

# JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



## MINUTES

### CITY OF EL CAJON EL CAJON, CALIFORNIA

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**SEPTEMBER 14, 2010**

A Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, September 14, 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 August 24, 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 Foley, City Attorney/General Counsel Henry, City Manager/Executive Director Davies, Deputy 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 August 24, 2010, meetings and the Agenda of the September 14, 2010, meetings in accordance to State Law and Council/Agency Policy.

**PRESENTATIONS:**

- Recreation – R.E.C. Campaign Awards
- Proclamation – “Harmony Jamboree Week”

**AGENDA CHANGES:**

**MOTION BY LEWIS, SECOND BY HANSON-COX, to remove Item 15.2 from Closed Sessions, as requested by the City Manager.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**CONSENT ITEMS: (1.1 – 1.7)**

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to approve Consent Items 1.1 to 1.7.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

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

Approve Minutes of the August 24, 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 RESOLUTION: AWARD OF BID NO. 008-11, CONSTRUCT 8” PCC ALLEY NORTH OF EL CAJON BOULEVARD, SIDEWALKS AND CURB RAMPS – VARIOUS LOCATIONS (Report: Purchasing Agent)**

Adopt RESOLUTION NO. 116-10 and award the bid to the lowest responsive bidder, 3-D Enterprises, Inc., in the amount of \$276,556.00.

**CONSENT ITEMS: (Continued)**

**1.5 RESOLUTION: ADOPTION OF RESOLUTION OF INTENTION TO INITIATE ZONING RECLASSIFICATION NO. 2303 REZONING 136 AND 146 WEST WASHINGTON AVENUE (Report: Director of Community Development)**

Adopt RESOLUTION NO. 117-10 initiating Zoning Reclassification No. 2303 to consider rezoning 136 and 146 West Washington Avenue to a residential zone consistent with the General Plan land use map.

**1.6 MOTOROLA RADIO EQUIPMENT SYSTEM FOR THE PUBLIC SAFETY CENTER (Report: Purchasing Agent)**

Authorize the Purchasing Agent in accordance with Municipal Code 3.20.010.C3 and 3.20.010.C5 to execute a purchase agreement with Motorola, Inc. utilizing San Diego County RCS Contract No. 43095 for the purchase of radio equipment in the amount of \$65,000.00 and with Day Wireless (Motorola Manufacturer's Representative) for purchase of the Gold Elite Consoles and installation and implementation of the radio equipment system in the amount of \$520,000.00.

**1.7 AMENDMENT TO SUBDIVISION AGREEMENT FOR TENTATIVE SUBDIVISION MAP (TSM) 529 – 1415 Emerald Avenue, Engineering Job No. 2816 (Report: Deputy City Manager/Director of Public Works)**

Approve an amendment to the Subdivision Agreement approved by the City Council on September 25, 2007, for TSM 529, Final Map No. 15628, to allow for an additional time extension for two (2) years, setting the new expiration date to September 25, 2011.

**PUBLIC COMMENT:**

**Annette Spanafore**, representing Park Place Café, speaks about her new business and a delay in the grant program through the El Cajon Community Development Corporation. She feels she may have to close the café within the next two and a half months unless she is able to secure reimbursements through the grant program.

**Sunshine Horton** gives her opinion about actions by the ACLU, reads quotes from Mother Theresa, and speaks about the recent passing of her uncle.

**Bob McClellan** reads an excerpt from an essay by Thomas Payne.

**2. WRITTEN COMMUNICATIONS: None**

### 3. PUBLIC HEARINGS:

#### 3.1 SUBSTANDARD CONDITIONS AT 723 MCCLURE STREET (Report: Building Official/Fire Marshal)

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

- Continue the Public Hearing and receive testimony;
- Close the Public Hearing; and
- Take action appropriate to the current condition of the property based on a verbal report from the Building Official/Fire Marshal.

### **DISCUSSION**

**Building Official/Fire Marshal Pavao** comments on the work that has been done, and the amount of work that remains, especially on the interior of the house.

The Public Hearing is now Open.

**Sandra Argo** states they have been working on cleaning up the property and getting rid of clutter, however, they were notified of additional renovations that need to be done. She requests more time in order to complete the renovations and gather funds to obtain more dumpsters.

