

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

SEPTEMBER 28, 2010

An Adjourned Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, September 28, 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 September 14, 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 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 September 14, 2010, meetings and the Agenda of the September 28, 2010, meetings in accordance to State Law and Council/Agency Policy.

PRESENTATIONS:

- Proclamation – “German American Month”
- Neighborhood Watch Group Recognition
- Proclamation – “Community Planning Month”
- Proclamation – “Amateur Radio Awareness Week”
- Proclamation – Fire Prevention Week 2010, October 3 – 9
“Smoke Alarms: A Sound You Can Live With!”

Star Bales and **Sabah Bahnam** speak about the recent Chaldean-American Festival, and share a painting done by Mr. Bahnam.

*Recess called at 3:38 p.m.
Meeting called back to order at 3:44 p.m.*

AGENDA CHANGES: None

CONSENT ITEMS: (1.1 – 1.14)

MOTION BY LEWIS, SECOND BY MCCLELLAN, to approve Consent Items 1.1 to 1.4, 1.6 – 1.7, 1.9 and 1.14, pulling Items 1.5 and 1.8 as requested by MCCLELLAN, Item 1.10 as requested by HANSON-COX, and Items 1.11 – 1.13 as requested by MCCLELLAN and the public.

MOTION CARRIES BY UNANIMOUS VOTE.

1.1 MINUTES OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS

Approve Minutes of the September 14, 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.

CONSENT ITEMS: (Continued)

**1.4 GROSSMONT HEALTHCARE DISTRICT GRANT FUNDING
(Report: Fire Chief)**

1. Authorize the City Manager, or designee, to accept the Grossmont Healthcare Grant funds in the amount of \$32,540.00 and to execute any grant documents and agreements necessary for the receipt and use of these funds; and
2. Appropriate the Grossmont Healthcare Grant Program funds in the amount of \$32,540.00.

PULLED FOR DISCUSSION:

**1.5 RESOLUTION: AWARD OF BID NO. 009-11 – ASPHALT CONCRETE OVERLAY 2010 – VARIOUS LOCATIONS, Job Nos. 3306/3252
(Report: Purchasing Agent)**

RECOMMENDATION: That the **City Council** adopt the next RESOLUTION in order and award the bid to the lowest responsive bidder, Ramona Paving and Construction Corporation, in the amount of \$3,293,733.10.

1.6 RESOLUTION: AWARD OF BID NO. 005-11 – CONSTRUCTION OF THE HEARTLAND FIRE TRAINING FACILITY (HFTF) PARKING LOT IMPROVEMENTS, Job No. 3362 (Report: Purchasing Agent)

Adopt RESOLUTION NO. 121-10 and award the bid to the lowest responsive bidder, Kirk Paving, Inc., in the amount of \$182,172.64.

1.7 REQUEST FOR TEMPORARY SIGN TO PROMOTE FIRE PREVENTION WEEK AND FIRE SAFETY EXPO (Report: Fire Chief)

Approve the temporary use of a banner hung from the roofline of Fire Station 6, on the northeast corner of the building facing Douglas for the promotion of Fire Prevention week and the Fire Department Safety Expo.

CONSENT ITEMS: (Continued)

PULLED FOR DISCUSSION:

**1.8 REDEVELOPMENT AGENCY PROFESSIONAL SERVICES
(Report: Director of Community Development)**

RECOMMENDATION: That the Redevelopment Agency authorize the Executive Director to enter into a Professional Services Agreement with Rosenow Spevacek Group, Inc. ("RSG") for as-needed consulting services not to exceed \$50,000 per year, with four one-year renewal options.

**1.9 ACCEPTANCE OF PRESCOTT PROMENADE IMPROVEMENTS 2010,
Engineering Job No. 3293, Bid No. 020-10 (Report: Deputy City
Manager/Director of Public Works)**

Accept the project and authorize the City Clerk to record a Notice of Completion and release the bonds in accordance with the contract terms.

