

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

DECEMBER 14, 2010

A Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, December 14, 2010, was called to order by Mayor/Chair Mark Lewis at 2:00 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 November 9, 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).

T.J. Kendrick sings Amazing Grace.

POSTINGS: The City Clerk posted Orders of Adjournment of the November 9, 2010, meetings and the Agenda of the December 14, 2010, meetings in accordance to State Law and Council/Agency Policy.

- **NOVEMBER 2, 2010, GENERAL MUNICIPAL ELECTION – CERTIFICATE OF RESULTS OF CANVASS**

The City Clerk recites the results of the Canvass of the Election for a Mayor and one Councilmember of the City Council.

- **RESOLUTION: DECLARING OFFICIAL RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 2, 2010**

RECOMMENDATION: That the City Council adopt the next RESOLUTION in order declaring the results of the Election and other matters as required by law.

MOTION BY LEWIS, SECOND BY WELLS, to Adopt RESOLUTION NO. 143-10 declaring the results of the Election and other matters as required by law.

MOTION CARRIES BY UNANIMOUS VOTE.

- **OATH OF OFFICE ADMINISTERED TO MARK LEWIS**
Remarks by Mayor Lewis
- **OATH OF OFFICE ADMINISTERED TO COUNCILMEMBER KENDRICK**
Remarks by Councilmember Kendrick
- **RECESS CALLED AT 2:30 P.M.**
- **RECEPTION IN CITY HALL LOBBY**
- **MEETING RECONVENED AT 3:15 P.M.**
- **ROLL CALL OF NEWLY SEATED MAYOR AND COUNCILMEMBER**

PRESENTATIONS:

- Introduction of Teen Coalition

AGENDA CHANGES:

THE CONSENSUS OF COUNCIL AGREES TO REMOVE ITEM 1.15 FROM THE AGENDA AS REQUESTED BY STAFF, AND TO ADD GENERAL INFORMATION ITEMS A AND B TO THE AGENDA UNDER ITEM 12, AS REQUESTED BY COUNCILMEMBER HANSON-COX.

CONSENT ITEMS: (1.1 – 1.27)

MOTION BY LEWIS, SECOND BY HANSON-COX, to approve Consent Items 1.1 to 1.3, 1.6. 1.8 to 1.11, 1.13 to 1.25, and 1.27, pulling Items 1.4 as requested by HANSON-COX and the public, 1.5 as requested by LEWIS, 1.7 as requested by HANSON-COX, 1.12 as requested by MCCLELLAN and 1.26 as requested by HANSON-COX.

MOTION CARRIES BY UNANIMOUS VOTE.

1.1 MINUTES OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS

Approve Minutes of the November 9, 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)

PULLED FOR DISCUSSION:

- 1.4 RESOLUTION: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON IMPLEMENTING THE CITY'S LAST, BEST, AND FINAL OFFER TO THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 4603 DATED JULY 12, 2010**

RECOMMENDATION: That the City Council adopt the next RESOLUTION in order implementing the City's last, best, and final offer to the International Association of Firefighters Local 4603 dated July 12, 2010.

PULLED FOR DISCUSSION:

- 1.5 RESOLUTIONS: A RESOLUTION AMENDING THE AMOUNT OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR LOCAL SAFETY EMPLOYEES AND REPORTING SAME TO PERS AS SPECIAL COMPENSATION PAID TO EMPLOYEES, AND A RESOLUTION TO DEFER TAXES ON MEMBER PAID CONTRIBUTIONS PAID BY ALL LOCAL MISCELLANEOUS EMPLOYEES AND ALL PUBLIC SAFETY EMPLOYEES (Report: Director of Human Resources)**

RECOMMENDATION: That the City Council adopt the next RESOLUTIONS in order as above referenced.

- 1.6 APPROVAL OF AGREEMENT WITH SAN DIEGO COUNTY – GRAFFITI TRACKER PROGRAM (Report: Director of Community Development)**

Approve the agreement with San Diego County to participate in the Graffiti Tracker Program and use Proposition 172 Funding available in Budget Activity #224280 for this purpose.

PULLED FOR DISCUSSION:

- 1.7 RESOLUTION: CONDITIONAL USE PERMIT NO. 2126 – SIGN EXCEPTION REQUEST (Report: Director of Community Development)**

RECOMMENDATION: That the City Council adopt the next RESOLUTION in order approving proposed awning signs to project over the public right-of-way at 110 North Magnolia Avenue.

CONSENT ITEMS: (Continued)

1.8 JOINT LAW ENFORCEMENT OPERATION WITH THE UNITED STATES MARSHAL'S SERVICE – FUGITIVE APPREHENSION TASK FORCE (Report: Chief of Police)

1. Authorize the City Manager, or designee, to execute the documents necessary for the El Cajon Police Department to participate on the United States Marshal's Service (USMS) Fugitive Task Force and accept equipment and reimbursements provided for that participation.
2. Accept a 2011 Chevrolet 1500 Silverado Crew Cab Pick-Up for use during task force operations, and other police-related activities.
3. Appropriate \$24,000 for overtime, vehicle outfitting, and vehicle operation and maintenance expenses to be paid for from the Task Force.

1.9 ACCEPTANCE OF NORTH JOHNSON AVENUE DEMOLITION, Engineering Job No. 3317, Bid No. 019-10 (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.

1.10 APPROVE AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES FOR TRAFFIC SIGNAL SYSTEM UPGRADES, Engineering Job No. 3347 (Report: Deputy City Manager/Director of Public Works)

Authorize the City Manager, or designee, to execute an Agreement for Professional Services between the City of El Cajon and Stack Traffic Consulting for the City's Traffic Signal System Upgrades, Job No. 3347. The consulting fee for professional engineering services is a not-to-exceed amount of \$27,600.00.