Discussion ensues among **Council, Staff** and **Ms. Argo** concerning the amount of cleanup remaining and an estimate of the time needed to complete the clean up.

**Jamie Turner** speaks about the cleanup efforts.

**Building Official/Fire Marshal Pavao** returns to the podium and estimates that an additional three months may be necessary in order to bring the property into compliance.

**Councilmembers** comment on possible health and safety issues.

**City Attorney Foley** clarifies the actions that Council may take at this time.

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

**MOTION CARRIES BY UNANIMOUS VOTE.**

**MOTION BY LEWIS, SECOND BY HANSON-COX, to 1) File a Notice of Restriction, 2) begin accrual of penalties starting 9/15/10 on violations, 3) direct Staff to monitor progress of repairs, and 4) bring back for final determination of staff time, administrative fees and civil penalties.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**4. ADMINISTRATIVE REPORTS: None**

**5. COMMISSION REPORTS: None**

**6. ACTIVITIES REPORTS OF MAYOR LEWIS - None**

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

**Mayor Lewis** states that he was on vacation during this reporting period, but did attend the Chaldean Festival.

**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.**

## ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

9.

### COUNCILMEMBER GARY KENDRICK

Heartland Communications JPA; Heartland Fire Training JPA.

#### 9.1 Council Activities Report

In addition to the report submitted, **Councilmember Kendrick** adds he has been volunteering at a monthly food distribution center.

#### 9.2 COMMITTEE TO INVESTIGATE THE PERFORMANCE AND EFFECTIVENESS OF THE EL CAJON COMMUNITY DEVELOPMENT CORPORATION (CDC)

**RECOMMENDATION:** That the **City Council** appoint a ten member committee to investigate the performance and effectiveness of the El Cajon Community Development Corporation in carrying out their duties as the non-profit corporation dedicated to the revitalization of downtown El Cajon.

#### DISCUSSION

**Councilmember Kendrick** speaks in support of the recommendation to appoint a Blue Ribbon Commission.

In response to questions by **Council**, **Councilmember Kendrick** indicates the Commission will seek answers to any and all questions asked by the public, and he hopes the Commission will be able to report their findings in no more than 120 days. He would like to name Daryl Priest as temporary Chair of the Commission.

**John McTighe**, representing the CDC, speaks in opposition and urges **Council** not to proceed with appointing a commission.

**Cindi Fargo**, representing the CDC, comments on the need to move forward, as it is not productive to continue with the "investigation". They welcome any questions by the public and encourage a public dialogue. She expresses concerns about the potential for an imbalanced commission and encourages people to apply and present their credentials prior to appointment to the commission.

**Sunshine Horton** speaks in support of the CDC and the services they have provided.

**Jerry Turchin** states that he hopes there are no irregularities with the CDC, and he offers his expertise by serving on the proposed commission.

## **ITEM 9.2 (Continued)**

**Mario Tilaro** and **Ron Pennock** speak in support of the recommendation to appoint a Commission.

**Robert Putrus** indicates he has evaluated the report from Scott Barnett, and he questions whether appropriate business controls are in practice relative to accounting and operations. He recommends a quick review to supplement some of the points made by the CDC and Scott Barnett. He would like to know if policies and procedures are in place.

**Saad Hirmez** is a property owner in El Cajon and a newly appointed CDC Board Member. He expresses his opinion in support of the CDC and hopes the Commission will be comprised of a group of fair individuals.

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

- Brown Act requirements for Commission meetings;
- The lack of City clerical staff to support the Commission;
- A suggestion that each Councilmember nominate two members to the Commission;
- A suggestion that applications be accepted for the Commission and that **Council** consider extending the contracts with the CDC for a full year, while the process of the Commission takes place.

**MOTION BY LEWIS, SECOND BY KENDRICK, to Approve Item 9.2 and have each Councilmember report back with the names of two nominees and an alternate for the Blue Ribbon Commission.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

## **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.**

**10.2 LETTER FROM JAMES L. LAMBERT REQUESTING THE CITY COUNCIL  
OPPOSE PROP 19**

**DISCUSSION**

The following spoke in support of the request: **Councilmembers McClellan and Kendrick, Lee Lambert and Lorenzo Higley** (submitted a handout to Council).

