

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



## MINUTES

### CITY OF EL CAJON EL CAJON, CALIFORNIA

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**JULY 14, 2009**

A Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, July 14, 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 3:00 p.m. on June 23, 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 June 23, 2009, meeting and the Agenda of the July 14 2009, meetings in accordance to State Law and Council/Agency Policy.

**PRESENTATIONS:**

- **Crime-Free Multi-Housing Recognitions**
- **Presentation – Urban Land Institute**

**AGENDA CHANGES: NONE**

**CONSENT ITEMS: (1.1 – 1.17)**

**MOTION BY LEWIS, SECOND BY KENDRICK, to approve Consent Items 1.1 to 1.17, pulling Item(s) 1.4 and 1.8, as requested by McCLELLAN.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

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

Approve Minutes of the June 23, 2009, meeting 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 RESOLUTIONS – STREET RESURFACING '09 RUBBERIZED SLURRY VARIOUS STREETS, Bid No. 007-10, Job No. 3292 (Report: Deputy City Manager/Director of Public Works)**

**RECOMMENDATION:** That the City Council adopt the next RESOLUTIONS in order to approve plans and specifications and direct a Notice Inviting Sealed Bids to be opened on August 11, 2009.

**CONSENT ITEMS: (Continued)**

**1.5 COOPERATIVE AGREEMENT BETWEEN THE CITY OF EL CAJON AND THE GROSSMONT UNION HIGH SCHOOL DISTRICT (Report: Chief of Police)**

Authorize the City Manager to execute the Third Amendment of the Cooperative Agreement between the City of El Cajon and the Grossmont Union High School District.

**1.6 SPECIAL OPERATION LICENSE – DEHAYS JEWELRY - 1049 E. Main Street**

Approve the application for a Special Operation License for Dehays Jewelry, as submitted by Saad Dehays for a jewelry retail shop at 1049 East Main Street.

**1.7 SPECIAL OPERATION LICENSE – ALERT AMBULANCE NETWORK, LLC**

Approve the application for a Special Operation License for Alert Ambulance Network, LLC, as submitted by Alohi Rieger requesting to provide paramedic transport services in the City of El Cajon.

**PULLED FOR DISCUSSION**

**1.8 RESOLUTION – AWARD OF BID NO. 003-10, DIESEL PARTICULATE FILTER SYSTEM - REBID (Report: Purchasing Agent)**

**RECOMMENDATION:** That the City Council adopt the next RESOLUTION in order and award the bid to the lowest responsive bidder, Action Turbo Repair, Inc., in the amount of \$181,481.25.

**1.9 RESOLUTIONS – INSTALLATION OF PUBLIC STREET LIGHTS BROADWAY AND EAST MAIN STREET BETWEEN BOSTONIA STREET AND EAST MAIN STREET AND EAST MAIN STREET AND BROADWAY TO THIRD STREET - Bid No. 008-10, Job No. 3132 (Report: Deputy City Manager/Director of Public Works)**

Adopt RESOLUTION NO. 70-09 to approve Plans and Specifications and RESOLUTION NO. 71-09 to direct a Notice Inviting Sealed Bids to be opened on August 13, 2009.

**CONSENT ITEMS: (Continued)**

**1.10 RESOLUTION – DESIGNATION OF CITY OFFICERS TO MAKE INVESTMENTS IN THE STATE INVESTMENT POOL (Report: Deputy City Manager/Director of Finance)**

Adopt RESOLUTION NO. 72-09 titled Resolution of the City of El Cajon Authorizing Investment of Monies in the Local Agency Investment Fund,

**1.11 RESOLUTION – AWARD OF BID NO. 006-10, OPEN SPACE WEED ABATEMENT (Report: Purchasing Agent)**

Adopt RESOLUTION NO. 73-09 and award the bid to the lowest responsive bidder, Natures Image, Inc., in the amount of \$9,350.00.

**1.12 RESOLUTION - AGREEMENT FOR EXTENDING RED LIGHT PHOTO ENFORCEMENT SERVICES (Report: City Attorney)**

Adopt RESOLUTION NO. 74-09, to approve the proposed Agreement for Red Light Photo Enforcement Services with Redflex Traffic Systems, Inc., extending services for an additional five (5) years.