1.11 FY 2010 URBAN AREA SECURITY INITIATIVE GRANT FUNDING (Report: Fire Chief)

1. Authorize the City Manager, or designee, to accept the FY 2010 Urban Area Security Initiative Grant funds in the amount of \$175,000.00 and to execute any grant documents and agreements necessary for the receipt and use of these funds; and
2. Appropriate the Urban Area Security Initiative Grant Program funds in the amount of \$175,000.00.

CONSENT ITEMS: (Continued)

PULLED FOR DISCUSSION:

1.12 FISCAL YEAR 2009-10 FINANCIAL STATEMENTS AND RELATED REPORTS (Report: Director of Community Development)

RECOMMENDATION: That the **Redevelopment Agency** review and accept the Annual Financial Report of the Redevelopment Agency of the City of El Cajon and other mandated reports, substantially in the form as presented for fiscal year ending June 30, 2010. As the reports attached to the Agenda Report are in final draft form, staff further recommends the Redevelopment Agency authorize the Executive Director to make any necessary changes prior to submission to the California Department of Housing and Community Development (HCD).

1.13 HOLIDAY CLOSURE OF CITY HALL, PUBLIC WORKS YARD, RECREATION CENTERS AND FIRE ADMINISTRATION (Report: Director of Human Resources)

Approve the closure of the above-named City facilities on December 27, December 28 and December 29, 2010.

1.14 RESOLUTION: STATE-MANDATED INCREASE IN CIVIL PENALTIES FOR PARKING VIOLATIONS ESTABLISHED BY THE CITY; AND REVISION OF MASTER VIOLATION TABLE FOR CITY OF EL CAJON TO REFLECT THE INCREASE (Report: Chief of Police)

Adopt RESOLUTION NO. 148-10 to increase the City's civil penalties for all non-court parking violations by an additional \$3.00 and amend the Master Violation Table for City of El Cajon to reflect the increase.

1.15 ACCEPTANCE OF INSTALLATION OF PROTECTED-PERMISSIVE LEFT TURN SIGNALS AT MAGNOLIA AVENUE INTERSECTIONS WITH WELLS AVENUE, DOUGLAS AVENUE AND LEXINGTON AVENUE, Bid No. 035-10, Engineering Job No. 3134 (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.

CONSENT ITEMS: (Continued)

1.16 AUTHORIZATION FOR INDEPENDENT FORENSIC SERVICES – SEXUAL ASSAULT EXAMINATIONS AGREEMENT (Report: Chief of Police)

Authorize the City Manager, or designee, to negotiate a one-year Agreement for Sexual Assault Examinations by Independent Forensic Services, with the option to renew for four additional one-year periods. The cost for the first year is \$12,500.00.

1.17 PURCHASE OF DISPATCH CENTER FURNITURE (Report: Purchasing Agent)

Authorize the Purchasing Agent in accordance with Municipal Code 3.20.010(C)(5) to execute a purchase agreement with Russ Bassett Corporation for the purchase of Dispatch Center furniture.

1.18 RESOLUTION: AWARD OF BID NO. 016-11 – DIGITAL IN-CAR VIDEO SYSTEM (Report: Purchasing Agent)

Adopt RESOLUTION NO. 149-10 and award the bid to the lowest responsive bidder, WatchGuard Video, in the amount of \$97,776.28.

1.19 AUCTION OF SURPLUS PROPERTY (Report: Purchasing Agent)

Declare the property listed in the attachment to the Agenda Report as surplus in accordance with policy.

1.20 ACCEPTANCE OF INSTALLATION OF WAYFINDING SIGNS AT VARIOUS LOCATIONS, Engineering Job No. 3248, Bid No. 017-10 (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.

CONSENT ITEMS: (Continued)

1.21 RESOLUTIONS: RENETTE COMMUNITY CENTER RENOVATION, Engineering Job No. 3299, Bid No. 023-11 (Report: Deputy City Manager/Director of Public Works)

Adopt RESOLUTION NO.150-10 to approve Plans and Specifications and RESOLUTION NO.151-10 to direct publication of the Notice Inviting Sealed Bids to be opened on February 3, 2011.

1.22 RESOLUTION: CONSTRUCTION OF PLAYGROUND AT FLETCHER HILLS PARKS, BID NO. 015-11 (Report: Purchasing Agent)

Adopt RESOLUTION NO. 152-10 to reject all bids and authorize rebidding with revised specifications.

1.23 AWARD OF RFP NO. 010-11, SECURITY SERVICES (Report: Purchasing Agent)

Authorize the City Manager, or designee, to enter into a Security Services Agreement with Heritage Security Services for an initial one-year term with the option to renew for four additional one-year periods.

1.24 RESOLUTION: AMENDMENT TO THE EL CAJON STANDARD URBAN STORM WATER MITIGATION PLAN (Report: Deputy City Manager/Director of Public Works)

Adopt RESOLUTION NO. 153-10 to approve the amendment of the Countywide Model Standard Urban Storm Water Mitigation Plan (SUSMP) to include the new Hydromodification Plan (HMP).

1.25 RESOLUTION: MISCELLANEOUS FENCE /GUARDRAIL REPAIR AND INSTALLATION, BID NO. 018-11 (Report: Purchasing Agent)

Adopt RESOLUTION NO. 154-10 to reject all bids and authorize rebidding with revised specifications.

