



CITY COUNCIL
HOUSING AUTHORITY AND
SUCCESSOR AGENCY TO THE EL CAJON
REDEVELOPMENT AGENCY

Council Chamber
200 Civic Center Way
El Cajon, CA 92020

Agenda JANUARY 14, 2020, 3:00 p.m.

Bill Wells, Mayor
Steve Goble, Councilmember
Gary Kendrick, Councilmember
Bob McClellan, Councilmember
Phil Ortiz, Deputy Mayor

Graham Mitchell, City Manager
Vince DiMaggio, Assistant City Manager
Morgan Foley, City Attorney
Angela Cortez, City Clerk

CALL TO ORDER: Mayor Bill Wells

ROLL CALL: City Clerk Angela Cortez

PLEDGE OF ALLEGIANCE TO FLAG AND MOMENT OF SILENCE

POSTINGS: The City Clerk posted Orders of Adjournment of the December 10, 2019, Meeting and the Agenda of the January 14, 2020, Meeting in accordance to State Law and Council/Authority/Successor Agency to the Redevelopment Agency Policy.

PRESENTATIONS:

AGENDA CHANGES:

CONSENT ITEMS:

Consent Items are routine matters enacted by one motion according to the RECOMMENDATION listed below. With the concurrence of the City Council, a Council Member or person in attendance may request discussion of a Consent Item at this time.

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

RECOMMENDATION:

That the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency approves Minutes of the December 10, 2019, Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

2. Warrants

RECOMMENDATION:

That the City Council approves payment of Warrants as submitted by the Finance Department.

3. Approval of Reading Ordinances by Title Only

RECOMMENDATION:

That the City Council approves the reading by title and waives the reading in full of all Ordinances on the Agenda.

4. Agreement for Civil Engineering Services

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, to enter into an Agreement for Professional Services with NV5, Inc., to perform civil engineering services for Broadway Earthen Channel Repairs for a three-year term in the not-to-exceed amount of \$225,029.

5. City Attorney Staff Members

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, appointing the professional staff of the City Attorney's office effective January 14, 2020.

6. Acceptance of The Magnolia Improvement Project (IFM3471)

RECOMMENDATION:

That the City Council:

1. Accepts The Magnolia (formerly ECPAC) Improvement Project, IFM3471, RFP No. 027-18; and
2. Authorizes the City Clerk to record a Notice of Completion, and release the bonds in accordance with the contract terms.

7. 2019 San Diego County Law Enforcement Foundation Grant

RECOMMENDATION:

That the City Council:

1. Authorizes the City Manager or designee to accept the 2019 San Diego County Law Enforcement Foundation (SDCLEF) Grant in the amount of \$2,894.30, and execute any grant documents and agreements necessary for the receipt and use of these funds; and
2. Appropriates funds in the amount of \$2,894.30 to purchase (130) Combat Application Tourniquets (CAT) to be issued to all Police Department personnel for emergency first aid purposes.

8. Term Expirations on City Commissions

RECOMMENDATION:

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

Application Period: January 15, 2020 - February 5, 2020 at 5:00 p.m.

Interview and Appointment of Applicants: February 11, 2020 at 7:00 p.m.

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

RECOMMENDATION:

That the City Council grants a one-year time extension for Tentative Subdivision Map (TSM) 662, Magnolia Heights at South Magnolia Avenue, and sets the new expiration date to be February 14, 2021, in accordance with Municipal Code Section 16.12.110.

10. Utility Easement at Wells Park to Install Underground Electric Facilities and Appurtenances

RECOMMENDATION:

That the City Council approves the next Resolution, in order, to:

1. Grant a utility easement to San Diego Gas & Electric (SDG&E);
2. Authorize the City Manager to execute all documents on behalf of the City of El Cajon, substantially in the form as presented to the City Council, with such changes as may be approved by the City Manager; and
3. Authorize recording of the easement.

PUBLIC COMMENT:

At this time, any person may address a matter within the jurisdiction of the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency that is not on the Agenda. Comments relating to items on today's docket are to be taken at the time the item is heard. State law prohibits discussion or action on items not on the Agenda; however, Council, Authority and Agency Members may briefly respond to statements or questions. An item may be placed on a future Agenda.

WRITTEN COMMUNICATIONS:

PUBLIC HEARINGS:

11. Substandard Abatement at 2370 Valley Mill Road

RECOMMENDATION:

That the City Council:

1. Opens the public hearing and receives testimony;
2. Closes the public hearing;
3. Declares as appropriate the Building Official/Fire Marshal's actions in this case;
4. Directs staff to invoice the property owner for staff time and administrative costs in the amount of \$1,248.79; and
5. Directs staff to monitor the cleanup and renovation of the dwelling until fully compliant with State Housing Code habitability regulations.

ADMINISTRATIVE APPEAL:

12. Administrative Hearing - Appeal by Cajon Massage of Denial of Special Operation License

RECOMMENDATION:

That the City Council conducts the Administrative Hearing; reviews documents submitted; receives testimony from witnesses who have been identified on each party's witness list; and determines whether the City Manager's denial of a Special Operation License to operate a massage establishment at 1246 East Main Street, Unit 112, should be upheld or overturned.

ADMINISTRATIVE REPORTS:

13. Update on Homeless Programs

RECOMMENDATION:

That the City Council provides direction to staff regarding homeless programming for 2020.

14. Report on Sewer Billing Transition Effort

RECOMMENDATION:

That the City Council:

1. Receives a report on activities related to maintaining sewer billing services through June 30, 2020;
2. Adopts the next Resolution, in order, to ratify agreements for sewer billing services with Advanced Utility Solutions in the amount of \$220,000 for software, payments, and billing support with Infosend in the amount of \$100,000 for bill printing and mailing; and
3. Provides direction to staff for a long-term solution for sewer billing services.

15. Award of RFP No. 015-20 – Financial Advisor Services

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, to enter into an agreement for financial advisor services with Urban Futures, Inc., in an amount not to exceed \$35,000 for Phase 1 of the project for a one-year term.

16. Contracts for City Manager & City Attorney

RECOMMENDATION:

That the Mayor provides an oral report summarizing recommended changes in compensation for the City's "local agency executives"; and following the report, that the City Council approves the changes to the Employment Contracts as reflected on the attachments.

COMMISSION REPORTS:

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS:

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

17. Council Activity Report

18. LEGISLATIVE REPORT: None

19. City Council Assignments

RECOMMENDATION:

That the City Council approves City Council assignments (as identified in the report) to various boards and commissions representing El Cajon.

ACTIVITIES REPORTS/COMMENTS OF COUNCILMEMBERS:

JOINT COUNCILMEMBER REPORTS:

20. **COUNCILMEMBER GARY KENDRICK**

METRO Commission/Wastewater JPA; Heartland Communications; Heartland Fire Training JPA; East County Advance Water Purification Joint Powers Authority Board.

21. **COUNCILMEMBER BOB MCCLELLAN**

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

22. **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 Advance Water Purification Joint Powers Authority Board - Alternate.

23. **DEPUTY MAYOR PHIL ORTIZ**

East County Economic Development Council; League of California Cities, San Diego Division.

GENERAL INFORMATION ITEMS FOR DISCUSSION:

ORDINANCES: FIRST READING

ORDINANCES: SECOND READING AND ADOPTION

24. Approve modifications to the El Cajon Tobacco Retailer's License Program

RECOMMENDATION:

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

An Ordinance of the City Council of the City of El Cajon, California, Amending Chapter 8.33 of the El Cajon Municipal Code to Regulate Retailers of Tobacco Products and Electronic Vapor Devices and Establishing a License for Such Activities.

CLOSED SESSIONS:

25. Closed Session - Conference with Legal Counsel - Existing Litigation - pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9: Climate Action Campaign v. City of El Cajon
San Diego County Superior Court Case No. 37-2019-00041565-CU-TT-CTL

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

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 vs. City of El Cajon
San Diego Superior Court Case No. 37-2019-00005450-CU-WM-CTL

ADJOURNMENT: The Regular Joint Meeting of the El Cajon City Council/ El Cajon Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 14th day of January 2020, is adjourned to Tuesday, January 28, 2020, at 3:00 p.m.



City Council
Agenda Report

Agenda Item 1.

DATE: January 14, 2020

TO: Honorable Mayor and City Councilmembers

FROM: Angela Cortez, City Clerk

SUBJECT: Minutes of the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Meetings

RECOMMENDATION:

That the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency approves Minutes of the December 10, 2019, Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

Attachments

12-10-19 DRAFT Minutes - 3 PM

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

December 10, 2019

A Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, December 10, 2019, 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:	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 November 12, 2019, meeting and the Agenda of the December 10, 2019, meeting in accordance with State Law and El Cajon City/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

PRESENTATIONS:

Presentation: R.E.C. Campaign

Presentation: Resident Leadership Academy

Presentation: Design Build Award for the Animal Shelter

AGENDA CHANGES:

City Manager Mitchell announced the retirement of Executive Assistant to the City Manager, Teresa Bussey and Information Technology Technician, Franklin Reed.

City Manager Mitchell requested that Closed Session, Item 28 be moved up on the Agenda to accommodate other commitments by Mr. Beamer.

City Attorney Foley recommended a vote to approve the changes to the Agenda.

MOTION BY WELLS, SECOND BY KENDRICK, to MOVE into Closed Session to consider Item 28 on the Agenda.

MOTION CARRIED BY UNANIMOUS VOTE.

CLOSED SESSIONS:

- 28. 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

DISCUSSION

MOTION BY WELLS, SECOND BY McCLELLAN, to ADJOURN to Closed Session at 3:32 p.m.

MOTION CARRIED BY UNANIMOUS VOTE.

RECONVENE TO OPEN SESSION AT 3:39 p.m.

City Attorney Foley reported the following action:

Item 28: City Council gave direction to Legal Counsel.

CONSENT ITEMS: (1 – 13)

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

Approves Minutes of the November 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 waives the reading in full of all Ordinances on the Agenda.

4. Authorization for the Execution of Program Supplement Agreements with Caltrans for Two (2) Highway Safety Improvement Program (HSIP) Federal Grant Projects.

Adopts Resolution No.114-19, approving Program Supplement Agreement Nos. F055 HSIPL-5211(040) and F056 HSIPL-5211(041) for two (2) Highway Safety Improvement Program (HSIP) Federal Grant Projects.

5. Acceptance of the Channel Repairs 2019 (WW3653) Project

1. Accepts the Channel Repairs 2019 (WW3653) Project, Bid (006-20); and
2. Authorizes the City Clerk to record a Notice of Completion and release the bonds in accordance with the contract terms.

6. July - September 2019 Quarterly Treasurer's Report

That the City Council receives the Treasurer's Report for the quarter ending September 30, 2019.

CONSENT ITEMS: (Continued)

7. Fire Station 9 Driveway Project Acceptance
 1. Accepts the Fire Station 9 Driveway Project, PS0061, Bid No. 005-20; and
 2. Authorizes the City Clerk to record a Notice of Completion and release the bonds in accordance with the contract terms.

8. Agreements for Civil Engineering Services
 1. Adopts Resolution No. 115-19 to enter into an Agreement for Professional Services with Chen Ryan Associates, Inc., to perform civil engineering services for the El Cajon Transit Center Community Improvements for a two-year term in the not-to-exceed amount of \$328,807;
 2. Adopts Resolution No. 116-19 to enter into an Agreement for Professional services with Chen Ryan Associates, Inc., to perform civil engineering services for the Main Street – Green Street Gateway Improvements for a two-year term in the not-to-exceed amount of \$285,154; and
 3. Adopts Resolution No. 117-19 to enter into an Agreement for Professional Services with Chen Ryan Associates, Inc., to perform civil engineering services for the Active Transportation Plan for a two-year term in the not-to-exceed amount of \$206,997.

DISCUSSION

In answer to a question by Bonnie Price, City Manager Mitchell clarified that a current list of competitive vendors was on file and Chen Ryan was selected from that list.

9. Third Amended Heartland Fire Training Facility Lease Agreement

Adopts Resolution No. 118-19 approving and entering into a third amended lease agreement with the Heartland Fire Training Authority for the use of the Heartland Fire Training Facility.

10. Disposal of Retired Property

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

CONSENT ITEMS: (Continued)

11. Fiscal Year 2018-19 El Cajon Housing Authority Annual Report (pursuant to California Health & Safety Code Section 34176.1)

El Cajon Housing Authority reviews and accepts the Annual Report, substantially in the form as presented, for fiscal year ending June 30, 2019.

DISCUSSION

City Council and City Manager Mitchell clarified questions by Stephanie Harper regarding fund allocations, eligible housing funds and affordable housing.

12. Cooperative Purchase – Asphalt Patch Truck

Adopts Resolution No. 119-19 to authorize the Purchasing Agent, in accordance with Municipal Code section 3.20.010(C)(5), to execute an agreement with Municipal Maintenance Equipment for the purchase of an asphalt patch truck in the amount of \$233,321.92.

13. Contract Amendment for Maintenance and Repairs of Mechanical Doors and Gates

Adopts Resolution No. 120-19 to increase the contract for mechanical doors and gates in the not-to-exceed amount of \$20,000.

MOTION BY WELLS, SECOND BY KENDRICK, to APPROVE Consent Items 1 to 13.

MOTION CARRIED BY UNANIMOUS VOTE.

PUBLIC COMMENT:

Stephanie Harper requested information on what happens to property confiscated from homeless individuals.

City Manager Mitchell stated that property which has identifying information is returned to the rightful owner, however, if no information is found, it is disposed in a timely manner.

PUBLIC COMMENT: (Continued)

Bonnie Price suggested placing lights along crosswalks to provide safer streets.

Jim Cirigliano stated that the problem of homelessness is not discussed enough. He added that FPPC Forms 460 and 700 should be posted on the City's websites.

WRITTEN COMMUNICATIONS: None

PUBLIC HEARINGS:

- 14. Hall Family House - Proposed Historic Resource Designation No. 3 and Historic Preservation Agreement for 436 Provo Street

RECOMMENDATION:

That the City Council:

- 1. Opens the public hearing and receives testimony;
- 2. Closes the public hearing; and
- 3. Moves to adopt the next Resolution, in order, approving the proposed Historic Designation No. 3 and Historic Preservation Agreement for the Hall Family House.

DISCUSSION

Director of Community Development, Anthony Shute, provided a summary of the Item.

Mayor Wells opened the public hearing.

No one came forward to speak but the following individuals submitted a speaker card in support of the Item:

Scott Strothers
Sheri Strothers
Paul Johnson
Sarai Johnson

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

MOTION CARRIED BY UNANIMOUS VOTE.

PUBLIC HEARINGS: (Item 14 – Continued)

MOTION BY KENDRICK, SECOND BY McCLELLAN, to ADOPT RESOLUTION NO. 121-19 approving the proposed Historic Designation No. 3 and Historic Preservation Agreement for the Hall Family House.

MOTION CARRIED BY UNANIMOUS VOTE.

ADMINISTRATIVE REPORTS:

15. Selection of Deputy Mayor

RECOMMENDATION:

That the City Council selects a Deputy Mayor according to the El Cajon Municipal Code.

DISCUSSION

City Manager Mitchell provided a summary of the Item.

Mayor Wells recommended that Councilmember Ortiz serve as Deputy Mayor for the 2020 calendar year.

MOTION BY WELLS, SECOND BY KENDRICK to APPOINT Councilmember ORTIZ as Deputy Mayor according to the El Cajon Municipal Code for the 2020 Calendar Year.

MOTION CARRIED BY UNANIMOUS VOTE.

16. Consideration of a Lease Agreement with USA Waste of California, Inc., (Waste Management) for property located at 1001 West Bradley Avenue

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, approving a lease agreement with USA Waste of California, Inc., for property located at 1001 W. Bradley Avenue.

DISCUSSION

Assistant City Manager DiMaggio provided detailed information on the Item.

City Manager Mitchell provided market analysis information on the Item.

ADMINISTRATIVE REPORTS: (Item 16 – Continued)

Stephanie Harper inquired about options for waste hauler for citizens who do not wish to utilize Waste Management.

Mayor Wells clarified that the City utilizes one waste hauler to minimize the wear and tear on the City streets.

Citi Manager Mitchell clarified that the current Item is not for waste hauler services but rather for the lease of a property. Further clarification was given about Waste Management providing services from the said property to other cities.

