

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

MARCH 24, 2009

An Adjourned Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, March 24, 2009, 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 March 10, 2009.

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, 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 March 10, 2009, meetings and the Agenda of the March 24, 2009, meetings in accordance to State Law and Council/Agency Policy.

PRESENTATIONS:

- **Proclamation - “El Cajon Harley Davidson Day”**
- **Proclamation – “Child Abuse Prevention Month”**
- **Presentation – “Water Supply Shortage, New Water Rates and Water Rate Structure for Helix Water District” – Richard Smith & Mark Weston**

AGENDA CHANGES: None

CONSENT ITEMS: (1.1 – 1.11)

MOTION BY LEWIS, SECOND BY MCCLELLAN, to approve Consent Items 1.1 to 1.11, pulling Item 1.4, as requested by HANSON-COX, and Items 1.9 and 1.10 by the public.

MOTION CARRIES BY UNANIMOUS VOTE.

1.1 MINUTES OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS

Approve Minutes of the March 10, 2009, 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.

PULLED FOR DISCUSSION:

1.4 PROFESSIONAL SERVICES AGREEMENT FOR GEOTECHNICAL ENGINEERING SERVICES FOR THE PUBLIC SAFETY CENTER (Report: Assistant to the City Manager)

RECOMMENDATION: That the City Council authorize the City Manager to negotiate and execute a Professional Services Agreement and any necessary amendments with Geocon Incorporated to provide geotechnical engineering services during site grading, site improvements and foundation observation of the Public Safety Center.

CONSENT ITEMS: (Continued)

1.5 ENGINEERING CONSULTING SERVICES FOR PHASE II OF THE EL CAJON ADA REVIEW STUDY (TRANSITION PLAN) (Report: Director of Public Works)

Authorize the City Manager to negotiate and execute a Professional Services Contract with Darnell & Associates to complete Phase II of the ADA Review Study.

1.6 RESOLUTION – AWARD OF BID NO. 025-09, FLETCHER PARKWAY RELIEF SEWER (Report: Purchasing Agent)

1. Consent to the withdrawal of the bid from Palm Engineering Construction Company, Inc.; and
2. Adopt RESOLUTION NO. 25-09 and award the bid to the lowest responsive bidder, Arrieta Construction Inc., in the amount of \$660,815.66.
3. Find that it is in the public interest to waive any rights to recover the difference between the low bidder and the second low bidder on the grounds that the City is without resources to pursue such an action, which might hold up the project.

1.7 RESOLUTION – AWARD OF BID NO. 026-09, PROP 1B – LOCAL STREETS RESURFACING - VARIOUS LOCATIONS (Report: Purchasing Agent)

Adopt RESOLUTION NO. 26-09 and award the bid to the lowest responsive bidder, Superior Ready Mix Concrete L.P., dba SRM Contracting & Paving, in the amount of \$1,944,775.00.

1.8 RESOLUTION – DESIGNATION OF AUTHORIZED PERSONNEL TO REVIEW CONFIDENTIAL TRANSACTION AND USE TAX RECORDS – PROPOSITION “J” DISTRICT TAXES (Report: Assistant City Manager/Director of Finance)

Adopt RESOLUTION NO. 27-09, titled “A Resolution Authorizing the Examination of Transaction (Sales) and Use Tax Records”.

CONSENT ITEMS: (Continued)

PULLED FOR DISCUSSION:

1.9 COMMUNITY EVENT IN THE RIGHT-OF-WAY: CONCERTS ON THE GREEN (Report: Assistant to the City Manager)

Concur with the City's Special Events Committee and approve the request for a Community Event in the right-of-way to be held every Friday evening on the Prescott Promenade from May 22 through September 4, 2009, with the conditions listed in the Agenda Report.

PULLED FOR DISCUSSION:

1.10 COMMUNITY EVENT IN THE RIGHT-OF-WAY: CAJON CLASSIC CRUISE (Report: Assistant to the City Manager)

Concur with the City's Special Events Committee and approve the request for a Community Event in the right-of-way to be held every Wednesday evening in the downtown area from May 13 through September 30 and additional events on October 28 and December 9, 2009, with the conditions listed in the Agenda Report.