CONSENT ITEMS: (Continued)

PULLED FOR DISCUSSION:

**1.26 CONTRACT CHANGE ORDER WITH LEDCOR CONSTRUCTION, INC.
(Report: Deputy City Manager/Director of Public Works)**

RECOMMENDATION: That the City Council

1. Approve an increase in the scope of work for the construction of the Public Safety Facility to construct Plaza Improvements at the Superblock Plaza;
2. Approve Contract Change Order Authority for \$2,172,000 for the contract with Ledcor Construction, Inc. that was awarded on February 24, 2009;
3. Appropriate Redevelopment 2005 bond proceeds in the amount of \$825,400 from the Unrestricted Fund Balance (Fund 590); and
4. Increase the expenditure budget in the Redevelopment Capital Funds Activity/Project No. 590900-RDR0708 for FY2010-11 per the Capital Improvement Project budget sheet attached to the Agenda Report.

1.27 AGREEMENT FOR SPECIAL SERVICES (Report: Director of Human Resources)

Approve the Agreement with Liebert Cassidy Whitmore for labor relations services.

CONSENT ITEMS PULLED FOR DISCUSSION:

1.4 RESOLUTION: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON IMPLEMENTING THE CITY'S LAST, BEST, AND FINAL OFFER TO THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 4603 DATED JULY 12, 2010

RECOMMENDATION: That the City Council adopt the next RESOLUTION in order implementing the City's last, best, and final offer to the International Association of Firefighters Local 4603 dated July 12, 2010.

DISCUSSION

Tom Hamma, representing the El Cajon Firefighters Labor Board, requests removal of the provision for elimination of vacation in lieu of holidays (10.9 hours), in order to be equitable, as this provision was not imposed for Police.

ITEM 1.4 (Continued)

Discussion ensues among **Council** on whether or not to give the holiday hours back to Fire, so as to make it the same as with Police.

Mayor Lewis comments that all holidays should be celebrated by all employees and that he is against the 2% contribution to PERS (Public Employees Retirement System), and he will vote against this Item.

In response to questions by **Council**, **City Manager Henry** indicates that **Council** agreed to declare the impasse at the November 9th meeting, and that the Police Department settled in July and have been paying the 2% contribution to PERS. As an agreement has not been made with the Fire Department, it has cost the City approximately \$75,000 towards PERS contributions. She adds that Municipal Employees previously gave up two holidays.

City Attorney Foley clarifies that **Council's** legal options are to impose the City's Last, Best, and Final Offer, or not, or to go back for negotiation.

Mayor Lewis reminds that Fire employees helped to promote Prop O, and suggests another 60 or 30-day negotiation session.

Mayor Pro Tem Wells states that **Council** should continue on course and approve the Resolution.

In response to questions by **Councilmember Kendrick**, **City Attorney Foley** indicates that with the approval of the Minutes from the Nov. 9, 2010 meeting, **Council** has already imposed the City's Last, Best, and Final Offer.

MOTION BY LEWIS to Continue the Item for 30 days.

MOTION FAILS DUE TO LACK OF A SECOND.

Councilmember Hanson-Cox agrees with the impasse and **Council's** action from Nov 9th.

Councilmember McClellan states that the City, Fire and Police were unable to come to an agreement at the same time, and if more money were available, he would agree to give it to safety employees.

No further comments are made.

ITEM 1.4 (Continued)

MOTION BY MCCLELLAN, SECOND BY WELLS, to ADOPT RESOLUTION NO. 144-10 implementing the City's last, best, and final offer to the International Association of Firefighters Local 4603 dated July 12, 2010.

MOTION CARRIES. (LEWIS – NO).

- 1.5 RESOLUTIONS: A RESOLUTION AMENDING THE AMOUNT OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR LOCAL SAFETY EMPLOYEES AND REPORTING SAME TO PERS AS SPECIAL COMPENSATION PAID TO EMPLOYEES, AND A RESOLUTION TO DEFER TAXES ON MEMBER PAID CONTRIBUTIONS PAID BY ALL LOCAL MISCELLANEOUS EMPLOYEES AND ALL PUBLIC SAFETY EMPLOYEES (Report: Director of Human Resources)**

RECOMMENDATION: That the City Council adopt the next RESOLUTIONS in order as above referenced.

DISCUSSION

Mayor Lewis indicates he has an understanding of the report and will be voting "no".

No further comments are made.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to ADOPT RESOLUTION NO. 145-10 AMENDING THE AMOUNT OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR LOCAL SAFETY EMPLOYEES AND REPORTING SAME TO PERS AS SPECIAL COMPENSATION PAID TO EMPLOYEES AND RESOLUTION NO. 146-10 TO DEFER TAXES ON MEMBER PAID CONTRIBUTIONS PAID BY ALL LOCAL MISCELLANEOUS EMPLOYEES AND ALL PUBLIC SAFETY EMPLOYEES.

MOTION CARRIES. (LEWIS – NO)

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CONSENT ITEMS PULLED FOR DISCUSSION: (Continued)

1.7 RESOLUTION: CONDITIONAL USE PERMIT NO. 2126 – SIGN EXCEPTION REQUEST (Report: Director of Community Development)

RECOMMENDATION: That the City Council adopt the next RESOLUTION in order approving proposed awning signs to project over the public right-of-way at 110 North Magnolia Avenue.

DISCUSSION

In response to the question by **Councilmember Hanson-Cox, Director of Community Development Ayres** indicates the applicant wishes to change the awning color to green in order to be more compatible with the surrounding awnings. She feels the applicant would agree to another color if green is unacceptable to **Council**.

No further comments are made.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to ADOPT RESOLUTION NO. 147-10 approving proposed awning signs to project over the public right-of-way at 110 North Magnolia Avenue.

MOTION CARRIES BY UNANIMOUS VOTE.

1.12 FISCAL YEAR 2009-10 FINANCIAL STATEMENTS AND RELATED REPORTS (Report: Director of Community Development)

RECOMMENDATION: That the Redevelopment Agency review and accept the Annual Financial Report of the Redevelopment Agency of the City of El Cajon and other mandated reports, substantially in the form as presented for fiscal year ending June 30, 2010. As the reports attached to the Agenda Report are in final draft form, staff further recommends the Redevelopment Agency authorize the Executive Director to make any necessary changes prior to submission to the California Department of Housing and Community Development (HCD).

