs of boarding the structure;
- Authorize staff to record a Release of Notice of Restriction once fees have been paid in this case and the building is under responsible ownership; and
- Adopt the next RESOLUTION in order pursuant to the recommendations listed above.

ITEM 3.2 (Continued)

DISCUSSION

Dan Pavao, Building Official/Fire Marshal provides a summary of the report indicates the building has been boarded up and is secure.

No one else comes forward to speak.

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

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to:

- Deem appropriate the Building Official/Fire Marshal's actions in this case;
- Direct staff to file a Notice of Restriction against the property;
- Direct staff to monitor the condition of the property and take action as appropriate with regard to keeping the structure secure;
- Assess staff time, administrative costs, and the costs of boarding the structure;
- Authorize staff to record a Release of Notice of Restriction once fees have been paid in this case and the building is under responsible ownership; and
- Adopt RESOLUTION NO. 24-10 pursuant to the recommendations listed above.

MOTION CARRIES BY UNANIMOUS VOTE.

4. ADMINISTRATIVE REPORTS:

4.1 GENERAL PLAN ANNUAL REPORT FOR REPORTING YEAR 2009 (JANUARY 1 – DECEMBER 31, 2009) (Report: Director of Community Development)

RECOMMENDATION: That the City Council accept this annual progress report required by the State Legislature and direct the Planning Staff to forward the report to the Governor's Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD).

DISCUSSION

No one comes forward to speak.

ITEM 4.1 (Continued)

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Accept the General Plan Annual Report For Reporting Year 2009 and forward the report to the Governor's Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD).

MOTION CARRIES BY UNANIMOUS VOTE.

In response to **Mayor Lewis, Councilmember Hanson-Cox** reports she traveled to the State Capitol yesterday, to receive a "Woman of the Year" award for the 77th Assembly District.

5. COMMISSION REPORTS: None

6. ACTIVITIES REPORTS OF MAYOR LEWIS

SANDAG (San Diego Association of Governments); SANDAG (Chair, Public Safety Committee); SANDAG (Quality of Life Ad Hoc Steering Committee); LAFCO (Local Agency Formation Commission).

6.1 LAFCO Bulletin – February – March 2010

6.2 SANDAG Public Safety Committee Agenda – February 19, 2010

6.3 SANDAG Board of Directors Agenda – February 26, 2010

6.4 Local Agency Formation Commission Agenda – March 1, 2010

REPORTS AS STATED.

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ACTIVITIES REPORTS OF COUNCILMEMBERS

7.

MAYOR PRO TEM BILL WELLS

METRO Commission/Wastewater JPA; East County Economic Development Council; Heartland Fire Training JPA - Alternate.

7.1 Council Activities Report

REPORT AS STATED.

8.

COUNCILMEMBER JILLIAN HANSON-COX

SANDAG (San Diego Association of Governments - Alternate); SANDAG (Public Safety Committee – Alternate); MTS (Metropolitan Transit System Board – Alternate); League of California Cities, San Diego Division; East San Diego County Gang Task Force.

8.1 Council Activities Report

REPORT AS STATED.

9.

COUNCILMEMBER GARY KENDRICK

Heartland Communications JPA; Heartland Fire Training JPA.

9.1 Council Activities Report

REPORT AS STATED.

10.

COUNCILMEMBER BOB McCLELLAN

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

10.1 Council Activities Report

REPORT AS STATED.

11. LEGISLATIVE REPORT

**11.1 League of California Cities Legislative Bulletin dated 19 and 26, 2010 –
*City Advocate Weekly***

NO RECOMMENDED ACTION.

12. GENERAL INFORMATION ITEMS FOR DISCUSSION: None

13. ORDINANCES: FIRST READING

13.1 INTRODUCTION AND FIRST READING OF AN ORDINANCE REPEALING SECTION 9.80.050 OF CHAPTER 9.80 OF TITLE 9 OF THE EL CAJON MUNICIPAL CODE, AND ADDING A NEW SECTION 9.80.050 TO CHAPTER 9.80 OF TITLE 9 OF THE EL CAJON MUNICIPAL CODE PERTAINING TO JUVENILE CURFEW

RECOMMENDATION: That the City Council

- Make a MOTION, and second to introduce the Ordinance;
- Discussion;
- Vote; and
- If approved, the Mayor requests the City Clerk to recite the title

An Ordinance repealing Section 9.80.050 of Chapter 9.80 of Title 9 of the El Cajon Municipal Code, and adding a new section 9.80.050 to Chapter 9.80 of Title 9 of the El Cajon Municipal Code pertaining to Juvenile Curfew

Staff Attorney Reid summarizes the necessity for the ordinance.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to introduce the ordinance.

