

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

SEPTEMBER 22, 2009

An Adjourned Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, September 22 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 September 8, 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, Deputy City Manager/Director of Public Works Ayres, Director of Community Development

PLEDGE OF ALLEGIANCE TO FLAG led by Mayor Lewis and MOMENT OF SILENCE. (The Courts have concluded that sectarian prayer as part of City Council Meetings is not permitted under the Constitution).

POSTINGS: The City Clerk posted Orders of Adjournment of the September 8, 2009, meeting and the Agenda of the September 22, 2009, meeting in accordance to State Law and Council/Agency Policy.

PRESENTATIONS:

- **Recreation Campaign Recognitions**
- **Proclamation – “German American Month”**

AGENDA CHANGES:

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Add Item 12.A to the Agenda, discussing Senate Bill (SB) 486 - Safe Needle Disposal Program.

MOTION CARRIES BY UNANIMOUS VOTE.

CONSENT ITEMS: (1.1 – 1.11)

MOTION BY LEWIS, SECOND BY WELLS, to approve Consent Items 1.1 to 1.11.

MOTION CARRIES BY UNANIMOUS VOTE.

1.1 MINUTES OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS

Approve Minutes of the September 8, 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.

CONSENT ITEMS: (Continued)

- 1.4 LIEN CONTRACT AND AGREEMENT NOT TO CONVEY AND COVENANT NOT TO CONVEY CONDOMINIUM UNITS AND FINAL SUBDIVISION MAP FOR TENTATIVE SUBDIVISION MAP (TSM) 625 – 404-414 South Anza Street, Engineering Job No. 3058 (Report: Deputy City Manager/Director of Public Works)**

Approve the Lien Contract and Agreement Not to Convey and Covenant Not to Convey Condominium Units and the Final Map for TSM 625 at 404-414 South Anza Street, authorizing execution of the agreements.

- 1.5 RESOLUTION – AWARD OF BID NO. 009-10 – HVAC MAINTENANCE AND REPAIR SERVICES (Report: Purchasing Agent)**

Adopt RESOLUTION NO. 106-09 and award the bid to the lowest responsive bidder, Countywide Mechanical Systems, Inc.

- 1.6 AGREEMENT WITH COX TMI WIRELESS TO ALLOW THE TEMPORARY USE OF THE CITY HALL BUILDING FOR WIRELESS ANTENNAS (Report: Deputy City Manager/Director of Public Works)**

Approve an Agreement to allow the temporary use of the City Hall building for wireless antennas, and authorize the City Manager to execute the Agreement on behalf of the City.

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

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

CONSENT ITEMS: (Continued)

1.8 ACCEPTANCE OF PROJECT – PROP 1B – LOCAL STREET RESURFACING VARIOUS LOCATIONS, Engineering Job No. 3265, Bid No. 026-09 (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.

1.9 RESOLUTION - ACCEPTANCE, APPROPRIATION AND ALLOCATION OF THE HOMELESSNESS PREVENTION AND RAPID RE-HOUSING (HPRP) FUNDS (Report: Director of Redevelopment and Housing)

1. Accept the HPRP Grant approved by the U. S. Department of Housing and Urban Development (HUD) in the amount of \$512,686;
2. Accept the Proposal from Volunteers of America Southwest California (VOA) for the HPRP Program and authorize the City Manager or designee to execute an agreement no later than September 30, 2009;
3. Appropriate HPRP Funds (Budget Activity No. 201400) in the amount of \$462,052 from HPRP Funds for the VOA Agreement and \$50,634 for the Redevelopment and Housing Department to cover data collection and other administrative expenses; and
4. Adopt RESOLUTION NO. 107-09 to allocate HPRP funds and authorize the City Manager or designee to make the necessary changes to the 2009-2010 One-Year Action Plan and to submit to HUD any necessary forms and contract documents.