DISCUSSION

In response to questions by **Councilmember McClellan** concerning possible allocations to the Greenovation project, **Director of Community Development Ayres** states there is approximately \$9 million in programs in cash/liquid assets right now, and another project will be forthcoming in June to create affordable housing.

ITEM 1.12 (Continued)

City Manager Henry states this is a mid-year report and additional allocations may be possible.

No further comments are made.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to ACCEPT the reports.

MOTION CARRIES BY UNANIMOUS VOTE.

**1.26 CONTRACT CHANGE ORDER WITH LEDCOR CONSTRUCTION, INC.
(Report: Deputy City Manager/Director of Public Works)**

RECOMMENDATION: That the City Council

1. Approve an increase in the scope of work for the construction of the Public Safety Facility to construct Plaza Improvements at the Superblock Plaza;
2. Approve Contract Change Order Authority for \$2,172,000 for the contract with Ledcor Construction, Inc. that was awarded on February 24, 2009;
3. Appropriate Redevelopment 2005 bond proceeds in the amount of \$825,400 from the Unrestricted Fund Balance (Fund 590); and
4. Increase the expenditure budget in the Redevelopment Capital Funds Activity/Project No. 590900-RDR0708 for FY2010-11 per the Capital Improvement Project budget sheet attached to the Agenda Report.

DISCUSSION

Councilmember Hanson-Cox indicates she would like to be available to give input with the review process, in order to integrate this project with a proposed project involving the East County Performing Arts Center.

City Manager Henry indicates the project has already been designed and approved.

No further comments are made.

MOTION BY LEWIS, SECOND BY HANSON-COX, to Approve Item 1.26 as recommended by Staff.

MOTION CARRIES BY UNANIMOUS VOTE.

*Recess called at 3:54 p.m.
Meeting called back to order at 4:04 p.m.*

PUBLIC COMMENT:

Sunshine Horton speaks about the holiday events she will be involved with over the next few weeks. She wishes everyone a Merry Christmas and a Happy New Year.

Councilmember McClellan thanks **Sunshine Horton** for all she does in the community, all year long.

Councilmember Hanson-Cox reports that a first meeting was held by the Committee for City's 100th anniversary, and many suggestions have already been made. She feels it will be a great celebration even with the current economic conditions.

2. WRITTEN COMMUNICATIONS: None

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3. PUBLIC HEARINGS:

- 3.1 PUBLIC HEARINGS AND ADOPTION OF ORDINANCES ADOPTING BY REFERENCE CALIFORNIA BUILDING CODE, 2010 EDITION; CALIFORNIA RESIDENTIAL CODE, 2010 EDITION; CALIFORNIA GREEN BUILDING STANDARDS CODE, 2010 EDITION; CALIFORNIA ELECTRICAL CODE, 2010 EDITION; CALIFORNIA FIRE CODE, 2010 EDITION; CALIFORNIA MECHANICAL CODE, 2010 EDITION; CALIFORNIA PLUMBING CODE, 2010 EDITION; AND THE CALIFORNIA EXISTING BUILDING CODE, 2010 EDITION; AND AN ORDINANCE ADDRESSING THE HAZARDS OF OUTDATED MATERIALS AND METHODS OF CONSTRUCTION; DELETION OF POOL SAFETY STANDARDS FROM THE EL CAJON MUNICIPAL CODE (NOW COVERED BY THE CALIFORNIA BUILDING CODE); DELETION OF THE INTERNATIONAL WILDLAND URBAN INTERFACE CODE (NOW COVERED BY THE CALIFORNIA BUILDING CODE); AND MODIFICATION TO EL CAJON MUNICIPAL CODE SECTION 8.32 DETAILING REASONABLE SMOKING DISTANCES (CHANGED TO REFLECT THE NEW REQUIREMENTS OF THE GREEN BUILDING CODE) (Report: Building Official/Fire Marshal)

RECOMMENDATION: That the City Council conduct separate, sequential, public hearings and thereafter approve or deny, by separate votes, the adoption of ordinances adopting by reference the following California Building Standards Codes: California Building Code, 2010 Edition; California Residential Code, 2010 Edition; California Green Building Standards Code, 2010 Edition; California Electrical Code, 2010 Edition; California Fire Code, 2010 Edition; California Mechanical Code, 2010 Edition; California Plumbing Code, 2010 Edition; and the California Existing Building Code, 2010 Edition; and an Ordinance addressing the hazards of outdated materials and methods of construction; deletion of Pool Safety Standards from the El Cajon Municipal Code (now covered by the California Building Code); deletion of the International Wildland Urban Interface Code (now covered by the California Building Code); and modification of the El Cajon Municipal Code Section 8.32 detailing reasonable smoking distances (changed to reflect the new requirements of the Green Building Code). It is further recommended that the Mayor ask the City Clerk to recite the title of each ordinance following its adoption.