**1.13 RESOLUTION – TRAFFIC LIGHT SYNCHRONIZATION PROGRAM (TLSP) PROJECT, ENGINEERING JOB NO. 3225 AND AUTHORIZATION FOR THE EXECUTION OF A MASTER AGREEMENT AND PROGRAM SUPPLEMENTS FOR FEDERAL AND STATE-FUNDED TRANSPORTATION PROJECTS (Report: Deputy City Manager/Director of Public Works)**

1. Adopt RESOLUTION NO. 75-09 to authorize the City Manager, or designee, to execute Master Agreements for State-Funded and Federal-Aid Transportation projects.
2. Upon receipt of the Grant Funds appropriate \$120,000 of TLSP Funds for the Traffic Light Synchronization Program Project, Job No. 3225 for inclusion with the 2009-10 City Capital Improvement Budget.

**CONSENT ITEMS: (Continued)**

**1.14 SPECIAL OPERATION LICENSE – Severin Mobile Towing, Inc. d/b/a USA Towing & Recovery 2 – 289 Vernon Way**

Deny the application for a Special Operation License submitted by Asad Raffo for Severin Mobile Towing, Inc. d/b/a USA Towing and Recovery 2, for towing service calls for AAA and CHP in the City of El Cajon based on the investigation conducted by the El Cajon Police Department.

**1.15 NEW CLASSIFICATION SPECIFICATION AND SALARY RECOMMENDATION FOR LEAD FACILITIES TECHNICIAN (Report: Director of Human Resources)**

Approve the new classification of Lead Facilities Technician and allocate the salary to range 83.8, \$47,008.00 to \$57,283.00.

**1.16 RESOLUTION – EXEMPTING THE CITY OF EL CAJON FROM THE REQUIREMENTS OF THE CONGESTION MANAGEMENT PROGRAM (Report: Deputy City Manager/Director of Public Works)**

Adopt RESOLUTION NO. 76-09 authorizing the City of El Cajon to request SANDAG to exempt the region from the Congestion Management Program.

**1.17 DISPOSAL OF CAPITAL ASSETS (Report: Purchasing Agent)**

Approve the disposal of the listed capital assets in accordance with City Council Policy E-6.

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**CONSENT ITEMS: (Continued)**

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**1.4 RESOLUTIONS – STREET RESURFACING '09 RUBBERIZED SLURRY VARIOUS STREETS, Bid No. 007-10, Job No. 3292 (Report: Deputy City Manager/Director of Public Works)**

**RECOMMENDATION:** That the City Council adopt the next RESOLUTIONS in order to approve plans and specifications and direct a Notice Inviting Sealed Bids to be opened on August 11, 2009.

**DISCUSSION**

In response to questions by Councilmember McClellan, Director of Public Works Turner provided clarification on various budget amounts for the project.

No further comments are made.

**MOTION BY LEWIS, SECOND BY McCLELLAN, to adopt Resolution No. 67-09 approving Plans and Specifications and Resolution No. 68-09 directing a Notice Inviting sealed Bids to be opened on August 11, 2009.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**1.8 RESOLUTION – AWARD OF BID NO. 003-10, DIESEL PARTICULATE FILTER SYSTEM - REBID (Report: Purchasing Agent)**

**RECOMMENDATION:** That the City Council adopt the next RESOLUTION in order and award the bid to the lowest responsive bidder, Action Turbo Repair, Inc., in the amount of \$181,481.25.

**DISCUSSION**

In response to questions by Councilmember McClellan, Director of Public Works Turner stated that approximately 15 to 20 vehicles are to be modified.

No further comments are made.

**MOTION BY LEWIS, SECOND BY McCLELLAN, to Adopt Resolution No. 69-09 awarding the bid to Action Turbo Repair, Inc. in the amount of \$181,481.25.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**PUBLIC COMMENT:**

**Mayor Lewis** indicates America's Pharmacy RV will be in El Cajon on July 21, 2009, at Foothills Christina Church, 365 West Bradley Avenue. Additional information can be obtained from Sherry at (916) 448-4234.

**Debra Emerson**, representing St. Madeleine Sophie's Center, invites citizens to 4<sup>th</sup> Annual Alley Cat Fest on July 17 and 18; there will also be a car show and beer garden.

