

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

OCTOBER 13, 2009

A Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, October 13, 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 22, 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:	Hawley, Acting 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 22, 2009, meeting and the Agenda of the October 13, 2009, meetings in accordance to State Law and Council/Agency Policy.

PRESENTATIONS:

- **Proclamation – October is “Community Planning Month”**
- **Proclamation – October is “Fire Prevention Month”**
- **Recognition of Fire Captain Steve Swaney & Rescue Dog “Sherman”**
- **Certificates of Appreciation - Crime Free Multi-Housing Program**

AGENDA CHANGES: None

CONSENT ITEMS: (1.1 – 1.10)

MOTION BY LEWIS, SECOND BY McCLELLAN, to approve Consent Items 1.1 to 1.10, pulling Item 1.6, as requested by WELLS.

MOTION CARRIES BY UNANIMOUS VOTE.

1.1 MINUTES OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS

Approve Minutes of the September 22 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.

1.4 RESOLUTIONS – PLANNED UNIT DEVELOPMENT NO. 337, TENTATIVE SUBDIVISION MAP NO. 651 – FORRESTER CREEK DEVELOPMENT (Report: Director of Community Development)

- Adopt RESOLUTION NO. 110-09 approving Planned Unit Development No. 337, subject to conditions; and
- Adopt RESOLUTION NO. 111-09 approving Tentative Subdivision Map No. 651, subject to conditions.

CONSENT ITEMS: (Continued)

**1.5 PALOMAR COMMUNITY COLLEGE AGREEMENT
(Report: Fire Chief)**

Approve the Agreement Between the City of El Cajon and Palomar Community College District for Paramedic Field Training.

PULLED FOR DISCUSSION:

1.6 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: City Attorney)

RECOMMENDATION: That the City Council adopt the next RESOLUTION in order to increase all of the City's civil penalties for parking violations by an additional \$1.50 and amend the Master Violation Table for City of El Cajon to reflect the increase.

**1.7 RESOLUTIONS – INSTALLATION OF PEDESTRIAN CURB RAMPS AT VARIOUS LOCATIONS IN THE CITY OF EL CAJON – PROJECT #15, Engineering Job No. 3283, Bid No. 014-10
(Report: Deputy City Manager/Director of Public Works)**

Adopt RESOLUTION NO. 113-09 to approve the Plans and Specifications and RESOLUTION NO. 114-09 to direct publication of the Notice Inviting Sealed Bids to be opened on November 12, 2009, for the Installation of Pedestrian Curb Ramps at Various Locations in the City of El Cajon – Project #15.

**1.8 RESOLUTION – AUTHORIZING THE CITY OF SAN DIEGO LOCAL ENFORCEMENT AGENCY TO BE THE LEAD WASTE AGENCY FOR THE REGIONAL TIRE ENFORCEMENT PROGRAM
(Report: Deputy City Manager/Director of Public Works)**

Approve RESOLUTION NO. 115-09 to authorize the City of San Diego Local Enforcement Agency (LEA) to apply for funds and administer the San Diego Regional Waste Tire Enforcement Program on behalf of the City of El Cajon.

CONSENT ITEMS: (Continued)

1.9 ACCEPTANCE OF PUBLIC IMPROVEMENTS – TENTATIVE SUBDIVISION MAP (TSM) 621 – 1338 Naranca Avenue, Engineering Job No. 3060 (Report: Deputy City Manager/Director of Public Works)

Accept the public improvements and authorize the City Clerk to release the bonds guaranteeing the improvements in accordance with the Subdivision Agreement and require the developer to maintain insurance in force until the release of all bonds for the project.

1.10 NOTICE OF COMPLETION AND ACCEPTANCE – FIRE STATION 9 REMODEL, Bid No. 005-09, Job No. 3221 (Report: Purchasing Agent)

Accept the project and authorize the City Clerk to record a Notice of Completion and release the bonds according to the agreement for the project.

1.6 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: City Attorney)

RECOMMENDATION: That the City Council adopt the next RESOLUTION in order to increase all of the City's civil penalties for parking violations by an additional \$1.50 and amend the Master Violation Table for City of El Cajon to reflect the increase.

DISCUSSION

Staff Attorney Reid clarifies the necessity for the fee increases.

MOTION BY LEWIS, SECOND BY WELLS, to adopt RESOLUTION NO. 112-09 to increase all of the City's civil penalties for parking violations by an additional \$1.50 and amend the Master Violation Table for City of El Cajon to reflect the increase.