DISCUSSION

No one comes forward to speak.

MOTION CARRIES BY UNANIMOUS VOTE.

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

14. ORDINANCES: SECOND READING AND ADOPTION

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

14.1 SPECIFIC PLAN NO. 514

An Ordinance approving Specific Plan No. 514 to expand the depth of commercial development and commercial zoning beyond the commercial designation on the General Plan Map; APNs 492-643-12, 492-643-13 and 492-643-14; General Plan Designation: Low Density Residential

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

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adopt Ordinance No. 4942.

MOTION CARRIES BY UNANIMOUS VOTE.

14.2 ZONE RECLASSIFICATION NO. 2296

An Ordinance rezoning property from the R-3-R (Multi-Family Restricted) Zone to the C-2 (General Commercial) Zone, APNs 492-643-12, 492-643-13 and 492-643-14, General Plan Designation: Low Density Residential (LR) – Zone Reclassification No. 2296

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

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adopt Ordinance No. 4943.

MOTION CARRIES BY UNANIMOUS VOTE.

14.3 ZONING ORDINANCE AMENDMENT NO. 415 – WATER EFFICIENT LANDSCAPING

An Ordinance amending Title 17 of the El Cajon Municipal Code to add Section 17.64.253 and Chapter 17.94 Pertaining to Water Efficient Landscaping – Zoning Ordinance Amendment No. 415

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

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adopt Ordinance No. 4944.

MOTION CARRIES BY UNANIMOUS VOTE.

15. CLOSED SESSION

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

15.1

- **CONFERENCE WITH LABOR NEGOTIATOR – Pursuant to Government Code Section 54957.6**

Agency Designated Representatives: Kathi Henry
Nancy Palm
Joan Ward
Dan Cassidy

Employee Organizations:

El Cajon Professional Firefighters International Association of Fire
Fighters Local 4603
El Cajon Police Officers Association
El Cajon Police Officers Association Management Group

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adjourn to Closed Session at 3:57 p.m.

MOTION CARRIES BY UNANIMOUS VOTE.

16. RECONVENE TO OPEN SESSION AT 4:23 P.M.

Staff Attorney Reid reports that **Council** gave direction to the City's Labor Negotiators.

Adjournment: Mayor Lewis adjourned the Regular Joint Meeting of the City Council/Redevelopment Agency held this 9th day of March 2010, at 4:24 p.m. to Tuesday, March 23, 2010, 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

MARCH 9, 2010

An Adjourned Regular Joint Meeting of the City Council and Redevelopment Agency of the City of El Cajon, California, held Tuesday, March 9, 2010, was called to order by Mayor/Chair Mark Lewis at 7:00 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California. This meeting was adjourned from the Adjourned Regular Joint Meeting held at 3:00 p.m., Tuesday, March 9, 2010, by order of the City Council and Redevelopment Agency.

ROLL CALL

Council/Agencymembers present:	Hanson-Cox, McClellan
Council/Agencymembers absent:	Kendrick
Mayor Pro Tem/Vice Chair present:	Wells
Mayor/Chair present:	Lewis
Other Officers present:	Rutledge, City Clerk/Secretary Reid, Staff Attorney/General Counsel Henry, City Manager/Executive Director Turner, Deputy City Manager/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 Lewis reports that **Councilmember Hanson-Cox** was named “Woman of the Year” for the 77th Assembly District, at a ceremony held at the State Capitol yesterday.

PUBLIC HEARINGS:

100 RESOLUTION: AMENDMENT OF CONDITIONAL USE PERMIT NO. 1544 – Literacy First Charter School – 698 West Main Street (Report: Director of Community Development)

RECOMMENDATION: That the City Council

- Open the Public Hearing and receive testimony;
- Close the Public Hearing;
- Move to adopt the next RESOLUTION in order approving Amendment to Conditional Use Permit No. 1544, subject to conditions.

DISCUSSION

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

The Public Hearing is now Open.

John McTighe, Chairman, El Cajon Community Development Corporation (CDC), speaks in support of the school, and expresses concerns about traffic in the area. He suggests that staff monitor the traffic, and report back to Council in six months.

Director of Community Development Ayres suggests a modification to Condition 9 of Planning Commission Resolution No. 10602, to conduct a review in October 2010, rather than August.