**Sunshine Horton** reads a statement about "Words" and mentioned her upcoming Dance-A-Thon in August.

**Councilmember McClellan** tells a short story about Daniel Webster.

**2. WRITTEN COMMUNICATIONS:**

**2.1 DESIGNATION OF VOTING DELEGATES AND ALTERNATES FOR 2009 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE**

Letter from League of California Cities requesting the designation of Voting Delegate and Alternate for 2009 League Annual Conference September 16-18, 2009, in San Jose and requesting Voting Delegate Form be completed and returned to them no later than August 21, 2009.

**DISCUSSION**

No one comes forward to speak.

**MOTION BY LEWIS, SECOND BY McCLELLAN, to Designate Councilmember Hanson-Cox as the Voting Delegate and Mayor Pro Tem/Councilmember Wells as Alternate, for the 2009 League Annual Conference.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**2.2 APPEAL FROM KAZEM ASLANIAN REGARDING UNDERGROUNDING OF UTILITIES**

Letter from Kazem Aslanian appealing denial of request to waive requirement to underground utilities at 2389 Fletcher Parkway.

**ITEM 2.2 (Continued):**

**DISCUSSION**

**Kazem Aslanian** explains it will be costly for him to underground utilities and does not feel that just doing his property would benefit anyone.

**Mayor Lewis** speaks in favor of upholding the City Manager's denial of the request.

Discussion ensues among **Council, Staff** and **Mr. Aslanian** concerning:

- The number and type of buildings housed on the property;
- The option for a lien contract;
- Payments required by San Diego Gas & Electric Company for the undergrounding project.

No further comments are made.

**MOTION BY LEWIS, SECOND BY HANSON-COX, to deny appeal of request to waive requirement to underground utilities at 2389 Fletcher Parkway.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**3. PUBLIC HEARINGS:**

**3.1 SUBSTANDARD CONDITIONS AT 1299 VISTA CAPITAN DRIVE (Report: Building Official/Fire Marshal)**

**RECOMMENDATION: That the City Council**

- Open the Public Hearing and receive testimony;
- Close the Public Hearing;
- Deem appropriate the actions of the Building Official/Fire Marshal in this case; and
- Direct staff to (1) file a Notice of Restriction against the property; (2) begin accrual of civil penalties starting July 15, 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**, Building Official/Fire Marshal, gives a summary of the report, and indicates that the property owner occupies the home.



**ITEM 3.1 (Continued):**

**Marigene Roberts**, owner of the property, states that she has health issues and admits she has not taken care of the property. This matter has gotten her attention, and she is dealing with it and making progress. She requests additional time to complete the clean up. She is receiving assistance from friends and Set-Free Ministries.

**Nancy Proodion** is a friend of the property owner. She indicates they have been working long hours to clean up the house, and she requests additional time to finish the clean up.

**Janice DuBoise**, from Set Free Ministries, states she and others from Set Free have been helping to clean up the property. She also requests more time to finish cleaning the home.

**Council** and **Staff** discuss the option of granting additional time for clean up of the property and continuing the Item to a future date, without accrual of fees or civil penalties at this time.

No further comments are made.

**MOTION BY LEWIS, SECOND BY McCLELLAN, to Continue the Public Hearing to the meeting of August 25, 2009, accruing no fees or penalties at this time.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

Recess called at 4:41p.m.  
Meeting called back to order at 4:46 p.m.

**4. ADMINISTRATIVE REPORTS:**

**4.1 SUBSTANDARD CONDITIONS AT 1007 ORO STREET (Report: Building Official/Fire Marshal) (Continued from May 26, June 9 and June 23, 2009)**

**RECOMMENDATION: That the City Council**

- Take action appropriate to the condition of the property based on a verbal report from the Building Official/Fire Marshal, and adopt the next RESOLUTION in order confirming those actions.

**ITEM 4.1 (Continued):**

**DISCUSSION**

**Dan Pavao**, Building Official/Fire Marshal, gives an update on the condition of the property and distributes recent photos to Councilmembers.

**Carol Luther** states the property has been cleaned up to the satisfaction of the Building Official/Fire Marshal.

**City Attorney Foley** indicates the total of Administrative fees, Staff time and Civil Penalties to date is \$17, 617.97.

**Yvette Woodward** submits to **Council** a panoramic photo showing the current state of the property.

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

- Assessment of administrative fees, staff time and civil penalties;
- Suggestions to either waive or reduce the civil penalties by one-half;
- A suggestion to set the civil penalties in abeyance for three years;
- Waiving the civil penalties if the property remains in compliance during the three-year period of time.