MOTION CARRIES BY UNANIMOUS VOTE.

PUBLIC COMMENT:

Margaret Volkmann, representing Music Scholarship Council, is concerned about the plans to close the ECPAC theatre (East County Performing Arts Center) rather than having it repaired. She asks that the City Council hold an open forum to discuss the future of ECPAC.

Mayor Lewis states that ECPAC will not be closing, but repairs will need to be performed in the future.

Ronald Shelby, President of the Grossmont Community Concert Association, expresses his relief to know that ECPAC will remain open. Mr. Shelby would like to add more presentations in the future to help the City economically.

Bonnie Fredensborg, President of Friends of East County Arts, Inc., states she is happy to hear ECPAC will not be closing.

Ginger Lloyd, President of American Association of University Women, speaks in support of ECPAC staying open thru January for concerts this season.

Ray Lutz, Representing Citizens Oversight.org, expresses his concern about traffic conditions at Anza School.

Councilmember Wells thanks everyone who showed up to support ECPAC.

Councilmember Hanson-Cox states that she and Councilmember McClellan met racecar driver Jimmy Johnson at a Habitat for Humanity event.

2. WRITTEN COMMUNICATIONS: None

3. PUBLIC HEARINGS: None

4. ADMINISTRATIVE REPORTS:

4.1 VACANCIES AND TERM EXPIRATIONS ON CITY COMMISSIONS (Report: City Clerk)

RECOMMENDATION: That the City Council establish a schedule for applications/interviews of candidates to serve on City Commissions, or reappoint, if appropriate.

APPLICATION PERIOD: October 14, 2009 – November 6, 2009 by 5:00 p.m.

Interview and Appoint Applicants: November 17, 2009 at 7:00 p.m.

DISCUSSION

No one comes forward to speak.

MOTION BY LEWIS, SECOND BY WELLS, to Approve the schedule for applications/interviews of candidates to serve on City Commissions, or reappoint, if appropriate.

MOTION CARRIES BY UNANIMOUS VOTE.

4.2 ALL-WAY STOP AT FIRST STREET AND REDWOOD AVENUE (Report: Deputy City Manager/Director of Public Works)

RECOMMENDATION: That the City Council deny the request to install an all-way stop at the intersection of First Street and Redwood Avenue, as this location does not meet the necessary points required for installation of an all-way stop.

DISCUSSION

Sylvia Casas-Werkman, Principal of Lexington School, representing parents and the school, expresses concerns about the safety of their students due to high speed of vehicles on the streets near their school.

In response to questions by **Councilmember McClellan**, Mrs. Casas-Werkman states the Safety Patrol will remain in use after the new stop sign installed.

The following spoke in favor of the all-way stop:

Mary Wynn, parent of a child at Lexington Elementary School
Marsha Hofmoche, representing Lexington Elementary School
Tita Cordero-Bautista, coordinator of the Safety Patrol
Shelly Friszell, teacher at Lexington School

ITEM 4.2 (Continued)

Councilmember McClellan asks the price difference for installing a solar-powered flashing light vs. a four-way stop sign.

Director of Public Works Turner states the difference in price is about fifteen thousand dollars.

MOTION BY LEWIS, SECOND BY KENDRICK, to Approve the request to install an all-way stop at the intersection of First Street and Redwood Avenue.

MOTION CARRIES BY UNANIMOUS VOTE.

4.3 RECOMMENDATION FOR 2009/2010 YOUTH LEAGUE UTILITY SUPPORT (Report: Recreation Services Manager)

RECOMMENDATION: That the City Council approve the recommendation of the Recreation Council that ten of the eleven youth leagues, which are Executive Members of the Recreation Council, receive utility support during Fiscal Year 2009/2010.

DISCUSSION

Councilmember Hanson-Cox thanks the organizations that help support youth activities in the City.

Al Westermeyer and **Lou Tejada** thank the City for its past contributions and request continued support to enhance and promote youth activities in the community.

No further comments are made.

MOTION BY LEWIS, SECOND BY McCLELLAN, to Approve the support of ten of the eleven youth leagues, which are Executive Members of the Recreation Council, during Fiscal Year 2009/2010.

MOTION CARRIES BY UNANIMOUS VOTE.

*Recess called at 4:19 p.m.
Meeting resumed at 4:26 p.m.*

ADMINISTRATIVE REPORTS: (Continued)

4.4 CITY COUNCIL/REDEVELOPMENT AGENCY MEETING ON DECEMBER 1, 2009 (Report: City Clerk)

RECOMMENDATION: That the City Council cancel the December 1, 2009, City Council/Redevelopment Agency Meeting.