PULLED FOR DISCUSSION:

**1.10 RESOLUTION: AWARD OF BID NO. 004-11, LIGHTING UPGRADES FOR
SELECTED CITY OF EL CAJON FACILITIES, AMERICAN RECOVERY &
REINVESTMENT ACT (ARRA) GRANT, Job Nos. 3297/3299 (Report:
Purchasing Agent)**

RECOMMENDATION: That the City Council

1. Approve a budget adjustment to reallocate funds within the American Recovery & Reinvestment Act (ARRA) Grant and associated projects; and
2. Adopt the next RESOLUTION in order and award the bid to the lowest responsive bidder, Stars Electric, in the amount of \$399,377.29.

**(AT THE REQUEST OF JOHN GIBSON, AND IN ABSENCE OF OPPOSITION BY
AUDIENCE MEMBERS, COUNCIL TOOK ACTION, BY UNANIMOUS VOTE, TO
TRAIL ITEMS 1.11 THROUGH 1.13 FOR CONSIDERATION AFTER ITEM 9.2)**

**1.11 AMENDMENT OF PROFESSIONAL SERVICES AGREEMENT BUSINESS
RECRUITMENT AND RETENTION PROGRAM (Report: City Manager)**

RECOMMENDATION: That the Redevelopment Agency authorize the Executive Director, or designee, to amend the Professional Services Agreement between the El Cajon Redevelopment Agency and the El Cajon Community Development Corporation ("CDC") for administration of the Business Retention and Recruitment Program ("BRR").

CONSENT ITEMS: (Continued)

(ITEMS 1.11 THROUGH 1.13 - TRAILED FOR CONSIDERATION AFTER ITEM 9.2)

1.12 AMENDMENT OF PROFESSIONAL SERVICES AGREEMENT FAÇADE AND DESIGN IMPROVEMENT PROGRAM (Report: City Manager)

RECOMMENDATION: That the **Redevelopment Agency** authorize the Executive Director, or designee, to amend the Professional Services Agreement between the El Cajon Redevelopment Agency and the El Cajon Community Development Corporation ("CDC") for administration of the Façade and Design Improvement Program.

(ITEMS 1.11 THROUGH 1.13 - TRAILED FOR CONSIDERATION AFTER ITEM 9.2)

1.13 AMENDMENT OF PROFESSIONAL SERVICES AGREEMENT NEIGHBORHOOD STABILIZATION PROGRAM (Report: City Manager)

RECOMMENDATION: That the **Redevelopment Agency** authorize the Executive Director, or designee, to amend the Professional Services Agreement between the El Cajon Redevelopment Agency and the El Cajon Community Development Corporation ("CDC") for administration of the Neighborhood Stabilization Program.

1.14 U. S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AWARD 2010 (Report: Chief of Police)

1. Authorize the City Manager, or designee, to accept the 2010 U. S. Department of Justice Assistance Grant in the total amount of \$54,280, and to execute any grant documents and agreements necessary for the receipt and use of these funds; and
2. Appropriate \$54,280 for the 2010 U. S. Department of Justice Assistance Grant for the purchase of Simunition Training equipment, Recruitment equipment, additional Tasers and additional P25 Compliant handheld police radios.

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CONSENT ITEMS PULLED FOR DISCUSSION:

1.5 RESOLUTION: AWARD OF BID NO. 009-11 – ASPHALT CONCRETE OVERLAY 2010 – VARIOUS LOCATIONS, Job Nos. 3306/3252 (Report: Purchasing Agent)

RECOMMENDATION: That the **City Council** adopt the next RESOLUTION in order and award the bid to the lowest responsive bidder, Ramona Paving and Construction Corporation, in the amount of \$3,293,733.10.

DISCUSSION

In response to the question by **Councilmember McClellan, Director of Public Works Turner** indicates the project will include Third Avenue.

No further comments are made.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adopt RESOLUTION NO. 120-10 and award the bid to the lowest responsive bidder, Ramona Paving and Construction Corporation, as recommended by Staff.

MOTION CARRIES BY UNANIMOUS VOTE.

1.8 REDEVELOPMENT AGENCY PROFESSIONAL SERVICES (Report: Director of Community Development)

RECOMMENDATION: That the **Redevelopment Agency** authorize the Executive Director to enter into a Professional Services Agreement with Rosenow Spevacek Group, Inc. (“RSG”) for as-needed consulting services not to exceed \$50,000 per year, with four one-year renewal options.