**MOTION BY LEWIS, SECOND BY WELLS, to access the charges for Administrative Fees of \$615.00, Staff time of \$1102.97, reduce Civil Penalties by one-half, to \$7,500, and with a provision to waive the civil penalties for a period of three years, including a provision for the Building Inspector to re-inspect the property on a yearly basis, and one additional inspection in between.**

In response to the inquiry by **City Attorney Foley**, **Mayor Pro Tem Wells** clarifies his suggestion for waiver of the civil penalties at the end of the three-year period of time.

**SUBSTITUTE MOTION BY WELLS, SECOND BY KENDRICK, to assess the Administrative and Staff Time Fees, reduce the civil penalties by one-half, and have the penalties not collected until the end of the three years; however, at that time if she has remained compliant, and the house is no longer a problem, the civil penalties be waived.**

**Councilmember Hanson-Cox** suggests that at any time within the three years, if the house gets out of hand, then the property owner will have to pay the penalties; but if the property remains in compliance, to the end of the three years the Civil Penalties will be forgiven.

**ITEM 4.1 (Continued):**

**City Attorney Foley** re-states the Motion below, which is acknowledged by **Mayor Pro Tem Wells**:

**MOTION BY WELLS, SECOND BY KENDRICK, to find that there were findings of substandard conditions as described, that they were abated as of today, that the Administrative Fee of \$615.00 is affirmed and Staff Time charge of \$1,102.97 is affirmed, and that Civil Penalties be assessed in the amount of \$7,950. Collection of the Civil Penalties will be held in abeyance for a period up to three years. If at any time during the three-year period there is a finding of substandard conditions on this property, the Civil Penalties will be immediately due and payable. If at end of the three-year period there is never a finding of substandard conditions, the Civil Penalties will be waived.**

**Mayor Lewis** requests that **Building Inspector/Fire Marshall Pavao** report back to **Council** any findings of substandard conditions during the three-year period.

**MOTION CARRIES BY UNANIMOUS VOTE.**

**City Attorney Foley** states the Motion below, which is acknowledged by **Mayor Lewis**:

**MOTION BY LEWIS, SECOND BY KENDRICK, to Direct Staff to record a Release of Notice of Restriction on the property and to Adopt Resolution No. 77-09, to reflect above decisions.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

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**4.2 ECONOMIC DEVELOPMENT SUBCOMMITTEE FIRST REPORT  
(Report: Mayor Pro Tem Wells and Councilmember Hanson-Cox)**

**RECOMMENDATION:** That the City Council accept the First Report of the Economic Development Subcommittee dated July 8, 2009.

**DISCUSSION**

**Councilmember McClellan** suggests that the subcommittee work with Parkway Plaza to encourage retail businesses in the City.

**Councilmembers** comment favorably on the diligent work efforts and overall commitment displayed by **City Manager Henry** and **Claire Carpenter**, and the successful meeting held with subcommittee members.

**MOTION BY LEWIS, SECOND KENDRICK, to accept the First Report of the Economic Development Subcommittee dated July 8, 2009 and to nominate Mayor Pro Tem Wells as the City's representative to the CDC Executive Board.**

**MOTION WITHDRAWN.**

Discussion ensues among **Council** and **Staff** concerning the actions requested for this Item.

**MOTION BY LEWIS, SECOND KENDRICK, to accept the First Report of the Economic Development Subcommittee dated July 8, 2009 and to nominate Mayor Pro Tem Wells as the City's representative to the CDC Executive Board, with Councilmember Hanson-Cox as Alternate, and if either is not available, to appoint City Manager Henry as Staff's representative, effective July 30, 2009.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**4.3 SUBSTANDARD CONDITIONS AT 225 SOUTH IVORY AVENUE  
(Report: Building Official/Fire Marshal)**

**RECOMMENDATION:** That the City Council

- Make a determination with regard to administrative costs, staff time, and civil penalties and direct staff to assess costs and penalties to date;
- Direct staff to bill the property owner for fees and penalties, as appropriate, with any unpaid balance to be placed on the property as a tax lien if not paid within 90 days;
- Direct staff to file a Release of Notice of Restriction on the property; and
- Adopt the next RESOLUTION in order pursuant to the items listed above.