DISCUSSION

No one comes forward to speak

MOTION BY LEWIS, SECOND BY KENDRICK, to cancel the December 1, 2009, City Council/Redevelopment Agency Meeting.

MOTION CARRIES BY UNANIMOUS VOTE.

4.5 RESOLUTION – JPA, COOPERATIVE FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES, CLASSIFICATION SPECIFICATIONS (Report: City Manager)

RECOMMENDATION: That the City Council adopt the next RESOLUTION in order approving the Joint Powers Agreement between the cities of El Cajon, La Mesa and Lemon Grove to provide Cooperative Fire Protection and Emergency Medical Services; and to approve the new Personnel Specifications for Fire Chief and Deputy Fire Chief.

DISCUSSION

In response to questions by Council, City Manager Henry clarifies that approval of the Agreement will give certain powers to manage, provide fire protection services and buy equipment with the three participating cities. It does not form a Joint Powers Authority, but is an agreement to consolidate.

Councilmembers discuss the benefits to this joint effort.

No further comments are made.

MOTION BY LEWIS, SECOND BY KENDRICK, to Adopt RESOLUTION NO. 117-09, approving the Joint Powers Agreement between the cities of El Cajon, La Mesa and Lemon Grove to provide Cooperative Fire Protection and Emergency Medical Services; and to approve the new Personnel Specifications for Fire Chief and Deputy Fire Chief.

MOTION CARRIES BY UNANIMOUS VOTE.

ADMINISTRATIVE REPORTS: (Continued)

**4.6 MUTUAL TERMINATION AND SETTLEMENT AGREEMENT
BETWEEN THE CITY OF EL CAJON AND CHRISTIAN COMMUNITY
THEATER (Report: City Manager)**

RECOMMENDATION: That the City Council approve the Mutual Termination and Settlement Agreement between the City of El Cajon and Christian Community Theater doing business as Art Beat Management.

DISCUSSION

In response to questions by **Councilmember Hanson-Cox**, **Staff** indicates there is a breakdown of expenses.

Raymond Lutz questions the time frame for terminating this agreement.

Christine Cremidan was called forward to speak but has left the Chambers.

John Martes objects to paying Art Beat Management a settlement.

Councilmember Hanson-Cox thanks the management team at Art Beat for their years of service.

MOTION BY LEWIS, SECOND BY KENDRICK, to Approve the Mutual Termination and Settlement Agreement between the City of El Cajon and Christian Community Theater doing business as Art Beat Management.

MOTION CARRIES BY UNANIMOUS VOTE.

5. COMMISSION REPORTS: None

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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 Public Safety Committee Agenda – September 18, 2009

6.2 SANDAG Board of Directors Information Session on Southern California Disadvantaged Business Enterprise (DBE) Disparity Study Draft Report – September 25, 2009

6.3 SANDAG Board of Directors Agenda – September 25, 2009

6.4 LAFCO Bulletin – September-October, 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 Council Activities – Verbal Report

Councilmember Hanson-Cox distributes copies of her report, and announces that Bonnie Stone recently passed away.

Mayor Lewis suggests closing the afternoon session in memory of Mrs. Stone.

ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

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

Councilmember McClellan adds to his report, indicating that he attended the Oktoberfest.

11. LEGISLATIVE REPORT

11.1 League of California Cities Legislative Bulletin dated September 25 and October 2, 2009 – *City Advocate Weekly*

NO RECOMMENDED ACTION

11.2 LEGISLATIVE REPORT (Report: Councilmember Hanson-Cox)

RECOMMENDATION: That the **City Council** review the information provided on SB 67 and authorize staff to send a letter to Senator Hollingsworth and that the City Council review the information provided in reference to the taking of Redevelopment Agency funds.

DISCUSSION

Councilmember Hanson-Cox requests support from Council for SB 67.

City Manager Henry states that **Staff** will prepare a letter and send it in the morning.

MOTION BY LEWIS, SECOND BY WELLS, to send letter of support

MOTION CARRIES BY UNANIMOUS VOTE.

12. GENERAL INFORMATION ITEMS FOR DISCUSSION: None

13. ORDINANCES: FIRST READING

13.1 SPECIFIC PLAN NO. 510

RECOMMENDATION: That the City Council

- Make a Motion, and second, to approve the first reading of the ordinance;
- Discussion;
- Vote; and
- If approved, the Mayor requests the City Clerk to recite the title

MOTION BY LEWIS, SECOND BY HANSON-COX, to Approve the first reading of the ordinance.