Jim Cirigliano requested more information on Republic Services.

Councilmembers spoke in support of the agreement with Waste Management.

MOTION BY McCLELLAN, SECOND BY KENDRICK to ADOPT RESOLUTION No. 122-19 approving a lease agreement with USA Waste of California, Inc., for property located at 1001 W. Bradley Avenue.

MOTION CARRIED BY UNANIMOUS VOTE.

17. 2020 City of El Cajon Public Relations Campaign Proposal

RECOMMENDATION:

That the City Council reviews and provides feedback on the proposed 2020 Public Relations Campaign.

DISCUSSION

City Manager Mitchell stated that the project was led by a group of five interns, and introduced Shaina Tigar who gave detailed information on the Item.

Discussion ensued amongst Council and Staff regarding:

- A slogan representative of El Cajon;
- Ideas to extend beyond the year 2020;
- Publicity that portrays the pride of El Cajon; and
- Publicity for positive events in the City.

No motion required for the Item.

ADMINISTRATIVE REPORTS: (Continued)

18. Key Legislation from the 2019 Legislative Session

RECOMMENDATION:

This is an information only item. No action is required.

DISCUSSION

Assistant City Manager DiMaggio provided detailed information on the 2019 Legislative Session.

19. Award of RFP No. 012-20 – Citizen Reporting Software

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, to enter into an agreement for citizen reporting software with Tyler Technologies, Inc., in the amount of \$57,145 for a one-year term, with the option to renew for four additional one-year terms.

DISCUSSION

Information Technology Director Sara Diaz provided detailed information on the Item.

Discussion ensued amongst Council and Staff regarding:

- Integration capability with RGIS for capturing data;
- Graffiti reporting;
- Americans with Disabilities Act (ADA) compliance;
- User friendly for reporting;
- Customizable product; and
- Ability to perform updates to software.

MOTION BY GOBLE, SECOND BY ORTIZ to ADOPT RESOLUTION No. 123-19 to enter into an agreement for citizen reporting software with Tyler Technologies, Inc., in the amount of \$57,145 for a one-year term, with the option to renew for four additional one-year terms.

MOTION CARRIED BY UNANIMOUS VOTE.

ADMINISTRATIVE REPORTS: (Continued)

20. Compensation for Executive and Unrepresented Employees (A-29)

RECOMMENDATION:

That the Mayor provides an oral report summarizing recommended changes in compensation for the affected City's "local agency executives"; and following the report, that the City Council approves the changes to City Council Policy A-29 described in the report, and reflected on the attachment.

DISCUSSION

Human Resources Director Marisol Thorn provided detailed information on the Item.

Mayor Wells provided an oral report summarizing the recommended changes.

Mayor Wells clarified for Stephanie Harper the requirements from CALPERS to report the status of the local agency executives.

MOTION BY GOBLE, SECOND BY McCLELLAN to APPROVE the changes to City Council Policy A-29.

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.

21. Council Activities Report/Comments

In addition to the submitted report, Mayor Wells stated that he attended the Police Officer Association Christmas Party on December 7, 2019.

ACTIVITIES REPORTS OF COUNCILMEMBERS:

22. COUNCILMEMBER GARY KENDRICK
METRO Commission/Wastewater JPA; Heartland Communications; Heartland Fire Training JPA; East County Advance Water Purification Joint Powers Authority Board.

Council Activities Report/Comments.

Report as stated.

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

Council Activities Report/Comments.

Report as stated.

24. 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 Advance Water Purification Joint Powers Authority Board – Alternate.

Council Activities Report/Comments.

Report as stated.

25. COUNCILMEMBER PHIL ORTIZ
East County Economic Development Council; League of California Cities, San Diego Division.

Council Activities Report/Comments.

In addition to the submitted report, Councilmember Ortiz stated that on December 6, he attended a meeting with Waste Management, and on December 7, he attended the Police Officer Association Christmas Party.

JOINT COUNCILMEMBER REPORTS: None

GENERAL INFORMATION ITEMS FOR DISCUSSION:

26. El Cajon Animal Shelter Donations for October 2019

RECOMMENDATION:

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:

Anonymous	\$281.43
James Stoddard	<u>\$100.00</u>
Total	\$381.43

ORDINANCES: FIRST READING

27. El Cajon Tobacco Retailer's License Ordinance

RECOMMENDATION:

That the City Council considers the proposed modifications to the El Cajon Tobacco Retailer's License Program by:

1. Introducing the Ordinance;
2. Request that the City Clerk recite the title of the Ordinance; and
3. Direct that the second reading of the Ordinance be scheduled for January 14, 2020.

DISCUSSION

City Attorney Foley provided a summary of the Item.

Dana Stevens submitted a speaker card in support of the item.

No further comments were offered.

MOTION BY GOBLE, SECOND BY KENDRICK, to INTRODUCE the Ordinance.

MOTION CARRIED BY UNANIMOUS VOTE.

The City Clerk recited the title of the Ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CAJON, CALIFORNIA, AMENDING CHAPTER 8.33 OF THE EL CAJON MUNICIPAL CODE TO REGULATE RETAILERS OF TOBACCO PRODUCTS AND ELECTRONIC VAPOR DEVICES AND ESTABLISHING A LICENSE FOR SUCH ACTIVITIES

ORDINANCES: SECOND READING AND ADOPTION – None

CLOSED SESSIONS:

Item 28 was previously discussed per Action taken under Agenda Changes:

29. Closed Session - CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6.

Agency Designated Representatives: Vince DiMaggio, Assistant City Manager; Marisol Thorn, Director of Human Resources; Clay Schoen, Director of Finance.

Unrepresented Employees: Graham Mitchell, City Manager; Morgan L. Foley, City Attorney

MOTION BY McCLELLAN, SECOND BY KENDRICK, to ADJOURN to Closed Session at 5:23 p.m.

MOTION CARRIED BY UNANIMOUS VOTE.

RECONVENE TO OPEN SESSION AT 5:30 p.m.

Assistant City Manager DiMaggio reported the following action:

Item 29: City Council gave direction to amend the employment agreement for the City Manager and City Attorney to change from annual to bi-weekly compensation. In addition, in the case of the City Manager, he will be eligible to receive the same incentives provided to the Assistant City Manager, including a city paid wellness exam.

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 10th day of December 2019, at 5:31 p.m., to Tuesday, January 14, 2020, at 3:00 p.m.

ANGELA L. CORTEZ, CMC
City Clerk/Secretary



City Council
Agenda Report

DATE: January 14, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Nahid Razi, Purchasing Agent
SUBJECT: Agreement for Civil Engineering Services

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, to enter into an Agreement for Professional Services with NV5, Inc., to perform civil engineering services for Broadway Earthen Channel Repairs for a three-year term in the not-to-exceed amount of \$225,029.

BACKGROUND:

On October 22, 2019, the City Council approved SOQ No. 004-20 – On-call Professional Services. The Statement of Qualifications (SOQ) resulted in a pre-qualified list of firms for on-call professional services covering multiple disciplines such as architectural, building/fire plan check, civil engineering, construction management, electrical/mechanical engineering, geotechnical, land surveying, and storm water management.

The resulting list of qualified firms intends to provide professional firms on an “as-needed” basis when projects or services cannot be completed by City staff. Pre-qualified firms will normally be selected on a rotating basis for individual tasks within each discipline. However, the City, at its sole discretion, reserves the right to select firms out of rotation when deemed to be in the best interest of the City.

In order to meet project goals for the Broadway Earthen Channel Repairs, the following services are needed: aerial topographic and imaging of existing channel, technical memorandum of drainage calculations and recommendation, grading and improvement plans, and environmental consulting through permitting and production of environmental document.

Staff reviewed the pre-qualified firms and determined that NV5, Inc. is most qualified for the civil engineering services needed for the Broadway Earthen Channel Repairs due to the firm’s specialization in hydraulic analysis; field survey services and boundary retracement; civil design services; landscape architecture; and environmental consulting and permit coordination. The attached memorandum dated January 2, 2020 details staff’s selection.

FISCAL IMPACT:

The initial fiscal impact of this project is \$225,029 for a three-year term. Sufficient funds are available in Broadway Earthen Channel Repairs (WW3586).

Prepared By: Nahid Razi, Purchasing Agent
Reviewed By: Dirk Epperson, Director of Public Works
Approved By: Graham Mitchell, City Manager

Attachments

Resolution
Memorandum

RESOLUTION NO. __-20

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL CAJON APPROVING AN
AGREEMENT FOR PROFESSIONAL SERVICES WITH
NV5, INC. FOR CIVIL ENGINEERING SERVICES

WHEREAS, on October 22, 2019, the City Council approved Statement of Qualifications ("SOQ") No. 004-20 for On-call Professional Services, which resulted in a pre-qualified list of firms for on-call professional services covering multiple disciplines such as architectural, building/fire plan check, civil engineering, construction management, electrical/mechanical engineering, geotechnical, land surveying, and storm water management; and

WHEREAS, the resulting list of qualified firms intends to provide professional services on an "as-needed" basis when projects or services cannot be completed by City staff; and

WHEREAS, pre-qualified firms will normally be selected on a rotating basis for individual tasks within each discipline; however, the City, at its sole discretion, reserves the right to select firms out of rotation when deemed to be in the best interest of the City; and

WHEREAS, in order to meet project goals for the Broadway Earthen Channel Repairs project (the "Project"), the following services are needed: aerial topographic and imaging of existing channel, technical memorandum of drainage calculations and recommendation, grading and improvement plans, and environmental consulting through permitting and production of environmental document; and

WHEREAS, staff reviewed the pre-qualified firms and determined that NV5, Inc. ("NV5") is most qualified for the civil engineering services needed for the Project due to the firm's specialization in hydraulic analysis; field survey services and boundary retracement; civil design services; landscape architecture; and environmental consulting and permit coordination; and

WHEREAS, the Purchasing Division, in concurrence with the Director of Public Works, recommends that the City enter into an Agreement for Professional Services (the "Agreement"), with NV5 for civil engineering services for a term of three (3) years, in the not-to-exceed amount of \$225,029.00; and

WHEREAS, the City Council believes it to be in the City's best interests to enter the Agreement NV5 for civil engineering services for a term of three (3) years, in the not-to-exceed amount of \$225,029.00, as recommended by staff.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL CAJON AS FOLLOWS:

1. The above recitals are true and correct, and are the findings of the City Council.
2. The City Council hereby approves the execution of the Agreement, with such changes as may be approved by the City Manager, for a term of three (3) years, in the not-to-exceed amount of \$225,029.00.
3. The City Manager and City Clerk are hereby authorized and directed to execute the Agreement on behalf of the City of El Cajon.
4. The City Manager is hereby further authorized to execute, and the City Clerk is hereby authorized to attest the City Manager's signature, such amendments to the Agreement as may be necessary to approve any renewal terms of the Agreement as contemplated therein, and to make such other changes as may be necessary, in the determination of the City Manager, to implement the Agreement in the best interests of the City.

01/14/20 CC Agenda

Reso - Approve Agmt w-NV5 for Civil Engineering Svcs 010720

CITY OF EL CAJON



MEMORANDUM

DATE: January 2, 2020

TO: Nahid Razi, Purchasing Agent

FROM: Jeffrey R. Manchester, Principal Civil Engineer

VIA: Yazmin Arellano,
Deputy Director of Public Works/City Engineer

SUBJECT: Recommendation of Award of Professional Services Firm
Reference: On-Call Professional Services (SOQ No. 004-20)

On October 22, 2019, the City Council awarded a pre-qualified list of firms for on-call professional services, which will be utilized by staff over a two year term with renewal options of up to three (3) years. The firms selected are intended to augment the work of both the Public Works and Community Development Department when projects or services are unable to be performed by City Staff. Firms will typically be selected on a rotating basis, however, staff reserves the right to select firms out of rotation when deemed to be in the best interest of the City.

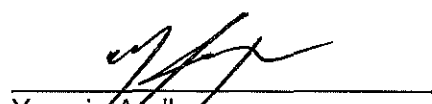
A purchase requisition has been submitted by the Public Works Department recommending the award of a professional services contract from the on-call professional services list for the Broadway Creek Restoration Project, Phase A (WW3586). Upon review of the firms selected to provide on-call professional services, staff has determined that NV5 specializes in the technical phases of work that are needed for the project, which include: hydraulic analysis; field survey services and boundary retracement; civil design services; landscape architecture; and environmental consulting and permit coordination. As such, staff is recommending award to NV5 for the subject project.

Please proceed with the procurement of NV5 for the Broadway Creek Restoration Project, Phase A. Should there be any additional information required, please let me know.

Submitted by,

APPROVED BY:


Jeffrey R Manchester
Principal Civil Engineer


Yazmin Arellano
Deputy Director of Public Works/
City Engineer



City Council
Agenda Report

DATE: January 14, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Morgan Foley, City Attorney
SUBJECT: City Attorney Staff Members

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, appointing the professional staff of the City Attorney's office effective January 14, 2020.

BACKGROUND:

The office of the City Attorney is staffed by principals and associates of the municipal law department of the law offices of McDougal, Love, Boehmer, Foley, Lyon & Canlas. These appointments periodically change with additions and departures of personnel. Effective January 14, 2020, the existing list of staff changed with the departure of Amanda R. Abeln-Overs, who formerly served as an Assistant City Attorney for the City. This action is necessary to reflect this change.

Attachments

Resolution

RESOLUTION NO. __-20

RESOLUTION APPOINTING
CITY ATTORNEY STAFF
OF THE CITY OF EL CAJON

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL CAJON AS FOLLOWS:

The City Attorney staff members are appointed, effective January 14, 2020, as follows:

Morgan L. Foley, City Attorney

Gena B. Burns, Assistant City Attorney

Johanna N. Canlas, Assistant City Attorney

M. Anne Cirina, Assistant City Attorney

Lauren N. Hendrickson, Assistant City Attorney

Jennifer M. Lyon, Assistant City Attorney

Elizabeth A. Mitchell, Assistant City Attorney

Barbara C. Luck, Staff Attorney



City Council Agenda Report

Agenda Item 6.

DATE: January 14, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Dirk Epperson, Director of Public Works
SUBJECT: Acceptance of The Magnolia Improvement Project (IFM3471)

RECOMMENDATION:

That the City Council:

1. Accepts The Magnolia (formerly ECPAC) Improvement Project, IFM3471, RFP No. 027-18; and
2. Authorizes the City Clerk to record a Notice of Completion, and release the bonds in accordance with the contract terms.

BACKGROUND:

On May 22, 2018, the City Council awarded a Construction Manager At-Risk (CMAR) agreement for The Magnolia Improvement Project (formerly ECPAC) to Wieland Corporation to provide construction management services vital to the remodeling of the facility and ultimately, the re-opening of the venue. The project included the replacement of the HVAC system, electrical upgrades, installation of a new elevator, roof replacement, full restroom upgrades, installation of a new main lobby bar and food prep areas, interior furnishings for green rooms, new monument signage, new building signage, and many other integrated improvements for the venue. Wieland completed the work and a Certificate of Occupancy was issued on August 29, 2019. Acceptance of the project is recommended.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The Magnolia Improvement project was categorically exempt from the provisions of the California Environmental Quality Act (CEQA) according to Section 15301 (Class 1) (c) of the CEQA Guidelines. Section 15301 provides an exemption for the maintenance of public facilities.

FISCAL IMPACT:

The total construction contract costs for this project is \$7,252,168.50.

Prepared By: Dirk Epperson, Public Works Director

Reviewed By: Vince DiMaggio, Assistant City Manager

Approved By: Graham Mitchell, City Manager



City Council
Agenda Report

DATE: January 14, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Mike Moulton, Chief of Police
SUBJECT: 2019 San Diego County Law Enforcement Foundation Grant

RECOMMENDATION:

That the City Council:

1. Authorizes the City Manager or designee to accept the 2019 San Diego County Law Enforcement Foundation (SDCLEF) Grant in the amount of \$2,894.30, and execute any grant documents and agreements necessary for the receipt and use of these funds; and
2. Appropriates funds in the amount of \$2,894.30 to purchase (130) Combat Application Tourniquets (CAT) to be issued to all Police Department personnel for emergency first aid purposes.

