

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



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

October 23, 2018

An Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, October 23, 2018, was called to order by Mayor/Chair Bill Wells at 3:02 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California.

ROLL CALL

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

Mayor Pro Tem Kendrick invited Jamie Freitas, 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 October 9, 2018, Meetings and the Agenda of the October 23, 2018, Meeting in accordance with State Law and El Cajon City/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

PRESENTATIONS:

Presentation: HauntFest 2018

AGENDA CHANGES:

City Manager Mitchell requested that Item 7 be pulled from Consent for discussion, to Presentation or pulled Item 21, which will be presented once all conditions are met.

City Manager Mitchell introduced two interns from Germany: Anna Laumann and Stephanie Wanner, who will be working at City Hall for two months.

CONSENT ITEMS: (1 – 11)

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

Approves Minutes of the October 9, 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.

4. Award of Bid No. 011-19 - Mobile Lavatory Facilities

Adopts Resolution No. 098-18, awarding the bid to the sole responsive, responsible bidder, United Site Services of California, Inc. in the amount of \$18,500 for the initial one-year term, with four optional one-year terms.

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CONSENT ITEMS: (Continued)

5. San Diego Gas and Electric (SDG&E) Power Your Drive Electric Vehicle Charging Program

1. Adopts Resolution No. 099-18, to approve the Power Your Drive project;
2. Authorizes the City Manager to execute all documents on behalf of the City of El Cajon, substantially in the forms as presented to the City Council, with such changes as may be approved by the City Manager; and
3. Authorizes recording of the easement.

6. Award of RFP No. 016-19 - Veterinarian Services Re-Bid

Adopts Resolution No. 100-18, to enter into an agreement for veterinarian services with Leash Ends, Inc., for a one-year term in the not-to-exceed amount of \$60,000, with options to renew for up to four additional one-year terms.

7. Item pulled for discussion.

8. Award of RFP No 012-19, Cajon Valley Union School District - Safe Routes to school Active Transportation Project - Phase 2

Adopts Resolution No. 101-18, to:

1. Find WalkSanDiego dba Circulate Planning non-responsive for the reason set forth in this agenda report; and
2. Enter into an agreement for the preparation of a Safe Routes to School program with Rady Children's Hospital – San Diego in the not-to-exceed amount of \$449,999.83 for a two-year period.

DISCUSSION

Jeremiah Perez spoke in support of safe routes, sidewalks, and streets lamps which lead to walkable and rideable communities.

9. Acceptance of Public Improvements - Tentative Subdivision Map (TSM) 639; 488 Graves Avenue; Engineering Job No. 3107

Accepts the improvements and authorizes the City Clerk to release the security 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.

CONSENT ITEMS: (Continued)

10. RunEC Half-Marathon - Special Event Request for Support

Supports RunEC by providing a \$20,000 donation and in-kind City services for the 2019 St. Patrick's Day Half-Marathon/5K.

DISCUSSION

Meredith Stowers thanked the city for supporting the St. Patrick's Day Half Marathon.

MOTION BY McCLELLAN, SECOND BY GOBLE, to APPROVE Consent Items 1 – 6 and 8 – 11, pulling Item 7, as requested by Mitchell.

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (WELLS – Absent).

11. Authorization to Use the Public Right-of-Way for the Holiday Lights on Main Event

That the City Council reviews and approves the submitted road closures and traffic control plan for the Holiday Lights on Main.

Item pulled for discussion.

7. Purchase of Litter and Recycling Receptacles

Adopts Resolution No. 102-18, authorizing the Purchasing Agent, in accordance with Municipal Code 3.20.010(C)(5), to execute a purchase agreement with Canterbury Designs of Ohio, LLC for recycling and trash receptacles in an amount of \$172,334.00.

DISCUSSION

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

Discussion ensued amongst **Council** and **Staff** regarding:

- Downtown Developmental funds;
 - CALRecycle grant funds to provide consistent receptacles in the downtown area;
 - Suggestion to recycle old bins;
- Request to create a procurement and council policy to aide the distribution of excess inventory; and

CONSENT ITEMS: (Continued – Item 7)

- Request the option of a sponsor to prevent incurring additional labor costs.

MOTION BY McCLELLAN, SECOND BY GOBLE, to ADOPT Resolution No. 102-18, authorizing the Purchasing Agent, in accordance with Municipal Code 3.20.010(C)(5), to execute a purchase agreement with Canterbury Designs of Ohio, LLC for recycling and trash receptacles in an amount of \$172,334.00.

**MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT
(WELLS – Absent).**

PUBLIC COMMENT:

Sunshine Horton shared a story titled, “The Fight of Two Wolves Within You”. Mrs. Horton discussed donating ashtrays to the downtown businesses in the city, and would like to re-instate Safe Haven locations.

Pastor Chris Leeper discussed HauntFest and asked the audience to disconnect with Halloween due to its dark origin.

Councilmember McClellan shared about an event called the ‘Reformation Festival’.

