

# 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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**August 13, 2019**

A Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, August 13, 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:	Kendrick, McClellan and Ortiz
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

**PLEDGE OF ALLEGIANCE TO FLAG led by Mayor Wells 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 July 23, 2019, Meeting and the Agenda of the August 13, 2019, Meetings in accordance with State Law and El Cajon City/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

**PRESENTATIONS:** None

**AGENDA CHANGES:** None

**CONSENT ITEMS: (1 – 10)**

**MOTION BY WELLS, SECOND BY KENDRICK, to APPROVE Consent Items 1 to 10.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

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

Approves Minutes of the July 23, 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 waives the reading in full of all Ordinances on the Agenda.

4. San Diego River Conservancy's Proposition 68 Grant Program

1. Adopts Resolution No. 076-19, for the Broadway Creek Improvement Project (Phase A), Resolution No. 077-19, for The El Cajon Transit Center Community Connection Improvements, and Resolution No. 078-19, for the Main Street - Green Street Gateway Improvements, to authorize the City Manager, or approved designee, to submit applications for the San Diego River Conservancy's Proposition 68 Grant Program, appropriate funding if received; and,
2. Executes agreements and such other documents necessary, with the San Diego River Conservancy, and other agencies, to accept any awards of grants.

**CONSENT ITEMS: (Continued)**

5. Schedule for Application Period for the Mission Trails Regional Park Citizen Advisory Committee.

Approves the acceptance of applications for the Mission Trails Regional Park Citizen Advisory Committee on a continuous basis, until vacancy is filled.

The date for interviews and appointment will be determined once applications are received.

6. Community Event in the Right of Way: Manufacturing Expo

Approves the use of alcohol for the East County Manufacturing Expo at Prescott Promenade on Tuesday, October 1, 2019.

7. Community Event in the Right Of Way: Alley Cat Artwalk

Approves the use of the public right-of-way for the Alley Cat Art Walk on September 13, 2019.

8. Award of Bid No. 007-20 – Stationary Generator Maintenance and Emergency Repair Services

1. Adopts Resolution No. 079-19, to approve Plans and Specifications for the Stationary Generator Maintenance and Emergency Repair Services, Bid No. 007-20; and
2. Adopts Resolution No. 080-19, to Award the bid to the lowest responsive, responsible bidder, Bay City Equipment Industries, Inc., dba Bay City Electric Works in the amount of \$23,855 for the initial one-year term, with up to four additional one-year renewal options.

9. Amendment to Purchase Agreement for Computer Aided Dispatch (CAD) System

1. Authorizes the Purchasing Agent, in accordance with Municipal Code 3.20.010(C)(5), to increase the purchase agreement with Tyler Technologies, Inc., in the amount of \$149,965; and
2. Authorizes the City Manager to execute an amendment to the purchase agreement, with the approval of the City Attorney.

**CONSENT ITEMS: (Continued)**

10. Contract Amendment for Pest Control Services

Adopts Resolution No. 081-19, to increase the contract for pest control services in the not-to-exceed amount of \$13,086 for the second renewal period.

**PUBLIC COMMENT:**

Hei-ock Kim, representing Kim Center for Social Balance, spoke of sharing positive news in the county and gender equity.

Jim Cirigliano praised Deputy Mayor Goble for leading the July 23 Council meeting. He asked Council to review the information he provided at an earlier meeting, regarding smart meters. He requested that the Fair Political Practices Commission, Form 700, Statement of Economic Interest, and Form 460, Recipient Committee Campaign Statement be posted online.

Bonnie Price spoke in support of gender equity. She expressed concern about children’s safety in the local refugee camps.

Mayor Wells stated he will be visiting the refugee camps in the near future.

**WRITTEN COMMUNICATIONS:** None

**PUBLIC HEARINGS:** None

**ADMINISTRATIVE REPORTS:**

11. City of El Cajon's Homeless Programs Update

**RECOMMENDATION:**

That the City Council receives the report and provides feedback.