1.11 PROFESSIONAL SERVICES AGREEMENT FOR PALEONTOLOGICAL, ARCHAEOLOGICAL AND HISTORICAL MITIGATION SERVICES FOR THE PUBLIC SAFETY CENTER (Report: Assistant to the City Manager)

Authorize the City Manager to negotiate and execute a Professional Services Agreement and any necessary amendments with the San Diego Natural History Museum to provide paleontological, archaeological and historical mitigation services prior to and during grading and excavation of the Public Safety Center site.

1.4 PROFESSIONAL SERVICES AGREEMENT FOR GEOTECHNICAL ENGINEERING SERVICES FOR THE PUBLIC SAFETY CENTER (Report: Assistant to the City Manager)

RECOMMENDATION: That the City Council authorize the City Manager to negotiate and execute a Professional Services Agreement and any necessary amendments with Geocon Incorporated to provide geotechnical engineering services during site grading, site improvements and foundation observation of the Public Safety Center.

ITEM 1.4 (Continued)

DISCUSSION

In response to questions by **Councilmember Hanson-Cox**, **City Manager Henry** indicates there is a specific schedule has been put together reflecting the phasing, structuring, and how they are going to fit on the site, while construction is underway.

No further comments are made.

MOTION BY LEWIS, SECOND BY HANSON-COX, to Approve Item 1.4

MOTION CARRIES BY UNANIMOUS VOTE.

1.9 COMMUNITY EVENT IN THE RIGHT-OF-WAY: CONCERTS ON THE GREEN (Report: Assistant to the City Manager)

Concur with the City's Special Events Committee and approve the request for a Community Event in the right-of-way to be held every Friday evening on the Prescott Promenade from May 22 through September 4, 2009, with the conditions listed in the Agenda Report.

DISCUSSION

Claire Carpenter, representing El Cajon Community Development Corporation, speaks about the upcoming Cajon Classic Cruise car shows and Concerts on the Green.

Mayor Lewis requests that recycling bins are in place for these events.

No further comments are made.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Approve Item 1.9

MOTION CARRIES BY UNANIMOUS VOTE.

1.10 COMMUNITY EVENT IN THE RIGHT-OF-WAY: CAJON CLASSIC CRUISE (Report: Assistant to the City Manager)

Concur with the City's Special Events Committee and approve the request for a Community Event in the right-of-way to be held every Wednesday evening in the downtown area from May 13 through September 30 and additional events on October 28 and December 9, 2009, with the conditions listed in the Agenda Report.

ITEM 1.10 (Continued)

DISCUSSION

(Note: Claire Carpenter, representing El Cajon Community Development Corporation, commented on this item when called forward to speak under Item 1.9)

MOTION BY LEWIS, SECOND BY KENDRICK, to Approve Item 1.10.

MOTION CARRIES BY UNANIMOUS VOTE.

PUBLIC COMMENT:

Sunshine Horton expresses her feelings about the importance of having God in our lives, and speaks against driving drunk. She continues to replace yellow ribbons in the downtown area.

Monique Davis, representing Grid Alternatives, speaks about available services for installation of solar products for low-income families.

Councilmember Hanson-Cox gives a positive dining review for Bonnie's Cafe on Broadway.

Councilmember McClellan informs there was a fatal shooting at the Metropolitan Transit System maintenance yard this morning.

2. WRITTEN COMMUNICATIONS:

2.1 LETTER FROM NEIGHBORHOOD MARKET ASSOCIATION

Letter from Samantha Dabish, Vice-President of Government Relations and Community Outreach, Neighborhood Market Association, expressing concerns about the City's Tobacco Ordinance and requesting considering increasing the penalties for violations as a trade off for lowering the annual fees for retail businesses and requesting the ordinance be amended.

DISCUSSION

Ramzi Murad, Chairman, Neighborhood Market Association, speaks in favor of their request for lower tobacco license fees.

