

JOINT MEETING OF THE EL CAJON CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

September 11, 2018

A Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the Redevelopment Agency of the City of El Cajon, California held Tuesday, September 11, 2018, was called to order by Mayor/Chair Bill Wells at 3:01 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California.

ROLL CALL

Council/Agencymembers present:	Goble, Kalasho and McClellan
Council/Agencymembers absent:	None
Mayor Pro Tem/Vice Chair present:	Kendrick
Mayor/Chair present:	Wells
Other Officers present:	Aguirre, City Clerk/Secretary Foley, City Attorney/General Counsel DiMaggio, Assistant City Manager Mitchell, City Manager/Executive Director

Mayor Wells invited Pastor, Kevin Miller, to lead the PLEDGE OF ALLEGIANCE TO THE FLAG 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 August 14, 2018, meetings and the Agenda of the September 11, 2018, meeting in accordance with State Law and Council/Authority/Successor Agency to the Redevelopment Agency Policy.

PRESENTATIONS:

- **Presentation: Certificate of Appreciation - Kathy Pillman**
- **Presentation: Waste Free San Diego - I Love a Clean San Diego**
- **Proclamation: National Preparedness Month**

AGENDA CHANGES:

MOTION BY WELLS, SECOND BY McCLELLAN, to REMOVE Item 18, per the request of the appellant to withdraw Item, and MOVE Closed Session Item 19, if needed as requested by City Manager Mitchell.

MOTION CARRIED BY UNANIMOUS VOTE.

CONSENT ITEMS: (1 – 16)

MOTION BY WELLS, SECOND BY McCLELLAN, to APPROVE Consent Items 1 to 16.

MOTION CARRIED BY UNANIMOUS VOTE.

1. Minutes of City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency

Approves Minutes of the August 14, 2018, meetings of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

2. Warrants

Approves payment of Warrants as submitted by the Finance Department.

3. Approval of Reading Ordinances by Title only

Approves the reading by title and waive the reading in full of all Ordinances on the Agenda.

CONSENT ITEMS: (Continued)

4. Fiscal Year 2018/2019 Youth League Utility Support Recommendation

Approves the Recreation Council recommendation to provide utility support, in the amount of \$2,300 per league, to eight Executive Member youth leagues.

5. Conflict of Interest Code - Biennial Review

Adopts RESOLUTION NO. 088-18, approving changes to the designated employee and official positions required to be filed under the City's Conflict of Interest Code.

6. 2017 Assistance to Firefighters Grant

Adopts RESOLUTION NO. 089-18, to authorize the City Manager, or designee, to execute grant documents and agreements necessary for the Assistance to Firefighters Grant (AFG) on behalf of the City of El Cajon.

7. United States DOJ Fiscal Year 2018 Justice Assistance Grant (JAG) Application

Receives the FY 2018 JAG application as an informational item, as required by the FY 2018 Justice Assistance Grant (JAG) application. If the Police Department is awarded the JAG grant funds, City Council action will be needed to accept and appropriate the grant.

8. Amendment to the Professional Services Agreement with Harris & Associates, Inc., for Engineering, Design, and Environmental Services for Phase II of the Broadway Earthen Channel Repairs Project

Authorizes the City Manager to negotiate and execute an amendment to the existing Professional Services Agreement with Harris & Associates, Inc., for Engineering, Design, and Environmental Services for Phase II of the Broadway Earthen Channel Repairs (Project), in the not-to-exceed amount of \$325,000 for a two (2)-year term.

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CONSENT ITEMS: (Continued)

9. 2018-2019 Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) Grant

1. Authorizes the City Manager, or his designee, to accept the California Office of Traffic Safety STEP Grant in the amount of \$118,193 and to execute any grant documents and agreements necessary for the receipt and use of these funds.
2. Appropriates the California Office of Traffic Safety STEP Grant funds in the amount of \$90,793 for overtime, \$2,500 for training and travel, \$24,900 for supplies, services and equipment for a total grant award of \$118,193.

10. Disposal of Retired Property

Declares the listed property retired and authorizes disposal in accordance with policy.

11. Contract Amendment for Portable Restroom Service at Wells Park

Authorizes the increase of Purchase Order No. 93419, Diamond Environmental Services, LLC (DES), for weekly portable restroom services at Wells Park, 1153 E. Madison Avenue, El Cajon, CA 92020, in the amount of \$12,000.