DISCUSSION

In response to questions by **Councilmember McClellan, City Manager Henry** discusses the advantages for continuing the agreement with the same company that has been utilized by the City since 1986. She adds that a bid process is not required for professional service agreements.

No further comments are made.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Approve Item 1.8

MOTION CARRIES BY UNANIMOUS VOTE.

CONSENT ITEMS PULLED FOR DISCUSSION: (Continued)

1.10 RESOLUTION: AWARD OF BID NO. 004-11, LIGHTING UPGRADES FOR SELECTED CITY OF EL CAJON FACILITIES, AMERICAN RECOVERY & REINVESTMENT ACT (ARRA) GRANT, Job Nos. 3297/3299 (Report: Purchasing Agent)

RECOMMENDATION: That the City Council

1. Approve a budget adjustment to reallocate funds within the American Recovery & Reinvestment Act (ARRA) Grant and associated projects; and
2. Adopt the next RESOLUTION in order and award the bid to the lowest responsive bidder, Stars Electric, in the amount of \$399,377.29.

DISCUSSION

In response to questions by **Councilmember Hanson-Cox, Director of Public Works Turner** indicates the contract is at a firm, fixed price and it is unlikely a contingency would be needed, however, sufficient funds are available if required.

MOTION BY LEWIS, SECOND BY HANSON-DOX, to Approve Item 1.10 and Adopt RESOLUTION NO. 122-10 and award the bid to the lowest responsive bidder, Stars Electric, in the amount of \$399,377.29

MOTION CARRIES BY UNANIMOUS VOTE.

PUBLIC COMMENT:

Sean Oliver, representing Set Free and the East County Transitional Living Center, thanks **Council** for their continued support and gives an overview of the services offered by Set Free, to those in need.

Chris Abruzzesa shares his experiences about his rehabilitation from drug abuse and the support and services provided to him by Set Free.

John McTighe informs that the last regular car show of this season will take place tomorrow, Wednesday, September 29th. He distributes a new video promoting the downtown area.

Sunshine Horton speaks about the need for politicians in Washington to come together for the good of the people.

Bob McClellan speaks about the history of Princeton University.

2. WRITTEN COMMUNICATIONS:

- 2.1 Letter from Karen Azhocar McManus, President, Mother Goose Parade Association, requesting support from the City and any monetary support they can provide.**

DISCUSSION

Karen Azcohar McManus introduces members of the **Mother Goose Parade Association** and indicates that any donation from the City will be greatly appreciated.

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

- The City's current budgetary constraints;
- A suggestion by **Councilmember Hanson-Cox** that the City contribute \$10,000 rather than in-kind donations;
- The need for Police patrols at the parade;
- Post-parade clean up;
- Previous in-kind donations by the City at an average/approximate value of \$35,000.

No one else comes forward to speak.

MOTION BY LEWIS, SECOND BY WELLS, to Direct the City Manager to allocate funds to donate \$10,000 and available in-kind services that have been provided in the past.

MOTION CARRIES BY UNANIMOUS VOTE.

3. PUBLIC HEARINGS: None

4. ADMINISTRATIVE REPORTS:

- 4.1 2011 CALENDAR OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS (Report: City Clerk)**

RECOMMENDATION: That the City Council review the calendar and proposed schedule for City Council/Redevelopment Agency Meetings in 2011 and make any appropriate modifications or accept as presented.

ITEM 4.1 (Continued)

DISCUSSION

In response to questions by **Councilmember McClellan**, **City Manager Henry** indicates that during the months of November and December, the number of Agenda items slows down considerably, and Staff has recommended one **Council** meeting for each of those months.

No further comments are made.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Accept the 2011 Calendar of Council/Redevelopment Agency Meetings as presented by Staff.

MOTION CARRIES BY UNANIMOUS VOTE.

4.2 RESOLUTION: NO PARKING ZONE – 1090 BROADWAY (Super Star Gas Station) (Report: Deputy City Manager/Director of Public Works)

RECOMMENDATION: That the City Council adopt the next RESOLUTION in order to establish the following “No Parking” Zone:

Along the northerly curblineline of Broadway, beginning at a point 35 feet west of the westerly extended curblineline of First Street, thence westerly a distance of 78 feet.