BACKGROUND:

Each year the San Diego County Law Enforcement Foundation (SDCLEF) awards grants to law enforcement agencies to purchase critical equipment. This year, the Department has been awarded funding for the purchase of 130 Combat Application Tourniquets (CAT). The CAT is a safe and effective device used to control life-threatening extremity bleeding in the event of a traumatic wound with significant hemorrhage. The CAT utilizes a system with a patented free-moving internal band providing true circumferential pressure to the extremity. Once adequately tightened, bleeding will cease and the windlass is locked in place. The tourniquet can be applied over clothing and as high on an extremity as possible to stop severe bleeding.

Officers in the field are often the first responders on scene and it has been proven that patient survival rates dramatically increase when severe bleeding can be effectively controlled until fire personnel arrive. These tourniquets would be issued as life-saving devices in the field as deemed necessary by officers.

FISCAL IMPACT:

The Police Department has been awarded a total of \$2,894.30 from the SDCLEF. These grant funds will be appropriated to activity 225900 – Police Miscellaneous Grants. There will be no impact to the City's General Fund.

Prepared By: Julie Wiley, Sr. Management Analyst

Reviewed By: Mike Moulton, Police Chief

Approved By: Graham Mitchell, City Manager



City Council
Agenda Report

DATE: January 14, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Angela Cortez, City Clerk
SUBJECT: Term Expirations on City Commissions

RECOMMENDATION:

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

Application Period: January 15, 2020 - February 5, 2020 at 5:00 p.m.

Interview and Appointment of Applicants: February 11, 2020 at 7:00 p.m.

BACKGROUND:

The following Commissions/Committees have terms expiring as indicated below:

Personnel Commission

Vacancies: Two (2) Commissioner vacancies as follows:

*One (1) Commissioner with a Term expiration of 01/31/2024

**One (1) Commissioner with a Term expiration of 01/31/2021

Requirements: Applicant must be a resident of the City and continue to reside in the City during the term of office.

*Applicant must be appointed by the City Council from a list of 3 persons nominated by employees in the Classified Service, except when an incumbent is re-nominated, then 1 name may be submitted.

**Applicant will be appointed by the City Council directly.

Personnel Commissioners are required to file a Form 700 according to provisions of the Political Reform Act, the Fair Political Practices Commission, and the City's Conflict of Interest Code.

Planning Commission

Vacancies: One (1) Commissioner

Duration: Four-Year Term to expire January 31, 2024

Requirements: Applicant must be a resident of the City at the time of application and continue to reside in the City during the term of office.

Planning Commissioners are required to file a Form 700 according to provisions of the Political Reform Act, the Fair Political Practices Commission, and the City's Conflict of Interest Code.

Applications will be available on January 15, 2020 in the City Clerk's Office, and a downloadable, interactive application form will be available on the City website at www.cityofelcajon.us under the "Current News" section.

FISCAL IMPACT:

Members of the Planning and Personnel Commissions are compensated for meetings attended.

Prepared By: Angela Cortez, City Clerk

Reviewed By: N/A

Approved By: Graham Mitchell, City Manager

Attachments

Application - Personnel Commission

Application - Planning Commission



Date Received:

PERSONNEL COMMISSION PUBLIC SERVICE APPLICATION

Thank you for your interest in serving the community as a member of the El Cajon Personnel Commission.

Name: _____ Date: _____

Personnel Commission Requirements:

- 1. *Residency:* According to Section 2.24.030 of the El Cajon Municipal Code, applicants must be a resident of the City at the time of applying for a commission and continue to reside in the City during the term of office. Applicants nominated by the employee associations are not subject to this requirement according to Section 2.24.110 of the El Cajon Municipal Code.
- 2. *Conflict of Interest Code:* Personnel Commissioners are required to file a Form 700 according to provisions of the Political Reform Act, the Fair Political Practices Commission, and the City's Conflict of Interest Code.

Please select the type of vacancy you are applying for:

- *Applicant must be appointed by the City Council from a list of 3 persons nominated by employees in the Classified Service, except when an incumbent is re-nominated, then 1 name may be submitted.*
- **Applicant will be appointed by the City Council directly.*

The following questions represent the minimum qualifications to serve on the El Cajon City Personnel Committee:

Are you a resident of the City of El Cajon? Yes No

How long have you lived in El Cajon? _____

Are you available for meetings in the: Mornings Evenings Both

APPLICATIONS MUST BE PRINTED, SIGNED, AND DELIVERED TO THE CITY CLERK BY:

WEDNESDAY, FEBRUARY 5, 2020 AT 5:00 PM

NOTE: Once a public service application is filed with the City, it becomes a public record and is available to the public.

GENERAL INFORMATION

Term of Office & Position Type: The term of office will begin upon appointment and continue until the end of the original four year term, January 31, 2021 or January 31, 2024, depending on which vacancy you applied for.

Selection Process: The City Council will consider applications at the Tuesday, February 11, 2020 at the 7:00 p.m. City Council meeting. If you are unable to attend at this time, please contact the City Clerk's Office to make alternate arrangements.

Applicant's Name:

APPLICANT INFORMATION

NAME: _____

ADDRESS: _____

PHONE: _____ EMAIL: _____

If you choose to provide more information to any of the following questionnaires, please attach additional pages to this application form.

SUPPLEMENTAL QUESTIONNAIRE

EXPLAIN YOUR INTEREST IN THIS POSITION:

Have you been or are you now a member of a governmental board, commission or committee: Yes No

If Yes, please list:

Are you related to any employees of the City of El Cajon? Yes No

If Yes, please indicate name and relationship:

Are you a registered voter? Yes No

If No, please explain:

Please list your education, training, or special qualifications, which might be relevant to this position:

Please list your membership in service, community organizations or volunteer work that might be relevant to this position:

EMPLOYMENT – CURRENT TO PAST

Name of Employer:

Last job title:

Dates of Employment: From: To:

List the duties performed while you worked at this company:

Name of Employer:

Last job title:

Dates of Employment: From: To:

List the duties performed while you worked at this company:

Name of Employer:

Last job title:

Dates of Employment: From: To:

List the duties performed while you worked at this company:

ELIGIBILITY CERTIFICATION

By signing below, I _____, certify that the information is true and correct to the best of my knowledge.

SIGNATURE _____ DATE _____



Date Received: _____

PLANNING COMMISSION PUBLIC SERVICE APPLICATION

Thank you for your interest in serving the community as a member of the El Cajon Planning Commission.

Name: _____ Date: _____

Planning Commission Requirements:

1. *Residency:* According to Section 2.24.030 of the El Cajon Municipal Code, applicants must be a resident of the City at the time of applying for a commission and continue to reside in the City during the term of office.
2. *Conflict of Interest Code:* Planning Commissioners are required to file a Form 700 according to provisions of the Political Reform Act, the Fair Political Practices Commission, and the City's Conflict of Interest Code.

The following questions represent the minimum qualifications to serve on the El Cajon City Planning Committee:

Are you a resident of the City of El Cajon? Yes No

How long have you lived in El Cajon? _____

Are you available for meetings in the: Mornings Evenings Both

APPLICATIONS MUST BE PRINTED, SIGNED, AND DELIVERED TO THE CITY CLERK BY:

WEDNESDAY, FEBRUARY 5, 2020 AT 5:00 PM

NOTE: Once a public service application is filed with the City, it becomes a public record and is available to the public.

GENERAL INFORMATION

Term of Office & Position Type: The term of office will begin upon appointment and continue until the end of the original four year term, January 31, 2024.

Selection Process: The City Council will consider applications at the Tuesday, February 11, 2020 at the 7:00 p.m. City Council meeting. If you are unable to attend at this time, please contact the City Clerk's Office to make alternate arrangements.

Applicant's Name:

APPLICANT INFORMATION

NAME: _____

ADDRESS: _____

PHONE: _____ EMAIL: _____

If you choose to provide more information to any of the following questionnaires, please attach additional pages to this application form.

SUPPLEMENTAL QUESTIONNAIRE

EXPLAIN YOUR INTEREST IN THIS POSITION:

Have you been or are you now a member of a governmental board, commission or committee: Yes No

If Yes, please list:

Are you related to any employees of the City of El Cajon? Yes No

If Yes, please indicate name and relationship:

Are you a registered voter? Yes No

If No, please explain:

Please list your education, training, or special qualifications, which might be relevant to this position:

Please list your membership in service, community organizations or volunteer work that might be relevant to this position:

EMPLOYMENT – CURRENT TO PAST

Name of Employer:

Last job title:

Dates of Employment: From: To:

List the duties performed while you worked at this company:

Name of Employer:

Last job title:

Dates of Employment: From: To:

List the duties performed while you worked at this company:

Name of Employer:

Last job title:

Dates of Employment: From: To:

List the duties performed while you worked at this company:

Please describe any experience in public, civic, and charitable offices and/or any other activities that you believe will help you contribute while serving in this position:

ELIGIBILITY CERTIFICATION

By signing below, I _____, certify that the information is true and correct to the best of my knowledge.

SIGNATURE _____ DATE _____



City Council
Agenda Report

Agenda Item 9.

DATE: January 14, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Dirk Epperson, Director of Public Works
SUBJECT: Time Extension of Tentative Subdivision Map (TSM) 662; Magnolia Heights at South Magnolia Avenue; Engineering Job No. 3568

RECOMMENDATION:

That the City Council grants a one-year time extension for Tentative Subdivision Map (TSM) 662, Magnolia Heights at South Magnolia Avenue, and sets the new expiration date to be February 14, 2021, in accordance with Municipal Code Section 16.12.110.

BACKGROUND:

Public Works staff received a time extension request for Tentative Subdivision Map (TSM) 662, Magnolia Heights, from the project Engineer on behalf of the property owner (copy attached). Resolution No. 009-17 conditionally approved TSM 662 with an expiration date of February 14, 2019. Section 16.12.110 of the Municipal Code allows for three one-year extensions. This request is the second of three allowable map time extensions.

TSM 662 will create a 29-lot subdivision, 25 residential lots and 4-common lots located on the east side of South Magnolia Avenue between East Chase Avenue and Cajon View Drive in the Planned Residential Development (PRD) Low-Low and PRD-Low-Hillside(H) Overlay.

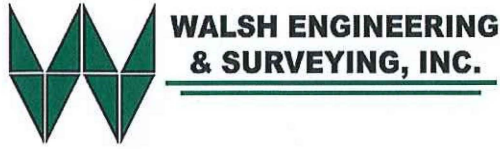
FISCAL IMPACT:

None. All costs are paid by the developer.

Prepared By: Dirk Epperson, Director of Public Works
Reviewed By: Vince DiMaggio, Assistant City Manager
Approved By: Graham Mitchell, City Manager

Attachments

Time Extension Request Letter
Tentative Subdivision Map 662



December 3, 2019

City of El Cajon
200 Civic Center Way
El Cajon, CA 92020

Subject: Magnolia Hills (TSM 662) time extension request

On behalf of the owner, I am hereby requesting a one year time extension for the above-mentioned Tentative Subdivision Map. A map extension is requested because it is unlikely to have all conditions satisfied by the expiration date of the TSM, February 16, 2020. We are working diligently to have the map recorded and plans approved as soon as possible.

Sincerely,

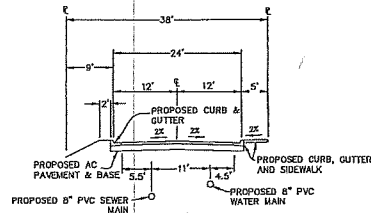
A handwritten signature in blue ink that reads 'Lawrence W. Walsh'.

Lawrence W. Walsh, President
RCE 46316, PLS 7006

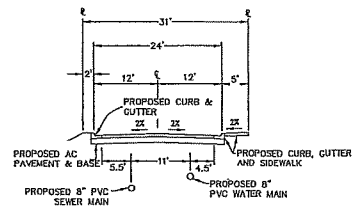


TENTATIVE SUBDIVISION MAP (TSM) 662 MAGNOLIA HEIGHTS

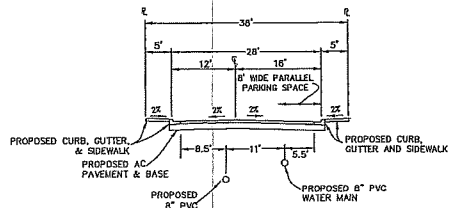
ABBREVIATIONS:
 AC = ASPHALT CONCRETE
 APN = ASSESSOR'S PARCEL NUMBER
 BW = BOTTOM OF WALL
 CL = CENTERLINE
 DIA = DIAMETER
 DWG. = DRAWING
 DU = DWELLING UNIT
 EP = EDGE OF PAVEMENT
 FF = FINISH FLOOR
 FG = FINISH GRADE
 FL = FLOWLINE
 GFF = GARAGE FINISH FLOOR
 IE = INVERT ELEVATION
 LP = LOW POINT
 MAX = MAXIMUM
 MIN = MINIMUM
 PL = PROPERTY LINE
 NO PARENTHESIS = PROPOSED ELEVATION
 PARENTHESIS = EXISTING ELEVATION
 PP = POWER POLE
 PVC = POLYVINYL CHLORIDE
 R = RADIUS
 RW = RIGHT-OF-WAY
 RSD = REGIONAL STANDARD DRAWINGS
 S = SEWER
 SF = SQUARE FEET
 TC = TOP OF CURB
 TB = TOP OF BOX
 TG = TOP OF GRATE
 TW = TOP OF WALL
 W = WATER
 WS = WATER SURFACE



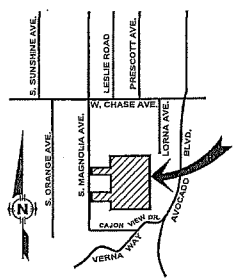
SAMEER STREET PAN HANDLE PORTION
TYPICAL SECTION
LOOKING EAST
NO SCALE



QASIM COURT
TYPICAL SECTION
LOOKING EAST
NO SCALE



SAMEER STREET ONSITE PORTION
TYPICAL SECTION
LOOKING EAST
NO SCALE



VICINITY MAP
NO SCALE
THOMAS BRO MAP NO. 1271 F1

NOTES:
 LEGAL DESCRIPTION:
 NAME OF PROPOSED SUBDIVISION: MAGNOLIA HEIGHTS
 TAX ASSESSOR'S PARCEL NUMBER: 493-391-06, 07, 14, & 15
 TOTAL ACREAGE: 9.82 AC
 EXISTING ZONING: RS-20, RS-40
 APPROXIMATE EARTHWORK VOLUMES (CUT = 37,250 CY, FILL = 37,250 CY)
 LOT AREAS:

LOT	AREA (SF)
1	6,943
2	7,000
3	7,000
4	7,537
5	7,561
6	7,501
7	15,003
8	10,754
9	10,788
10	10,462
11	10,278
12	10,173
13	11,710
14	8,004
15	7,802
16	7,614
17	7,427
18	10,893
19	12,121
20	12,647
21	15,294
22	11,486
23	17,735
24	59,164
25	40,683
SAMEER ST	33,630
QASIM CT	38,385
POOL (LOT C)	8,317
BASIN (LOT D)	8,659
S. MAGNOLIA AVENUE	5,516
TOTAL	427,430

(9.82 ACRES)

PREPARED BY:

 LAWRENCE W. WALSH RCE 46316 DATE 11/7/16

Walsh Engineering & Surveying, Inc.
 607 Alhambra Road, El Cajon, CA 92020
 (619) 444-4141 (619) 444-1222 Fax



