

JOINT MEETING OF THE EL CAJON CITY COUNCIL AND REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

MARCH 22, 2011

An Adjourned Regular Joint Meeting of the El Cajon City Council and Redevelopment Agency of the City of El Cajon, California held Tuesday, March 22, 2011, 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 Special meeting held at 6:17 p.m. on March 9, 2011.

ROLL CALL

Council/Agencymembers present:	Hanson-Cox, McClellan and Wells
Council/Agencymembers absent:	None
Mayor Pro Tem/Vice Chair present:	Kendrick
Mayor/Chair present:	Lewis
Other Officers present:	Rutledge, City Clerk/Secretary Reid, Staff 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 March 9, 2011, special meeting and the Agenda of the March 22, 2011, meeting in accordance to State Law and Council/Agency Policy.

PRESENTATIONS: None

AGENDA CHANGES:

MOTION BY MCCLELLAN, SECOND BY HANSON-COX, to REMOVE Item 10.2 as requested by WELLS.

MOTION CARRIES BY UNANIMOUS VOTE.

CONSENT ITEMS: (1.1 – 1.12)

MOTION BY LEWIS, SECOND BY HANSON-COX, to APPROVE Consent Items 1.1 through 1.12.

MOTION CARRIES BY UNANIMOUS VOTE.

1.1 MINUTES OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS

Approve Minutes of the March 9, 2011, special 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 ACCEPTANCE OF PROJECT TO CONSTRUCT 8” PCC ALLEY NORTH OF EL CAJON BOULEVARD, SIDEWALKS AND CURB RAMPS – VARIOUS LOCATIONS, Bid No. 008-11, Engineering Job No. 3305 (Report: Deputy City Manager/Director of Public Works)

Accept the project and authorize the City Clerk to record a Notice of Completion and release the bonds in accordance with the Contract terms.

CONSENT ITEMS: (Continued)

1.5 RESOLUTION: AWARD OF BID NO. 027-11, TYPE I AD MEDIUM DUTY MODULAR AMBULANCE (Report: Purchasing Agent)

Adopt RESOLUTION NO. 33-11 and award the bid to the lowest responsive bidder, Emergency Vehicle Group, Inc., in the amount of \$273,603.86.

1.6 PURCHASE OF MICROSOFT LICENSING AND ASSURANCE ENTERPRISE AGREEMENT (Report: Purchasing Agent)

Authorize the Purchasing Agent in accordance with Municipal Code 3.20.120 to execute a Purchase Agreement with CompuCom in accordance with the Microsoft Volume Licensing State and Local Enterprise Enrollment under the Riverside County Enterprise Master Agreement No. 01E69633 for purchase of Microsoft License and Software Assurance Enterprise Agreement.

1.7 PROPOSAL FOR PROFESSIONAL SERVICES TO CONDUCT A SEWER SYSTEM INSPECTION, REPAIR AND REPLACEMENT PROGRAM, Engineering Job No. WW3304 (Report: Deputy City Manager/Director of Public Works)

Authorize the City Manager, or designee, to negotiate and execute a multi-year Professional Services Agreement with RBF Consulting to conduct a Sewer System Inspection, Repair and Replacement Program.

1.8 ACCEPTANCE OF STORM DRAIN PIPE REPLACEMENT AND LINING, VARIOUS LOCATIONS, Bid No. 031-10, Engineering Job No. 3301 (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: AWARD OF BID NO. 021-11, OMNI PACIFIC MODULAR FURNITURE (Report: Purchasing Agent)

Adopt RESOLUTION NO. 34-11 and award the bid to the lowest responsive bidder, bkm OfficeWorks, in an amount not to exceed \$660,000.00.

CONSENT ITEMS: (Continued)

**1.10 RESOLUTIONS: STREET RESURFACING 2011 RUBBERIZED SLURRY
VARIOUS STREETS, Bid No. 030-11, Engineering Job No. 3345M
(Report: Deputy City Manager/Director of Public Works)**

Adopt RESOLUTION NO. 35-11 to approve Plans and Specifications and RESOLUTION NO. 36-11 to direct a Notice Inviting Sealed Bids to be opened on April 14, 2011.

**1.11 ACCEPTANCE OF PROJECT: MANHOLE HIGH-LEVEL ALARMS, Bid
No. 032-10, Engineering Job No. 3302
(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.

**1.12 ACCEPTANCE OF HEARTLAND FIRE TRAINING FACILITY LOCKER
ROOM, Bid No. 036-10, Engineering Job No. 3322
(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.