**DISCUSSION**

Housing Manager, Jamie Van Ravesteyn, provided a summary of the Item, and invited Crisis House’s Housing Navigator, Karina Hernandez, to the podium to answer questions from the Council.

## **ADMINISTRATIVE REPORTS: (Item 11 – Continued)**

Discussion ensued among Council, Staff and Ms. Hernandez, concerning the following:

- Decrease in number of people being housed;
- Difficulty to find appropriate, affordable housing;
- People on the list are not part of the East County Transitional Living Center (ECTLC) program;
- Unable to quantify the number of people who have been contacted from the 'Point of Count' tally;
- People reunited with family members.

City Manager Mitchell proposed updating the Council regarding the Homeless Program on a biannual basis.

**MOTION BY GOBLE, SECOND BY ORTIZ, to RECEIVE the Report regarding the Homeless Program.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

### 12. Wastewater Fund Sewer Service Rate Case

#### **RECOMMENDATION:**

That the City Council:

1. Directs the City Clerk to set a Public Hearing on October 8, 2019, at 7:00 p.m., regarding the proposed changes to the Wastewater Service Rates.
2. Directs staff to proceed with mailing of Public Notices in accordance with Proposition 218 in regard to the proposed changes to the Wastewater Service Rates.

#### **DISCUSSION**

Deputy Director of Public Works, Yazmin Arellano, provided detailed information of the Item.

Discussion ensued among Council and Staff concerning the following:

- Rate comparison in San Diego County;
- Concern regarding deferred maintenance for sewer pipes;
- Mitigation plan over five (5) years to prevent breakage of pipes;
- Inspection program to prevent future pipe failure;
- Percentage increase per household is the responsible action to take to upgrade the City's sewer system, and to cover the continuing rising cost of wastewater treatment.

**ADMINISTRATIVE REPORTS: (Item 12 - Continued)**

**MOTION BY GOBLE, SECOND BY McCLELLAN, to DIRECT the City Clerk to set a Public Hearing on October 8, 2019, at 7:00 p.m., regarding the proposed changes to the Wastewater Service Rates.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

**MOTION BY GOBLE, SECOND BY McCLELLAN, to DIRECT staff to send the Public Notices in accordance with Proposition 218 regarding the proposed changes to the Wastewater Service Rates.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

13. Code of Ethics and Conduct for Elected and Appointed Officials

**RECOMMENDATION:**

That the City Council considers staff's analysis regarding a code of ethics and conduct policy and provide feedback.

**DISCUSSION**

City Manager Mitchell provided detailed information of the Item.

Jim Cirigliano encourages civil disclosure, and uprising of decency for councilmembers, and the public as well.

Discussion ensued among Council and Staff concerning the following:

- Set a barometer for Elected and Appointed Officials' behavior;
- Request for a simple, basic, common decency set of rules to follow;
- Free speech should be respected while maintaining a respectful attitude towards everyone;
- Suggestion to form a sub-committee to prepare a policy to adopt.

**MOTION BY ORTIZ, SECOND BY McCLELLAN, to DIRECT staff to prepare a second draft of the Code of Ethics and Conduct for Elected and Appointed Officials.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

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

### 14. Update of City Ticket and Distribution Policy (A-28)

#### **RECOMMENDATION:**

That the City Council, in preparation for the opening of The Magnolia Performing Arts Center (The Magnolia):

1. Directs staff to revise City Council Policy A-28 (Distribution of City Tickets and Passes) to incorporate recent amendments to Title 2 California Code of Regulations, Section 18944.1; and
2. Directs staff to update language for Policy A-28 from the East County Performing Arts Center (ECPAC) to The Magnolia; and
3. Discusses options to administer complimentary tickets to events at The Magnolia, outlined in the management agreement between the City and Live Nation, in accordance with the updates to Policy A-28.

#### **DISCUSSION**

Management Analyst, Ryan Villegas, provided a summary of the Item.

Mayor Bill Wells gave direction to City Manager Mitchell to make decisions on this matter, and provide an update in six (6) months.

