

# 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

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**December 11, 2018**

A Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, December 11, 2018, was called to order by Mayor/Chair Bill Wells at 2:03 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California.

#### ROLL CALL

Council/Agencymembers present:	Goble and McClellan
Council/Agencymembers absent:	Kalasho
Mayor Pro Tem/Vice Chair present:	Kendrick
Mayor/Chair present:	Wells
Other Officers present:	Mitchell, City Manager/Executive Director DiMaggio, Assistant City Manager Foley, City Attorney/General Counsel Aguirre, City Clerk/Secretary

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

**Mayor Wells delivered the State of the City Address.**

***Recess called at 2:24 p.m.  
Meeting reconvened at 3:00 p.m.***

**ROLL CALL**

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

**POSTINGS:** The City Clerk posted Orders of Adjournment of the November 13, 2018, meetings and the Agenda of the December 11, 2018, meeting in accordance with State Law and El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

**NOVEMBER 6, 2018 – GENERAL MUNICIPAL ELECTION – CERTIFICATE OF RESULTS OF CANVASS**

The City Clerk recites the results of the Canvass of the Election for Mayor and one Councilmember for District One.

**Official Results of the 2018 General Municipal Elections**

RECOMMENDATION: That the City Council adopt the next RESOLUTION, in order, declaring the results of the November 6, 2018 Election for Mayor and one Councilmember for District One.

**MOTION BY McCLELLAN, SECOND BY GOBLE, to ADOPT Resolution No. 115-18 declaring the results of the November 6, 2018, General Municipal Election for Mayor and one Councilmember for District One.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

**NOVEMBER 6, 2018 – GENERAL MUNICIPAL ELECTION – CERTIFICATE OF RESULTS OF CANVASS (Continued)**

**OATH OF OFFICE ADMINISTERED TO BILL WELLS  
Remarks by Mayor Wells**

**OATH OF OFFICE ADMINISTERED TO GARY KENDRICK  
Remarks by Councilmember Kendrick**

*Recess called at 3:06 p.m.  
Meeting reconvened at 3:13 p.m.*

*Mayor and New District One Councilmember Seated.*

*Remainder of page intentionally left blank.*

**PRESENTATION: None**

**AGENDA CHANGES:**

**CONSENT ITEMS: (2 – 18)**

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

Approves Minutes of the November 13, 2018, Meetings of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

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. Warrants

Approves payment of Warrants as submitted by the Finance Department.

5. Term Expirations on City Commissions

Establishes a schedule for applications and interviews of candidates to serve on City Commissions/Committees, or reappoint, if appropriate.

Application Period: December 12, 2018 - January 14, 2019 at 5:30 p.m.

Interview and Appointment of Applicants: January 22, 2019 at 7:00 p.m.

6. ADA Pedestrian Curb Ramps and Sidewalks 2018 and Hillside Park Playground Landing Pad Project Acceptance

1. Accepts the ADA Pedestrian Curb Ramps and Sidewalks 2018 Project, PW3594 (Bid No. 014-18);
2. Accepts the Hillside Park Playground Landing Pad Project, PK3649 (Bid No. 014-18); and
3. Authorizes the City Clerk to record a Notice of Completion and release the bonds in accordance with the contract terms.

## **CONSENT ITEMS: (Continued)**

### 7. Extension to On-Site Fleet Parts Program

Adopts Resolution No. 116-18, to authorize an extension of the existing contract for on-site fleet parts program with County Motor Parts Co., Inc. for a two-year term, in the annual amount of \$400,000.

### 8. Award of Bid No. 018-19 - Elevator Maintenance and Repair

Adopts Resolution No. 117-18, to award the bid to the sole responsive, responsible bidder, 24 Hour Elevator in the amount of \$28,000 for the initial one-year term, with four optional one-year terms.

### 9. Award of Bid No. 023-19 - Radio Equipment Maintenance

Adopts Resolution No. 118-18, to award the bid to the sole responsive, responsible bidder, Day Management Corporation dba Day Wireless Systems in the amount of \$31,560 for the initial one-year term, with four optional one-year terms.

## **DISCUSSION**

**Bonnie Price** inquired the reason to request a sole source for Item 8 and Item 9.

In response to Ms. Price's question, **City Attorney Foley** clarified that both items went to bid; however, there was only one responsive bid in each case.

### 10. Fire Engine Funds Allocation

Authorizes the City Manager or designee to appropriate \$44,000 from the Vehicle/Replacement Fund balance for an unforeseen price increase for the purchase of a replacement fire engine as approved in the FY 2018/19 budget.

### 11. Addendum to Boys & Girls Club Use Agreement for Wells Park Center

Approves the addendum to the Boys & Girls Club Use Agreement regarding the shared use of the Wells Park Center.