PUBLIC COMMENT:

Newly crowned East County Ambassadors, **Miss Teen El Cajon, Katie Hudgins** and **Miss El Cajon, Savana Kalfayan**, meet the **Council** and thank them for their continued support of the pageant.

Councilmember Hanson-Cox clarifies the program is more a scholarship driven program, and it provides workshops that encourage continuing education and preparation for real-world demands.

Sunshine Horton speaks about past and present television shows and the impact on children. She feels that programs need to teach children to enjoy nature and the things around them.

Councilmember McClellan states that the Miss El Cajon and Miss Teen El Cajon Scholarship Pageant was a great event.

PUBLIC COMMENT: (Continued)

Jillian Hanson-Cox reports that the taskforce formed approximately two months ago to educate retail alcohol outlets to be more responsible in their sales of alcohol, has expanded its role to educate and police not only alcohol retail outlets, but other businesses as well. Along with support from the Second Street Business Association, the taskforce is now called the Alliance for a Better Community. A verbal report will be presented to **Council** in the next month. Community members are encouraged to report graffiti, keep lawns trimmed and free of weeds and trash.

Mayor Lewis reports that he and **Councilmember McClellan** attended a grand opening ceremony at the East County Transitional Living Center and received a Proclamation for the City.

At the request of **Mayor Lewis**, **Staff Attorney Reid** is asked to look into getting approval from the attorneys for the Transitional Living Center, to show their short informational video at a future Council meeting.

2. WRITTEN COMMUNICATIONS: None

3. PUBLIC HEARINGS:

3.1 STATE CITIZENS' OPTION FOR PUBLIC SAFETY (CA-COPS) EXPENDITURE PLAN (Report: Chief of Police) (Continued from March 8, 2011)

RECOMMENDATION: That the City Council

- Continue the Public Hearing and receive testimony;
- Close the Public Hearing;
- Approve the modified CA-COPS Expenditure Plan, including modifications to the 2009-2010 COPS plan;
- Appropriate the FY2010-2011 COPS funds, estimated to be \$100,000.00, plus interest; and
- Modify the FY2009-2010 appropriation to reprogram \$56,072.00.

DISCUSSION

The Public Hearing is still open.

Police Chief Pat Sprecco gives a summary of the report and briefly discusses a few of the projects and planned expenditures.

ITEM 3.1 (Continued)

In response to questions by **Councilmember McClellan**, **Chief Sprecco** indicates they will check with other jurisdictions regarding the functionality of the motorcycle laptops and any problems they have experienced pertaining to glare on the monitors while out in the field.

No one else 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 modified CA-COPS Expenditure Plan, including modifications to the 2009-2010 COPS plan; APPROPRIATE the FY2010-2011 COPS funds, estimated to be \$100,000.00, plus interest; and MODIFY the FY2009-2010 appropriation to reprogram \$56,072.00.

MOTION CARRIES BY UNANIMOUS VOTE.

4. ADMINISTRATIVE REPORTS:

4.1 FIRST AMENDMENT TO AGREEMENT WITH VOLUNTEERS OF AMERICA SOUTHWEST CALIFORNIA FOR BUDGET REVISION AND RE-DISTRIBUTION OF HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRP) FUNDS BETWEEN APPROVED ACTIVITIES (Report: Director of Community Development)

RECOMMENDATION: That the **City Council** adopt the next RESOLUTION in order to approve execution of a First Amendment to the Agreement with Volunteers of America Southwest California for the re-distribution of Homelessness Prevention and Rapid Re-housing Program (HPRP) Funds between approved activities, by the City Manager, or designee, substantially in the form as presented with such changes approved by the City Manager.

DISCUSSION

Staff Attorney Reid advises a handout of the proposed amendment to the agreement was provided to Council.

ITEM 4.1 (Continued)

Councilmember McClellan asks if any of the funds will go to the East County Transitional Living Center, rather than from the CDBG (Community Development Block Grant).

Director of Community Development Ayres states that, in response to the last discussion concerning CBDG funds, today's action will reallocate money in the grant so there would be an additional \$50,000 available for helping the homeless. This would be in lieu using of CDBG funds, which can then stay in the Community Policing Program.

No further comments are made.

MOTION BY LEWIS, SECOND BY KENDRICK, to ADOPT RESOLUTION NO.37-11 to approve execution of a First Amendment to the Agreement with Volunteers of America Southwest California for the re-distribution of Homelessness Prevention and Rapid Re-housing Program (HPRP) Funds as recommended by Staff.

MOTION CARRIES BY UNANIMOUS VOTE.