ITEM 2.1 (Continued)

The following spoke opposing the suggestion to reduce the City's tobacco license fee:

Billy Waller, representing Set Free Ministries

Sean Oliver, representing Set Free Ministries

Lorenzo Higley, representing CASA (reported statistics on profits from tobacco sales)

Denise Valence, representing Set Free Ministries

Mario Tilaro, representing Lexington Square Office Building

In response to questions by **Council**, **City Manager Henry** indicates the license fee was raised, as the initial \$198.00 fee did not pay for the program. The cost to the City for the program is in excess of \$85,000, and the City is subsidizing the license process. She questions whether raising the fines and lowering the license fee will cover the cost of the program.

Ramzi Murad returns to the podium. In response to questions by **Council**, he indicates the association is working with the ABC (California Department of Alcohol Beverage Control) to educate retailers.

Samantha Dabish, representing Neighborhood Market Association, questions the statistics provided by CASA, and the administration costs for the tobacco licensing program.

Council and **Staff** discuss suggestions to vary or stagger monitoring of offending retailers, and to reassess calculation of the license fee on a yearly basis.

NO ACTION TAKEN.

3. PUBLIC HEARINGS:

3.1 RESOLUTION: AMENDMENT TO FIVE (5)-YEAR REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (2006 RTIP) – FY 2007-2011 (Report: 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 2006 RTIP.

DISCUSSION

The Public Hearing is now Open.

ITEM 3.1 (Continued)

Director of Public Works Turner provides a summary of the report.

In response to questions by **Councilmember McClellan**, **Director Turner** indicates that resurfacing of Third Street between Lexington and Washington should take place in about a year, due to pending sewer line replacements by Otay Water District.

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. 28-09 to approve the Amendment to the 2006 RTIP.

MOTION CARRIES BY UNANIMOUS VOTE.

*Recess is called at 4:42 p.m.
Meeting called back to order at 4:50 p.m.*

3.2 SUBSTANDARD ABATEMENT AT 811 EAST MAIN STREET (Report: Building Official/Fire Marshal)

RECOMMENDATION: That the City Council

- Open the Public Hearing and receive testimony;
- Close the Public Hearing; and
- Direct staff to (1) file a Notice of Restriction against the property, (2) begin accrual of civil penalties starting March 25, 2009, (3) direct staff to monitor the progress of repairs, and (4) direct staff to bring this case back to Council for final resolution and determination of staff time, administrative fees, and civil penalties at the resolution of this case.

DISCUSSION

The Public Hearing is now Open.

Dan Pavao provides an update on the status of the property.

Mike Patris states that he leases the subject property from a landlord, and that 95% of the problems have been corrected. The exhaust is the only violation that remains and it should be resolved in the next two to three weeks.

ITEM 3.2 (Continued)

Mayor Lewis comments on the number of cars at the building, and reminds the speaker that no parking is allowed in the fire lane.

James Talia, representing the property owner, speaks about many problems with the property, and the efforts made to maintain it. He indicates that the building houses a social club and a haircut place, but the club is often overcrowded and is a hangout for people. He states that he never received a call or message to contact **Building Official Pavao**.

No further comments are made.

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

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to (1) file a Notice of Restriction against the property, (2) begin accrual of civil penalties starting March 25, 2009, (3) direct staff to monitor the progress of repairs, and (4) direct staff to bring this case back to Council for final resolution and determination of staff time, administrative fees, and civil penalties at the resolution of this case

MOTION CARRIES BY UNANIMOUS VOTE.

4. ADMINISTRATIVE REPORTS:

4.1 GENERAL PLAN ANNUAL REPORT FOR REPORTING YEAR 2008 (JANUARY 1 – DECEMBER 31, 2008) (Report: Director of Community Development)

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

DISCUSSION

Director of Community Development Ayres discusses the necessity for the annual report.

ITEM 4.1 (Continued)

MOTION BY LEWIS, SECOND BY KENDRICK, to Accept the annual progress report.

MOTION CARRIES BY UNANIMOUS VOTE.