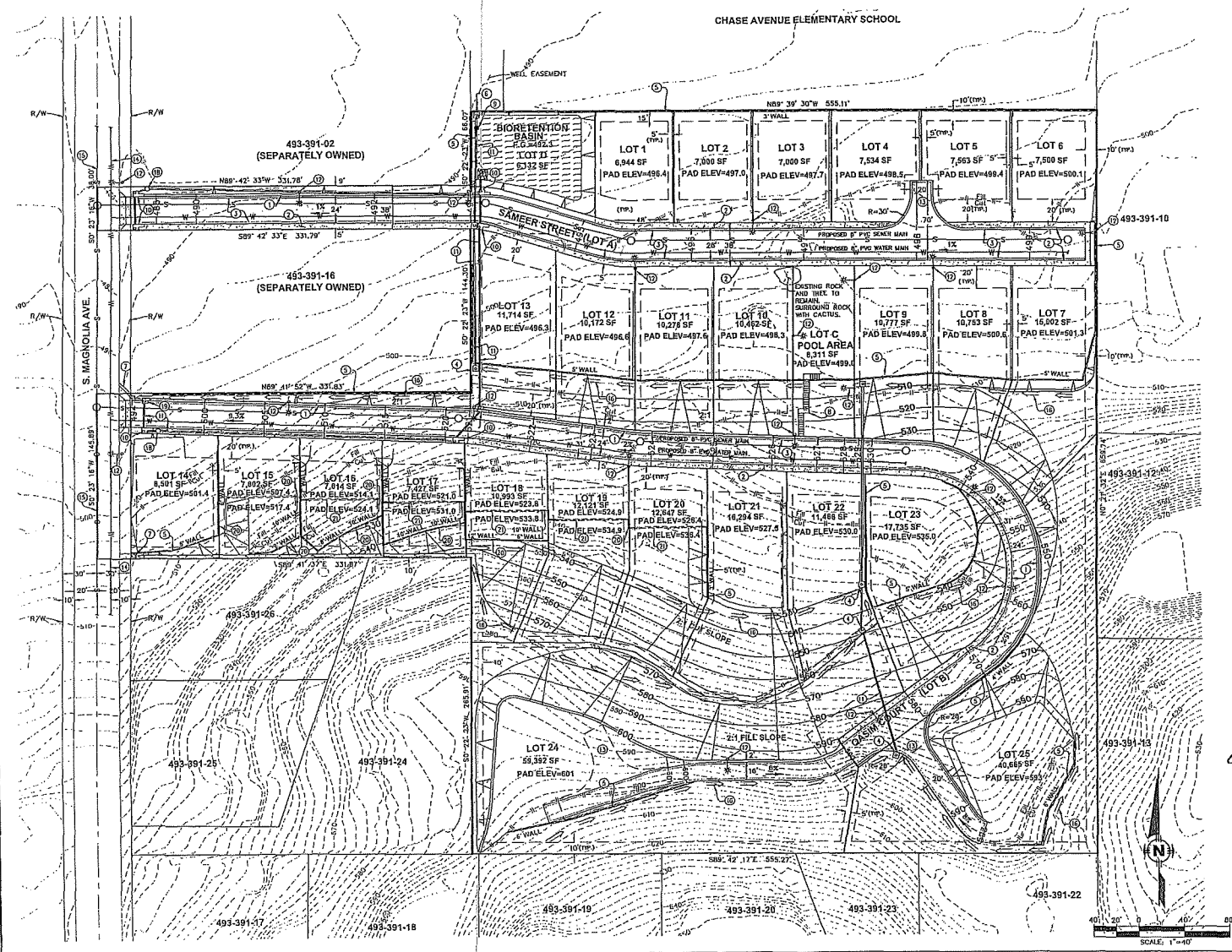
OWNER/DEVELOPER:

 SAMEER QASIM
 276 E. ORION STREET #104
 PARADISE, CA 91101
 (619) 318-4764
 DATE 11/7/2016

SHEET 1	CITY OF EL CAJON	2 SHEET
TENTATIVE SUBDIVISION MAP 662		
APPLICANT: SAMEER QASIM		
ASSESSOR PARCEL NO(S): 493-391-06, 07, 14, & 15		
REQUEST: 25 LOT RESIDENTIAL SUBDIVISION		
DRAWN BY: WALSH ENGINEERING & SURVEYING, INC.		
ADDRESS: 607 ALHAMBRA ROAD		
EL CAJON, CA 92020		
PHONE: (619) 444-4141	APPROVED BY:	DATE:

TENTATIVE SUBDIVISION MAP (TSM) 662

CHASE AVENUE ELEMENTARY SCHOOL



- LEGEND:**
- ① PROPOSED CURB AND GUTTER RSD D-2
 - ② PROPOSED MONOLITHIC CURB GUTTER AND SIDEWALK RSD D-3
 - ③ PROPOSED AC PAVEMENT
 - ④ PROPOSED CATCH BASIN PER RSD D-7 TYPE "M"
 - ⑤ PROPOSED RETAINING WALL PER RSD C-4
 - ⑥ PROPOSED STORM DRAIN TO CONNECT TO 18" STORM DRAIN EXISTING FROM ADJACENT PROPERTY
 - ⑦ PROPOSED CURB OUTLET PER RSD D-15
 - ⑧ PROPOSED STAIRS
 - ⑨ PROPOSED CATCH BASIN
 - ⑩ PROPOSED CURB INLET PER RSD D-2 TYPE "B-1"
 - ⑪ PROPOSED STORM DRAIN PIPE
 - ⑫ PROPOSED 42 WATT LED STREET LIGHT
 - ⑬ PROPOSED FIRE TRUCK TURN AROUND
 - ⑭ EXISTING 16" C.I. WATER MAIN
 - ⑮ EXISTING 6" V.C. SEWER MAIN
 - ⑯ PROPOSED BRON DITCH PER RSD D-75
 - ⑰ PROPOSED D-75 SIDEWALK UNDERDRAIN PIPE
 - ⑱ PROPOSED STORM DRAIN PUMP
 - ⑲ PROPOSED CURB INLET PER RSD D-2 TYPE "A"
 - ⑳ PROPOSED RETAINING WALL
 - ㉑ PROPOSED BUILDING RETAINING WALL (NOT SHOWN, SEE P20)

- LEGEND:**
- 2:1 SLOPE
 - EXISTING CONTOUR
 - PROPOSED CONTOUR
 - CUT/FILL LINE
 - BROWN/WHITE
 - PROPERTY LINE
 - RETAINING WALL
 - BUILDING RETAINING WALL
 - AC PAVEMENT
 - PCC SIDEWALK
 - BIORETENTION DASH
 - IRP RAP



PREPARED BY:
Lawrence W. Walsh 11/7/16
 LAWRENCE W. WALSH, P.E. DATE
 Walsh Engineering & Surveying, Inc.
 101 Alhambra Road, El Cajon, CA 92025
 (619) 598-6747 (619) 598-1212 Fax

SHEET 2	CITY OF EL CAJON	7 SHEET
TENTATIVE SUBDIVISION MAP 662		
APPLICANT: SAMEER DASH		
ASSESSOR PARCEL NOS.: 493-391-04, 07, 14, & 15		
REQUEST: 25 LOT RESIDENTIAL SUBDIVISION		
DRAWN BY: WALSH ENGINEERING & SURVEYING, INC. ADDRESS: 602 ALDOWICH ROAD EL CAJON, CA 92028 PHONE: (619) 598-6747		APPROVED BY: _____ DATE: _____

1:\projects\310111\001\subdivisions\662\TSM 662.dwg Plot on: 11/7/16 Thursday, 11/17/16 1:12:00 PM



City Council
Agenda Report

DATE: January 14, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Dirk Epperson, Director of Public Works
SUBJECT: Utility Easement at Wells Park to Install Underground Electric Facilities and Appurtenances

RECOMMENDATION:

That the City Council approves the next Resolution, in order, to:

1. Grant a utility easement to San Diego Gas & Electric (SDG&E);
2. Authorize the City Manager to execute all documents on behalf of the City of El Cajon, substantially in the form as presented to the City Council, with such changes as may be approved by the City Manager; and
3. Authorize recording of the easement.

BACKGROUND:

On November 13, 2018, the City Council approved Specific Plan No. 533 and authorized the City Manager to execute a lease agreement with Eco-Site, LLC for the installation of a freestanding 70-foot faux broadleaf wireless communication facility at Wells Park. The project has now been completed and requires connection to power. San Diego Gas and Electric (SDG&E) has requested that an utility easement be granted for the installation of underground electrical conduit and necessary equipment within the Wells Park property to supply power to this facility from a service point south of the park. Staff reviewed this request and approval is recommended.

FISCAL IMPACT:

No fiscal impact, all costs are paid by the Tenant.

Prepared By: Dirk Epperson, Director of Public Works

Reviewed By: Vince DiMaggio, Assistant City Manager

Approved By: Graham Mitchell, City Manager

Attachments

Resolution

Grant Deed, Legal Description and Plat

RESOLUTION NO. ____-20

A RESOLUTION TO RATIFY
UTILITY EASEMENT AT WELLS PARK TO INSTALL
UNDERGROUND ELECTRIC FACILITIES

WHEREAS, on November 13, 2018, the City Council approved Specific Plan No. 533 and authorized the City Manager to execute a lease agreement with Eco-Site, LLC for the installation of a free standing 70-foot faux broadleaf wireless communication facility at Wells Park; and

WHEREAS, the project is now complete and requires connection to power, and San Diego Gas and Electric ("SDG&E") has requested that a utility easement be granted for the installation of underground electrical conduit and necessary equipment within the Wells Park property to supply power to this facility from a service point south of the park; and

WHEREAS, the City Council believes it to be in the City's best interest to grant a utility easement to SDG&E.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL CAJON AS FOLLOWS:

1. The statements contained in the recitals above are true and correct, and are the findings of this City Council.
2. The City Council hereby grants a utility easement to SDG&E for the installation of underground electrical conduit and necessary equipment within the Wells Park property to supply power from a service point south of the park in the form of deed as presented at this meeting, and in the location as identified in the deed, each with such changes, including reconfiguration, as approved by the City Manager.
3. The Mayor and City Clerk are authorized and directed to grant the utility easement on behalf of the City of El Cajon.
4. This Resolution shall be effective immediately.

01/14/20 CC Agenda

Reso – SDGE Utility Easement at Wells Park 010620

Recording Requested by
San Diego Gas & Electric Company

When recorded, mail to:

San Diego Gas & Electric Company
P O Box 129831
San Diego, CA 92112-9831
Attn: Real Estate Records – CP12A

SPACE ABOVE FOR RECORDER'S USE

Project No. 3-206556
Notif. No. 3-222421
A.P.N. No. 489-140-63
SR No. : 420906

Transfer Tax None
SAN DIEGO GAS & ELECTRIC COMPANY

RW 370529

UTILITY EASEMENT

CITY OF EL CAJON, A MUNICIPAL CORPORATION, (Grantor), grants to SAN DIEGO GAS & ELECTRIC COMPANY, a corporation (Grantee), an easement and right of way in, upon, over, under and across the lands hereinafter described, to erect, construct, change the size of, improve, reconstruct, relocate, repair, maintain and use facilities consisting of:

1. Underground facilities, together with aboveground structures consisting of, but not limited to, pad-mounted electrical equipment, and appurtenances for the transmission and distribution of electricity.
2. Underground Communication facilities, and appurtenances, used solely for SDG&E internal communications.

The above facilities will be installed at such locations and elevations upon, along, over and under the hereinafter described easement as Grantee may now or hereafter deem convenient or necessary. Grantee also has the right of ingress and egress, to, from and along this easement in, upon, over and across the hereinafter described lands. Grantee further has the right, but not the duty to clear and keep this easement clear from explosives, buildings, structures and materials.

The property in which this easement and right of way is hereby granted is situated in the County of San Diego, State of California described as follows:

Portions of Lots 2 and 3, of Block 9, according to the Resurvey and Plat of Tract No 1 of S. Tract Rancho El Cajon, Map No. 355, filed July 24, 1886, in the Office of the County Recorder of said County of San Diego.

The easement in the aforesaid lands shall be more particularly described on Exhibit "A" and shown and delineated on Exhibit "B", consisting of three (3) sheets, attached hereto and made a part hereof.

In order to provide adequate working space for Grantee, Grantor shall not erect, place or construct, nor permit to be erected, placed or constructed any building or other structure, park any vehicle, deposit any materials, plant any trees and/or shrubs or change ground elevation within eight (8) feet of the front of the door or hinged opening of any above ground facility installed within this easement.

Grantor grants to Grantee the right to erect and maintain on Grantor's property immediately adjacent to this easement retaining walls and/or protective barricades as may be necessary for Grantee's purposes.

Grantor shall not erect, place or construct, nor permit to be erected, placed or constructed, any building or other structure, plant any tree, drill or dig any well, within this easement.

Grantor shall not increase or decrease the ground surface elevations within this easement after installation of Grantee's facilities, without prior written consent of Grantee, which consent shall not unreasonably be withheld.

Grantee shall have the right but not the duty, to trim or remove trees and brush along or adjacent to this easement and remove roots from within this easement whenever Grantee deems it necessary. Said right shall not relieve Grantor of the duty as owner to trim or remove trees and brush to prevent danger or hazard to property or persons.

Grantor shall have the right to otherwise maintain, improve and otherwise use the easement area for Grantor's own purposes, provided, however, that no use will interfere with and will be in all respects consistent with, the Grantee's rights herein.

CONDUITS CARRY HIGH VOLTAGE ELECTRICAL CONDUCTORS, therefore Grantor shall not make or allow any excavation or fill to be made within this easement WITHOUT FIRST NOTIFYING SAN DIEGO GAS & ELECTRIC COMPANY BY CALLING (619) 696-2000, and OBTAINING PERMISSION.

The legal description for this easement was prepared by San Diego Gas & Electric Company pursuant to Section 8730 of the Business and Professions Code, State of California.

This easement shall be binding upon and inure to the benefit of successors, heirs, executors, administrators, permittees, licensees, agents or assigns of Grantor and Grantee.

Drawn SLS/VW
Checked
Date 7/31/2019 (rev. 11/25/2019)(rev. 12/5/2019)

IN WITNESS WHEREOF, Grantor executed this instrument this _____ day of _____, 20____.

GRANTOR

CITY OF EL CAJON, A MUNICIPAL CORPORATION

Signature

Print Name

Title

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF _____

On _____, before me _____,
(name, title of officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Signature of Notary Public)

(Notary Seal)

LEGAL DESCRIPTION

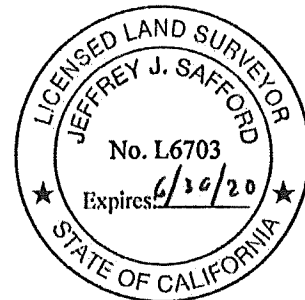
That certain 10.00 foot strip of land lying within that portion of Lot 3, of Block 9, according to the Resurvey and Plat of Tract No.1 of S Tract Rancho El Cajon, Map No. 355, filed July 24, 1886, in the Office of the County Recorder of San Diego County, State of California, said 10.00 foot strip of land being 5.00 feet measured right angles or radially on each side of the following described centerline:

COMMENCING at a found street well monument with a 3 inch brass disc with punch mark and no stamp marking a point on the centerline of First Street as shown on Parcel Map No. 15839, filed in the Office of said County Recorder on October 20, 1989 as File No. 89-571988, said point of commencement bears South 00°25'58" West, 1476.60 feet (record North 00°00'41" West, 1476.66 feet, per said Parcel Map No. 15839) from a found 3/4 inch pipe with disc stamped "RCE 18134" marking a 5.00 foot offset to the centerline intersection of First Street and East Madison Avenue per said Parcel Map No. 15839; thence from said point of commencement North 52°48'01" East, 962.77 feet to the TRUE POINT OF BEGINNING; thence North 52°27'26" West, 26.66 feet to the beginning of a tangent 25.00 foot radius curve concave Northeasterly; thence Northwesterly along the arc of said curve through a central angle of 54°21'07" an arc distance of 23.72 feet; thence North 01°53'40" East, 241.14 feet to the beginning of a tangent 25.00 foot radius curve concave Southwesterly; thence Northwesterly along the arc of said curve through a central angle of 58°27'11" an arc distance of 25.51 feet; thence North 56°33'30" West, 3.02 feet; thence North 89°49'07" West, 14.17 feet.

Containing 0.08 acres more or less.