Mark Lane spoke of the abusive behavior from **Councilmember Kalasho** towards Erica Salem. Mr. Lane read Instagram posts made by **Councilmember Kalasho** towards Ms. Salem.

Kevin Miller spoke of comments made by **Councilmember Kalasho** indicating the City is doing nothing about the homeless situation. Mr. Miller added that **Councilmember Kalasho** takes credits for things he has not done.

Jim Cirigliano stated he is tired of the **Councilmember Kalasho** bashing. Mr. Cirigliano provided an update to the rent mediation process and meeting. He acknowledged three hard working women in the audience from the Villa Novia Mobile Home Park and spoke about the Police Department being understaffed and underpaid.

Frank Sherr spoke of excessive speeding. He requested Stop signs be placed in the area of Ann Street and Mary Street.

Ruth Thornton spoke about not having a representative in her neighborhood and stated that the district lines do not make sense. Ms. Thornton asked that the City brings back Community Meetings. She discussed staffing shortage at the Police Department, and the increase in homelessness.

PUBLIC COMMENT: (Continued)

In response to Ms. Thornton's concern on homelessness, **Councilmember Goble** shared that the East County Transitional Living Center will submit an application to the Planning Commission on November 6th, to add 50 additional dorm style beds. He invited Ms. Thornton to attend the meeting to relay her concerns.

Linda Lorentz spoke about people driving through red lights in the areas of Washington and Jamacha, and Washington and Mollison. Ms. Lorentz suggested that the City turn the red light cameras back on to assist with traffic control.

Brenda Hammond spoke about anger and hate crimes. Ms. Hammond thanked the City for hosting HauntFest.

Simona Valanciute representing San Diego Oasis, an organization that helps senior adults. Ms. Valanciute invited the public to attend the November 12th, Technology Fair, geared for adults 50 years and over. She provided Council and Staff a manual of available classes.

Eric Lund thanked Council and Staff for their support with the East County Homeless Task Force. He provided a pocket guide, listing services in the East County region. Mr. Lund made an invitation to attend the upcoming meeting on October 24th.

Councilmember McClellan stated people are enabled, when we give money. He stated we should support organizations such as the East County Homeless Task Force, and East County Transitional Living Center instead.

Erica Salem spoke of the harassment received from **Councilmember Kalasho**. Ms. Salem stated for the record that she is afraid of **Councilmember Kalasho**.

Kilian Colin spoke of the harassment between **Councilmember Kalasho** and Ms. Salem.

AnnaMarie Piconi Snyder representing East County Homeless Task Force, spoke about being respectful and dignified when speaking at council meetings. She indicated that she works with organizations, districts, and people to find solutions and strategies for homelessness.

Mayor Pro Tem Kendrick spoke about hosting graduates from the East County Transitional Living Center, and encouraged others to support people who need a second chance.

James Elia thanked the City for HauntFest, and law enforcement for keeping the event safe. Mr. Elia spoke against **Councilmember Kalasho's** actions.

PUBLIC COMMENT: (Continued)

Monica Zech spoke of the Veteran's Day Ceremony, on November 11th, to be held at Centennial Plaza, in front of City Hall.

WRITTEN COMMUNICATIONS: None

PUBLIC HEARINGS: None

ADMINISTRATIVE REPORTS:

12. Resolution to Declare a Shelter Crisis

RECOMMENDATION:

That the City Council adopts a RESOLUTION declaring a shelter crisis as a requirement to apply for Homeless Emergency Aid Program funding.

DISCUSSION

City Manager Mitchell, provided a summary of the Item.

No one came forward to speak.

Discussion ensued amongst **Council** and **Staff** regarding:

- Strategy of combining efforts with all East County cities and use grant money for the region;
- Regional approach to justify the need for funds; and
- Money can only be used for new construction.

MOTION BY GOBLE, SECOND BY McCLELLAN, to ADOPT RESOLUTION NO. 103-18, declaring a shelter crisis as a requirement to apply for Homeless Emergency Aid Program funding.

**MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT
(WELLS – Absent).**

ADMINISTRATIVE REPORTS: (Continued)

13. Term Sheet for the Potential Agreement Implementing the East County Advanced Water Purification Project.

RECOMMENDATION:

That the City Council approves the Final Term Sheet for the East County Water Purification Project.

DISCUSSION

City Manager Mitchell, provided a summary of the Item.

No one came forward to speak.

Discussion ensued amongst **Council** and **Staff** regarding the physical analysis to measure the short and long term costs.

Staff will present an analysis of both, the cost of water and the cost of waste water treatment as a combined cost, once it is available.

MOTION BY McCLELLAN, SECOND BY GOBLE, to APPROVE the Final Term Sheet for the East County Water Purification Project.

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (WELLS – Absent).

14. Request for Indemnification – Councilmember Ben Kalasho (Lane v. Kalasho)

RECOMMENDATION:

Consider whether the City should reimburse Councilmember Kalasho the amount of \$1,500.00, and under what terms and conditions, if any, should apply to the City's commitment of indemnification.

DISCUSSION

City Attorney, Morgan Foley, provided detailed information of the Item.