**ITEM 4.3 (Continued):**

**DISCUSSION**

**City Attorney Foley** provides clarification on the actions requested of Council.

No one else comes forward to speak.

**MOTION BY LEWIS, SECOND BY WELLS, to Approve the costs of \$615 for administrative fees, staff time of \$503.53 and \$24,600 in civil penalties for a total of \$25,718.53, as noted in the Agenda Report, and direct Staff to assess costs and penalties to date.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**MOTION BY LEWIS, SECOND BY HANSON-COX, to Direct Staff to bill the property owner for fees and penalties, as appropriate, with any unpaid balance to be placed on the property as a tax lien if not paid within 90 days.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**MOTION BY LEWIS, SECOND BY HANSON-COX, to direct Staff to file a Release of Notice of Restriction on the property and Adopt RESOLUTION NO. 78-09 pursuant to the items listed above.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**4.4 RESOLUTION – NO PARKING ZONE – 1985 Gillespie Way  
(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 easterly curblineline of Gillespie Way, beginning at a point 787 feet south of the southerly extended curblineline of Weld Boulevard, thence southerly a distance of 115 feet**

**DISCUSSION**

**City Clerk Rutledge** indicates a speaker card has been submitted if the Council has any questions on the Item. **Mayor Lewis** indicates that Council has no questions.

**ITEM 4.4 (Continued):**

**MOTION BY LEWIS, SECOND BY McCLELLAN, to Adopt RESOLUTION NO. 79-09 to establish a No Parking Zone at 1985 Gillespie Way, per Staff recommendation.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**4.5 RESOLUTION – NO PARKING ZONE – BROADWAY WEST OF ORO STREET (Report: Deputy City Manager/Director of Public)**

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

Along the southerly curblineline of Broadway, beginning from the westerly extended curblineline of Oro Street, thence westerly a distance of 96 feet. (Note: This No Parking Zone supercedes and rescinds all previous zones within these described limits.)

**DISCUSSION**

No one comes forward to speak.

**MOTION BY LEWIS, SECOND BY McCLELLAN. to Adopt RESOLUTION NO. 80-09 to establish a No Parking Zone on Broadway west of Oro Street.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**4.6 RESOLUTION – FEE REDUCTION - BUILDING PERMIT CODE ENFORCEMENT SURCHARGE (Report: Director of Community Development)**

**RECOMMENDATION: That the City Council** adopt the next RESOLUTION in order approving a reduction in the building permit fee code enforcement surcharge as recommended by staff and directing the City Manager to reimburse any code enforcement surcharge fees collected to date which exceed \$1,500 per respective building permit.

**DISCUSSION**

**City Manager Henry** summarizes the need for the fee reduction.

No one comes forward to speak.

**ITEM 4.6 (Continued):**

**MOTION BY LEWIS, SECOND BY McCLELLAN, to Adopt RESOLUTION NO. 81-09 approving a reduction in the Building Permit Fee Code Enforcement Surcharge as recommended by Staff and directing the City Manager to reimburse any code enforcement surcharge fees collected to date which exceed \$1,500 per respective building permit.**

**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 Quality of Life Ad Hoc Steering Committee Agenda – June 19, 2009**

**6.2 SANDAG Public Safety Committee Agenda – June 19, 2009**

**6.3 SANDAG Board of Directors Agenda – June 26, 2009**

**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.**

**ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)**

**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 Report**

**Councilmember Hanson-Cox** indicates she has been on vacation and has no report for this period.

**9.**

**COUNCILMEMBER GARY KENDRICK**

Heartland Communications JPA; Heartland Fire Training JPA.

**9.1 Council Activities Report**

**REPORT AS STATED.**

**10.**

**COUNCILMEMBER BOB McCLELLAN**

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

**10.1 Council Activities Report**

**REPORT AS STATED.**

**11. LEGISLATIVE REPORT**

**11.1 League of California Cities Legislative Bulletin dated June 19 and 26, and July 2, 2009 – *City Advocate Weekly***

**NO RECOMMENDED ACTION.**

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**11.2 ASSEMBLY BILL 1506 (Report: Councilmember Hanson-Cox)**

**RECOMMENDATION:** That the City Council support proposed legislation from Assemblyman Anderson allowing recipients of state issued IOUs to endorse and return the IOUs as payment for obligations owed to the state.