4.2 RESOLUTION – “NO PARKING” ZONE AT 444 WEST LEXINGTON AVENUE (Report: Director of Public Works)

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

Along the northerly curblineline of West Lexington Avenue, beginning at a point 187 feet west of the westerly extended curblineline of Van Houten Avenue, thence westerly a distance of 59 feet. Note: This zone is for 25 feet of No Parking on the east side of the driveway at 444 East Lexington Avenue and 10 feet on the west side, and includes the 24 foot driveway.

DISCUSSION

No one comes forward to speak.

MOTION BY LEWIS, SECOND BY WELLS, to adopt RESOLUTION NO. 29-09 and establish the No Parking Zone as recommended by Staff.

MOTION CARRIES BY UNANIMOUS VOTE.

4.3 RESOLUTION – “NO PARKING” ZONE AT 1386 EAST MADISON AVENUE (Report: Director of Public Works)

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

Along the northerly curblineline of East Madison Avenue, beginning at a point 218 feet west of the westerly extended curblineline of Grape Street, thence westerly a distance of 59 feet. Note: This zone is for 25 feet of No Parking on the east side of the driveway at 1386 East Madison and 10 feet on the west side and includes the 24 foot driveway.

ITEM 4.3 (Continued)

DISCUSSION

Vicky Baker represents the property owner adjacent to the subject property. She speaks in opposition to the No Parking Zone stating there is limited parking along Madison Avenue. She suggests that residents utilize the entrance and exit at the rear of the property.

In response to questions by **Council, Trev Holman, City Traffic Engineer**, states the request for the No Parking Zone came from the property owner at 1386 East Madison Avenue, and that only one parking space will be removed as a result of this action.

Councilmembers suggest that Staff look into access from the rear of the property, as suggested by **Ms. Baker**.

No further comments are made.

MOTION BY LEWIS, SECOND BY WELLS, to adopt RESOLUTION NO. 30-09 and establish the No Parking Zone as recommended by Staff.

MOTION CARRIES BY UNANIMOUS VOTE.

4.4 2008 ANNUAL SCHOOL REVIEW (Report: Director of Public Works)

RECOMMENDATION: That the City Council accept and file the 2008 Annual School Review.

DISCUSSION

Trev Holman, City Traffic Engineer, indicates that the yearly report generates ideas from the School District and Police Department to improve traffic conditions near the schools.

MOTION BY LEWIS, SECOND BY KENDRICK, to accept and file the 2008 Annual School Review Report.

MOTION CARRIES BY UNANIMOUS VOTE.

5. COMMISSION REPORTS - None

6. ACTIVITIES REPORTS OF MAYOR LEWIS

SANDAG (San Diego Association of Governments); SANDAG (Public Safety Committee); METRO Commission (Metropolitan Sewerage System) and METRO Wastewater JPA; MTS (Metropolitan Transit System Board) – Alternate; LAFCO (Local Agency Formation Commission - Alternate).

6.1 SANDAG Board Actions – February 27, 2009

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); MTS (Metropolitan Transit System Board – Alternate); League of California Cities, San Diego Division; East San Diego County Gang Task Force.

8.1 Verbal Council Activities Report

Councilmember Hanson-Cox indicates she has submitted a report to Council.

9.

COUNCILMEMBER GARY KENDRICK

Heartland Communications JPA; Heartland Fire Training JPA.

9.1 Council Activities Report

Report as stated.

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 March 6 and 13, 2009 – *City Advocate Weekly*

NO RECOMMENDED ACTION.

11.2 PROPOSED LEGISLATION (Report: City Manager)

RECOMMENDATION: That the City Council review and take action as appropriate on legislation as proposed in the Agenda Report.

DISCUSSION

MOTION BY LEWIS, SECOND BY MCCLELLAN, to take action as requested by Staff.

MOTION CARRIES BY UNANIMOUS VOTE.

12. GENERAL INFORMATION ITEMS FOR DISCUSSION: None

Mayor Lewis acknowledges a letter of appreciation received from Granite Hills High School regarding Officer Sean Sayre, the Resource Officer assigned to Granite Hills High School.