Mark Lane clarified there were no alleged punitive damages. Mr. Lane added he did not sue the City of El Cajon nor its citizens, he sued **Councilmember Kalasho** personally, not in his official capacity, but for violating his freedom of speech. Mr. Lane indicated having the taxpayers of the City pay for **Councilmember Kalasho's** wrong doing is not acceptable.

ADMINISTRATIVE REPORTS: (Continued – Item 14)

Paul Kruze stated that **Councilmember Kalasho** has attacked him, and the publisher of the East County Magazine numerous times. He urged the Council to remember the actual words of **Councilmember Kalasho** when considering the subject.

Pastor Chris Leeper spoke about **Councilmember Kalasho's** bad behavior and encouraged Council to vote against his request for reimbursement because it will cause the City to be an accomplice to his corruption.

Jaime Freitas spoke against supporting Councilmember Kalasho's request.

City Attorney Foley, clarified that although the lawsuit was in fact against **Councilmember Kalasho's** individual capacity, because the complaint stated **Councilmember Kalasho** violated Mr. Lanes First Amendment Rights under the U.S. Constitution, it lends credibility that **Councilmember Kalasho** is being sued for his public official actions.

Councilmember Kalasho stated that court papers indicated that he had in fact denied the allegations made by Mr. Lane and made the business decision to engage in a settlement with Mr. Lane. He stated, he never blocked anyone, but rather and due to the amount of 'friends' limitation, Mr. Lane was not able to see his comments. He added he is not concerned about being reimbursed but he is asking as a matter of principal. **Councilmember Kalasho** stated, he would rather speak about the real issues that concern the City. He added that Mr. Lane is not a resident of El Cajon, a fact that he considered important.

Councilmembers Goble, Kendricks, and Kalasho agreed that **Kalasho** was viewed as acting as a public official, **McClellan** disagreed.

Councilmember Kalasho disqualified himself as the outcome could be a conflict of interest on his personal finances and left the Chamber at 5:01 PM.

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

- Definition of actual malice;
- Determination that Mr. Lane was in fact blocked by **Kalasho**;
- Statement of facts by Ms. Salem;
- Consideration of reimbursement of legal fees;
- Council decided that actions by **Kalasho** met the legal definition of actual malice, and agreed payment should not be made for reimbursement.

ADMINISTRATIVE REPORTS: (Continued – Item 14)

MOTION BY GOBLE, SECOND BY MCCLELLAN to DENY the request for indemnification by Councilmember Kalasho.

**MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT
(WELLS – Absent, KALASHO - Disqualified).**

COMMISSION REPORTS: None

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS:

SANDAG (San Diego Association of Governments); SANDAG Public Relations Selection Committee; League of California Cities, San Diego Division; Heartland Fire Training JPA – Alternate; LAFCO.

15. Council Activities Report/Comments

Report as stated.

16. Legislative Update

Assistant City Manager DiMaggio, provided summary of laws signed by Governor Brown that will have an impact on local municipalities.

- SB 1421 requires law enforcement agencies to disclose some essential information about their officers;
- AB 748 effective 7/1/2019, allows a video or audio recordings related to critical incidents to be withheld for 45 calendar days;
- SB 946 prohibits local authority from regulating sidewalk vendors; and
- AB 1968 takes effect fully in 2020, and prohibits a person who has been taken into custody, assessed, and admitted to a designated facility because he/she is a danger to oneself or others, as a result of a mental disorder one or more times within a period of one year from owning a firearm for the remainder of their life.

ACTIVITIES REPORTS OF COUNCILMEMBERS:

17. **MAYOR PRO TEM GARY KENDRICK**

METRO Commission/Wastewater JPA; Heartland Communications; Heartland Fire Training JPA.

Report as stated.

ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

18. COUNCILMEMBER BOB MCCLELLAN

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

Report as stated.

19. COUNCILMEMBER BEN KALASHO

Report as stated.

Councilmember Kalasho spoke about the media, being featured in the New York Times, being fearless and his growing social media followers.

20. COUNCILMEMBER STEVE GOBLE

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

Report as stated.

JOINT COUNCILMEMBER REPORTS: None

GENERAL INFORMATION ITEMS FOR DISCUSSION: None

ORDINANCES: FIRST READING AND ADOPTION - None

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Item 21 was removed by action taken under Agenda Changes.

21. Emerald Zone Reclassification

RECOMMENDATION:

That Mayor Wells request the City Clerk to recite the title.

An Ordinance Rezoning Property located on the West side of Emerald Avenue between Chamberlain and West Washington Avenues, from the RM-4300 (Residential, Multi-Family, 4,300 square feet) Zone to the RM-2200 (Residential, Multi-Family, 2,200 square feet) Zone; APN: 487-544-61; General Plan Designation: Medium Density Residential (MR).

CLOSED SESSIONS: None

Adjournment: Mayor Pro Tem Kendrick adjourned the Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 23rd day of October, 2018, at 5:23 p.m., to Tuesday, November 13, 2018, at 3:00 p.m.

Angela Aguirre
City Clerk/Secretary