4.2 GENERAL PLAN ANNUAL REPORT FOR REPORTING YEAR 2010 (JANUARY 1 – DECEMBER 31, 2010) (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

In response to the question by **Councilmember Wells**, **Director of Community Development Ayres** indicates that Specific Plan 182 is expected to go before the Planning Commission and City Council before the end of this fiscal year.

No further comments are made.

MOTION BY LEWIS, SECOND BY MCCLELLAN, to ACCEPT the Annual Progress Report as submitted by Staff.

MOTION CARRIES BY UNANIMOUS VOTE.

**4.3 REQUEST FOR RECERTIFICATION OF DOWNTOWN EL CAJON
PROPERTY BASED BUSINESS IMPROVEMENT DISTRICT
(Report: General Counsel/City Attorney)**

RECOMMENDATION: That the **Agency Board and City Council** approve the request from Mr. Daryl Priest and Ms. Cathy Zeman to initiate the proceedings for the recertification of the Downtown El Cajon Property Based Business Improvement District (PBID), and authorize the Executive Director/City Manager, or designee, to (1) execute the proposed petition in favor of recertification, and (2) take such steps necessary to conduct the proceedings for the recertification of the Downtown El Cajon Property Based Business Improvement District.

DISCUSSION

Staff Attorney Reid provides clarification on the actions being requested and gives a brief overview of the PBID recertification process.

City Manager Henry comments on the fiscal impact for the assessments of properties owned by the City and Redevelopment Agency.

Daryl R. Priest speaks about the petitions being circulated, and efforts to educate and gain support for the recertification from property and business owners in the District. He advises that the PBID will now be under complete property owner control.

In response to questions by **Councilmember Wells, City Manager Henry** indicates that if the State of California was to take away redevelopment funds, under the worst case scenario, payment for the redevelopment portion of the assessments would come from the General Fund.

No further comments are made.

MOTION BY LEWIS, SECOND BY WELLS, to APPROVE Item 4.3.

In response to the question by **City Manager Henry, Mayor Lewis** indicates he will sign the petitions on behalf of the City and the Redevelopment Agency.

MOTION CARRIES BY UNANIMOUS VOTE.

5. COMMISSION REPORTS: None

6. ACTIVITIES REPORTS OF MAYOR LEWIS

SANDAG (San Diego Association of Governments); SANDAG (Chair, Public Safety Committee); SANDAG (Quality of Life Ad Hoc Steering Committee); LAFCO (Local Agency Formation Commission).

6.1 SANDAG Board Actions – February 25, 2011

6.2 SANDAG Board of Directors Policy Agenda – March 11, 2011

REPORTS ARE AS STATED.

ACTIVITIES REPORTS OF COUNCILMEMBERS

7.

MAYOR PRO TEM GARY KENDRICK

Heartland Communications JPA; Heartland Fire Training JPA.

7.1 Council Activities Report

REPORT AS STATED.

8.

COUNCILMEMBER JILLIAN HANSON-COX

SANDAG (San Diego Association of Governments – Alternate); SANDAG (Public Safety Committee – Alternate); MTS (Metropolitan Transit System Board – Alternate); East County Economic Development Council; League of California Cities, San Diego Division; East San Diego County Gang Task Force.

8.1 Council Activities Report

Councilmember Hanson-Cox distributed a report to Council prior to the start of today's meeting and has no additions to the report.

9.

COUNCILMEMBER BOB MCCLELLAN

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

9.1 Council Activities Report

Councilmember McClellan indicates he would like to amend his report by adding the event he attended at the East County Transitional Living Center.

ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

10.

COUNCILMEMBER BILL WELLS

METRO Commission/Wastewater JPA; East County Economic Development Council; Heartland Fire Training JPA – Alternate; El Cajon Community Development Corporation.

10.1 Council Activities Report

REPORT AS STATED.

THROUGH EARLIER ACTION, THIS ITEM WAS REMOVED FROM THE AGENDA AS REQUESTED BY COUNCILMEMBER WELLS:

10.2 CONSIDERATION OF RESOLUTIONS TO APPROVE THE TEXT OF A CHARTER TO SUBMIT TO VOTERS, AND TO CALL SPECIAL ELECTION FOR APPROVAL OF CHARTER CITY

RECOMMENDATION: That the **City Council** adopt the next RESOLUTIONS in order approving the text of a proposed charter, and calling a Special Election, requesting consolidation with the County of San Diego and directing the City Attorney to prepare an impartial analysis in conjunction with the Statewide Special Election called by the State of California.