Prepared by:

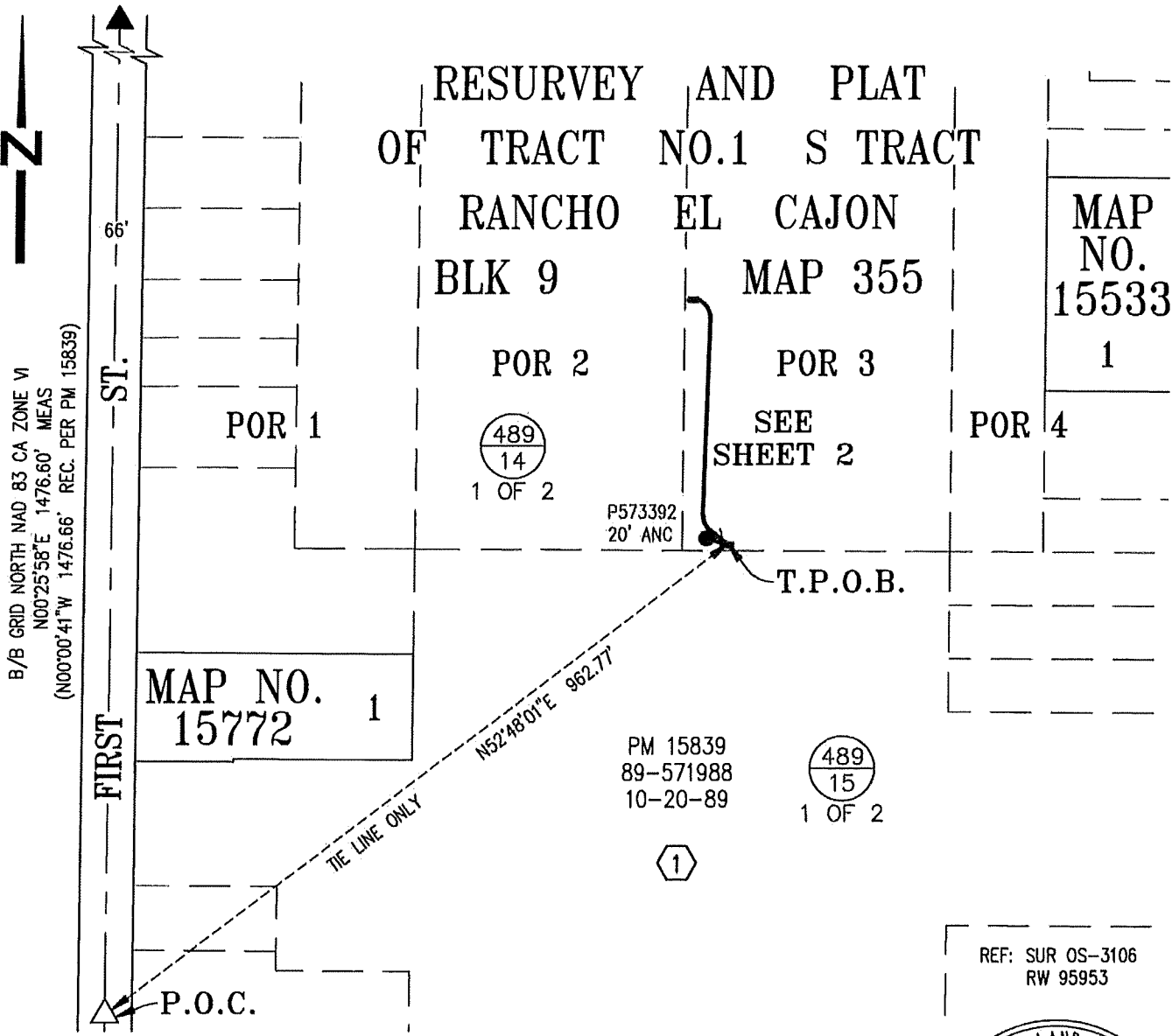
TSAC Engineering



Jeffrey J. Safford 11/22/2019
Jeffrey J. Safford L6703 Date

RESURVEY AND PLAT
OF TRACT NO.1 S TRACT
RANCHO EL CAJON
BLK 9 MAP 355

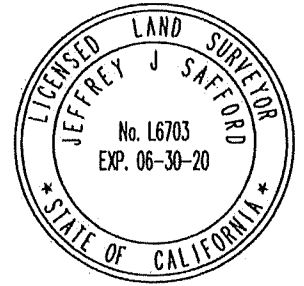
MAP
NO.
15533
1



- ▲ = FND 3/4" PIPE WITH DISC STAMPED "RCE 18134" PER PARCEL MAP NO. 15839
- △ = FND STREET WELL MONUMENT WITH A 3" BRASS DISC WITH PUNCH MARK AND NO STAMP AS SHOWN ON PARCEL MAP NO. 15839

THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE LAND SURVEYOR'S ACT ON NOVEMBER 22, 2019.

Jeffrey J. Safford
JEFFREY J. SAFFORD L6703



REF: SUR OS-3106
RW 95953

SHEET 1 OF 2

UG ELEC

SAN DIEGO GAS & ELECTRIC COMPANY SAN DIEGO, CALIFORNIA		ORIGINATOR: M. LEWIS-JONES	OK TO INSTALL:	PROJECT NO. 300000206556
NEW UG 1153 E. MADISON AVE 1153 E. MADISON AVE. EL CAJON		SURVEYED BY: TSAC/IB	R/W OK:	NOTIF. NO. 300000222421
		DRAWN BY: TSAC/REB	DATE:	DRAWING NO.
		DATE: 11-22-19	THOS. BROS. 1251-H4	
		SCALE: 1"=200'		
NO.	SUPPLEMENTS	DATE:	BY	APP'D
1	MADE CHANGES TO THE CENTERLINE ALIGNMENT OF R/W PER SDG&E EMAIL SENT ON 11-18-19.	11-22-19	REB	JJS



RESURVEY AND PLAT
OF TRACT NO.1 S TRACT
RANCHO EL CAJON
POR 2
BLK 9
MAP 355

SEE
DETAIL "A"

D235855

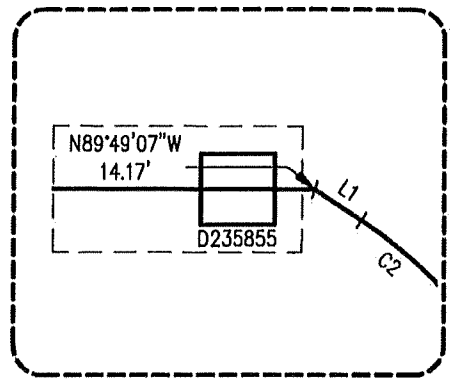
N01°53'40"E 241.14'

P573392
20' ANC

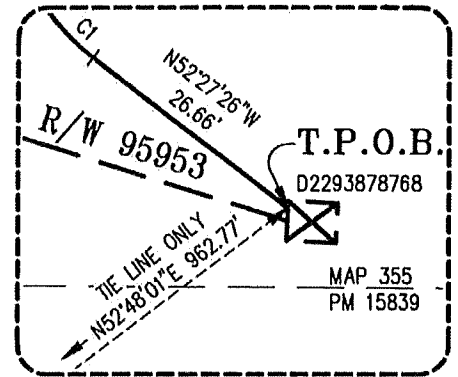
D229387868

T.P.O.B.

SEE
DETAIL "B"



DETAIL "A"
1"=10'



DETAIL "B"
1"=20'

LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	N56°33'30"W	3.02'

CURVE DATA TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	25.00'	23.72'	54°21'07"
C2	25.00'	25.51'	58°27'11"

(489)
14
1 OF 2

PM 15839
89-571988
10-20-89



(489)
15
1 OF 2

MAP 355
PM 15839

SHEET 2 OF 2

UG ELEC

SAN DIEGO GAS & ELECTRIC COMPANY
SAN DIEGO, CALIFORNIA

NEW UG 1153 E. MADISON AVE
1153 E. MADISON AVE.
EL CAJON

ORIGINATOR:
M. LEWIS-JONES
SURVEYED BY:
TSAC/IB
DRAWN BY:
TSAC/REB
DATE:
11-22-19
SCALE:
1"=50'

OK TO INSTALL:
R/W OK:
DATE:
THOS. BROS.
1251-H4

PROJECT NO.
30000206556
NOTIF. NO.
30000222421
DRAWING NO.

NO.	SUPPLEMENTS	DATE:	BY	APP'D
1	MADE CHANGES TO THE CENTERLINE ALIGNMENT OF R/W PER SDG&E EMAIL SENT ON 11-18-19.	11-22-19	REB	JJS



City Council
Agenda Report

DATE: January 14, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Anthony Shute, Director of Community Development
SUBJECT: Substandard Abatement at 2370 Valley Mill Road

RECOMMENDATION:

That the City Council:

1. Opens the public hearing and receives testimony;
2. Closes the public hearing;
3. Declares as appropriate the Building Official/Fire Marshal's actions in this case;
4. Directs staff to invoice the property owner for staff time and administrative costs in the amount of \$1,248.79; and
5. Directs staff to monitor the cleanup and renovation of the dwelling until fully compliant with State Housing Code habitability regulations.

BACKGROUND:

On October 24, 2019, the El Cajon Police Department contacted Community Development concerning habitability conditions at the residence located at 2370 Valley Mill Road. Police reported that the dwelling was without electricity, gas, and water, but was still occupied. An inspection of the dwelling verified these utilities were disconnected by SDG&E and Helix Water District for lack of payment. The State Housing Code requires these utilities in order to provide light, sanitation, heating, cooking facilities, hot water, etc. The inspection also confirmed the use of a generator for temporary power which had, at some time, caught fire in the side yard of the house. Staff indicated to the occupants that the substandard conditions required immediate vacation, which they agreed to do. However, on November 18, 2019, Police informed staff that the dwelling was again inhabited, and that occupants were supplying water via portable containers and power by a generator.

A Notice to Vacate was prepared in coordination with the City Attorney's office and, with Police assistance, the dwelling was posted on November 21, 2019. All occupants were escorted off the property at the time of posting. Staff is now seeking a final resolution to this case which includes payment of staff time and administrative costs.

FISCAL IMPACT:

Administrative Costs	\$615.00
Staff Time	\$633.79
Total	\$1,248.79

Prepared By: Dan Pavao, Deputy Director of Community Development

Reviewed By: Anthony Shute, Director of Community Development

Approved By: Graham Mitchell, City Manager

Attachments

Notice to Vacate

Generator Picture

Extension cord

Water bucket

the City Council may establish by vote of those councilmembers present at the above mentioned regularly-scheduled Council meeting, then the City may cause such work to be done at the expense of said owner(s) and will secure payment of such expense by assessment and lien.

Pursuant to El Cajon Municipal Code section 15.16.310, an administrative fee of six hundred fifteen dollars (\$615.00) shall be and hereby is charged to cover the costs incurred by the City in enforcing the provisions of Chapter 15.16.

In accordance with El Cajon Municipal Code section 1.24.020, if the aforementioned dangerous conditions are not brought into compliance by such date as the City Council shall establish by vote at the regularly scheduled **January 14, 2020** Council meeting, the City Council may assess civil penalties commencing on such established date in the amount of fifty dollars (\$50.00) per day per violation.

It is an infraction to remove or deface this notice.

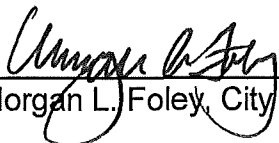
Dated Nov. 21, 2019

CITY OF EL CAJON



By _____
Graham Mitchell, City Manager

By  _____
Dan Pavao, Building Official/Fire Marshal


Morgan L. Foley, City Attorney

Copies of "CITY OF EL CAJON NOTICE AND ORDER FOR SUMMARY ABATEMENT, TO VACATE AND SECURE THE PROPERTY, AND TO ELIMINATE DANGEROUS CONDITIONS; AND NOTICE OF ASSESSMENT OF CIVIL PENALTIES AND FEES, AND NOTICE OF HEARING ON SUMMARY ABATEMENT at 2370 Valley Mill Road, El Cajon, CA 92020, Assessor's Parcel Number 386-520-27-00, were sent to the following:

U.S. CERTIFIED MAIL AND FIRST CLASS MAIL:

Hanson W L Trust
2370 Valley Mill Road
El Cajon, CA 92020

PERSONAL SERVICE OR U.S. FIRST CLASS MAIL:

Dan Pavao, Building Official
City of El Cajon
200 E. Main Street
El Cajon, CA 92020

Steve Swaney, Fire Chief
El Cajon Fire Department
100 E. Lexington Avenue
El Cajon, CA 92020

Michael Moulton, Police Chief
200 Civic Center Way
El Cajon, CA 92020

City of El Cajon
City Clerk's Office
200 E. Main St.
El Cajon, CA 92020

City of El Cajon
City Attorney's Office
200 E. Main Street
El Cajon, CA 92020









City Council
Agenda Report

DATE: January 14, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Morgan Foley, City Attorney
SUBJECT: Administrative Hearing - Appeal by Cajon Massage of Denial of Special Operation License

RECOMMENDATION:

That the City Council conducts the Administrative Hearing; reviews documents submitted; receives testimony from witnesses who have been identified on each party's witness list; and determines whether the City Manager's denial of a Special Operation License to operate a massage establishment at 1246 East Main Street, Unit 112, should be upheld or overturned.

BACKGROUND:

In March 2015, Mr. Wei Sun applied for a business license as a sole proprietor to operate a massage establishment located at 1246 East Main Street, Unit 112, and has submitted renewals each year as a sole proprietorship.

On August 29, 2019, Cajon Massage applied for a Special Operation License to operate a massage establishment at 1246 East Main Street, Unit 112. As part of the process, investigations of the establishment and its owners/officers were conducted by the Planning Division and Police Department. Upon completion of the investigations, a denial of the Special Operation License was determined based upon the Police Department's findings regarding illegal sexual conduct occurring at the establishment, which is in direct violation of El Cajon Municipal Code sections 5.16.080 (B), (E) & (F); 5.40.100 (C) & (M); and 5.40.090 (D) & (G).

On November 13, 2019, the City Manager denied the Special Operation License application of Cajon Massage, and a letter was mailed to Mr. Sun on that date advising him of the denial.

On November 25, 2019, George Gedulin, Esq., legal counsel for Cajon Massage, submitted an Appeal to City Council – Administrative Appeal (Non-Planning Commission Items), to the City Clerk's office, appealing the denial of the Special Operation License by the City Manager.

On December 12, 2019, a letter was sent via email and first class mail to Cajon Massage and Mr. Gedulin, advising that an Administrative Hearing before the City Council has been scheduled for January 14, 2020, at 3:00 p.m., in El Cajon City Council Chambers located at 200 Civic Center Way.

Under the City's Municipal Code, this type of proceeding is known as "Administrative Hearing – Appeal." The City Clerk has notified applicant and legal counsel of the date and time of the hearing, and has provided pertinent portions of Chapter 1.36. Section 1.36.080 provides that the presenting officer and the party involved are required to file with the City Clerk a list of all witnesses to be presented at the hearing, and ten (10) copies of each document the party intends to offer into evidence. The witness lists of the City's representative and the applicant are attached to this Agenda Report; the documents intended to be offered into evidence by both sides are likewise included with this report, in separate envelopes.

Only a party, the presenting officer, or a person whose name appears on a filed witness list may present oral evidence at the hearing. All oral testimony must be taken either under oath or affirmation. The City Attorney will swear in all witnesses at the time of the hearing. If translators are involved they, too, will be sworn in to accurately translate the statements made by parties, witnesses, City staff, and the City Council.

The procedure to be followed will be explained by the City Attorney at the time of the hearing. In general, the City Council will first receive testimony and evidence from City representatives and witnesses, as the City bears the burden of proving grounds for the action taken to deny Mr. Gedulin's request on behalf of his client, Cajon Massage, for appeal of the denial of Special Operation License. Mr. Gedulin, or his client, is then allowed to present his evidence and witnesses in support of his client's position. Each party will then be allowed the right to present evidence in explanation or rebuttal. Each party may question the other party, or its witnesses, generally to be conducted through the Mayor, although the Mayor may allow the question to be presented directly.

The hearing is not conducted according to the technical rules of evidence and any relevant evidence, including hearsay, shall be allowed and admitted. The City Council will give the evidence the weight it deserves.

Upon the conclusion of the submission of evidence, only the presenting officer of the City and an authorized representative of the applicant may present arguments to support their respective positions. Thereafter, applying laws, ordinances, rules and regulations to the evidence presented, the City Council shall make an adjudicatory decision regarding the rights, duties and entitlements of Cajon Massage. The decision may direct that certain action be taken as deemed necessary by the City Council. Such deliberations and discussions will be conducted in the public meeting.

Attachments

City's Witness List
City's Evidence Documents
Cajon Massage Witness List
Cajon Massage Evidence Documents

CITY OF EL CAJON

WITNESS LIST

Re: Administrative Hearing – Appeal by Cajon Massage of Denial of Special Operation License.