- Open the Public Hearing and receive testimony;
- Close the Public Hearing;
- MOTION to adopt Ordinances 3.1-A through 3.1-L; and
- Request the City Clerk to recite the titles of the ordinances for the second reading

PUBLIC HEARINGS: (Continued)

3.1-A

ORDINANCE NO. 4952: AN ORDINANCE REPEALING CHAPTER 8.28 OF TITLE 8 OF THE EL CAJON MUNICIPAL CODE, AND ADDING A NEW CHAPTER 8.28 TO TITLE 8 OF THE EL CAJON MUNICIPAL CODE, REGARDING POOL SAFETY STANDARDS

3.1-B

ORDINANCE NO. 4953: AN ORDINANCE REPEALING SUBSECTION (N) OF SECTION 8.32.020 AND SECTION 8.32.025 OF CHAPTER 8.32 OF TITLE 8 OF THE EL CAJON MUNICIPAL CODE, AND ADDING NEW SUBSECTION (N) TO SECTION 8.32.020 AND SECTION 8.32.025 TO CHAPTER 8.32 OF TITLE 8 OF THE EL CAJON MUNICIPAL CODE, REGARDING REASONABLE DISTANCE ALLOWED FOR SMOKING

3.1-C

ORDINANCE NO. 4954: AN ORDINANCE ADOPTING THE CALIFORNIA BUILDING CODE, 2010 EDITION, AS AMENDED, BY REFERENCE; REPEALING CHAPTER 15.04 OF TITLE 15 OF THE EL CAJON MUNICIPAL CODE, AND ADOPTING A NEW CHAPTER 15.04 TO TITLE 15 OF THE EL CAJON MUNICIPAL CODE

3.1-D

ORDINANCE NO. 4955: AN ORDINANCE ADOPTING THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION, AS AMENDED, BY REFERENCE; REPEALING CHAPTER 15.20 OF TITLE 15 OF THE EL CAJON MUNICIPAL CODE, AND ADOPTING A NEW CHAPTER 15.20 TO TITLE 15 OF THE EL CAJON MUNICIPAL CODE

3.1-E

ORDINANCE NO. 4956: AN ORDINANCE ADOPTING THE CALIFORNIA MECHANICAL CODE, 2010 EDITION, AS AMENDED, BY REFERENCE; REPEALING CHAPTER 15.48 OF TITLE 15 OF THE EL CAJON MUNICIPAL CODE, AND ADOPTING A NEW CHAPTER 15.48 TO TITLE 15 OF THE EL CAJON MUNICIPAL CODE

3.1-F

ORDINANCE NO. 4957: AN ORDINANCE ADOPTING THE CALIFORNIA PLUMBING CODE, 2010 EDITION, AS AMENDED, BY REFERENCE; REPEALING CHAPTER 15.52 OF TITLE 15 OF THE EL CAJON MUNICIPAL CODE, AND ADOPTING A NEW CHAPTER 15.52 TO TITLE 15 OF THE EL CAJON MUNICIPAL CODE

ITEM 3.1 (Continued)

3.1-G

ORDINANCE NO. 4958: AN ORDINANCE ADOPTING THE CALIFORNIA RESIDENTIAL CODE, 2010 EDITION, AS AMENDED, BY REFERENCE; AND ADOPTING A NEW CHAPTER 15.54 TO TITLE 15 OF THE EL CAJON MUNICIPAL CODE

3.1-H

ORDINANCE NO. 4959: AN ORDINANCE ADOPTING THE CALIFORNIA FIRE CODE, 2010 EDITION, AS AMENDED, BY REFERENCE; REPEALING CHAPTER 15.56 OF TITLE 15 OF THE EL CAJON MUNICIPAL CODE, AND ADOPTING A NEW CHAPTER 15.56 TO TITLE 15 OF THE EL CAJON MUNICIPAL CODE

3.1-I

ORDINANCE NO. 4960: AN ORDINANCE ADOPTING THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2010 EDITION, AS AMENDED, BY REFERENCE; AND ADOPTING A NEW CHAPTER 15.60 TO TITLE 15 OF THE EL CAJON MUNICIPAL CODE

3.1-J

ORDINANCE NO. 4961: AN ORDINANCE ADOPTING A NEW CHAPTER 15.72 TO TITLE 15 OF THE EL CAJON MUNICIPAL CODE REGARDING REGULATIONS FOR RETROFITTING OR DEMOLITION OF BUILDINGS UTILIZING OUTDATED MATERIALS OR METHODS OF CONSTRUCTION

3.1-K

ORDINANCE NO. 4962: AN ORDINANCE REPEALING CHAPTER 15.84 OF TITLE 15 OF THE EL CAJON MUNICIPAL CODE; ADOPTING THE CALIFORNIA EXISTING BUILDING CODE, 2010 EDITION, AS AMENDED, BY REFERENCE; AND ADOPTING A NEW CHAPTER 15.84 TO TITLE 15 OF THE EL CAJON MUNICIPAL CODE

3.1-L

ORDINANCE NO. 4963: AN ORDINANCE REPEALING CHAPTER 15.86 OF TITLE 15 OF THE EL CAJON MUNICIPAL CODE, INTERNATIONAL WILDLAND URBAN INTERFACE CODE

ITEM 3.1 (Continued)

DISCUSSION

The Public Hearing is now Open.

No one 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 Adopt Ordinances 3.1A through 3.1-L.

MOTION CARRIES BY UNANIMOUS VOTE.

The City Clerk recites the titles of the ordinances for the second readings.

3.2 AMENDMENT TO FIVE (5) YEAR REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP) (Report: Deputy City Manager/Director of Public Works)

RECOMMENDATION: That the City Council

- Open the Public Hearing and receive testimony;
- Close the Public Hearing; and
- Adopt the next RESOLUTION in order to approve the Amendment to the 2010 RTIP.

DISCUSSION

The Public Hearing is now Open.

No one 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 Adopt RESOLUTION NO. 155-10 to approve the Amendment to the 2010 RTIP.

MOTION CARRIES BY UNANIMOUS VOTE.

4. ADMINISTRATIVE REPORTS:

4.1 SELECTION OF MAYOR PRO TEM (Report: City Clerk)

RECOMMENDATION: That the City Council select a Mayor Pro Tem according to the El Cajon Municipal Code.

DISCUSSION

No one comes forward to speak.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to select Councilmember Kendrick as Mayor Pro Tem.

MOTION CARRIES BY UNANIMOUS VOTE.