12. Award of Bid No. 013-19 – Computer Equipment

Adopts RESOLUTION NO. 090-18, in order, awarding the bid to the lowest responsive, responsible bidder, Hypertec USA, Inc., in the amount of \$153,634.80.

13. Purchase of Asphalt Road Maintenance Materials

Adopts RESOLUTION NO. 091-18, in order, to authorize the Purchasing Agent, in accordance with Municipal Code 3.20.010.C.6, to execute a split purchase agreement with Vulcan Materials Company and Superior Ready Mix Concrete, LP, for the purchase of asphalt road maintenance materials in the estimated amount of \$38,000.

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CONSENT ITEMS: (Continued)

14. First Quarter Budget Amendments for Fiscal Year 2018-19

1. Appropriates carry-over funding of \$4,359,598 from previously approved Capital Improvement Projects, capital outlay requests, and programs, to be expended in Fiscal Year 2018-19;
2. Authorizes the proposed personnel changes detailed in this report;
3. Increases or modifies Fiscal Year 2018-19 appropriations in the net amount of \$136,234 for additional needs as detailed in this report; and
4. Authorizes the proposed capital expenditures detailed in this report.

15. Annual Investment Policy Update

Adopts RESOLUTION NO. 092-18, adopting the City of El Cajon Investment Policy and delegating investment authority to the Director of Finance; and RESOLUTION NO. 093-18, authorizing investment of monies in the San Diego County Treasurer's Pooled Investment Fund.

16. Community Event in the Right-of-Way: HauntFest

Approves the use of the public right-of-way for the 7th Annual Haunt Fest.

PUBLIC COMMENT:

Paul Kruze, a contributing Editor of the East County Magazine, requested permission to access a certain area to take pictures. Mayor Wells and Council gave consent to Mr. Kruze to be within the restricted area.

Councilmember Kalasho asked **City Attorney, Foley**, to clarify a city policy section, asking speakers to direct their comments directly to the Mayor, and state their address. In response to **Councilmember Kalasho's** question, **City Attorney Foley** advised that providing a residence address is not required by the Brown Act. **Mayor Wells** requested that speakers address comments directly to him as per policy.

Larry LaHaye provided handouts to Council in reference a vacant property at 1201 Broadway. He requested Council to put pressure on the owner to put up a fence to keep it safe from trespassers.

PUBLIC COMMENT: (Continued)

In response to **Mr. LaHaye's** concern, **Councilmember Kalasho** volunteered to contact the property owner directly, and **City Manager Mitchell** will send a request to Code Enforcement for action.

Truman Bradley spoke against **Councilmember Kalasho**.

Sunshine Horton discussed good deed, self-respect and honor. Mrs. Horton spoke against **Councilmember Kalasho**.

Phil Ortiz spoke against **Councilmember Kalasho**.

Nathan Cornett spoke against **Councilmember Kalasho**, and asked him to step down as a city official.

Lu Tejada, representing El Cajon Recreation Council, thanked **Recreation Director, Frank Carson**, and **Recreation Services Manager, Julie Alon**, for their contribution and support on a regular basis. He also reminded everyone of the All for Rec Tournament fundraiser event on September 14, 2018.

Jim Cirigliano welcomed **Assistant City Manager DiMaggio**, and provided an update to the rent mediation process. Mr. Cirigliano reiterated his request for the contribution campaign statements to be online and spoke in support of **Councilmember Kalasho** and **Mayoral Candidate, Joel Scalzitti**.

Bonnie Price stated that she supports Villa Novia Mobile Home Park in their rent mediation process. She added that the mediation process is a slow moving process.

Brenda Hammond thanked Council for the Concerts on the Green events. Ms. Hammond spoke about reunification, and anger management programs.

Kristine Costa, representing Waste Management, made a public comment about the various El Cajon drop off centers for approved disposable items.

Lynn Powell-Macklin spoke against **Councilmember Kalasho**. Ms. Powell-Macklin added that a racist comment about African-Americans was made at the last Council meeting was ignored by Council.

Mark Lane spoke against **Councilmember Kalasho**.

Kilian Colin spoke against **Councilmember Kalasho**.

PUBLIC COMMENT: (Continued)

Pastor Chris Leeper shared a few scriptures, and expressed his disappointment of **Councilmember Kalasho**.

James Elia spoke against **Councilmember Kalasho**.