**DISCUSSION**

**Councilmember Hanson-Cox** speaks in support of Assembly Bill 1506.

**MOTION BY LEWIS, SECOND BY KENDRICK, to support Legislation from Assemblyman Anderson allowing recipients of State issued IOUs to endorse and return the IOUs as payment for obligations owed to the state.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

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

**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 ORDINANCE REVISING EXTENSION PERIODS FOR TENTATIVE SUBDIVISION MAPS AND TENTATIVE PARCEL MAPS**

An Ordinance Repealing Section 16.12.110 of Chapter 16.12 and Section 16.24.180 of Chapter 16.24 of Title 16 and adding a new Section 16.12.110 to Chapter 16.12 and adding a new Section 16.24.180 to Chapter 16.24 of Title 16 of the El Cajon Municipal Code regarding extensions for tentative subdivision maps and tentative parcel maps.

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

**MOTION BY LEWIS, SECOND BY McCLELLAN, to Adopt Ordinance No. 4931.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

## 15. CLOSED SESSIONS

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

### 15.1

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

Agency Designated Representatives:                             Kathi Henry  
  Nancy Palm  
  Joan Ward

Employee Organizations:

El Cajon Municipal Employees Association  
El Cajon Mid-Management and Professional Employees Group  
Executive, Unrepresented and Confidential Employees

### 15.2

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

Name of Case:         Danny Halligan v. City of El Cajon  
  San Diego Superior Court  
  Case No. 37-2007-00061777-CU-OE-EC

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15.3

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

<b><u>Property</u></b>	<b>Negotiating Parties</b>	<b>Agency Negotiators</b>
APN 487-180-10-00 382-386 Linda Way	Affirmed Housing Group	Executive Director/City Manager Director of Redevelopment & Housing General Counsel/City Attorney
APN 487-180-13-00 360-364 Linda Way	Affirmed Housing Group	Executive Director/City Manager Director of Redevelopment & Housing General Counsel/City Attorney
APN 487-180-09-00 151-155 Chambers St.	Affirmed Housing Group	Executive Director/City Manager Director of Redevelopment & Housing General Counsel/City Attorney
APN 487-180-11-00 376-380 Linda Way	Affirmed Housing Group	Executive Director/City Manager Director of Redevelopment & Housing General Counsel/City Attorney
APN 487-180-12-00 366-370 Linda Way	Affirmed Housing Group	Executive Director/City Manager Director of Redevelopment & Housing General Counsel/City Attorney
APN 487-191-14-00 131 Chambers St.	Affirmed Housing Group	Executive Director/City Manager Director of Redevelopment & Housing General Counsel/City Attorney
APN 487-191-15-00 Chambers St. adjacent to 131 Chambers St.	Affirmed Housing Group	Executive Director/City Manager Director of Redevelopment & Housing General Counsel/City Attorney

Under negotiation: For the Agency/Council to provide instructions to its negotiators regarding the price and terms for the potential sale of the property to the designated negotiating party.

**15.4**

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

<b><u>Property</u></b>	<b>Negotiating Parties</b>	<b>Agency Negotiators</b>
APN 482-250-34 572-588 N. Johnson Ave.	Ynez II LLC and K Motors Corp.	Executive Director/City Manager Director of Redevelopment & Housing General Counsel/City Attorney
APN 482-250-32 542 N. Johnson Ave.	Ynez II LLC and K Motors Corp.	Executive Director/City Manager Director of Redevelopment & Housing General Counsel/City Attorney
APN 487-121-43 440 N. Johnson Ave.	Ynez II LLC and K Motors Corp.	Executive Director/City Manager Director of Redevelopment & Housing General Counsel/City Attorney
APN 482-250-36 531-555 Raleigh Ave.	Ynez II LLC and K Motors Corp.	Executive Director/City Manager Director of Redevelopment & Housing General Counsel/City Attorney

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

**15.5**

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

<b><u>Property</u></b>	<b>Negotiating Parties</b>	<b>Agency Negotiators</b>
APN 488-082-18 141 North Magnolia	141 Magnolia LLC	Executive Director/City Manager Director of Redevelopment & Housing General Counsel/City Attorney

Under negotiation: For the Agency/Council to provide instructions to its negotiators regarding the price and terms for the potential purchase of property by the Agency for redevelopment purposes.