4.2 RESOLUTION: YIELD SIGN INSTALLATION ON LIDDIARD STREET AT WHITSETT DRIVE (Report: Deputy City Manager/Director of Public Works)

RECOMMENDATION: That the City Council adopt the next RESOLUTION in order to establish a permanent yield sign on Liddiard Street at the intersection of Whitsett Drive in order to promote safe and efficient pedestrian and traffic flow.

DISCUSSION

No one comes forward to speak.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to ADOPT RESOLUTION NO. 156-10 approving the yield sign installation as recommended by Staff.

MOTION CARRIES BY UNANIMOUS VOTE.

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4.3 RESOLUTION: STOP SIGN INSTALLATION ON CLIFFDALE ROAD AT LOMA PORTAL DRIVE (Report: Deputy City Manager/Director of Public Works)

RECOMMENDATION: That the **City Council** adopt the next RESOLUTION in order to establish permanent stop signs on Cliffdale Road at the intersection of Loma Portal Drive in order to promote safe and efficient pedestrian and traffic flow.

DISCUSSION

No one comes forward to speak.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to ADOPT RESOLUTION NO. 157-10 approving the stop sign installation on Cliffdale Road as recommended by Staff.

MOTION CARRIES BY UNANIMOUS VOTE.

5. COMMISSION REPORTS

5.1 REQUEST FROM EL CAJON CDC BLUE RIBBON COMMISSION

RECOMMENDATION: That the **City Council** consider the letter from the El Cajon CDC Blue Ribbon Commission requesting the City allocate funds to retain a research firm to perform a survey of property owners within the El Cajon CDC boundaries and for an additional 60 days in which to complete their review.

DISCUSSION

Mayor Lewis and **Councilmember McClellan** speak in opposition to the request.

John Gibson and **Mark Robak**, representing the **CDC Blue Ribbon Commission**, speak in support of the request, and the importance of the proposed survey.

Cindi Fargo, **President and CEO of the El Cajon CDC**, speaks about the five-year re-certification process and their survey conducted to find out customer service ratings and determine priorities of property and business owners. She indicates the next survey begins mid-January 2011, and suggests the results could be sent to and evaluated by a third party, such as the City Manager's office. **Ms. Fargo** also responds to questions by **Council** concerning the budget for their survey.

ITEM 5.1 (Continued)

Rick Sweeney, owner of Omni Graphics and new member of the El Cajon CDC, encourages additional input and comments from third parties, such as business owners and the Blue Ribbon Commission, prior to preparing the survey. He feels that obtaining the most information possible will be invaluable.

John Gibson returns to the podium and discussion continues with **Council** concerning the timeline for the report due from the Blue Ribbon Commission and the suggestion for a combined survey from the CDC and the Blue Ribbon Commission.

No one else comes forward to speak.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to File the report.

MOTION CARRIES BY UNANIMOUS VOTE.

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 Local Agency Formation Commission Agenda – December 6, 2010

REPORT 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.

ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

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

Mayor Pro Tem Kendrick reports he recently worked at a food bank, and encourages the public to donate to the food bank for those in need.

REPORT AS STATED.

9.2 RETIREMENT BENEFITS FOR MISCELLANEOUS MUNICIPAL NEW HIRES

RECOMMENDATION: That the City Council request Staff to prepare a report outlining the procedure for requiring all new hires of the City, with the exception of sworn public safety members, to receive any retirement benefits through a defined contribution system and that allows for contracting out all non-public safety functions of the City.

DISCUSSION

Councilmember Kendrick speaks in support of the request, and urges the City to take action to prevent a future bankruptcy and to be prudent. He states he does not support any employee lay-offs, but feels that Staff should examine the pros and cons of putting new hires into a defined contribution plan, and to evaluate the possibility of contracting out some municipal employee jobs. He comments that retired employees, such as directors and city managers under CALPERS, cannot work for more than a certain number of days per year, but would be eligible for hire if a 401k plan were offered.

ITEM 9.2 (Continued)

City Manager Henry indicates that a report can be prepared for the Jan. 25th Council meeting.

Councilmember Kendrick again emphasizes he wishes to preserve current employees and commends them for doing such good work.

MOTION BY KENDRICK, SECOND BY MCCLELLAN, to Refer to Staff for a report to come back on January 25, 2011.

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.

11. LEGISLATIVE REPORT

11.1 League of California Cities Legislative Bulletins dated November 5, 12, 19 and December 3, 2010 – *City Advocate Weekly*

NO RECOMMENDED ACTION.

12. GENERAL INFORMATION ITEMS FOR DISCUSSION:

12A. OCTOBER 2010 DONATIONS TO EL CAJON ANIMAL SHELTER:

The following donations were received for Animal Control in accordance with City Council Policy B-2:

Mr. & Mrs. Richard Berry in Memory of Matt & Stephanie O'Connor on their anniversary	\$100.00
The Hartz Mountain Corporation	\$1,000.00

Councilmember Hanson-Cox wishes to publicly thank the donors for their contributions to the El Cajon Animal Shelter.

12B. Teen Coalition Status Report

Councilmember Hanson-Cox congratulates members of the Teen Coalition on their accomplishments and involvement with the community, and recommends that the Coalition become involved in planning for the City's 100th Anniversary celebration.

Councilmember McClellan states he enjoyed hearing from members of the Coalition.

Mayor Lewis speaks about a past internship where a student was able to learn about being a councilmember, and feels this would be beneficial to the City's youth.

No further comments are made.

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 REAL PROPERTY NEGOTIATOR – Pursuant to Section 54956.8 of the Government Code:**

<u>Property</u>	<u>Negotiating Parties</u>	<u>Agency Negotiators</u>
APN 488-211-04-00 245 East Main Street	Santo and Silvana Digrigoli	Executive Director/City Manager General Counsel/City Attorney/ Staff Attorney Director of Community Development

Under negotiation: For the Agency/Council to provide instructions to its negotiators regarding the price and terms for the possible purchase of real property.