13. ORDINANCES: FIRST READING - None

14. ORDINANCES: SECOND READING AND ADOPTION

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

14.1 AMENDMENT OF TITLE 17

An Ordinance amending regulations in Title 17 of the El Cajon Municipal Code pertaining to Blood Plasma Centers

City Clerk Rutledge recites the title of the ordinance for a second reading.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adopt Ordinance No. 4928.

MOTION CARRIES BY UNANIMOUS VOTE.

15. CLOSED SESSION

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

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

Agency Designated Representatives:

Kathi Henry
Mike Shelton
Joan Ward

Employee Organizations:

The El Cajon Professional Firefighters International Association of
Fire Fighters Local 4603
El Cajon Police Officers Association
El Cajon Police Officers Association Management Group
El Cajon Municipal Employees Association
El Cajon Mid-Management and Professional Employees Group
Executive, Unrepresented and Confidential Employees

CLOSED SESSIONS: (Continued)

15.2

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

<u>Property</u>	Negotiating Parties	Agency Negotiators
APN 484-293-34	Scantibodies Laboratory, Inc. Tom Cantor, President Allen Garrett, Chief Financial Officer	Executive Director/City Manager Director of Redevelopment & Housing City Attorney/General Counsel

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

MOTION BY LEWIS, SECOND BY HANSON-COX, to Adjourn to Closed Sessions at 5:15 p.m.

MOTION CARRIES BY UNANIMOUS VOTE.

16. RECONVENE TO OPEN SESSION AT 5:47 P.M.

City Attorney Foley reports the following actions:

- 15.1** Direction was given to the City's Labor Negotiators.
- 15.2** On **MOTION BY LEWIS, SECOND BY MCCLELLAN**, Council agreed, by **UNANIMOUS VOTE**, to enter into an agreement to sell the property to Scantibodies, with all documents to come back for review by Council in a future Closed Session.

Adjournment: Mayor Lewis adjourned the Adjourned Regular Joint Meeting of the City Council/ Redevelopment Agency held this 24th day of March 2009, at 5:48 p.m. to Tuesday, March 24, 2009, at 7:00 p.m.

KATHIE J. RUTLEDGE, CMC
City Clerk/Secretary

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

MARCH 24, 2009

An Adjourned Regular Joint Meeting of the City Council and Redevelopment Agency of the City of El Cajon, California, held Tuesday, March 24, 2009, was called to order by Mayor/Chair Mark Lewis at 7:00 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California. This meeting was adjourned from the Adjourned Regular Joint Meeting held at 3:00 p.m., Tuesday, March 24, 2009, 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:	Hawley, Acting City Clerk/Secretary Foley, City Attorney/General Counsel Henry, City Manager/Executive Director Turner, Director of Public Works Ayres, Director of Community Development

PLEDGE OF ALLEGIANCE TO FLAG and MOMENT OF SILENCE.

(The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution)

AGENDA CHANGES: None

PUBLIC COMMENT (7:00 P.M.)

Stevie Vildibill, Michelle Gonzales-Lopez and John Yeakey speak about the Relay for Life fundraiser to be held at El Cajon Valley High School, June 6-7, 2009.

PUBLIC HEARINGS:

**100 CONDITIONAL USE PERMIT NO. 2096 – OUTDOOR DINING
124 West Main Street, Suite 110
(Report: Director of Community Development)**

RECOMMENDATION: That the City Council

- Open the Public Hearing and receive testimony;
- Close the Public Hearing;
- Move to adopt the next RESOLUTION in order approving Conditional Use Permit No. 2096, subject to conditions.

DISCUSSION

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

Mayor Lewis announces the Public Hearing is now Open.

No one comes forward to speak.

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. 31-09, approving Conditional Use Permit No. 2096, subject to conditions.

MOTION CARRIES BY UNANIMOUS VOTE.

101 ITEMS CONTINUED FROM THE 3:00 P.M. - None

ADJOURNMENT: Mayor Lewis adjourned the Adjourned Regular Joint Meeting of the City Council and the Redevelopment Agency held this 24th day of March 2009, at 7:15 p.m. to Tuesday, April 14, 2009, at 3:00 p.m.

**BELINDA HAWLEY
Acting City Clerk/Secretary**