1. Presenting Officer: Sergeant William Guerin, Special Investigations Unit
2. Lieutenant Walt Miller

CITY OF EL CAJON

EVIDENCE DOCUMENTS

Re: Administrative Hearing – Appeal by Cajon Massage of Denial of Special Operation License

- Documents to be presented to Councilmembers in separate envelopes.
- Documents are available for review in the City Clerk's Office, 200 Civic Center Way, El Cajon, CA

CAJON MASSAGE

WITNESS LIST

Re: Administrative Hearing – Appeal by Cajon Massage of Denial of Special Operation License.

1. Wei Sun, Owner
2. He Zhou, Manager
3. George Gedulin, Principal Attorney

CAJON MESSAGE

EVIDENCE DOCUMENTS

Re: Administrative Hearing – Appeal by Cajon Massage of Denial of Special Operation License

- Documents to be presented to Councilmembers in separate envelopes.
- Documents are available for review in the City Clerk's Office, 200 Civic Center Way, El Cajon, CA



City Council
Agenda Report

DATE: January 14, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Graham Mitchell, City Manager
SUBJECT: Update on Homeless Programs

RECOMMENDATION:

That the City Council provides direction to staff regarding homeless programming for 2020.

BACKGROUND:

Over the past few years, the City of El Cajon has implemented many programs to address homelessness and the impacts of homelessness on the community. This agenda report provides an overview of those programs and activities, shares an update on law enforcement data related to homelessness, and presents recommendations for City Council consideration for the upcoming year.

OVERVIEW OF PROGRAMS

Through various funding sources, in 2019, the City engaged in seven programs with the aim of 1) housing homeless individuals (both temporary and permanent housing), and 2) addressing community impacts as a result of homelessness. Many of the programs rely on third parties for program management. These entities serve as contractors with annual agreements. The following sections provide overviews of the seven programs, followed by a table summarizing each program.

El Cajon Housing Connections

The City partnered with Crisis House to provide a dedicated Housing Navigator to manage City Housing Assistance funds. The City's agreement with Crisis House expires on March 31, 2020. The El Cajon Housing Connections program helps homeless individuals and families secure permanent housing. Since the program's inception in October of 2017, the Navigator has found permanent housing for 86 individuals and 55 households. Crisis House met housing target goals for 2018 and 2019. In addition to the individuals housed, Crisis House made referrals for mental illness, detox/treatment, and navigation and rental assistance with other agencies. A total of \$113,370 in Housing Assistance funds have been expended to assist these families, for an average of \$2,061 per household. When combined with the direct costs of the Housing Navigator (\$128,826), the average cost per household housed is \$4,404 (or an average of \$2,816 per individual). An attached graph shows progress of this program by quarter for the past two years.

A Way Back Home

Operated through the Salvation Army, the A Way Back Home program connects homeless individuals with relatives living outside the region. The City has an agreement with the Salvation Army for this service; that agreement expires when funds have been fully expended. This cost effective program (approximately \$230 per housing placement) has been operating since August of 2017. Since the program's inception, 73 individuals have been placed into permanent housing and the City spent a total of \$16,758 on this program (\$3,242 remaining). An attached graph shows progress of this program by quarter for the past two years.

East County Transitional Living Center Programs

The City relies on the East County Transitional Living Center (ECTLC) for several programs that address temporary housing and mitigate the impacts of homelessness on the community.

Shelter Services – the City partners with ECTLC to fund a non-faith-based Emergency Shelter Program using CDBG funds. This program operates primarily in the cold winter months, providing emergency shelter, case management, meals and other services to families and individuals experiencing homelessness. Last year, the non-secular City-funded emergency shelter program provided temporary shelter to 343 individuals. ECTLC informed the City that since January of 2019, it has transitioned 29 families (104 individuals) from the emergency shelter program into permanent housing. ECTLC also operates additional secular housing programs at their El Cajon location, including a Transitional Housing program, a Family Restoration program, and Men's and Women's programs. Through all of their programs, ECTLC reports that over 1,100 individuals each year are being provided with shelter, being guided to jobs, programs, and permanent housing.

Neighborhood Cleaning Services – beginning in July 2019, the City entered into a 6-month agreement with ECTLC to assist Public Works staff in removing items discarded in the public right-of-way (abandoned furniture, shopping carts, remnants of a homeless encampment, etc.). The agreement obligated the City to pay \$6,000 per month for the services. ECTLC responded to calls for service and followed a regular route of focus areas. Since July, ECTLC has fulfilled nearly 1,000 pick-ups and collected approximately 120 tons of trash. Staff estimates that this has saved nearly 700 staff hours and resulted in approximately \$81,000 of savings (staff time and City vehicle costs, not including gasoline costs). Over the 6-month period, this results in a net savings of approximately \$45,000. The agreement expired on December 31, 2019.

East County Homeless Task Force

In 2016, the San Diego Regional East County Chamber of Commerce began a task force to address homelessness. The East County Homeless Task Force continues to operate under the auspices of the Chamber of Commerce and its Foundation. Since its formation, it has been the single point of contact for communities of East County to evaluate new ideas, expand programs, and coordinate the implementation of regional solutions. The Task Force hosts quarterly at-large meetings, operates with various committees focused on specific issues, and collaborates with San Diego's Regional Task Force on Homelessness. The City participates in this Task Force with a contribution of \$5,000 and has a least one person attending most at-large meetings and has several staff members that attend its steering committee. In 2019, there were approximately 115 general, steering, group and community-specific meetings held. This number does not include the meetings for HEAP collaboration, educational presentations, and other topic-specific meetings, such as with Grossmont Hospital for recuperative care.

San Diego Regional Homeless Task Force

The San Diego Regional Task Force on the Homeless (RTFH), which includes a wide variety of stakeholders, is committed to preventing and alleviating homelessness in the San Diego region. RTFH provides essential data and insights on the issue of homelessness, informs policy and drives system design and performance. It is also the region’s primary coordinator of resources (primarily State and Federal funds) and services to strengthen the collective impact. The City relies on RTFH for data and technical guidance in implementing programs, and evaluating potential gaps in service. Staff attend the general meetings and other information meetings as resources allow.

City of El Cajon Quality of Life Team

Since 2017, the City of El Cajon has made concentrated efforts to reduce the impacts of homelessness and improve the quality of life for all residents of our community. Significant resources (staff time and funds) have been invested into the community to find meaningful solutions. The City’s comprehensive programs not only help house those who are currently experiencing homelessness, but they have also initiated clean-up efforts on the streets and in our parks and neighborhoods. The City’s efforts have included the following:

- Created a comprehensive Homeless Overview website to keep the public informed and to connect individuals to resources;
- Produced a new Resource and Reference Guide for distribution to the public;
- Conducted 30 Days of Hope in concert with over 15 community and non-profit partners;
- Conducted multiple outreach events at Wells Park, Prescott Promenade and other targeted areas to make contact with homeless individuals and area residents;
- Coordinated the pick-up and disposal of 176 tons of debris and abandoned property from the right-of-ways, storm channels, canyons, and vacant lots;
- Conducted concentrated efforts to pick up approximately 450 abandoned shopping carts;
- Ramped up the programming of active recreational activities at Wells Park, including weekly visits from the Rec Squad (the City’s Mobile Recreation Program), Summer Movie Nights, a Snow Day, and a Wells Park Refresh Day;
- Opened new Police and Recreation offices at Wells Park;
- Produced a new flyer for Code Officers to assist property owners to keep their properties in compliance with City Codes and reduce trespassing; and
- Worked with Waste Management to distribute Reduce Trespassing, Fight Illegal Dumping, and Community Dump Day flyers to every business and household in El Cajon.

City Program Summary

The following table summarizes the previous program descriptions by identifying the City’s contribution for each program in 2019, how many were temporarily housed through the program, how many were permanently housed, and other information.

Program (Organization)	2019 Cost (Source)	Temporarily Housed	Permanently Housed	Other
El Cajon Housing Connections (Crisis House)	\$150,000 (Low-Mod)	0	86	n/a
A Way Back Home (Salvation Army)	\$10,000 (General)	0	73	n/a

ECTLC – Emergency Shelter (ECTLC)	\$100,000 (CDBG)	343	104	n/a
ECTLC – Clean Streets (ECTLC)	\$36,000 (General)	n/a	n/a	Over 6 months: 173 pick-ups (120.2 tons) of trash
East County Homeless Task Force (East County Chamber of Commerce)	\$5,000 (General)	n/a	n/a	Held 115 meetings
San Diego Regional Homeless Task Force	\$0	n/a	n/a	Distributed \$18.8 million in HEAP (\$1.7 million for East County)
El Cajon Quality of Life Team (City)	\$338,994 (General)	n/a	n/a	Removed 176 tons of debris. Outreach to average of 22 homeless individuals per week. Removed approximately 450 abandoned shopping carts

Other Programs

There are other homeless-related programs occurring in the City that are not funded by the City. This section highlights State funding that begins in the next year as well as a few examples of service providers that augment the City's efforts.

Homeless Emergency Aid Program (HEAP)

In 2018, the State of California announced the availability of grant funding to provide assistance to Continuums of Care to address the homelessness crisis. HEAP is authorized by SB 850 and was signed into law on July 27, 2018 by Governor Brown. HEAP provides one-time flexible block grant funds of \$18.8 million to be distributed by the RTFH. This one-time funding is intended to provide immediate emergency assistance to people experiencing homelessness or at imminent risk of homelessness in San Diego County.

HEAP awards were announced on August 29, 2019, for the first year of funding (with an option to renew for a second year) for the following East County programs and agencies:

- Crisis House – East County Housing Connections program (an expansion of the El Cajon Housing Connections Program) – \$300,000 over one year. This program was awarded based on the successful model of the El Cajon Housing Connections program and is an expansion to serve the greater East County region. Of the \$300,000 awarded, \$135,000 must be used for rapid re-housing (direct housing assistance).
- Home Start, Inc. – East County Collaboration (street outreach and housing navigation for youth and families) – \$500,000 over two years. This program will serve youth and families, particularly in the East County region, for housing navigation. Of the \$500,000 awarded, \$255,000 must be used for rapid re-housing (direct housing assistance).
- The Salvation Army – Regional A Way Back Home Program (transportation funds to reunify homeless individuals with loved ones outside the region) – \$886,491 over two

years. This program was awarded based on the successful model of the A Way Back Home Program piloted in El Cajon. The program is an expansion to serve the entire greater San Diego area, including El Cajon.

Other Community Outreach Efforts

Other groups (primarily religious organizations) have taken on various outreach efforts and solution explorations. Several examples of non-City funded efforts include:

- ECTLC operates a temporary housing program not funded by the City, which was highlighted in a previous section of this report. This program includes meals, job training, counseling, education, and religious instruction. The program provides housing and services for approximately 800+ individuals each year, in addition to the 343 individuals sheltered in the City-funded program in 2019.
- The McAlister Institute provides a comprehensive range of substance abuse treatment and wrap-around recovery services including homeless outreach. Through its recovery residence program, homeless individuals seeking sobriety can be placed in temporary shelter. This past year, McAlister Institute East County Regional Recovery Center staff made 240 contacts with homeless individuals and was able to find transitional sober housing for 85 of them. McAlister's Homeless Outreach Team, working in collaboration with the Crisis House, found permanent housing for 10 families and 33 individuals in El Cajon in 2019.
- Meridian Southern Baptist Church is exploring the concept of tiny houses as a solution for temporary housing. They have installed a demonstration tiny house at their property.
- John Simon, Cornerstone Transitional Housing, makes contact with incarcerated individuals, many of whom are homeless. Through this outreach, temporary and permanent housing solutions have been found, as well as connections with other programs.

LAW ENFORCEMENT DATA

The causes of homelessness are varied as are solutions. Regardless of the cause, there are many law enforcement implications, expectations, and limitations. This section of the report provides an overview of some of the more significant law enforcement issues.

Since the City started tracking homeless calls for service in 2013, there has been a 168 percent increase in these calls (as shown in the graph attached to this report). The highest single year increase was a 57 percent increase, which occurred in 2015 (this is the same year Prop 47 was instituted). Homeless-related calls peaked in 2018 and the City experienced an 18 percent decline in 2019. In 2019, almost 11 percent of calls and 30 percent of arrests were homeless related and the City averaged about 20 homeless-related calls per day.

Calls for service correlate with the increase in the number of homeless as well as impacts such as AB 109 and Prop 47. AB 109 transfers responsibility for supervising certain kinds of offenders from the State to counties. This realignment of responsibilities has resulted in the release of many offenders from county jails to communities. Since AB 109 went into effect in 2011, hundreds of offenders have been released early to El Cajon. A significant number of those released are not released to a home, but to the community's streets. For example, in 2019, staff estimates that 106 AB 109 offenders were released to El Cajon, of which 17 (or 16 percent) were homeless upon release.

Prop 47 also hampers law enforcement's ability to address those that violate the law, whether the offender has housing or is homeless. Prop 47 reduced penalties for certain drug and property offenses. One impact of this proposition is that the Police Department cannot take those committing certain offenses into custody. This law reduces the City's capacity to rely on law enforcement to address destructive or criminal behaviors from the homeless community.

As the demand for law enforcement services has increased, so has the community's expectation of the City's Police Department. This heightened expectation comes as the *Martin vs. City of Boise* decision further hampers law enforcement's capacity to address complaints the City receives from the community, such as homeless individuals camping on the sidewalk or in a park. This case, and the Supreme Court's decision to not hear an appeal, is a factor in staff's recommendations of how to allocate funds in 2020.

Frequently, the City receives complaints from the community that the Police Department does not effectively address homeless challenges. Many expectations from the community are not legally enforceable. However, even with the hindrances placed on the Department, in 2019, 1,755 arrests were made for crimes committed by homeless individuals. Anecdotally, the majority of homeless individuals taken into custody return to the City.

2020 FOCUS

Staff seeks City Council direction on a 2020 focus regarding homeless programs and presents several recommendations in this report. Staff relied on four factors in its recommendations:

- the infusion of HEAP funding to Crisis House, Home Start, and the Salvation Army;
- the impacts of the *Martin vs. City of Boise* decision;
- the slowing down of housing placement from housing navigation; and
- programs that have the most significant long-term impact.

Of the programs currently offered or could be offered, staff divided them into five categories. Based on the criteria listed above, staff recommends the following prioritization of those program categories:

1. Cleaning streets, enforcement, and neighborhood quality of life;
2. Ensuring a sufficient supply of temporary shelters;
3. Increasing proactive outreach efforts;
4. Collaborating regionally; and
5. Continuing housing navigation & assistance efforts.

In addition to the City's General Fund and CDBG monies, staff recommends allocating up to \$250,000 in Low & Moderate Housing Asset funds (LMIHAF) in the upcoming year. This is the maximum amount of LMIHAF funds that may be used for homeless prevention and rapid re-housing activities, including rental assistance, utility payments, housing relocation and navigation services, and/or contributions toward the construction of local or regional homeless shelters. These expenses will reduce the fund's balance, which is ultimately intended for affordable housing projects. The fund has an approximate unencumbered balance of \$2.5 million. Beginning in early 2021, the City will be eligible to receive up to about \$500,000 in SB 2 funds (a new affordable housing funding source that can be used for homeless programming).

Recommended Actions

Based on the funding available and the priority of types of programs listed above, staff recommends that six actions be taken.

Recommendation 1 – Staff recommends that the City continue funding the ECTLC contract for helping to clean up streets. To fund this program for all of 2020, the City would need to allocate an additional \$36,000 in FY 2019-20 and budget for this activity in the FY 2020-21 budget. The fiscal impact for FY 2019-2020 would total \$72,000. This is a General Fund expenditure.

Recommendation 2 – Staff recommends that the City's Quality of Life Team continue outreach, enforcement, and cleanup efforts in 2020.

Recommendation 3 – Because of restrictions placed on the City's enforcement efforts due to the *Martin vs. City of Boise* decision, staff recommends that the City identify partners that can expand the number of temporary shelter spaces in the City. Staff estimates that there are approximately 280 emergency or temporary shelter spaces in the City—these range in availability from night-to-night. The latest homeless point-in-time count identified 298 unsheltered homeless in our community.

Staff believes that various approaches and different partnerships could be established to meet the community's needs. For example, the City could explore additional housing options at existing facilities (such as ECTLC) and potential new locations (such as Salvation Army, Meridian Baptist, etc.). Temporary housing options can be a combination of transitional housing, safe parking lots, tiny homes, and motels. Staff will work to identify temporary shelter and potential operators over the next six months, with a goal of having contracts in place by July 2020. Part of this process will include issuing a Request for Qualifications/Interest (RFQ/I) for these and other services identified in Recommendations 4 and 5.