DISCUSSION

No one comes forward to speak.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adopt RESOLUTION NO. 123-10 to establish the “No Parking” Zone per Staff recommendation.

MOTION CARRIES BY UNANIMOUS VOTE.

4.3 RESOLUTION: NO PARKING ZONE – 850 West Bradley Avenue (Precision Metal Products) (Report: Deputy City Manager/Director of Public Works)

RECOMMENDATION: That the City Council adopt the next RESOLUTION in order to establish the following “No Parking” Zone:

Along the northerly curblineline of Bradley Avenue, beginning at the easterly property line, thence westerly a distance of 115 feet.

DISCUSSION

No one comes forward to speak.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adopt RESOLUTION NO. 124-10 to establish the “No Parking” Zone per Staff recommendation.

MOTION CARRIES BY UNANIMOUS VOTE.

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 SANDAG Board of Directors Policy Agenda – September 10, 2010

6.2 LAFCO Bulletin – August-September 2010

6.3 Local Agency Formation Commission Agenda – September 13, 2010

6.4 SANDAG - The PSC Dispatch – Summer 2010

6.5 SANDAG Public Safety Committee Agenda – September 17, 2010

6.6 Indian Gaming Local Community Benefit Committee County of San Diego FY 2010-2011 – September 16, 2010

REPORTS AS STATED.

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 - Verbal Report

Councilmember Hanson-Cox indicates she distributed a written report prior to this meeting and speaks about the display booth the City had at the International Conference of Shopping Centers.

9.

COUNCILMEMBER GARY KENDRICK

Heartland Communications JPA; Heartland Fire Training JPA.

9.1 Council Activities Report

REPORT AS STATED.

In response to the question by **Councilmember Kendrick, Director of Public Works Turner** indicates the new directional signs are currently being installed throughout the downtown area.

REPORTS OF COUNCILMEMBERS (Continued)

9.2 Appointment by Councilmembers of Committee to Investigate the Performance and Effectiveness of the El Cajon Community Development Corporation (CDC)

DISCUSSION

Mayor Lewis indicates a written communication received regarding this Item was distributed to **Council**.

Tony Sottile comments on the report by Scott Barnett, stating that he feels the CDC must gain the trust of the City, and full funding should not be provided until they have proven results.

Ron Pennock speaks about the problems with doing “business as usual”, and expresses his opinion about Frank Spevacek, a consultant hired previously by the City. He is pleased to see that Council will appoint an oversight commission and looks forward to hearing the findings by the Blue Ribbon Commission.

Mario Tilaro expresses concerns about the procedures followed by the CDC and comments about the previous Wisconsin project. He recommends an evaluation of the CDC’s procedures prior to funding the contracts.

John Gibson informs that he submitted a written document to **Council**. He states that after having submitted requests for records, he has been unable to get a clear answer to his question on when the PBID (Property Business Improvement District) tax expires. He comments that local businessmen have made big investments in this area and should be afforded the opportunity to make suggestions on how to best implement expansion of businesses in the downtown area.

In response to the question by **Mr. Gibson**, **City Attorney Foley** said he believes the PBID goes to the end of the year 2011.

Phillip Chodur, a developer for over 30 years, feels that not much has happened with the CDC over the past 10 years, and that this is a good opportunity for a change in direction, to get the proper accounting, and bring together the business community, **City Staff** and **Council**, to make something happen with regard to business proposals in the downtown area.

ITEM 9.2 (Continued)

Nominees are announced by **Councilmembers** as follows:

| Nominated by: | Commissioners | Alternate |
|--------------------------|--|------------------|
| Mayor Lewis | Ron Pennock (Temporary Chair) Robert Putrus | Brian Caster |
| Councilmember Kendrick | Daryl Priest Jerry Turchin | Mario Tilaro |
| Councilmember Hanson-Cox | Gabe Marrujo Keith Anderson | Odie Goward |
| Councilmember McClellan | Darrin Mroz Tony Ambrose | John Gibson |
| Mayor Pro Tem Wells | Mark Roback John Gibson | Rick Alexander |

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Accept the nominations to serve as members of the Commission, and have the Commission report their findings within 120 days, and to direct the City Manager’s office to assist in setting up the first meeting.