DISCUSSION

No one comes forward to speak.

MOTION CARRIES BY UNANIMOUS VOTE.

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

An Ordinance approving Specific Plan No. 510 to exceed the 20 ft. height limitation in the Residential, Multiple-Family, Restricted (R-3-R) Zone for a property located on the south side of East Washington Avenue between South Anza Street and Washington Heights Road, and addressed as 1123 East Washington Avenue

14. ORDINANCES: SECOND READING AND ADOPTION - None

(Remainder of this page intentionally left blank)

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>	Negotiating Parties	Agency Negotiators
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.

15.2

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

Name of Case: Galardi Group Franchise & Leasing, Inc. v.
City of El Cajon
Case No. 37-2008-00093730-CU-EI-CTL

MOTION BY LEWIS, SECOND BY KENDRICK, to Adjourn to Closed Session at 4:46 p.m.

MOTION CARRIES BY UNANIMOUS VOTE.

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

City Attorney Foley reports the following actions:

- 15.1** Direction was given to the Agency Negotiators.
- 15.2** Direction was given to City's Legal Counsel.

Adjournment: Councilmember Hanson-Cox adjourned the Regular Joint Meeting of the City Council/ Redevelopment Agency held this 13th day of October 2009, at 5:16 p.m., in memory of Bonnie Stone, to Tuesday, October 13, 2009, at 7:00 p.m. after observing a Moment of Silence.

BELINDA A. HAWLEY
Acting City Clerk/Secretary

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

OCTOBER 13, 2009

An Adjourned Regular Joint Meeting of the City Council and Redevelopment Agency of the City of El Cajon, California, held Tuesday, October 13, 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, October 13, 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, Deputy City Manager/Director of Public Works Ayres, Director of Community Development

PLEDGE OF ALLEGIANCE TO FLAG and MOMENT OF SILENCE.

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

AGENDA CHANGES: None

PUBLIC COMMENT: None

PUBLIC HEARINGS:

100 ZONE RECLASSIFICATION 2300 (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 Zone Reclassification 2300, rezoning subject site to R-2 rather than the requested R-3 Zone

DISCUSSION

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

Mayor Lewis announces the Public Hearing is now Open.

Alan Austin requests use of an exemption for an undersized lot for this application and approval of the R-3 Zone.

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

- The failure of the property to meet minimum lot size requirements for an R-3 Zone;
- The possibility of a change in ownership of the property in the future;
- The number of units currently planned for the property;
- A request for **Staff** to review the R-3 zoning approval for an undersized property on Grape Street and to determine if there is another mechanism available to accommodate the applicant's request.

MOTION BY LEWIS, SECOND BY WELLS, to Continue the Public Hearing to 7:00 p.m. on October 27, 2009.

MOTION CARRIES BY UNANIMOUS VOTE.

**101 RESOLUTION – CONDITIONAL USE PERMIT NO. 2113 –
REDUCED PARKING REQUEST – 532 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 adopt the next RESOLUTION in order approving Conditional Use Permit No. 2113, subject to conditions.

DISCUSSION

Mayor Lewis announces the Public Hearing is now Open.

Acting City Clerk Hawley indicates the applicant has submitted a Speaker Card if Council has any questions. **Council** had no questions for the applicant.

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

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY KENDRICK, to Adopt RESOLUTION NO. 118-09 approving Conditional Use Permit No. 2113, subject to conditions.

MOTION CARRIES BY UNANIMOUS VOTE.

**102 RESOLUTION - CONDITIONAL USE PERMIT NO. 2109 – FULL
SERVICE CAR WASH – 1149 Broadway
(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. 2109, subject to conditions.

DISCUSSION

Mayor Lewis announces the Public Hearing is now Open.

ITEM 102: (Continued)

Acting City Clerk Hawley indicates the applicant has submitted a Speaker Card if **Council** has any questions. **Council** had no questions for the applicant.

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

MOTION CARRIES BY UNANIMOUS VOTE.

MOTION BY LEWIS, SECOND BY KENDRICK, to adopt RESOLUTION NO. 119-09 approving Conditional Use Permit No. 2109, subject to conditions

MOTION CARRIES BY UNANIMOUS VOTE.

103 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 13th day of October 2009, at 7:29 p.m. to Tuesday, October 27, 2009, at 3:00 p.m.

BELINDA A. HAWLEY
Acting City Clerk/Secretary