CLOSED SESSIONS: (Continued)

15.2

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

<u>Property</u>	<u>Negotiating Parties</u>	<u>Agency Negotiators</u>
APN 760-234-51-00 541 North Johnson Avenue	Direct Point Advisors Michael Hastings, Principal; Cajon Valley Union School District	Executive Director/City Manager General Counsel/City Attorney/ Staff Attorney Director of Community Development

Under negotiation: For the Agency/Council to provide instructions to its negotiators regarding the price and terms for the possible purchase of covenants and other interests in the real property.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adjourn to Closed Sessions at 4:54 p.m.

MOTION CARRIES BY UNANIMOUS VOTE.

16. RECONVENE TO OPEN SESSION AT 5:09 P.M.

City Attorney Foley reports the following actions:

- 15.1 No action taken by the Redevelopment Agency.**
- 15.2 Direction was given to the Agency Negotiators.**

ADJOURNMENT: Mayor Lewis adjourned the Regular Joint Meeting of the City Council/ Redevelopment Agency held this 14th day of December 2010, at 5:10 p.m. to Tuesday, December 14, 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

DECEMBER 14, 2010

An Adjourned Regular Joint Meeting of the City Council and Redevelopment Agency of the City of El Cajon, California, held Tuesday, December 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 2:00 p.m., Tuesday, December 14, 2010, by order of the City Council and Redevelopment Agency.

ROLL CALL

Council/Agencymembers present:	Hanson-Cox, Kendrick and 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:

Frank Sherr speaks about the dangerous situation of bicyclists and skateboarders on sidewalks. He seeks clarification about the areas in which these riders are prohibited. He additionally requests installation of speed bumps for Ann and Katherine Streets, to prevent speeding.

Mayor Lewis suggests the speaker could ask interested neighbors to sign a petition supporting installation of speed bumps. He encouraged a dialog with the Public Works Department, and if there is enough interest, the request may be placed on a future Council agenda.

Councilmember McClellan and **Councilmember Hanson-Cox** offer suggestions to the speaker regarding neighborhood forums and information available on the Police Department's website.

PUBLIC HEARINGS:

100 INTERVIEWS FOR COMMISSION AND COMMITTEE VACANCIES (Report: City Clerk)

RECOMMENDATION: That the City Council

- Conduct interviews for positions on the Personnel and Planning Commissions, the Public Safety Facility Financing Oversight Committee and Gillespie Field Development Council, and appoint applicants to serve appropriate terms;
- Extend the application period for one of two vacancies on the Personnel Commission due to the absence of applicants requiring nomination by employees in Classified Service; and
- Extend the application period for the vacancy on the Gillespie Field Development Council due to an insufficient number of applicants.

PERSONNEL COMMISSION

One Commissioner to be appointed by Council directly:

One four-year term expiring January 31, 2015

Applicants:

Scott Atwood
Donald Bishop (Incumbent)
Duane Swainston
Wendie Wigginton

ITEM 100 (Continued)

DISCUSSION

All applicants are present and interviews are conducted.

MOTION BY LEWIS, SECOND BY MCCLELLAN to RE-APPOINT Donald Bishop for a four-year term expiring January 31, 2015.

MOTION CARRIES BY UNANIMOUS VOTE.

One Commissioner nominated from employees in the Classified Service:

One Four-Year term expiring January 31, 2015

Applicants:

*No Applications Received

*In accordance with Municipal Code Section 2.24.110, appointment for this vacancy shall be by the City Council from a list of three persons nominated by the employees in the Classified Service via their employee associations, except in the instance when the incumbent is to be re-nominated, then one name may be submitted for consideration. Members nominated by the employees shall not be subject to the residency requirement set out in Section 2.24.030.

PLANNING COMMISSION

Two Commissioners

Two four-year terms to expire January 31, 2015

Applicants:

Anthony Ambrose (Incumbent)
Paul Circo (Incumbent)
Steve Goble – (application withdrawn)
Robert Isham
William Raver
James Sisk
Duane Swainston

DISCUSSION

Mayor Lewis advises that **Steve Goble** has withdrawn his application. All remaining applicants are present and interviews are conducted.

ITEM 100 (Continued)

MOTION BY LEWIS, SECOND BY WELLS, to RE-APPOINT ANTHONY AMBROSE for a four-year term expiring January 31, 2015.

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to RE-APPOINT PAUL CIRCO for a four-year term expiring January 31, 2015.

MOTION CARRIES BY UNANIMOUS VOTE.

PUBLIC SAFETY FACILITY FINANCING OVERSIGHT COMMITTEE

Four Committee Members

Four four-year terms to expire January 31, 2015

Three Members must be filled with residents of the City and must be from one or more of the occupations or categories listed on the application form.

One Member may be filled with non-residents or residents of the City and must be from one or more of the occupations listed on the application form.

Applicants:

Nancy Crane (Incumbent) – Resident
Robert Isham (Incumbent) – Resident
James Rue (Incumbent) – Resident
Rodgers Smith (Incumbent) – Resident
Duane Swainston – Resident

DISCUSSION

Three applicants, **Robert Isham (Incumbent)**, **Rodgers Smith (Incumbent)**, and **Duane Swainston**, are present and interviews are conducted.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to RE-APPOINT Nancy Crane to serve a four-year term to expire January 31, 2015.

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to RE-APPOINT Robert Isham to serve a four-year term to expire January 31, 2015.

MOTION CARRIES BY UNANIMOUS VOTE.