MOTION CARRIES BY UNANIMOUS VOTE.

(THROUGH EARLIER ACTION, ITEMS 1.11 THROUGH 1.13 ARE BEING CONSIDERED AFTER ITEM 9.2)

1.11 AMENDMENT OF PROFESSIONAL SERVICES AGREEMENT BUSINESS RECRUITMENT AND RETENTION PROGRAM (Report: City Manager)

RECOMMENDATION: That the **Redevelopment Agency** authorize the Executive Director, or designee, to amend the Professional Services Agreement between the El Cajon Redevelopment Agency and the El Cajon Community Development Corporation (“CDC”) for administration of the Business Retention and Recruitment Program (“BRR”).

DISCUSSION

Mayor Lewis indicates that discussion and actions for Items 1.11 through 1.13 will take place at the same time.

Councilmember McClellan states that he will agree to only a six-month term for the contracts.

ITEM 1.11 (Continued)

John McTighe, representing the El Cajon Community Development Corporation (CDC), urges Council to accept the recommendation by Staff to continue the contracts for a full year. He indicates they will be happy to answer any questions, as they have at Council Workshops and previous Council meetings.

John Gibson expresses his opinion that the \$550,000 covering these three items was overbid by about \$200,000. He feels that City staff should be able to handle the services covered by the contracts.

Sharon Dobbins, CDC Board Member, comments about the \$30,000 paid to Scott Barnett, and speaks in support of the CDC and the services they provide.

Ron Pennock indicates he will accept the responsibility of serving on the Commission. He comments about the loss of sales tax revenue due to the lack of businesses in the City and questions the amount of money going towards administration of the three programs, versus actual cost for the programs. He feels an evaluation of the CDC should be done before an additional six months of funding is approved.

Sharmista Mitra-Kelly, an El Cajon resident and volunteer CDC Board Member, speaks in support of the recommendation by **Staff**.

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

- Continue contract funding for fiscal year while Commission does its work;
- Await findings from the Blue Ribbon Commission prior to extending the contracts an additional six months;
- Honor commitments made to businesses for the full year.

Cindi Fargo, President and CEO of the CDC, states there may have been a lack of communication over time, and that this is an opportunity to examine operations and to find out how they can function more efficiently. In response to questions by **Mayor Lewis**, she indicates the CDC will open their books and give their full cooperation to City Staff and citizens.

No further comments are made.

MOTION BY LEWIS, SECOND BY HANSON-COX, to Approve Items 1.11, 1.12 and 1.13 as recommended by Staff.

MOTION CARRIES. (KENDRICK AND MCCLELLAN – NO)

1.12 AMENDMENT OF PROFESSIONAL SERVICES AGREEMENT FAÇADE AND DESIGN IMPROVEMENT PROGRAM (Report: City Manager)

Authorize the Executive Director, or designee, to amend the Professional Services Agreement between the El Cajon Redevelopment Agency and the El Cajon Community Development Corporation (“CDC”) for administration of the Façade and Design Improvement Program.

NOTE: DISCUSSION AND ACTION FOR THIS ITEM TOOK PLACE UNDER ITEM 1.11 ABOVE, WITH THE APPROVAL AS FOLLOWS:

MOTION BY LEWIS, SECOND BY HANSON-COX, to Approve Items 1.11, 1.12 and 1.13 as recommended by Staff.

MOTION CARRIES. (KENDRICK AND MCCLELLAN – NO)

1.13 AMENDMENT OF PROFESSIONAL SERVICES AGREEMENT NEIGHBORHOOD STABILIZATION PROGRAM (Report: City Manager)

RECOMMENDATION: That the Redevelopment Agency authorize the Executive Director, or designee, to amend the Professional Services Agreement between the El Cajon Redevelopment Agency and the El Cajon Community Development Corporation (“CDC”) for administration of the Neighborhood Stabilization Program.

NOTE: DISCUSSION AND ACTION FOR THIS ITEM TOOK PLACE UNDER ITEM 1.11 ABOVE, WITH THE APPROVAL AS FOLLOWS:

MOTION BY LEWIS, SECOND BY HANSON-COX, to Approve Items 1.11, 1.12 and 1.13 as recommended by Staff.