**MOTION BY WELLS, SECOND BY McCLELLAN, to REVISE City Council Policy A-28 (Distribution of City Tickets and Passes) to incorporate recent amendments to Title 2 California Code of Regulations, Section 18944.1; and DIRECTS staff to update language for Policy A-28 from the East County Performing Arts Center (ECPAC) to The Magnolia; and Direct City Manager to administer complimentary tickets to events at The Magnolia.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

### 15. Facility Rental Rates and Fee Structure for The Magnolia

#### **RECOMMENDATION:**

That the City Council adopts a Resolution approving the Facility Rental Rates and Fee Structure for The Magnolia.

**ADMINISTRATIVE REPORTS: (Item 15 - Continued)**

**DISCUSSION**

City Manager Mitchell provided a summary of the Item.

Discussion ensued among Council and Staff concerning the following:

- Performances to be managed by Live Nation;
- Limited days for City use at The Magnolia;
- Subsidy for local non-profit groups at the discretion of the City Council;
- Consideration of non-local groups using the City assigned days at The Magnolia.

**MOTION BY GOBLE, SECOND BY KENDRICK, to ADOPT Resolution No. 082-19 approving the Facility Rental Rates and Fee Structure for The Magnolia.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

**COMMISSION REPORTS:** None

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

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

16. Council Activities Report/Comments

Report as stated.

17. Legislative Update: Report as stated.

**ACTIVITIES REPORTS OF COUNCILMEMBERS:**

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

Council Activities Report/Comments.

Report as stated.



**ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)**

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

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.

Council Activities Report/Comments.

In addition to the submitted report, Deputy Mayor Goble advised that the first performers at The Magnolia, Queen Nation, will perform at Santee’s Summer Concert venue on Thursday, August 15, 2019.

21. COUNCILMEMBER PHIL ORTIZ – NO REPORT  
East County Economic Development Council; League of California Cities, San Diego Division.

Council Activities Report/Comments.

Councilmember Ortiz provided an oral report for the following:

- July 25th- Meeting with Seritage Properties
- July 27th - Foothills Christian Church Introduction
- July 28th - Foothills Christian Church Introduction
- July 30th - Meeting with George Glover regarding El Cajon Veterans Memorial
- July 31st - East County Homeless Task Force Meeting
- July 12th - League of California Cities Meeting
- July 12th - Meeting with Mayor Steve Vaus
- July 12th - Republican Party of San Diego August Caucus Meeting

**JOINT COUNCILMEMBER REPORTS: None**

**GENERAL INFORMATION ITEMS FOR DISCUSSION: None**

**ORDINANCES: FIRST READING – None**

**ORDINANCES: SECOND READING AND ADOPTION – None**

**CLOSED SESSIONS:**

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

22. Closed Session - Conference with Legal Counsel - Anticipated Litigation - pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9: one (1) potential case:

Coast Law Group LLP, representing Climate Action Campaign, has delivered to the City a letter expressing its intent to sue the City, alleging that the City failed to comply with the California Environmental Quality Act when adopting its Climate Action Plan on July 9, 2019.

23. Closed Session - Conference with Legal Counsel - Existing Litigation - pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9: Ary Jarjis vs. City of El Cajon, et al.

San Diego Superior Court Case No. 37-2018-00051362-CU-PA-CTL

**MOTION BY KENDRICK, SECOND BY McCLELLAN, to ADJOURN to Closed Session at 4:45 p.m.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

RECONVENE TO OPEN SESSION AT 4:59 PM

City Attorney Morgan Foley reported the following actions:

Item 22: City Council briefed on the matter.

Item 23: City Council provided direction to Legal Counsel.

Mayor Wells called on Richard Hein, representing ASAP Towing. Mr. Hein requested a change to the zoning code to allow the business to stay on the current property at 581 S. Marshall Avenue.

**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 13<sup>th</sup> day of August 2019, at 5:02 p.m., to Tuesday, August 13, 2019, at 7:00 p.m.**

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**ANGELA L. CORTEZ, CMC**  
**City Clerk/Secretary**