Recommendation 4 – Staff recommends that the City increase the level of outreach to promote temporary housing and other services. This outreach would include direct contact with homeless communities, individuals being released from correctional facilities, and those in temporary housing. Staff recommends that the City issue a RFQ/I for this type of service.

Recommendation 5 – Because Crisis House and Home Start received funding through HEAP to provide housing navigation service, staff recommends that this become a lower priority for funding than the other recommendations presented. However, staff does recommend including this service as part of a RFQ/I so staff can further evaluate the allocation of funds.

Recommendation 6 – Staff recommends that the City continue to support the East County Homeless Task Force with funding and participation, along with continued participation with the San Diego Regional Task Force on Homelessness.

Prepared By: Graham Mitchell, City Manager

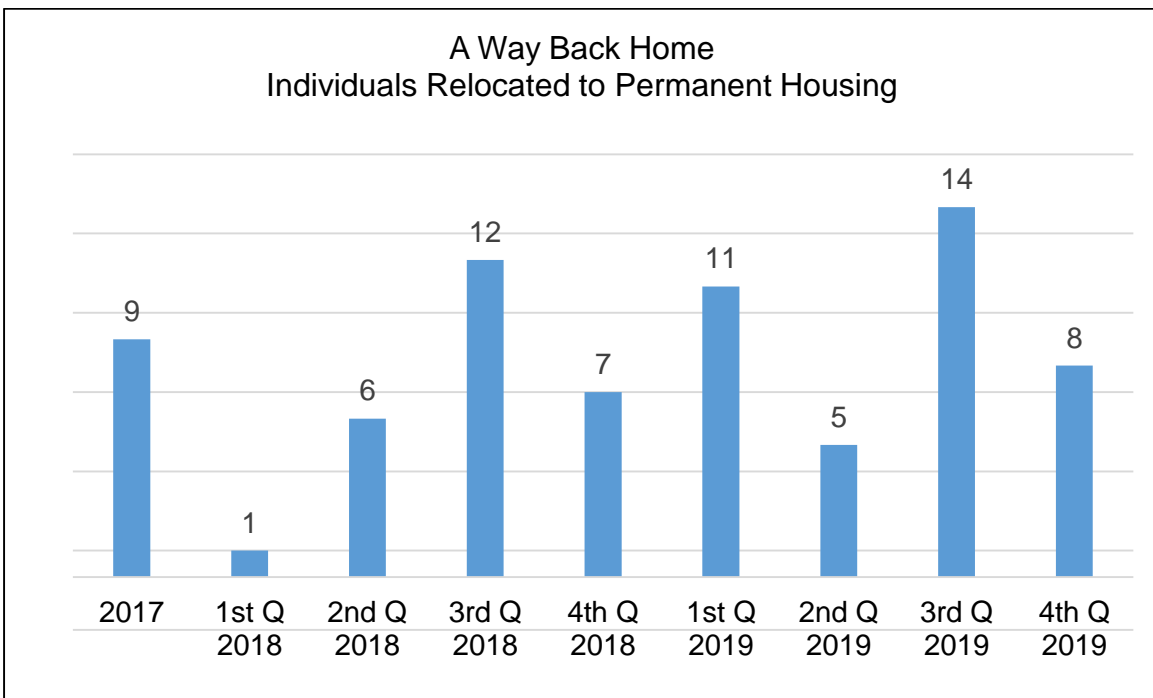
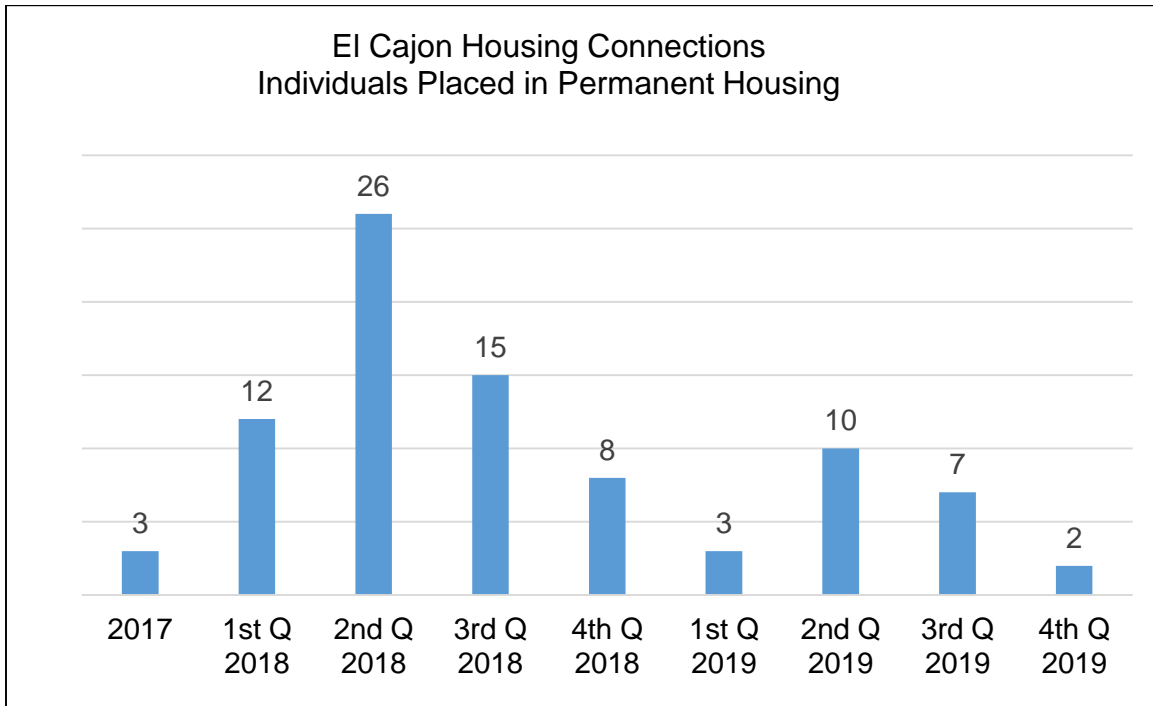
Reviewed By: N/A

Approved By: N/A

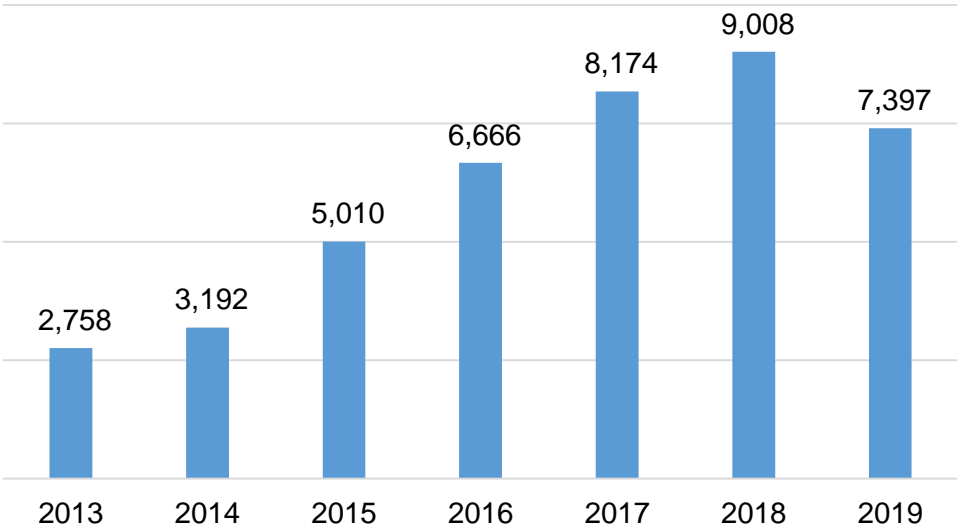
Attachments

Graphs

Graphs for Update on Homeless Programs Staff Report



Homeless Related Police Calls for Service





City Council
Agenda Report

DATE: January 14, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Dirk Epperson, Director of Public Works
SUBJECT: Report on Sewer Billing Transition Effort

RECOMMENDATION:

That the City Council:

1. Receives a report on activities related to maintaining sewer billing services through June 30, 2020;
2. Adopts the next Resolution, in order, to ratify agreements for sewer billing services with Advanced Utility Solutions in the amount of \$220,000 for software, payments, and billing support with Infosend in the amount of \$100,000 for bill printing and mailing; and
3. Provides direction to staff for a long-term solution for sewer billing services.

BACKGROUND:

On Saturday, November 9, 2019, City staff received an email from Global Water Management, LLC (known as Fathom), the City's sewer billing provider at the time, advising they were going out of business and their services would abruptly conclude on November 30, 2019.

An Emergency Agenda Item was added to the November 12th City Council meeting in which staff briefed the City Council on Fathom's impending termination. At that meeting, the City Council granted the City Manager authority to execute agreements to maintain sewer billing services with the not-to-exceed amount of \$608,210 (the amount budgeted in Fiscal Year 2019-20 for this service).

Short-Term Agreements

Since the November 12th City Council meeting, Public Works staff vetted many different options to find the best short-term solution. Unlike the previous vendor, there are no other vendors that provide an all inclusive one-stop-shop solution. Staff had to find solutions that, when coupled together, would accomplish all the functions in order to provide all sewer billing services. Presentations, proposals, emails, and phone calls were received from multiple software, print service, payment portal, and customer service vendors. After much research and careful consideration of cost and to minimize disruption to sewer customers, City staff decided to contract with Advanced Utility Solutions (AUS), InfoSend, NV5, and Paymentus through June 30, 2020.

Software to track payment history, customer inquiries, billing data, and other functions is necessary to operate a sewer billing service. AUS owns the existing software that was used by Fathom to conduct the City's sewer billing. AUS negotiated with Fathom to obtain the configuration for the City's sewer billing functions, ensuring an easier transition and maintaining the integrity and continuity of the transaction histories and customer account information. Other software companies that provided similar services could not get the system up and running as quickly as AUS. This would cause a disruption in mailing bills, receiving payments, and being able to track customer calls.

InfoSend is a printing and mailing company that the City had previously used for sewer billing services. InfoSend currently provides services to Helix Water District and Padre Dam Municipal Water District. By contracting with InfoSend, staff does not foresee any disruption of printing and mailing of sewer bills.

NV5 was selected by staff to provide customer service support by answering the City's sewer billing hotline, responding to inquiries received through the City's sewer billing e-mail address, and potentially assisting with the sewer billing process until an in-house customer service representative could be hired. NV5 is on the pre-approved list of professional service providers and falls under the City Manager's contract amount authority. Furthermore this agreement does not require ratification by City Council and details are provided for informational purposes only.

Paymentus facilitates the customer payment process. Through Paymentus, customers are able to continue making payments online through a web portal and over the phone through an automated interactive voice response (IVR) system. Paymentus minimized the impact to customers while having the most competitive pricing. This agreement also does not require ratification by City Council and details are provided for informational purposes only.

With the temporary authority granted by City Council, short-term contracts have been executed by the City Manager for services through June 30, 2020, with options to extend for an additional one (1) year term, thereafter.

The following table summarizes the recommended vendors that are now under contract to fill the role that Fathom played for the City:

Vendor	Service	6-month Contract
AUS	Software	\$160,000
InfoSend	Printing and Mailing Invoices	\$100,000
NV5	Customer Service	\$70,000*
Paymentus	Payment Web and Phone Portals	\$60,000*
	Total	\$390,000

*Within City Manager's authorization

Long-Term Solutions

During this time, City staff has also been researching long-term solutions to address the City's sewer billing service beyond June 30, 2020. For context, the City paid Fathom an annual amount of \$500,000. As staff requested pricing from various vendors we learned that this pricing was very low relative to other options in the industry. Staff presents three options for City Councils discussion:

Contract Services - This option would seek a contractor or a collaboration of contractors with specialization in sewer services for billing software, payment processing, printing and mailing, and customer support services. Because it is unlikely to find a vendor that provides call-center services (as did Fathom), the City would be required to hire an additional 1.5 staff to fulfill this function. Staff requested pricing from various contractors. With the City continuing to be responsible for bank and credit card fees, this annual estimated cost is \$824,000, equivalent to \$48.47 per account.

In-House Services - This option relies entirely upon City staff to provide all sewer billing services from producing bills to processing payments. This would require the purchase of sewer billing software and staffing of four additional employees. This option gives the City complete control over sewer billing. The annual estimated cost for this option is \$890,000, equivalent to \$52.35 per account .

County Tax Roll - This option places the sewer bill on the County tax roll program. This would require staff to submit sewer charges to the San Diego County Tax Assessor's Office on an annual basis and customers would pay their sewer charges with their property taxes. The County tax roll option was explored in the past. At that time, the cost savings were unknown because sewer billing services were handled by Helix Water District. Today we can compare these costs to expenditures and pricing received from vendors. Additionally, there were concerns from landlords who were not given sufficient time to modify lease agreements to include the sewer costs that would now be part of the property tax bill and not billed directly to the tenant. If this option is selected, the City could give ample time to landlords to modify, amend, or renew agreements to include sewer costs as part of the rent/lease agreement.

Of the twelve agencies in the County that bill for sewer services, nine (or 75%) bill through the County tax roll. This option would require software to track customer call history and the addition of one employee (a Customer Service Representative). The annual estimated cost for this option is \$400,000, equivalent to \$23.53 per account . Under this option, liens would not need to be placed on properties who are late or do not pay. The County takes on the responsibility for collection. Additionally, the City would have a 100% recovery rate of sewer fees, thus saving additional staff time and guaranteeing revenue.

Conclusion

All options presented are viable solutions. The cost of taking on these services either in-house or contracting out is rising continually. It appears that for these reasons many other agencies are billing through the County tax roll. The sewer rate study performed by the City last year analyzed the cost of sewer billing and only anticipated 3% increases annually. These new estimates outpace the projections. The County tax roll option is less costly than anticipated, which allows for beneficial adjustments to future sewer increases in favor of sewer customers.

FISCAL IMPACT:

The total contract expenditure for ratification is \$320,000 and is budgeted in Wastewater Customer Service (Activity 650730).

Prepared By: Dirk Epperson, Director of Public Works
Reviewed By: Vince DiMaggio, Assistant City Manager
Approved By: Graham Mitchell, City Manager

Attachments

Resolution

RESOLUTION NO. ____-20

A RESOLUTION TO RATIFY
SEWER BILLING SERVICE AGREEMENTS

WHEREAS, on November 9, 2019, City staff received an email from Global Water Management, LLC (also known as "Fathom"), the City's then current sewer billing provider, advising that they were going out of business and their services would abruptly conclude on November 30, 2019; and

WHEREAS, an emergency Agenda Item was added to the November 12, 2019 City Council meeting whereby staff briefed the City Council on Fathom's impending termination. City Council approved the recommendation to grant the City Manager authority to execute agreements to maintain sewer billing services with the not-to-exceed amount of \$608,210, budgeted in Fiscal Year 2019-20; and

WHEREAS, since the November 12, 2019 City Council meeting, Public Works staff vetted many different options to find the best short-term resolution. Presentations, proposals, emails, and phone calls were received from multiple software, print service, and customer service vendors, and after much research and careful consideration of cost and least amount of disruption for residents and businesses, City staff decided to partner with Advanced Utility Solutions ("AUS"), InfoSend, NV5, and Paymentus; and

WHEREAS, AUS owns the existing software that was used by Fathom to conduct the City's sewer billing, and negotiated with Fathom to obtain the configuration for the City's sewer billing functions, ensuring an easier transition and maintaining the integrity and continuity of the transaction histories and customer account information; and

WHEREAS, InfoSend is a printing and mailing company that the City of El Cajon has previously used for sewer billing services. InfoSend currently provides services to Helix Water District and Padre Dam Municipal Water District. By contracting with InfoSend, staff does not foresee any disruption of printing and mailing of sewer bills; and

WHEREAS, NV5 was selected by staff to provide customer service support by answering the City's sewer billing hotline, responding to inquiries received through the City's sewer billing e-mail address, and potentially assisting with the sewer billing process, and is on the pre-approved list of professional service providers; and

WHEREAS, Paymentus facilitates the customer payment process, and through Paymentus, customers are able to continue making payments online through a web portal and over the phone through an automated interactive voice response ("IVR") system; and

WHEREAS, the City Council ratifies the short-term contracts executed by the City Manager for services through June 30, 2020, with options to extend for an additional one (1) year term, thereafter. This will allow the City the stability of continuing to provide similar services to customers for this short-term solution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL CAJON AS FOLLOWS:

1. The statements contained in the recitals above are true and correct, and are the findings of this City Council.

2. The City Council hereby agrees to the awards to:

Advanced Utility Solutions and InfoSend

in the amount of \$320,000 for initial term through June 30, 2020, with the option to extend for one (1) additional one-year term.