**15.6**

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

<b><u>Property</u></b>	<b>Negotiating Parties</b>	<b>Agency Negotiators</b>
APN 488-082-12 120 Rea Avenue	Alfred J. Tortora and Dorothy M. Tortora	Executive Director/City Manager Director of Redevelopment & Housing General Counsel/City Attorney

Under negotiation: For the Agency/Council to provide instructions to its negotiators regarding the price and terms for the potential purchase of property by the Agency for redevelopment purposes.

**15.7**

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

Name of Case: Get Outdoors, LLC v. City of El Cajon, et al.  
Case No. 03CV 1437W(JAH)

**15.8**

• **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: City Manager

**MOTION BY LEWIS, SECOND BY McCLELLAN, to Adjourn to Closed Session at 5:31 p.m.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**16. RECONVENE TO OPEN SESSION AT 7:02 P.M.**

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

- 15.1** Direction was given to the Labor Negotiators.
- 15.2** Direction was given from City Council to City's Attorneys.
- 15.3** Direction was given to the Real Property Negotiators.
- 15.4** Direction was given to the Agency's Negotiators.
- 15.5** Direction was given to the Agency's Negotiators.
- 15.6** Direction was given to the Agency's Negotiators.
- 15.7** On **MOTION BY LEWIS, SECOND BY MCCLELLAN**, the Council unanimously voted to reject the offer from plaintiffs, and authorize the City Manager to make all future decisions on any settlement offers in the proceeding.
- 15.8** **Mayor Lewis** reports there was no action at this time.

**Adjournment:** Mayor Lewis adjourned the Regular Joint Meeting of the City Council/ Redevelopment Agency held this 14th day of July 2009, at 7:03 p.m. to Tuesday, July 14, 2009, at 7:00 p.m.

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

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



## MINUTES

### CITY OF EL CAJON EL CAJON, CALIFORNIA

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**JULY 14, 2009**

An Adjourned Regular Joint Meeting of the City Council and Redevelopment Agency of the City of El Cajon, California, held Tuesday, July 14, 2009, was called to order by Mayor/Chair Mark Lewis at 7:03 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, July 14, 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:	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 and MOMENT OF SILENCE.**

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

**AGENDA CHANGES: None**

## **PUBLIC COMMENT:**

**Mayor Lewis** greets Boy Scouts in the audience.

**Michael Black** announces his engagement to be married, and speaks about the 2009 Film Festival. He will provide further details about the events at a future meeting.

## **PUBLIC HEARINGS:**

### **100 AMENDMENT OF SPECIFIC PLAN NO. 106 – 596 North Mollison Avenue (Report: Director of Community Development)**

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

- Open the Public Hearing and receive testimony;
- Close the Public Hearing;
- Move to approve an amendment to Specific Plan No. 106, subject to conditions listed in Planning Commission Resolution No. 10567.

## **DISCUSSION**

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

**Mayor Lewis** announces the Public Hearing is now Open.

**Eddie Hamana** owner of 596 North Mollison, speaks in favor of turning the current office space into apartments.

**Samah Younan** speaks in favor of the future apartments and states she is on a tenant list.

**Mayor Lewis** calls back **Mr. Hamana** to podium and asks how long it will take to fulfill all building requirements, **Mr. Hamana** responds it will be a matter of days to complete job. **Mayor Lewis** also asks about noise levels and Mr. Hamana replies that air quality studies and noise levels studies have been done and passed.

**Councilmember Hanson-Cox's** concern is about the children living there, would there be a play area for them on the outside of the building

**Director of Community Development Ayres** said that if **Council** approves this amendment, a requirement could be added to include a safe play area.



**ITEM 100 (Continued):**

**Majid Shamoon** (Samah Younan translates for him) indicates he lives at 596 North Mollison with his children, and is content living there; he takes his children to the park nearby to play.

**Bassam Razogi** (Samah Younan translates for him) states he would like item approved, so he could move in an apartment that would be much nicer, and less expensive than where he currently resides.

**Thabit Mati** (Samah Younan translates for him) supports the project to make the apartments so he could live there, as it has laundry facilities, plenty of parking and would be less expensive than where he currently resides.

**Mayor Lewis** is concerned about quality of life for children living at these units.

No further comments are offered.