CLOSED SESSION:

Item 19 Moved per Action taken under Agenda Changes.

RECOMMENDATION: That the City Council/Housing Authority/Successor Agency to the Redevelopment Agency adjourns to Closed Session as follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9:

Name of Case: Christine Greer, et al.
v.
City of El Cajon, et al.

San Diego Superior Court
Case No. 37-2016-00027133-CU-OE-CTL

MOTION BY WELLS, SECOND BY McCLELLAN, to ADJOURN to Closed Session at 4:24 p.m.

MOTION CARRIED BY UNANIMOUS VOTE.

RECONVENE TO OPEN SESSION AT 4:38 P.M.

WRITTEN COMMUNICATIONS: None

PUBLIC HEARINGS:

17. Vacation of Sewer Easements at Parkway Plaza

1. Opens the Public Hearing and receives testimony;
2. Closes the Public Hearing; and
3. Adopts the next resolution in order to vacate the sewer easements at Parkway Plaza as a result of construction of the Johnson Avenue Sewer Relief Project - Phase II (JASRP-II).

PUBLIC HEARINGS: (Item 17 – Continued)

DISCUSSION

Director of Public Works, Dirk Epperson, provided a summary of the Item.

Mayor Wells opened the public hearing.

No one came forward to speak.

MOTION BY WELLS, SECOND BY McCLELLAN, to CLOSE the Public Hearing.

MOTION CARRIED BY UNANIMOUS VOTE.

MOTION BY McCLELLAN, SECOND BY KENDRICK, to ADOPT RESOLUTION NO. 094-18, to vacate the sewer easements at Parkway Plaza as a result of construction of the Johnson Avenue Sewer Relief Project - Phase II (JASRP-II).

MOTION CARRIED BY UNANIMOUS VOTE.

ADMINISTRATIVE REPORTS:

Item 18 removed from Agenda per Action taken under the Agenda Changes.

18. Appeal - Administrative Hearing - 1416 Holdings, Inc. - Denial of Special Operation License for Police Department Tow Rotation List

Conducts the Administrative Hearing; reviews documents submitted; receives testimony from witnesses who have been identified on each party's list; and determines whether the denial of the special operation license application submitted by 1416 Holdings, Inc. (Alicia Lopez) to be added to the El Cajon Police Department ("ECPD") tow rotation list should be upheld or reversed.

19. Dockless Bicycles

Receives the report and considers providing direction to staff based on the recommendations of the report.

DISCUSSION

City Manager Mitchell, provided detailed summary of the Item.

ADMINISTRATIVE REPORTS: (Item 19 – Continued)

Andy Hanshaw, representing the San Diego Council Bicycle Coalition, commends the Council's pro-active approach in regards to the dockless bicycles problem. He spoke in favor of data access for danger spots and infrastructure, mobility, and equity. Mr. Hanshaw stated that strong regulations will hinder people that want to use these bikes the proper way. He spoke of a collaborative approach to work with other cities to make this service a success.

Discussion ensued among **Council** and **Staff** concerning the following:

- Favoring strict regulations (Coronado's policy);
- Fines to users who misuse the bike;
- Liability insurance and signing a waiver for release of liability.

20. Release Balance of Civil Penalties Held in Abeyance for Valley Motel - 585 North Mollison Avenue

1. Releases \$44,993 in established civil penalties held in abeyance for the Valley Motel at 585 North Mollison Avenue, and
2. Directs staff to release the Notice of Restriction previously filed against the property.

DISCUSSION

Building Deputy Director, Dan Pavao, provided detailed information of the Item.

Discussion ensued among **Council** and **Staff** concerning the following:

- Minor infractions to be completed;
- Management improved;
- Police calls were reduced.

Shanda Wilson, Manager of Valley Motel, spoke of the constant effort to improve the property.

MOTION BY KENDRICK, SECOND BY McCLELLAN, to RELEASE \$44,993 in established civil penalties held in abeyance for the Valley Motel at 585 North Mollison Avenue and directs staff to release the Notice of Restriction previously filed against the property.

MOTION CARRIED BY UNANIMOUS VOTE.

COMMISSION REPORTS: None

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS:

SANDAG (San Diego Association of Governments); League of California Cities, San Diego Division; Heartland Fire Training JPA – Alternate; Indian Gaming Local Community Benefit Committee; LAFCO*

21. Council Activities Report/Comments

Report as stated.