## **CONSENT ITEMS: (Continued)**

12. License Agreement for Wireless Installation on Public Structures with Cox Wireless Access, LLC.

Adopts Resolution No. 119-18, approving a License Agreement for Wireless Installation on Public Structures with Cox Wireless Access, LLC, and authorizing the City Manager and the City Clerk to execute the License Agreement with such changes as may be approved by the City Manager.

13. Wells Park Improvements - Sewer Lateral Project Acceptance

1. Accepts the Wells Park Improvements - Sewer Lateral Project, PK3610, Bid No. 009-19; and
2. Authorizes the City Clerk to record a Notice of Completion and release the bonds in accordance with the contract terms.

14. Fiscal Year 2017-18 El Cajon Housing Authority Annual Report (pursuant to California Health & Safety Code section 34176.1)

Reviews and accepts this Annual Report of the El Cajon Housing Authority, substantially in the form as presented, for fiscal year ending June 30, 2018.

15. USA Swim Foundation Swim Lesson Grant

Accepts a grant in the amount of \$3,000 from the USA Swim Foundation to provide free swim lessons and instruction.

16. CalRecycle Beverage Container Recycling Grant

1. Adopts the Resolution No. 120-18, and authorizes the City Manager to apply for Beverage Container Recycling Grant funds in the amount of \$26,286 from the State of California Department of Resources Recycling and Recovery (CalRecycle);
2. Appropriates Beverage Container Recycling Grant funds in the amount of \$26,286 for Recycled Beverage Container diversion; and
3. Authorizes the City Manager or such person designated by the City Manager to execute the grant agreement and all such other documents necessary to obtain the grant funds, in such form as approved by the City Manager with approval of the City Attorney.

## CONSENT ITEMS: (Continued)

### 17. Public Safety Substation at Wells Park

Appropriates \$100,000 of "Prop O" funding for the purpose of establishing Public Safety Program Capital Improvement Project PS0080 Public Safety Substation at Wells Park.

## DISCUSSION

**Stephanie Harper** inquired about a public safety substation at Wells Park and if the park's basketball court will be open to the community.

In response to Ms. Harper's question, **City Manager Mitchell** advised that a portion of the leased facility will be converted from a gym to an office space where Recreation administrative staff and Police Officers will be staffed.

**Mayor Wells** advised that the City will look into Ms. Harper's question in reference to the basketball court.

**Jeremiah Perez** spoke of the challenges he faces due to the lack of City resources for seniors and homeless. He requested information on food, shelter and water services.

In response to Mr. Perez's concern, **Mayor Wells** advised of the Homeless Navigator Program as well as the East County Transitional Living Center.

### 18. Award of Bid No 020-19 – Washington Avenue Complete Streets Project

1. Adopts Resolution No. 121-18 to approve Plans and Specifications for the Washington Avenue Complete Streets Project, Bid No. 020-19;
2. Find the first and third through sixth low bidders non-responsive, each for the reasons set forth in this agenda report; and
3. Adopts Resolution No. 122-18 to award the bid to the lowest responsive, responsible bidder, DBX, Inc. in the amount of \$515,843.

**Councilmember Goble** inquired for the feedback from the public regarding the proposed project.

**Public Works Director, Dirk Epperson**, advised that the project derived from the public's request due to high volume of collisions, accidents, reckless driving along the street, which consists of residential homes and a school in the area. **Mr. Epperson** stated that street lights and crosswalks will be installed to create safer roads.

**CONSENT ITEMS: (Item 18 - Continued)**

**MOTION BY GOBLE, SECOND BY KENDRICK, to APPROVE Consent Items 2 – 18.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

**PUBLIC COMMENT:**

**Stephanie Harper** applauded **Councilmember Goble** for his community involvement. Ms. Harper suggested changing the council meeting start time to allow more people to attend. She also discussed the California Cartwright Act involving Waste Management.

**Mayor Wells** advised that an Agenda Item from a Councilmember would be considered regarding changing the Council meeting time.

**City Attorney Foley** explained that the City has an exclusive franchise, allowed by law and it is not considered a monopoly because it does not address a state wide area.

**Brenda Hammond** shared about the passing of Illa Ruth Devine - Ms. Americlown. Ms. Hammond wished Council and Staff a Merry Christmas and Happy New Year.

**Bonnie Price** spoke about the business operations at the East County Transitional Living Center (ECTLC), specifically residents who worked and signed paperwork indicating that they were volunteers. She said those residents never received a paycheck.

In response to Ms. Price's concern, **Mayor Wells** indicated that the City will look into the matter in reference to ECTLC residents not receiving pay for services provided.