ITEM 100 (Continued)

MOTION BY LEWIS, SECOND BY HANSON-COX, to RE-APPOINT James Rue to serve a four-year term to expire January 31, 2015.

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to RE-APPOINT Rodgers Smith to serve a four-year term to expire January 31, 2015.

MOTION CARRIES BY UNANIMOUS VOTE.

GILLESPIE FIELD DEVELOPMENT COUNCIL:

One Member appointed by the Mayor with the concurrence of the City Council and will be ratified by the Board of Supervisors

One four-year term to expire January 31, 2015

Applicant:

*Ann Widay

*In accordance with City Council Policy A-27, if there is not at least one more qualified applicant than the number of existing vacancies, the application period will be extended by staff until such time as the number is reached.

DISCUSSION

Mayor Lewis advises the applicant that **Council** will not be able to make the appointment this evening as there is an insufficient number of applicants, and that her application will be kept on file until there is a sufficient number of applicants.

The interview is conducted with **Ann Widay**.

Mayor Lewis announces the appointees will be sworn in during a short recess.

*Recess called at 7:45 p.m.
Meeting called back to order at 7:49 p.m.*

101 APPEAL OF PLANNING COMMISSION DECISION TO UPHOLD COMMUNITY DEVELOPMENT DIRECTOR'S DETERMINATION TO DENY FINDING OF PUBLIC NECESSITY AND CONVENIENCE FOR OFF-SALE BEER AND WINE AT 215 NORTH SECOND STREET – WALGREENS (Report: Director of Community Development) (Continued from October 26, 2010)

RECOMMENDATION: That the City Council

- Continue the Public Hearing and receive testimony;
- Close the Public Hearing; and
- Move to adopt the next RESOLUTION in order DENYING the appeal and upholding the Community Development Director's determination that the public necessity and convenience would not be served by the issuance of a Type 20 (off-sale beer and wine) license for the retail establishment at 215 North Second Street.

DISCUSSION

The Continued Public Hearing is Open.

Brian Fish, Attorney representing the appellant, Walgreen's, answers questions from **Council** and advises there will be:

- No single sales of cans of beer;
- No sales of hard liquor;
- Less than 1% of floor space dedicated to the sale of beer and wine;
- Extensive training of sales associates;
- Surveillance cameras on site.

Speakers opposed to granting of the liquor license:

Cristina Park, representing Second Street Alliance for a Better Community (comments are directed for both Agenda Items 101 and 102);
Joseph Eberstein (submits copies of a San Diego Union Tribune article);
Katherine Webb

Lance Swanck, Manager of Walgreen's on Second Street and El Cajon resident, speaks in support of the appeal and advises there has been an increased number of inquiries by customers asking if beer and wine is sold at Walgreen's, since the closure of Ralph's grocery store.

Discussion ensues among **Council** and **Mr. Swanck** concerning types of liquor to be offered and possible competition among retailers to lower their prices on liquor products.

ITEM 101 (Continued)

Dale Melee, District Manager for Walgreen's, speaks about the investment Walgreen's has made in El Cajon, and requests that **Council** allow Walgreen's to operate on equal footing with other competitors and to offer "one-stop shopping" for customers.

No further comments are offered.

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

MOTION CARRIES BY UNANIMOUS VOTE.

Further discussion ensues among **Council** and **Staff** concerning the number of liquor licenses in the census tract, and the recent Zoning Code update, which requires evaluation for over-saturation of licenses.

MOTION BY LEWIS, SECOND BY KENDRICK, to DENY the appeal.

MOTION CARRIES BY UNANIMOUS VOTE.

*Recess called at 8:32 p.m.
Meeting called back to order at 8:37 p.m.*

102 APPEAL OF PLANNING COMMISSION DECISION TO DENY AN AMENDMENT OF CONDITIONAL USE PERMIT NO. 1805 FOR OFF-SALE BEER AND WINE – 596 North Mollison Avenue, Suite 102 (Report: Director of Community Development)

RECOMMENDATION: That the City Council

- Continue the Public Hearing and receive testimony;
- Close the Public Hearing; and
- Move to adopt the next RESOLUTION in order DENYING the appeal and an amendment to Conditional Use Permit No. 1805 to allow off-sale beer and wine in conjunction with an existing convenience market at 596 North Mollison Avenue.

DISCUSSION

The Continued Public Hearing is Open.

ITEM 102 (Continued)

William Winship, Attorney representing the appellant, Mr. Hamana, speaks in support of the appeal.

Speakers opposed to granting of the liquor license:

Katherine Webb

Cristina Park, representing Second Street Alliance for a Better Community.

No one else comes forward to speak.

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

MOTION CARRIES BY UNANIMOUS VOTE.

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

- The number of schools in the area;
- The proximity of housing to the liquor store;
- Crime rate in the area.

No further comments are made.

MOTION BY LEWIS, SECOND BY KENDRICK, to DENY the appeal.

MOTION CARRIES BY UNANIMOUS VOTE.

103 SPECIFIC PLAN NO. 521 – EAST MAIN PROPERTIES, LP - 1375, 1385 and 1405 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 approve Specific Plan No. 521, subject to the conditions in Planning Commission Resolution No. 10642.

DISCUSSION

Mayor Lewis announces the Public Hearing is now Open.

ITEM 103 (Continued)

City Clerk Rutledge informs the applicant, **David Wick**, has submitted a speaker card and is available to answer questions. **Council** has no questions for **Mr. Wick**.

No one comes forward to speak.

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

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to APPROVE Specific Plan No. 521, subject to the conditions in Planning Commission Resolution No. 10642.

MOTION CARRIES BY UNANIMOUS VOTE.

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 14th day of December 2010, at 8:52 p.m. to Tuesday, January 11, 2011, at 3:00 p.m.

KATHIE J. RUTLEDGE, CMC
City Clerk/Secretary