**MOTION BY LEWIS, SECOND BY McCLELLAN, to Close the Public Hearing.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**MOTION BY LEWIS, SECOND BY KENDRICK, to Deny an amendment to Specific Plan No. 106.**

**MOTION CARRIES. (McCLELLAN - NO)**

**MOTION BY LEWIS, SECOND BY KENDRICK to Adopt RESOLUTION NO. 82-09 denying amendment of Specific Plan No. 106.**

**MOTION CARRIES. (McCLELLAN - NO)**

**101 ZONE RECLASSIFICATION 2293, PLANNED RESIDENTIAL DEVELOPMENT 65R AND TENTATIVE SUBDIVISION MAP 645R – Rocky Hill Pointe Development - 1075 East Washington Avenue (Report: Director of Community Development)**

**RECOMMENDATION: That the City Council**

- Open the Public Hearing and receive testimony;
- Close the Public Hearing;

**THEN**

- Move to adopt the next RESOLUTION in order denying Zone Reclassification No. 2293, PRD No. 65R and TSM 645 R

**OR ALTERNATIVELY, if the City Council finds the proposed project to be acceptable, the recommendation is:**

- Move to adopt the next RESOLUTION in order adopting the Negative Declaration for the Rocky Hill Pointe project; and
- Move to approve Zoning Reclassification No. 2293;
- Move to introduce an Ordinance to rezone/prezone two lots as requested in Zoning Reclassification No. 2293;
- If approved, the Mayor requests the City Clerk to recite the title:

An Ordinance rezoning a 0.46 acre property at 1075 East Washington Avenue from R-1-6 Zone to Planned Residential Development, Medium Density and pre-zoning a 1.93 acre parcel to the south, Planned Residential Development, Low Density (Rocky Hill Pointe)

- Move to adopt the next RESOLUTION in order approving Planned Residential Development No. 65R, subject to conditions listed in Planning Commission Resolution No. 10563; and
- Move to adopt the next RESOLUTION in order approving Tentative Subdivision Map No. 645R, subject to conditions listed in Planning Commission Resolution No. 10564

**DISCUSSION**

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

**City Attorney Foley** responds to questions by **Councilmember Kendrick**.

**Mayor Lewis** announces the Public Hearing is now Open.

**Jack Phillips** gave a handout to Council and read his objections to the project and requested additional time to speak, but was denied.

Recess called at 7:55 p.m.  
Meeting called back to order at 7:59 p.m.

**ITEM 101 (Continued):**

**Kim Noriega** opposes the proposed project because their quality of life would deteriorate.

**Joel Waymire**, Engineer for the project, advised that the Planning Commission approved this project.

Discussion ensues between **Council** and **Mr. Waymire** regarding egress concerns of the neighbors.

**Greg Thomas** addresses questions from **Council** regarding:

- Trees on the property and the addition of new planters;
- Proposed density of the project;
- Pricing of the homes.

**Ron Owen** speaks in opposition to the project citing concerns about density for area.

**Maria Gonzales** submitted a card in opposition, but did not wish to speak.

**Greg Thomas** returns to the podium to answer questions about the drawings submitted to **Council**.

No further comments are offered.

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

**MOTION CARRIES BY UNANIMOUS VOTE.**

**MOTION BY LEWIS, SECOND BY WELLS, to Adopt RESOLUTION NO. 83-09 approving the Negative Declaration.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**MOTION BY LEWIS, SECOND BY KENDRICK, to Approve Zoning Reclassification No. 2293.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**MOTION BY LEWIS, SECOND BY WELLS, to Introduce an Ordinance to rezone/prezone two lots as requested in Zoning Reclassification No. 2293.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**ITEM 101 (Continued):**

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

**MOTION BY LEWIS, SECOND BY KENDRICK, to Adopt RESOLUTION NO. 84-09 approving Planned Residential Development No. 65R, subject to conditions listed in Planning Commission Resolution No. 10563.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

**MOTION BY LEWIS , SECOND BY KENDRICK, to Adopt RESOLUTION NO. 85-09 approving Tentative Subdivision Map No. 645R, subject to conditions listed in Planning Commission Resolution No. 10564.**

**MOTION CARRIES BY UNANIMOUS VOTE.**

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

**ADJOURNMENT:** Mayor Lewis adjourned the Adjourned Regular Joint Meeting of the City Council and the Redevelopment Agency held this 14th day of July, 2009, at 8:33 p.m. to Tuesday, July 28, 2009, at 3:00 p.m.

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