**Jim Cirigliano** suggested that Agenda Items be discussed first and then listen to Public Comments. Mr. Cirigliano thanked **Councilmember Goble** and **City Manager Mitchell** for meeting with him, and city staff for their assistance involving the Villa Novia's Mobile Home delinquent sewer charges.

**WRITTEN COMMUNICATION: None**



**PUBLIC HEARINGS:**

19. Dockless Vehicles

**RECOMMENDATION:**

1. That the City Council considers the information presented by staff and;
2. Opens a public hearing;
3. Closes the public hearing; and
4. Makes a motion to introduce the next ordinance in order approving amendments to the Municipal Code

**DISCUSSION**

**Administrative Services Intern, Ryan Villegas**, provided a summary of the Item.

**Mayor Wells** opened the public hearing.

**Jeremiah Perez** spoke about the dangers of dockless bicycles and encouraged the Council to keep them out of the City.

Discussion ensued among **Council** and **Staff** in reference to the definition of dockless bicycles. Recommendation was made to include “powered by a person or a motor” to distinguish them from ordinary bicycles, which are not intended for commercial use.

**Mayor Pro Tem Kendrick** thanked Mr. Perez for his comments and acknowledged the dangers involving dockless bicycles.

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

**MOTION CARRIED BY UNANIMOUS VOTE.**

**MOTION BY GOBLE, SECOND BY McCLELLAN, to INTRODUCE the next Ordinance in order and APPROVE amendments to the Municipal Code with the addition of “powered by a person or a motor” to the definition code 9.42.020, section A.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

The **City Clerk** recited the title of the ordinance:

AN ORDINANCE AMENDING TITLES 1, 9, 10 AND 12  
AND ADDING A NEW CHAPTER 10.26 TO  
THE EL CAJON MUNICIPAL CODE  
ADDRESSING DOCKLESS VEHICLES

**ADMINISTRATIVE REPORTS:**

20. Selection of Mayor Pro Tem

RECOMMENDATION: That the City Council selects a Mayor Pro Tem according to the El Cajon Municipal Code.

**DISCUSSION**

**City Clerk Aguirre** gave a summary of the Item.

**Mayor Wells** recommended that **Councilmember Goble** serve as Mayor Pro Tem for the upcoming year.

**Mayor Pro Tem Kendrick** spoke in support of **Mayor Wells'** recommendations.

**MOTION BY WELLS, SECOND BY McCLELLAN to APPOINT Councilmember GOBLE as Mayor Pro Tem according to the El Cajon Municipal Code for the 2019 Calendar Year.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

21. Mayor and City Council Cafeteria Benefits Review

RECOMMENDATION:

That the City Council adopts the next resolution in order adjusting the cafeteria benefit allotment from \$1,000 per month to \$1,150 per month, effective January 2019, for Mayor and City Councilmembers.

**DISCUSSION**

**City Manager Mitchell** gave a summary of the Item.

**MOTION BY WELLS, SECOND BY KENDRICK to ADOPT Resolution No. 123-18, adjusting the cafeteria benefit allotment from \$1,000 per month to \$1,150 per month, effective January 2019, for Mayor and City Councilmembers.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

## **ADMINISTRATIVE REPORTS: (Continued)**

22. Request to Amend the Budget for the East County Performing Arts Center Renovation

### **RECOMMENDATION:**

Staff recommends that the City Council adopt the next RESOLUTION, in order, to:

1. Transfer and appropriate \$1.85 million from General Fund Carryover Reserve to the City Capital Improvement Program Fund; and
2. Increase the ECPAC Improvements Project (IFM3471) by \$1.85 million to \$8.2 million.

## **DISCUSSION**

**Assistant City Manager DiMaggio** provided detailed information of the Item.

**Stephanie Harper** asked to clarify why funds previously allocated are no longer available.

**Council** and **Staff** clarified the City's method of allocating specific amounts to projects, which if not fully expended, are reabsorbed into the budget for other projects.

**MOTION BY GOBLE, SECOND BY KENDRICK to ADOPT Resolution No. 124-18, to transfer and appropriate \$1.85 million from General Fund Carryover Reserve to the City Capital Improvement Program Fund; and increase the ECPAC Improvements Project (IFM3471) by \$1.85 million to \$8.2 million.**

**MOTION CARRIED BY 4-0 VOTE  
(KALASHO – Abstained).**

## **COMMISSION REPORTS: None**

### **ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS:**

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

23. Council Activities Report/Comments

**Mayor Wells** stated that he did not attend the Toys for Joy event due to a scheduling conflict.

## **ACTIVITIES REPORTS OF COUNCILMEMBERS:**

24. **MAYOR PRO TEM GARY KENDRICK**  
METRO Commission/Wastewater JPA; Heartland Communications; Heartland Fire Training JPA.

Report as stated.

