

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

February 12, 2019

A Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, February 12, 2019, was called to order by Mayor/Chair Bill Wells at 3:03 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California.

ROLL CALL

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

Mayor Wells invited Phillip Garcia, a Valhalla High School student, to lead the PLEDGE OF ALLEGIANCE and a 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 January 22, 2019, meetings and the Agenda of the February 12, 2019, meeting in accordance with State Law and El Cajon City/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

PRESENTATIONS:

- **Presentation: Teen Coalition Update**

AGENDA CHANGES: None

CONSENT ITEMS: (1 – 11)

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

Approves Minutes of the February 12, 2019, meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

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 024-19 – Slurry (Various Locations) Multi-Year Contract

Adopts Resolutions No. 012-19 and No. 013-19, in order, to:

1. Approve Plans and Specifications for the Slurry (Various Locations) Multi-Year Contract, Bid No. 024-19;
2. Find the fourth low bidder non-responsive for the reason set forth in this agenda report; and
3. Award the bid to the lowest responsive, responsible bidder, American Asphalt South, Inc. in the amount of \$466,213.45 for the initial one-year term, with up to four additional one-year renewal options.

DISCUSSION

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

- Advantages of a five year contract include savings of the overall contract;
- Saves staff time in not having to rebid the job;
- Ability to apply for grant funds immediately while contract is valid; and
- Attracts more potential bidders.

CONSENT ITEMS: (Item 4 - Continued)

MOTION BY GOBLE, SECOND BY KENDRICK, to ADOPT Resolution No. 012-19, approving plans and specifications for the slurry, and ADOPT Resolution No. 013-19, awarding bid to American Asphalt South, Inc. for slurry (various locations), multi-year contract.

MOTION CARRIED BY UNANIMOUS VOTE.

5. Disposal of Retired Property

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

6. Time Extension of Tentative Subdivision Map (TSM) 662; Magnolia Hills at South Magnolia Avenue; Engineering Job No. 3568

Grants a one-year time extension for TSM 662 (Magnolia Hills) and set the new expiration date to be February 14, 2020, in accordance with Municipal Code Section 16.12.110.

7. July - September 2018 Quarterly Treasurer's Report

Receives the Treasurer's Report for the quarter ending September 30, 2018.

8. Community Event – 2019 July 4th Picnic at Kennedy Park

Approves the sale of merchandise by vendors at Kennedy Park associated with the annual July 4th picnic and fireworks display and authorizes the City Manager, or designee, to execute the necessary agreements and forms for the annual July 4th fireworks display at Granite Hills High School.

9. Appointments to the Personnel Commission and the Public Safety Facility Financing Oversight Committee

Makes the following appointments:

1. Mr. Edward A. Martinez to the Personnel Commission, for a term to expire on January 31, 2023; and
2. Mr. Christopher J. Noble to the Public Safety Facility Financing Oversight Committee, for a term to expire on January 31, 2023.

CONSENT ITEMS: (Continued)

10. Acceptance of SANDAG 2019 Go by Bike Mini Grant to Host a Community Bike Ride

Adopts Resolution No. 014-19, accepting a grant in the amount of \$2,855 from SANDAG's Go by Bike Mini Grant Program; and authorizing the City Manager or such person designated by the City Manager to execute a grant agreement with SANDAG, and such other documents necessary for the receipt of the grant funds, all in such form approved by the City Attorney.

11. Community Event in the Right-of-Way – RunEC

Approves the use of the public right-of-way for the RunEC St. Patrick's Day Half Marathon / 5K.

MOTION BY WELLS, SECOND BY KENDRICK, to APPROVE Consent Items 1–3 and 5–11.

MOTION CARRIED BY UNANIMOUS VOTE.

PUBLIC COMMENT:

Mayor Wells and **Councilmember McClellan** invited students from Valhalla High School in the audience to introduce themselves to Council.

Robert Clark spoke against the requirement for students from Valhalla High School to come up to the podium to speak. Mr. Clark stated that he finds the request anti-democratic and hopes that other members of the Council would speak against it.

Bonnie Price requested a date for the reopening of East County Performing Arts Center (ECPAC) and inquired on the status of the inspection of Southwest Keys program.

In response to Ms. Price's question regarding ECPAC, **Mayor Wells** advised that September is the projected date for the opening, which will operate under the management of Live Nation Entertainment.

PUBLIC COMMENT: (Continued)

City Manager Mitchell advised Ms. Price that he, **Assistant City Manager DiMaggio** and **Community Development Director Shute** toured the Southwest Keys facility. They met with facility staff, and staff of the refugee and relocation office, who supervise the facility. **City Manager Mitchell** indicated that the facility is heavily regulated, both by the State and the Federal government. They discovered that the facility provides a good environment for the residents. **City Manager Mitchell** advised that the City reached out to the State in reference to a license violation, but such a violation was not discovered. He indicated that councilmembers interested in a tour of the facilities need to complete paperwork for approval.

Whitney Lopez, representing Trauma Intervention Program (TIP), spoke about the program and discussed the upcoming TIP academy. Ms. Lopez thanked the City for allowing TIP the opportunity to serve the community.