MOTION CARRIES. (KENDRICK AND MCCLELLAN – NO)

REPORTS OF COUNCILMEMBERS (Continued)

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 September 10, 2010 – *City Advocate Weekly*

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 Organization:

El Cajon Professional Firefighters International Association of Fire
Fighters Local 4603

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, et al. (Home Depot Appeal)
Superior Court of California, County of Orange
Case No. 06CC13348

City Attorney Foley indicates that he must disqualify himself from the discussion on Item 15.2 due to a conflict of interest.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adjourn to Closed Session at 5:39 p.m.

MOTION CARRIES BY UNANIMOUS VOTE.

16. RECONVENE TO OPEN SESSION AT 6:06 P.M.

City Manager Henry reports the following actions:

- 15.1 A status report was given.**
- 15.2 Council gave direction to the City's Legal Counsel regarding the existing litigation.**

Adjournment: Mayor Lewis adjourned the Adjourned Regular Joint Meeting of the City Council/ Redevelopment Agency held this 28th day of September 2010, at 6:07 p.m. to Tuesday, September 28, 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

SEPTEMBER 28, 2010

An Adjourned Regular Joint Meeting of the City Council and Redevelopment Agency of the City of El Cajon, California, held Tuesday, September 28, 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 28, 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 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: None

PUBLIC HEARINGS:

100 APPEAL OF PLANNING COMMISSION DECISION TO DENY AN AMENDMENT OF CONDITIONAL USE PERMIT NO. 182 TO ALLOW OFF-SALE BEER AND WINE – 500 North Second Street (Report: Director of Community Development)

RECOMMENDATION: That the City Council

- Open the Public Hearing and receive testimony;
- Close the Public Hearing; and
- Adopt the next RESOLUTION in order upholding the appeal and approving Amendment of Conditional Use Permit No. 182 allowing off-sale beer and wine, subject to conditions.

DISCUSSION

Mayor Lewis announces the Public Hearing is now Open.

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

Councilmember McClellan agrees with the conditions proposed by **Staff**.

Councilmember Hanson-Cox feels the applicant should purchase a second liquor license along Second Street.

Jennifer Hill, representing the Alcohol Beverage Control (ABC), comments on the proposal by the applicant and clarifies that the ABC has no enforceability over the agreements made with the applicant to purchase a second Type 20 license, and then cancel it. She adds there is the possibility that the ABC may not approve a license application.

Sherrie Olson, representing On the Go Gas, indicates they seek to become a branded, Circle K location. She submits letters from nearby businesses in support of the application.

Discussion ensues with **Council, Staff** and **Ms. Olson** concerning:

- Improvements that have been made to the site;
- The benefits to having one less liquor license in a high crime area;
- The feasibility of the applicant purchasing a second license along Second Street.

ITEM 100 (Continued)

Ms. Hill returns to the podium to answer additional questions by **Council** and **Staff**. She indicates the statutory moratorium applies to Type 20 licenses, and informs that a Type 21 license cannot be downgraded to a Type 20 and vice versa.

Sandy Pujji requests the conditional use permit be extended from a one year to a three-year period.

Further discussion ensues among **Council** and **Staff** concerning changes to the conditions of approval regarding Type 20 and Type 21 licenses, and extending the term of the conditional use permit.

Councilmember Hanson-Cox indicates she will not support approval of this item as proposed.

No further comments are offered.

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

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY KENDRICK, to Adopt RESOLUTION NO. 125-10 upholding the appeal and approving Amendment of Conditional Use Permit No. 182 allowing off-sale beer and wine, subject to conditions, amending Conditions 2.a. and 2.b. to allow an existing Type 20 or 21 license to be purchased within the census tract and then cancelled, and Condition 10, changing the time limit to satisfy the conditions from “within one year” to “within three years” of approval.

MOTION CARRIES. (HANSON-COX – No)

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 28th day of September 2010, at 7:45 p.m. to Tuesday, October 12, 2010, at 3:00 p.m.

KATHIE J. RUTLEDGE, CMC
City Clerk/Secretary