25. **COUNCILMEMBER BOB MCCLELLAN**  
MTS (Metropolitan Transit System Board); Harry Griffen Park Joint Steering Committee; Heartland Communications – Alternate.

Report as stated.

26. **COUNCILMEMBER BEN KALASHO**

Report as stated.

27. **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.

**Councilmember Goble** reported that he did not attend the Council Chamber Breakfast meeting as stated on the report.

## **JOINT COUNCILMEMBER REPORTS:**

28. Response to Allegation at Southwest Key Facility

RECOMMENDATION: That the City Council considers the options identified in this report and directs staff.

## **DISCUSSION**

**Councilmember Goble** provided a summary of the Item.

## **JOINT COUNCILMEMBER REPORTS: (Continued)**

**Ana Babudar** representing Southwest Key, spoke about transparency and the limitations the facility faces. She advised that Southwest Key met earlier this year with the State Licensing and was not cited for any reporting issues. She welcome Council and Staff to meet and tour the facility.

In response to Ms. Babudar's invitation, **Councilmember Kalasho** expressed interest in the tour and provided her with his contact information.

**Seby Sebastian** representing Southwest Key as the Regional Director. Mr. Sebastian advised of the strict operational rules involving the licensed group home. He stated that runaway children are not reported and if located by Immigration and Customs Enforcement or Border Patrol, they take them into custody. Runaway juveniles are not returned to the group home. Mr. Sebastian offered an open invitation to anyone wanting a tour of the facility.

**Ismael Avilez** representing Southwest Key. Mr. Avilez spoke of the organization's stellar facility and reputation. He would like to have the opportunity to clarify information provided by the media and hopes to have better communication with the City.

**Bonnie Price** advised that she reached out to Representatives Susan Davis, Nancy Pelosi and Juan Vargas. She spoke about the importance of regular inspections for the safety of the children, and thanked Council and Staff for putting this item on the agenda.

**Jim Cirigliano** expressed gratitude to Mr. David Chenoweth, who was the first person to address concerns regarding this problem.

**Councilmember Goble** thanked Southwest Key staff for their presence. He encouraged City staff to meet with Southwest Key's staff to continue the discussion. He advised the public to be cautious until more information is received.

**MOTION BY GOBLE, SECOND BY McCLELLAN, to DIRECT City Staff to meet with the local director of the Southwest Key facility to gain understanding of the operation and understand the issues raised in the recent newspaper article, and PREPARE letters from the City Council to the California Department of Social Services and the U.S. Department of Health and Human Services informing them of "report inconsistencies" and requesting to know whether Southwest Key is in compliance with regulations of its state license and federal contract.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

## **GENERAL INFORMATION ITEMS FOR DISCUSSION**

The following item is for informational purposes only:

### **29. City of El Cajon Animal Shelter Donations for October 2018**

In accordance with City Council Policy B-2, staff informs the City Council about receiving the following donations for the El Cajon Animal Shelter for the month of October:

Diana Rouse: In loving memory of her mother, Louise Strong - \$500.00

## **ORDINANCES: FIRST READING – None**

## **ORDINANCES: SECOND READING AND ADOPTION**

### **30. Ordinance Amending Section 2.56.030 of Chapter 2.56 and Adding Chapter 12.06 to the El Cajon Municipal Code Regulating Vending on City Sidewalks**

#### **RECOMMENDATION:**

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

## **DISCUSSION**

No one came forward to speak.

**City Clerk Aguirre** recited the title of the ordinance.

An Ordinance Amending Title 12 of the El Cajon Municipal Code to Amend Section 2.56.030 of Chapter 2.56 of the El Cajon Municipal Code and to add Chapter 12.06 to the El Cajon Municipal Code regarding vending on City sidewalks and pedestrian pathways.

**MOTION BY KENDRICK, SECOND BY McCLELLAN, to AMEND Ordinance Section 2.56.030 of Chapter 2.56 and Adding Chapter 12.06 to the El Cajon Municipal Code Regulating Vending on City Sidewalks.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

**CLOSED SESSIONS:**

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

31. Closed Session - Conference with Legal Counsel - Existing Litigation - pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9. Christine Greer vs. City of El Cajon, et al. San Diego Superior Court Case No. 37-2016-00027133-CU-OE-CTL

**MOTION BY WELLS, SECOND BY KENDRICK, to ADJOURN  
to Closed Session at 4:16 p.m.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

**RECONVENE TO OPEN SESSION AT 4:27 P.M.**

**City Attorney Morgan Foley** reported the following actions:

- No action taken.

**Adjournment: Mayor Wells adjourned the Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 11<sup>th</sup> day of December, 2018, at 4:28 p.m., to Tuesday, January 8<sup>th</sup>, 2019, at 3:00 p.m.**

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**Angela Aguirre  
City Clerk/Secretary**