Abraham Muheize, representing San Diego Kings, a basketball league, inquired on how the team can participate in city events. Mr. Muheize invited Councilmembers to one of their sporting events.

Councilmember Kalasho spoke in favor of Mr. Muheize's mission.

Deputy Mayor Goble spoke in favor of the San Diego Kings participating in the America on Main Street event, and suggested that staff considers the opportunity.

WRITTEN COMMUNICATIONS: None

PUBLIC HEARINGS:

12. 1st Amendment to FY 2018-19 One Year Action Plan for Re-allocation of Available CDBG Funds

RECOMMENDATION:

Staff recommends that the City Council:

1. Re-allocates \$195,000 in available Community Development Block Grant (CDBG) Funds to the East County Performing Arts Center ADA Improvements Project (IFM3471/C0919); and
2. Appropriates \$195,000 of CDBG funding to Capital Improvement Project IFM3471 East County Performing Arts Center Improvements.

DISCUSSION

Community Development Senior Management Analyst, Jamie van Ravesteyn, provided a summary of the Item.

PUBLIC HEARINGS: (item 12 - Continued)

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 RE-ALLOCATE \$195,000 in available Community Development Block Grant (CDBG) Funds to the East County Performing Arts Center ADA Improvements Project (IFM3471/C0919); and APPROPRIATES \$195,000 of CDBG funding to Capital Improvement Project IFM3471 East County Performing Arts Center Improvements.

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

ADMINISTRATIVE REPORTS:

13. Report on the Efficiency of the 911 System

RECOMMENDATION:

No action is required by the City Council at this time. This item is information only.

DISCUSSION

Assistant City Manager, Vince DiMaggio, provided detailed information of the Item.

Mayor Wells opened the public hearing.

No one came forward to speak.

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

- Respond time and follow-up for non-emergency calls;
- Public education to improve understanding of incomplete and abandoned calls;
- Dispatchers attempt to contact reporting party, and confirm assistance required to accidental calls;
- Non-emergency call rate of 18% is consistent with other jurisdictions;
- Request for statistics on call times for translators to be available for non-English speaking calls;

ADMINISTRATIVE REPORTS: (Item 13 - Continued)

- Dispatcher's ability and skill to triage priority calls; and
- Potentially tracking data on call types from business vs. resident and multi-family vs. single family home.

14. Update on City of El Cajon's Homeless Programs

RECOMMENDATION:

That the City Council receives a report regarding the City's homeless programs and provide feedback.

DISCUSSION

City Manager Mitchell, provided detailed information of the Item.

Mayor Wells opened the public hearing.

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

- Total of 109 individuals placed in permanent housing;
- Average cost per person was \$1,300.00;
- Success of program may be gauged by people not returning to the homeless situation;
- Consider bigger pan handling signs to include the contact number to various homeless programs in the city;
- Increased budget does not guarantee greater ability to place more people into permanent housing;
- Dealing with people who do not want to be off the streets; and
- Opening a rotational night shelter in different parts of the city;

Bonnie Price congratulated the County Board of Supervisors who used surplus funds to provide housing for asylum seekers. Ms. Price spoke about the religious requirements at the East County Transitional Living Center (ECTLC) and Salvation Army, which she said can be deterrent to some asking for assistance. Ms. Price asked the city to investigate residents of ECTLC signing over their welfare benefits to the facility.

In response to Ms. Price's statement, **Deputy Mayor Goble** clarified that the City contributes to the 28-day emergency shelter

Harold Brown, founder of ECTLC, stated that by County Welfare requirements, an individual must either refuse the EBT (Electronic Benefit Transfer) benefits or provide 2/3rd of their EBT to the facility, for the meals they receive. Mr. Brown confirmed that there are no religious activity requirements for someone who participates in the 28-day emergency shelter program.

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.

15. Council Activities Report/Comments

Report as stated.

16. Legislative Update

Report: Bill Wells, Mayor

Mayor Wells, provided information on SB 50, which proposes changes to the current density bonus law, and introduces the concept of an equitable community incentive for projects proposed in a job-rich environment or transit-rich environment. The bill is active and has been referred to the Housing Committee. The League of California Cities position on the bill is to watch. Updates will be provided as the bill progresses.

ACTIVITIES REPORTS OF COUNCILMEMBERS:

17. COUNCILMEMBER GARY KENDRICK
METRO Commission/Wastewater JPA; Heartland Communications; Heartland Fire Training JPA.

Council Activities Report/Comments.

Report as stated.

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

Council Activities Report/Comments.

Report as stated.

ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

19. COUNCILMEMBER BEN KALASHO

Council Activities Report/Comments.

Report as stated.

20. DEPUTY MAYOR 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.

Council Activities Report/Comments.

Report as stated.

JOINT COUNCILMEMBER REPORTS:

21. Service Request Application for Mobile Devices and Computers

DISCUSSION

Deputy Mayor Goble provided a summary of the Item.

Councilmember Kalasho stated he had previously discussed this item with former City Manager Williford, who indicated that the fund for this item was already approved, and that the website was being set up to include the application.