Discussion ensues among **Council** and **Staff**, and suggestions are made to paint curbs to specify loading and unloading zones, or to mark a “Keep Clear” area along West Main Street.

Robert Garmo is the Legal Counsel for an auto repair facility across the street from the subject property. He discusses three major concerns with the school project: 1) traffic issues, 2) a possible impact to future land uses/zoning in the surrounding area; and 3) nearby industrial uses which are not conducive to an environment with children.

Mayor Lewis indicates there is a chance that neighboring property owners could file complaints about industrial uses close to the school.

ITEM 100: (Continued)

Jerry Keough, representing Literacy First Charter School, speaks in support of the project and states that they make sure children are safe, and that they are willing to address any traffic problems that may arise.

Councilmembers and **Mr. Keough** discuss the proposed traffic route when exiting the school onto North Johnson Avenue.

No one else comes forward to speak.

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

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

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adopt RESOLUTION NO. 25-10 approving Amendment to Conditional Use Permit No. 1544, subject to conditions and a modification to Condition 9 of Planning Commission Resolution No. 10602, changing the inspection date to October.

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

Recess called at 7:30 p.m.
Meeting called back to order at 7:35 p.m.

**101 RESOLUTIONS: DISPOSITION AND DEVELOPMENT AGREEMENT Chambers Senior Residences, L.P.
(Report: Director of Redevelopment and Housing)**

RECOMMENDATION: That the Redevelopment Agency

- Open the Public Hearing and accept testimony both for and against the proposed Disposition and Development Agreement between the El Cajon Redevelopment Agency and Chambers Senior Residences, L.P.;
- Consider any testimony given;
- Close the Public Hearing;
- Adopt the next two RESOLUTIONS in order to approve execution of a Disposition and Development Agreement and related documents by the Executive Director with Chambers Senior Residences, L.P.;

ITEM 101: (Continued)

- Authorize the Executive Director and Agency Counsel to make minor modifications to the required documents (limited to modifications that do not affect the business terms); and
- Appropriate \$3,300,000 from the Low and Moderate Income Housing Fund, Capital Improvement Project 290-LM0704 – Linda Way Infill Housing Project.

DISCUSSION

The Public Hearing is now Open.

Director of Redevelopment and Housing Cooksy advises the project benefits the public by providing new affordable low-cost housing, it will eliminate blight and it can be built only if there is public financing available. It is a 49 unit, mixed-use project restricted by age to seniors. The Developer will apply for Federal financing and the City receives tax credits.

Councilmember McClellan has questions concerning the return on investments and any residual receipts after all expenses are paid.

Councilmember Wells requested clarification on what the value is to the City of approving the project and an explanation of expenses, tax credits and cost to the City.

As **Councilmember Kendrick** is absent from tonight's meeting, **Mayor Lewis** advises the applicants of their right to request a hearing with the full Council.

Lindsey Quackenbush indicates they wish to continue with the hearing tonight, and responds to questions by **Council** including:

- Explanation of \$200,000 in deferred development fees;
- Developer offers expertise and applies for Federal tax credits;
- There is no downside to the City;
- City has control and annual audits are conducted;
- At end of 65 years, the City owns the project;

Anna Scott, explains the tax credit and submits a company profile brochure to Council.

City Manager Henry apologizes for not providing a better explanation on this project and advises Council the State wants us to do these types of projects; and that it will also clean up the neighborhood.

No further comments are offered.

ITEM 101: (Continued)

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

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

MOTION BY LEWIS, SECOND BY WELLS, to Adopt RESOLUTION NOS. 26-10 and ECRA-403 to approve execution of a Disposition and Development Agreement and related documents by the Executive Director with Chambers Senior Residences, L.P.

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

MOTION BY LEWIS, SECOND BY HANSON-COX, to authorize the Executive Director and Agency Counsel to make minor modifications to the required documents (limited to modifications that do not affect the business terms).

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

MOTION BY LEWIS, SECOND BY HANSON-COX, to appropriate \$3,300,000 from the Low and Moderate Income Housing Fund, Capital Improvement Project 290-LM0704 – Linda Way Infill Housing Project.

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

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

ADJOURNMENT: Mayor Lewis adjourned the Adjourned Regular Joint Meeting of the City Council and the Redevelopment Agency held this 9th day of March 2010, at 8:04 p.m. to Tuesday, March 23, 2010, at 3:00 p.m.

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