1.10 RESOLUTION - ACCEPTANCE, APPROPRIATION AND ALLOCATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY (CDBG-R) FUNDS (Report: Director of Redevelopment and Housing)

1. Accept CDBG-R Grant approved by the U. S. Department of Housing and Urban Development (HUD) in the amount of \$335,286;
2. Appropriate CDBG-R Funds (Budget Activity No. 201300) in the amount of \$335,286 for the Sidewalk Pedestrian Ramp Project – Engineering Job No. 3259; and
3. Adopt RESOLUTION NO. 108-09 to allocate CDBG-R Funds and authorize the City Manager or designee to execute the necessary forms and contract documents.

CONSENT ITEMS: (Continued)

1.11 SPECIAL OPERATION LICENSE – AUTO PAWN CO. – 713-715 East Main Street

Approve the application for a Special Operation License for Auto Pawn Co., submitted by Robert R. Harman, for an auto pawn business located at 713-715 East Main Street.

PUBLIC COMMENT:

Ron Shelby, President, Grossmont Community Concert Association, speaks about a letter received from Art Beat Management, advising them of closure of the East County Performing Arts Center (ECPAC). He discusses contracts and commitments that have been made, as well as upcoming sold-out performances, and requests that ECPAC remain open at least until May 4, 2010. He submits a handout for Council review.

Ray Lutz, representing Citizens Oversight.org, speaks about his involvement in past meetings concerning the theater, and suggests the operation be turned over to the City's Recreation Department.

Marge Carlson speaks about the energy crisis, the need to promote business and create jobs in El Cajon, gray water issues and recycling policies.

Councilmember McClellan comments that when solar energy is used, the savings goes back to the energy company, as meters run backwards. He states that Germany has more subsidies and long-term incentives for use of alternative energy; however, the systems are costly to install.

Monica Zech invites citizens to the Fire Safety Expo and Open House.

Councilmember McClellan indicates that by one vote, the English language was chosen over German, as the language to be used in the Declaration of Independence.

(Remainder of this page intentionally left blank)

2. WRITTEN COMMUNICATIONS:

- 2.1 Letter from Patti Tuttle Shryock, President of the Board of Directors of the Mother Goose Parade Association requesting sponsorship of the City of El Cajon for the purpose of using the East County Performing Arts Center and the adjoining plaza area on October 10, 2009, for a fundraising event and concert to raise money for the 63rd Annual Mother Goose Parade.**

DISCUSSION

Councilmember Hanson-Cox indicates she must disqualify herself from this item, as she has been active with the Board of the Mother Goose Parade Association for the past year. She leaves the Chambers at 3:46 p.m.

Patti Tuttle Shryock and **Sam Sparrow** speak in support of the request.

Mayor Lewis recommends approval of the item as a community-wide event, which would allow the hanging of banners to promote the event.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Approve Item 2.1.

MOTION CARRIES. (HANSON-COX – ABSTAIN)

Councilmember Hanson-Cox returns to the Chambers at 3:52 p.m.

3. PUBLIC HEARINGS:

- 3.1 RESOLUTION - ADOPTION OF NEW FEES; MODIFICATION AND ELIMINATION OF EXISTING FEES; AMENDMENT OF SCHEDULE OF MISCELLANEOUS FEES; AND REVISION OF CITY COUNCIL POLICIES E-2 AND E-7 (Report: City Attorney)**

RECOMMENDATION: That the City Council

- Open the Public Hearing and receive testimony;
- Close the Public Hearing;
- Adopt the next RESOLUTION in order to modify certain existing fees, add or delete certain fees, amend the City's Schedule of Miscellaneous Fees; and
- Approve revision of City Council Policies E-2 and E-7 in order to clarify the policies.

ITEM 3.1 (Continued)

DISCUSSION

City Attorney Foley addresses the necessity for modifications to the fee schedule, and in response to questions by **Councilmember Hanson-Cox**, discusses changes to building permit and inspection fees.

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. 109-09 to modify certain existing fees, add or delete certain fees, amend the City's Schedule of Miscellaneous Fees and Approve revision of City Council Policies E-2 and E-7 in order to clarify the policies.

MOTION CARRIES BY UNANIMOUS VOTE.