**MOTION BY WELLS, SECOND BY KENDRICK, to Adopt Resolution  
No. 118-10 to oppose Proposition 19.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**11. LEGISLATIVE REPORT**

**11.1 League of California Cities Legislative Bulletins dated August 20 and 27,  
2010, and September 3, 2010 – *City Advocate Weekly***

**NO RECOMMENDED ACTION.**

**11.2 LEGISLATIVE REPORT (Report: Councilmember Hanson-Cox)**

**RECOMMENDATION:** That the **City Council** accept the Legislative Report provided and take appropriate action, if necessary.

**DISCUSSION**

**Councilmember Hanson-Cox** advises the report outlines legislation that has been or will continue to be monitored.

**NO RECOMMENDED ACTION.**

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

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



**14. ORDINANCES: SECOND READING AND ADOPTION – None**

**15. CLOSED SESSIONS:**

**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

Employee Organizations:  
El Cajon Professional Firefighters International Association of Fire  
Fighters Local 4603

**THROUGH EARLIER ACTION, ITEM 15.2 WAS REMOVED FROM THE AGENDA.**

**15.2**

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

Name of Case: City of El Cajon v. County of San Diego Local Agency Formation  
Commission  
Superior Court of California, County of Orange  
Case No. 06CC13348

**15.3**

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

Name of Case: Multibank 2009-1 RES-ADC Venture LLC, a Delaware limited  
liability company v. San Diego Community Housing Corporation,  
a California nonprofit benefit corporation; City of El Cajon, an  
incorporated city in the State of California; et al.

United States District Court Case No. 09-CV-2880-JLS (NJS)

**CLOSED SESSIONS: (Continued)**

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adjourn to Closed Session at 5:32 p.m.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**16. RECONVENE TO OPEN SESSION AT 5:53 P.M.**

**City Attorney Foley** reports the following actions:

- 15.1** Direction was given to the City's Labor Negotiators.
- 15.2** (Removed from Agenda)
- 15.3** Council gave direction to the City's Legal Counsel.

**Adjournment: Mayor Lewis** adjourned the Regular Joint Meeting of the City Council/ Redevelopment Agency held this 14<sup>th</sup> day of September 2010, at 5:54 p.m. to Tuesday, September 14, 2010, at 7:00 p.m.

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**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

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**SEPTEMBER 14, 2010**

An Adjourned Regular Joint Meeting of the City Council and Redevelopment Agency of the City of El Cajon, California, held Tuesday, September 14, 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, September 14, 2010, by order of the City Council and Redevelopment Agency.

#### **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 Foley, City Attorney/General Counsel Henry, City Manager/Executive Director Davies, Deputy 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 CONDITIONAL USE PERMIT NO. 2115 – 143 EAST MAIN STREET  
(Report: Director of Community Development)**

**RECOMMENDATION: That the City Council**

- Open the Public Hearing and receive testimony;
- Close the Public Hearing; and
- Move to adopt the next RESOLUTION in order approving Conditional Use Permit No. 2115, to allow on-sale alcoholic beverage sales, live entertainment, a reduction in required parking and ancillary banquet use in conjunction with a proposed restaurant at 143 East Main street, subject to conditions in Planning Commission Resolution No. 10627.

**DISCUSSION**

The Public Hearing is now Open.

**David Malikyar** and **Samir Mona** indicate they are present to answer any questions. **Mr. Malikyar** indicates the primary use will be as a restaurant, with banquet facilities if needed.

Discussion ensues among **Council, Staff** and the speakers concerning the following:

- The proposed uses as a restaurant and banquet facility;
- Hours of operation for the restaurant;
- Availability of funds to invest in the restaurant;
- Available parking spaces.

No further comments are offered.

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

**MOTION CARRIES BY UNANIMOUS VOTE.**

**MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adopt RESOLUTION NO. 119-10 approving Conditional Use Permit No.2115, to allow on-sale alcoholic beverage sales, live entertainment, a reduction in required parking and ancillary banquet use in conjunction with a proposed restaurant at 143 E. Main Street, subject to conditions in Planning Commission Resolution No. 10627.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**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 14th day of September 2010, at 7:50 p.m. to Tuesday, September 28, 2010, at 3:00 p.m.

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