22. Legislative Report – No Report

ACTIVITIES REPORTS/COMMENTS OF COUNCILMEMBERS:

23. MAYOR PRO TEM GARY KENDRICK

Heartland Communications JPA; Heartland Fire Training JPA.

Council Activities Report/Comments.

Report as stated.

24. COUNCILMEMBER BOB MCCLELLAN

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

Council Activities Report/Comments.

Report as stated.

25. COUNCILMEMBER BEN KALASHO

East County Economic Development Council – Alternate; METRO Commission/Wastewater JPA; Indian Gaming Local Community Benefit Committee – Alternate.

Council Activities Report/Comments.

Report as stated.

ACTIVITIES REPORTS/COMMENTS OF COUNCILMEMBERS: (Continued)

26. El Cajon School Supply Drive

Authorizes Councilmember Kalasho to organize a backpack event relying on the model of SMOAC in Santee whereby school supplies including, folders, pens, pencils, notebooks and other supplies are collected by donation at the El Cajon Library over a set date and time (TBA).

DISCUSSION

Councilmember Kalasho provided information on the Item.

Discussion ensued among **Council** and **Staff** concerning the following:

- Concern that this program may compete with other established programs;
- Concern that City resources may be utilized;
- Request for a more comprehensive report.

Sunshine Horton suggested that the person who proposed the idea backs up the event by donating the backpacks and supplies with their own funds.

Jill Barto spoke of various non-profit organizations throughout the City that are already involved in similar backpacks events. She suggested that instead of the City starting a new program, the City supports these organizations.

In response to Ms. Barto's concerns, **Councilmember Kalasho** reiterated that the City will not be monetarily involved, that the request is only for social media promotion on the City's website.

MOTION BY GOBLE, SECOND BY McCLELLAN to REQUEST a more comprehensive report from Councilmember Kalasho.

**MOTION CARRIED BY A 4 - 1 VOTE
(Kalasho – No).**

27. COUNCILMEMBER STEVE GOBLE
SANDAG – Alternate; SANDAG Public Safety Committee – Alternate;
Chamber of Commerce – Government Affairs; MTS (Metropolitan Transit System Board) – Alternate; East County Economic Development Council;
METRO Commission/Wastewater JPA - Alternate.

Council Activities Report/Comments.

Report as stated.

ACTIVITIES REPORTS/COMMENTS OF COUNCILMEMBERS: (Continued)

28. Reducing Unnecessary 911 Calls

Directs staff to investigate educational opportunities and strategies to reduce unnecessary 911 calls. After the investigation is complete, Councilmember Goble recommends that the City Council directs staff to provide a presentation to the City Council for further discussion and direction.

DISCUSSION

Councilmember Goble provided detailed information on the Item.

Councilmember Kalasho stated that not enough details were provided and that this program may be a burden on City resources.

MOTION BY GOBLE, SECOND BY McCLELLAN to DIRECT staff to investigate educational opportunities and strategies to reduce unnecessary 911 calls and provide presentation to Council for further discussion and direction.

**MOTION CARRIED BY A 4 - 1 VOTE
(Kalasho – No).**

JOINT COUNCILMEMBER REPORTS: None

GENERAL INFORMATION ITEMS FOR DISCUSSION: None

ORDINANCES: FIRST READING – None

CLOSED SESSIONS:

30. Closed Session - Conference with Legal Counsel - Existing Litigation - pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9 City of El Cajon vs. ASSCS, LLC; Cloud 9 Wellness Center, Inc.; and Does 1 through 50, inclusive San Diego Superior Court Case No. 37-2018-00012001-CU-OR-CTL

MOTION BY WELLS, SECOND BY McCLELLAN, to ADJOURN to Closed Session at 5:29 p.m.

MOTION CARRIED BY UNANIMOUS VOTE.

CLOSED SESSIONS: (Continued)

RECONVENE TO OPEN SESSION AT 5:45 P.M.

City Attorney Morgan Foley reported the following actions:

- Item 29, the City Council gave direction to Legal Counsel; and
- Item 30, the City Council gave the City Attorney direction.

Adjournment: Mayor Wells adjourned the Regular Joint Meeting of the City Council/Housing Authority/Successor Agency to the Redevelopment Agency held this 11th day of September 2018, at 5:47 p.m., to Tuesday, September 25, 2018, at 3:00 p.m.

Angela Aguirre
City Clerk/Secretary