Deputy Mayor Goble advised that our current city application would not accept an iPhone file format submitted through the service request application.

MOTION BY GOBLE, SECOND BY KENDRICK, to DIRECT staff to investigate a mobile application for use and to provide a recommendation within 90 days.

MOTION CARRIED BY UNANIMOUS VOTE.

GENERAL INFORMATION ITEMS FOR DISCUSSION:

22. Teen Coalition Status Report

RECOMMENDATION:

That the City Council receives and files the information-only Teen Coalition status report.

ORDINANCES: FIRST READING - None

ORDINANCES: SECOND READING AND ADOPTION

23. Ordinance Adding Chapter 16.56 to the El Cajon Municipal Code for the Creation of Easements by Recorded Covenants

RECOMMENDATION:

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

An Ordinance adding a new Chapter 16.56 to the El Cajon Municipal Code Addressing Easements

DISCUSSION

No one came forward to speak.

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

An Ordinance Adding a new Chapter 16.56 to the El Cajon Municipal Code Addressing Easements

MOTION BY KENDRICK, SECOND BY GOBLE, to Adopt Ordinance No. 5077, ADDING Chapter 16.56 to the El Cajon Municipal Code for the Creation of Easements by Recorded Covenants.

MOTION CARRIED BY UNANIMOUS VOTE.

ORDINANCES: SECOND READING AND ADOPTION (Continued)

24. Ordinance Amending Chapter 2.12 of the El Cajon Municipal Code related to City Council Procedures

RECOMMENDATION:

That **Mayor Wells** requests the City Clerk to recite the title.

An Ordinance amending Chapter 2.12 of the El Cajon Municipal Code Relating to City Council Procedures

DISCUSSION

Robert Clark spoke against amending the El Cajon Municipal Code relating to the City Council procedures.

Deputy Mayor Goble asked Mr. Clark, if a non-resident speaking on behalf of a resident would change his mind.

Mr. Clark responded that the individual should consider someone living in the city as their spokesperson.

Mayor Wells added that some speakers may not live in the city; however, they may have a business in the city. **Mayor Wells** indicated that it is a constitutional issue, and that free speech cannot be regulated.

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

An Ordinance Amending Chapter 2.12 of the El Cajon Municipal Code related to City Council Procedure.

MOTION BY McCLELLAN, SECOND BY KENDRICK, to ADOPT Ordinance No. 5078, AMENDING Chapter 2.12 of the El Cajon Municipal Code related to City Council Procedure.

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

ORDINANCES: SECOND READING AND ADOPTION (Continued)

25. Ordinance Rezoning the Family Health Center Expansion - proposed general plan amendment, zone reclassification, and site development plan permit for a medical office building - 525 East Main Street.

RECOMMENDATION:

That **Mayor Wells** requests the City Clerk to recite the title.

An Ordinance rezoning property located on the East side of Taft Avenue between East Main Street and East Lexington Avenue: APN: 488-233-51, from the P (Parking) to C-G (General Commercial); General Plan Designation; General Commercial (GC).

DISCUSSION

No one came forward to speak.

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

An Ordinance rezoning property located on the East side of Taft Avenue between East Main Street and East Lexington Avenue: APN: 488-233-51, from the P (Parking) to C-G (General Commercial); General Plan Designation; General Commercial (GC).

MOTION BY McCLELLAN, SECOND BY KENDRICK, to ADOPT Ordinance No. 5079, REZONING property located on the East side of Taft Avenue between East Main Street and East Lexington Avenue: APN: 488-233-51, from the P (Parking) to C-G (General Commercial); General Plan Designation; General Commercial (GC).

MOTION CARRIED BY UNANIMOUS VOTE.

CLOSED SESSIONS:

26. Closed Session - Conference with Legal Counsel - Anticipated Litigation – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9
Number of potential cases: 1
Claim of Mohammad Haj Hamad on behalf of minor, Mais Haj Hamad
27. Closed Session - Conference with Legal Counsel - Existing Litigation - pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9: El Cajon Police Officers Association, et al. v. City of El Cajon
San Diego Superior Court Case No. 37-2019-00005450-CU-WM-CTL

CLOSED SESSIONS: (Continued)

28. Closed Session - Conference with Legal Counsel - Existing Litigation - pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956: 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

29. Closed Session - Conference with Legal Counsel - Anticipated Litigation – Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9: Number of potential cases: 1

MOTION BY WELLS, SECOND BY McCLELLAN, to ADJOURN to Closed Session at 4:23 p.m.

MOTION CARRIED BY UNANIMOUS VOTE.

RECONVENE TO OPEN SESSION AT 4:52 P.M.

City Attorney Foley reported the following actions:

- Item #26: Direction given to legal counsel.
- Item #27: Direction given to legal counsel.
- Item #28: Direction given to legal counsel.
- Item #29: No reportable 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 12th day of February 2019, at 4:53 p.m., to Tuesday, February 26, 2019, at 3:00 p.m.

Angela Cortez
City Clerk/Secretary