3.2 EXTENSION OF INTERIM URGENCY ORDINANCE TO PROHIBIT MANDATORY DESIGN AND CONSTRUCTION OF IMPERVIOUS PARKING AREAS AND DRIVEWAYS (Report: City Attorney)

RECOMMENDATION: That the City Council

- Open the Public Hearing and receive testimony;
- Close the Public Hearing;
- Approve the extension of an interim urgency ordinance prohibiting the mandatory design and construction of parking areas and driveways with a minimum of two inches of asphaltic concrete on a prepared base throughout the city; and
- If approved, request City Clerk to recite the title of the ordinance.

An Ordinance to Extend an Interim Ordinance Adopted as an Urgency Measure Pursuant to California Government Code Section 65858 to Temporarily Prohibit the Mandatory Paving of all Parking Areas and Driveways with a Minimum of Two Inches of Asphaltic Concrete in the City of El Cajon

ITEM 3.2 (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 Approve the extension of an interim urgency ordinance prohibiting the mandatory design and construction of parking areas and driveways with a minimum of two inches of asphaltic concrete on a prepared base throughout the City.

MOTION CARRIES BY UNANIMOUS VOTE.

The **City Clerk** recites the title of the ordinance.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adopt Ordinance No. 4935 as recommended by Staff.

MOTION CARRIES BY UNANIMOUS VOTE.

4. ADMINISTRATIVE REPORTS:

4.1 2010 CALENDAR OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS (Report: City Clerk)

RECOMMENDATION: That the **City Council** review the calendar and proposed schedule for City Council/Redevelopment Agency Meetings in 2010 and make any appropriate modifications or accept as presented.

DISCUSSION

Councilmembers discuss modifying the meeting dates in November and December.

MOTION BY LEWIS, SECOND BY KENDRICK, to Approve the schedule for City Council/Redevelopment Agency Meetings in 2010, modifying the dates to one meeting in November, on November 9, 2010 and one in December, on December 14, 2010.

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 The PSC Dispatch – Summer 2009

6.2 SANDAG Board of Directors Policy Agenda – September 11, 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 Verbal Report

Mayor Pro Tem Wells reports on his activities for this period.

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 will submit her report at the next Council meeting.

9.

COUNCILMEMBER GARY KENDRICK

Heartland Communications JPA; Heartland Fire Training JPA.

9.1 Council Activities Report

REPORT AS STATED.

ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

10.

COUNCILMEMBER BOB McCLELLAN

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

10.1 Council Activities Report

REPORT AS STATED.

11. LEGISLATIVE REPORT

11.1 League of California Cities Legislative Bulletin dated September 4, 11 and 14, 2009 – *City Advocate Weekly*

NO RECOMMENDED ACTION.

12. GENERAL INFORMATION ITEMS FOR DISCUSSION:

Through earlier action item 12.a. as added to the agenda:

12.A SENATE BILL (SB) 486 - Safe Needle Disposal Program

Discussion

Mayor Lewis speaks about problems in the United States involving used needles, and requests Council support for SB 486.

MOTION BY LEWIS SECOND BY MCCLELLAN, to send a letter of support to Governor Schwarzenegger to approve SB 486 and send a copy of the letter to Waste Management.

MOTION CARRIES BY UNANIMOUS VOTE.

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 LEGAL COUNSEL – ANTICIPATED LITIGATION – Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9:**

Number of potential cases: 1

15.2

- **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9:**

Number of potential cases: 1

MOTION BY LEWIS, SECOND BY MCCLELLAN, to Adjourn to Closed Session at 4:05 p.m.

MOTION CARRIES BY UNANIMOUS VOTE.

16. RECONVENE TO OPEN SESSION AT 4:25 P.M.

City Attorney Foley reports the following actions:

15.1 Council gave direction to the City Attorney.

15.2 Council approved the filing of civil lawsuit against Puff N Stuff for continued tobacco violations at 522 East Chase Avenue, to enforce Tobacco Retailers License

Adjournment: Mayor Lewis adjourned the Adjourned Regular Joint Meeting of the City Council/ Redevelopment Agency held this 22nd day of September 2009, at 4:26 p.m. to Tuesday, October 13, 2009, at 3:00 p.m.

KATHIE J. RUTLEDGE, CMC
City Clerk/Secretary