11. LEGISLATIVE REPORT

11.1 League of California Cities Legislative Bulletin dated March 4, 7, 11 and 16, 2011 – *City Advocate Weekly*

NO RECOMMENDED ACTION.

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 ZONE RECLASSIFICATION NO. 2261

An Ordinance rezoning unincorporated property located on the east side of East Main Street between Pepper Drive and Lavala Lane as C-G (General Commercial) Zone; General Plan Designation: General Commercial (GC), Zone Reclassification No. 2261, APNs: 400-250-07, -08, -09 and -28

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

MOTION BY LEWIS, SECOND BY HANSON-COX, to ADOPT ORDINANCE NO. 4966 approving Zone Reclassification No. 2261.

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 LEGAL COUNSEL – ANTICIPATED LITIGATION**

Conference with legal counsel – anticipated litigation – Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9:

Number of potential cases: 1

The “existing facts and circumstances” supporting a determination, based on legal advice, that a point has been reached that there is a significant exposure to litigation, is the receipt of a claim pursuant to the California Tort Claims Act filed by Inland Pacific Commercial Properties and Cassidy Turley BRE Commercial on March 2, 2011.

CLOSED SESSIONS: (Continued)

15.2

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

Agency Designated Representatives:

Kathi Henry
Nancy Palm
Jim Lynch

Employee Organizations:

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

15.3

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

<u>Property</u>	Negotiating Parties	Agency Negotiators
APN 487-192-56-00 110 N. Magnolia Avenue	Stephan Meadows Downtown El Cajon Brewing Co., Inc.	Executive Director/City Manager General Counsel/City Attorney Director of Community Development

Under negotiation: For the Agency/Council to provide instructions to its negotiators regarding proposed revised business loan terms for the real property.

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CLOSED SESSIONS: (Continued)

15.4

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

<u>Property</u>	Negotiating Parties	Agency Negotiators
APN 488-072-40-00 Rea Avenue Parcel 3 of PM20625	E. Neal Arthur, Developer	Executive Director/City Manager General Counsel/City Attorney Director of Community Development
APN 488-082-12-00 118-130 Rea Avenue	E. Neal Arthur, Developer	Executive Director/City Manager General Counsel/City Attorney Director of Community Development
APN 488-082-18-00 141 N. Magnolia Avenue	E. Neal Arthur, Developer	Executive Director/City Manager General Counsel/City Attorney Director of Community Development
APN 488-111-28-00 No site address	E. Neal Arthur, Developer	Executive Director/City Manager General Counsel/City Attorney Director of Community Development

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

MOTION BY LEWIS, SECOND BY KENDRICK, to ADJOURN to Closed Sessions at 3:49 p.m.

MOTION CARRIES BY UNANIMOUS VOTE.

16. RECONVENE TO OPEN SESSION AT 4:46 P.M.

Staff Attorney Reid reports the following actions:

- 15.1 Direction was given to the City's Legal Counsel.**
- 15.2 Direction was given to the City's Labor Negotiators.**
- 15.3 Direction was given to the City's Real Property Negotiators.**
- 15.4 Direction was given to the City's Real Property Negotiators and action will be addressed under Item 16.1.**

16.1 APPROVAL OF AN EXCLUSIVE NEGOTIATION AGREEMENT WITH E. NEAL ARTHUR (Report: Director of Community Development)

RECOMMENDATION: That the City of El Cajon Redevelopment Agency Board adopt the next RESOLUTION in order approving an Exclusive Negotiation Agreement with E. Neal Arthur pertaining to Agency-owned property located along the north side of Rea Avenue and east side of North Magnolia Avenue in the Civic Center block; and authorizing the Executive Director, or designee, to sign the Agreement on the Agency's behalf.

DISCUSSION

No one comes forward to speak.

MOTION BY LEWIS, SECOND BY HANSON-COX, to ADOPT RESOLUTION NO. ECRA-415 approving an Exclusive Negotiation Agreement with E. Neal Arthur pertaining to Agency-owned property located along the north side of Rea Avenue and east side of North Magnolia Avenue in the Civic Center block; and authorizing the Executive Director, or designee, to sign the Agreement on the Agency's behalf.

MOTION CARRIES BY UNANIMOUS VOTE.

Adjournment: Mayor Lewis adjourned the Adjourned Regular Joint Meeting of the City Council/ Redevelopment Agency held this 22nd day of March 2011, at 4:48 p.m. to Tuesday, April 12, 2011, at 3:00 p.m.

KATHIE J. RUTLEDGE, CMC
City Clerk/Secretary