3. The Mayor and City Clerk are authorized and directed to execute a contract on behalf of the City of El Cajon.

4. This Resolution shall be effective immediately.

01/14/2020 CC Agenda

Sewer Billing Service Agmts 010620



City Council
Agenda Report

DATE: January 14, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Nahid Razi, Purchasing Agent
SUBJECT: Award of RFP No. 015-20 – Financial Advisor Services

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, to enter into an agreement for financial advisor services with Urban Futures, Inc., in an amount not to exceed \$35,000 for Phase 1 of the project for a one-year term.

BACKGROUND:

The City of El Cajon provides its employees with pension benefits through CalPERS, as do the majority of California municipalities. As the City Council is aware, the City's CalPERS liability has increased dramatically over the past few years, increasing to \$204 million as of the most recent valuation. As a result, annual costs have increased dramatically as well. In the past decade annual costs have increased from \$11.3 million to \$18.0 million (or from 16.5% to 19.5% of the City's General Fund budget).

The primary reason for this increase is the City's obligation to pay its unfunded pension liability, also referred to as the City's Unfunded Accrued Liability or UAL. Simply stated, the UAL is the dollar amount needed to fund service credits for retired and active members that exceeds the amount available in the fund. The UAL is calculated annually and changes depending on the amount of interest earned and demographic trends. The UAL makes up 72.4% percent of the City's current CalPERS annual payment.

The UAL, calculated annually, is being paid down over the next twenty-five years, through 2045. The City is required to finance this CalPERS debt at an annual rate of 7%. The UAL payment is projected to grow annually, peaking in 2031. To offset these increased costs, the City has set aside approximately \$8 million in a special account. However, at the rate of CalPERS payment increases, these set-aside funds could easily be fully expended in a few years.

The City has been analyzing its UAL obligation for several years. Staff recommends putting forth several recommendations on how to pay off or pay down the City's UAL in order to ensure fiscal stability into the next decade. Staff has explored a variety of concepts, such as establishing an additional trust fund, making additional payments to CalPERS, and issuing pension obligation bonds. Several of these options require an independent perspective to provide financial advisory services related to the City's pension obligations.

On November 8, 2019, the City of El Cajon issued a Request for Proposals (RFP) for financial advisor services. Four responses were received by 4:30 p.m. on December 4, 2019.

A three-person evaluation team independently reviewed each proposal according to the criteria specified in the RFP. Factors evaluated included qualifications and experience, references, and cost. Each firm provided a cost proposal separate from the technical proposal. After review and ranking of firms based upon technical qualifications, cost information was factored into the weighted evaluation.

Upon thorough evaluation of the proposals, it was determined the proposal received from Urban Futures, Inc. best met the City's requirements. The attached memorandum details the evaluation process.

FISCAL IMPACT:

The fiscal impact is up to \$35,000 for a one-year term. Sufficient funds are available in FY2019-20 City Manager (110000) Annual Budget.

Prepared By: Nahid Razi, Purchasing Agent
Reviewed By: Clay Schoen, Director of Finance
Approved By: Graham Mitchell, City Manager

Attachments

Resolution
Memorandum

RESOLUTION NO. __-20

RESOLUTION AWARDING REQUEST FOR PROPOSALS FOR
FINANCIAL ADVISOR SERVICES
(RFP No. 015-20)

WHEREAS, the City of El Cajon (the "City") provides its employees with pension benefits through CalPERS, along with the majority of California municipalities; and

WHEREAS, the City's total CalPERS liability has increased dramatically over the past few years, reaching \$204 million as of the most recent valuation, and as a result, annual costs have also increased dramatically; and

WHEREAS, in the past decade annual costs have increased from \$11.3 million to \$18.0 million (or from 16.5% to 19.5% of the City's General Fund budget); and

WHEREAS, the primary reason for this increase is the City's obligation to pay its unfunded pension liability, also referred to as the City's Unfunded Accrued Liability (the "UAL"), which is the dollar amount needed to fund service credits for retired and active members that exceeds the amounts available in the fund; and

WHEREAS, the UAL is calculated annually and is projected to grow annually, peaking in 2031; and

WHEREAS, to offset these increased costs, the City has set aside approximately \$8 million in a special account; however, it is estimated that these set-aside funds could easily be fully expended in a few years; and

WHEREAS, the City has been analyzing its UAL obligation for several years, and staff has explored a variety of concepts on how to pay off or pay down the City's UAL in order to ensure fiscal stability into the next decade, including establishing an additional trust fund, making additional payments to CalPERS, and issuing pension obligation bonds; and

WHEREAS, several of these options require an independent perspective to provide financial advisory services related to the City's pension obligations; and

WHEREAS, on November 8, 2019, the City of El Cajon issued a Request for Proposals (the "RFP") for financial advisor services, and four (4) responses were received by 4:30 p.m. on December 4, 2019; and

WHEREAS, a three-person evaluation team independently reviewed each proposal according to the criteria specified in the RFP, and factors evaluated included qualifications and experience, references, and cost; and

WHEREAS, upon thorough evaluation of the proposals, it was determined the proposal received from Urban Futures, Inc. ("Urban") best met the City's requirements; and

WHEREAS, the Purchasing Division, in concurrence with the Director of Finance, recommends award of the RFP for financial advisor services to Urban in an amount not to exceed \$35,000.00 for Phase 1 of the project, for a one-year term; and

WHEREAS, the City Council believes it to be in the best interests of the City to award the RFP for financial advisor services to Urban in an amount not to exceed \$35,000.00 for Phase 1, for a one-year term, as recommended by the Purchasing Division.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL CAJON AS FOLLOWS:

1. The above recitals are true and correct, and are the findings of the City Council.

2. The City Council hereby awards the RFP for financial advisor services to:

Urban Futures, Inc.

in an amount not to exceed \$35,000.00 for Phase 1, for a one-year term.

3. The City Manager and City Clerk are authorized and directed to execute an agreement for financial advisor services on behalf of the City of El Cajon, with such changes or amendments as maybe approved by the City Manager.

01/14/20 CC Agenda

Reso - RFP 015-20 – Financial Advisor Svcs – Awd (Urban Futures) 010620



MEMORANDUM

DATE: December 23, 2019

TO: Nahid Razi, Purchasing Agent

FROM: Graham Mitchell, City Manager

SUBJECT: Award Recommendation – RFP No. 015-20 – Financial Advisor Services

A total of four proposals were received for the above referenced Request for Proposal (RFP). The selection committee, comprised of personnel from the City of El Cajon, independently scored each proposal on the evaluation form included in RFP No. 015-20. The proposal evaluation form is based on a weighted scale with criteria including: 1) Qualifications and Experience, 2) References, and 3) Cost, with a total possible weighted average score of 100 points.

The weighted scores for Financial Advisor Services, after evaluations resulted in the following ranking:

Consultant	Total Weighted Average Score
Urban Futures, Inc.	94
NHA Advisors	89
KNN Public Finance	80
Kosmont & Associates	70

Recommendation

The selection committee concluded that the contract should be awarded to the top vendor: Urban Futures, Inc. The committee recommends that they City award a contract for a term of one year in an amount not to exceed \$35,000 for Phase 1 of the scope of work to be performed. In the event the City opts to issue a financing tool as part of Phase 2 of the project, there will be costs associated for this action.



**City Council
Agenda Report**

DATE: January 14, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Marisol Thorn, Director of Human Resources
SUBJECT: Contracts for City Manager & City Attorney

RECOMMENDATION:

That the Mayor provides an oral report summarizing recommended changes in compensation for the City's "local agency executives"; and following the report, that the City Council approves the changes to the Employment Contracts as reflected on the attachments.

BACKGROUND:

SB 1436, adopted in 2016, requires that the City Council provide an oral report with a summary of recommendations for a final action on the salaries or compensation of certain "local agency executives." This oral report must be given by the Mayor during the open meeting in which the final action on compensation, salaries, and benefits is to be taken.

A "local agency executive" is defined as those employees of a local agency not subject to the Meyers-Milias-Brown Act and who is either (1) the chief executive officer, deputy or assistant chief executive officer, (2) the head of a department of a local agency, or (3) is employed under a contract with the local agency. For the City and for the purposes of this specific action item, the "local agency executives" subject to SB 1436 include the City Manager and City Attorney.

It is recommended the City Manager receive additional compensation for holding the International City/County Management Association's Credentialed Manager designation.

Other clean-up language and changes to the City Manager and City Attorney contracts as specified in the attachments.

FISCAL IMPACT:

Compensation changes are within the authority provided by the City Council.

Prepared By: Marisol Thorn, Director of Human Resources

Reviewed By: N/A

Approved By: Vince DiMaggio, Assistant City Manager

Attachments

Amendment to Contract - CM

Amendment to Contract - CA

Summary of Changes

**FIRST AMENDMENT TO
CITY MANAGER EMPLOYMENT AGREEMENT**

This FIRST AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT is made and entered into effective the 1st day of January, 2020, by and between the City of El Cajon, California, a charter city and municipal corporation (the “City”) and Graham Mitchell, an individual (the “City Manager”).

RECITALS

1. City and City Manager entered into that certain “City Manager Employment Agreement Between the City of El Cajon, a charter city and municipal corporation and Graham Mitchell,” dated April 24, 2018 (the “Agreement”), by which the City and the City Manager established the terms and conditions for the employment of the City Manager as the City Manager for the City.

2. The terms of the Agreement provide, among other things, benefits and compensation payable to the City Manager.

3. The Agreement provides that it may amended at any time by mutual agreement of the City and the City Manager, with any amendments to be in writing, and adopted by the City Council following negotiations between the parties.

4. This “First Amendment to City Manager Employment Agreement” (the “First Amendment”) is necessary to more accurately describe the City Manager’s Base Salary as part of his Compensation and Required Employer Costs in paragraph (1) of subsection (A) of Section 4 of the Agreement.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

Section 1. Paragraph (1) of subsection (A) of Section 4 of the Agreement is hereby amended to read as follows:

A. Compensation & Required Employer Costs

(1) Base Salary

- (a) The salary for the position of City Manager, effective the first pay period that includes July 1, 2019, shall be \$10,513.93 every two (2) weeks (i.e., bi-weekly).
- (b) The City Manager shall be paid at the same intervals and in the same manner as regular City employees.
- (c) The City shall not at any time during the term of this Agreement reduce the base salary, compensation or other

financial benefits of the City Manager, unless as part of a general City management salary reduction, and then in no greater percentage than the average reduction of all City department heads.

Section 2. Except as otherwise amended by this First Amendment, all remaining terms and conditions of the Agreement not in conflict herewith remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment the day and year first above written.

City

City Manager

CITY OF EL CAJON, a charter city
and municipal corporation

By _____
Bill Wells, Mayor

By _____
Graham Mitchell

ATTEST:

By _____
Angela L. Cortez, CMC, City Clerk

APPROVED AS TO FORM:

By _____
Morgan L. Foley, City Attorney

**FOURTH AMENDMENT TO
CITY ATTORNEY EMPLOYMENT AGREEMENT**

This FOURTH AMENDMENT TO CITY ATTORNEY EMPLOYMENT AGREEMENT is made and entered into effective the 1st day of January, 2020, by and between McDougal, Love, Boehmer, Foley, Lyon & Canlas, a professional corporation, and the undersigned individual attorney, sometimes collectively referred to as "Attorneys," and the City of El Cajon, California, a charter city and municipal corporation of the State of California (the "City"); the City of El Cajon as Successor Agency to the El Cajon Redevelopment Agency (the "Successor Agency"); and the El Cajon Housing Authority (the "Authority") (the City, the Successor Agency and the Authority, hereinafter collectively referred to as the "Client").

RECITALS

1. Attorneys and the Client entered into that certain "Agreement Between the City of El Cajon and the El Cajon Redevelopment Agency and McDougal, Love, Eckis, Smith & Boehmer," dated June 15, 2000 (the "Agreement"), by which the Client and the Attorneys established the terms and conditions for the retention of Attorneys as the office of city attorney and general legal counsel for the Client.

2. The terms of the Agreement provide, among other things, benefits and compensation payable to the Attorneys, and the employment of one of the Attorneys, Morgan L. Foley, as the City Attorney and General Counsel for the Client (the "City Attorney").

3. City's City Council has previously approved changes to the compensation payable to the City Attorney under the Agreement, as well as benefits received by the City Attorney.

4. On June 28, 2005, the Client and the Attorneys instituted the "First Amendment to City Attorney Employment Agreement" (the "First Amendment") to approve prior increases in compensation and benefits, and the hourly rate charged by the Attorneys to the Client for those services set forth in Exhibit "A" of the Agreement.

5. On July 26, 2013, the Client and the Attorneys instituted the "Second Amendment to City Attorney Employment Agreement" (the "Second Amendment") to approve an increase in compensation and benefits, and the hourly rate charged by the Attorneys to the Client for those services set forth in Exhibit "C" of the Agreement.

6. On July 1, 2014, the Client and the Attorneys instituted the "Third Amendment to City Attorney Employment Agreement" (the "Third Amendment") to increase the compensation to the City Attorney.

7. This "Fourth Amendment to City Attorney Employment Agreement" (the "Fourth Amendment") is necessary to more accurately describe the City Attorney's salary as part of his Compensation in Section V of the Agreement.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

Section 1. The Section V of the Agreement is hereby amended to read as follows:

V. Compensation. City shall pay to the City Attorney, as salary, effective the first pay period that includes July 1, 2019, the sum of \$6,119.20 every two (2) weeks (i.e., bi-weekly). Said sum shall fully compensate for those duties set forth in Paragraphs A.1 through A.6 of Exhibit "A" ("Attorney Services"). Said sum may be increased by agreement of the City Attorney and the City Council, from time to time, which increases shall be contained in a resolution adopted by the City Council. Said increases may be part of increases granted to all other Department Directors for the City.

The compensation paid to the City Attorney as salary shall be subject to withholding taxes, unemployment insurance, and other matters normally associated with salaried employees. Any and all compensation paid to Attorneys over and above said salaries shall be paid directly to Attorneys and not to the individual members thereof, shall not be deemed salary, and shall not be subject to withholding taxes, unemployment insurance, retirement benefits or other such matters normally associated with salaries employees.

All duties not included within the "salary" of the City Attorney, as set forth in Paragraphs B.1 through B.5 of Exhibit "A," shall be compensated in accordance with the hourly rates set forth in Exhibit "B" (through July 31, 2013) and Exhibit "C" (from and after August 1, 2013). The hourly rates set in Exhibit "C" may be changed by written agreement between the City Manager for the City and the Attorneys, from time to time, but no more often than one time in any fiscal year, to reflect increases commensurate with the changes in the cost of living. Services to be compensated at the hourly rate shall be billed monthly and paid to McDougal, Love, Boehmer, Foley, Lyon & Canlas, and not as additional salary or subject to additional benefits.

The Successor Agency and the Authority shall pay Attorneys for all services as General Counsel rendered to Authority, including litigation; provided, however, that General Counsel shall be compensated for his attendance at Successor Agency and Authority meetings as a part of his salary as City Attorney.

Section 2. Except as otherwise amended by the First Amendment, the Second Amendment, the Third Amendment, and this Fourth Amendment, all remaining terms and conditions of the Agreement not in conflict herewith remain in full force and effect.

[Signatures on Following Page]

IN WITNESS WHEREOF, the parties hereto have executed this Fourth Amendment the day and year first above written.

CITY OF EL CAJON, a charter city and municipal corporation

EL CAJON HOUSING AUTHORITY, a public body corporate and politic

By _____
Bill Wells, Mayor

By _____
Bill Wells, Chair

ATTEST:

ATTEST:

By _____
Angela L. Cortez, CMC, City Clerk

By _____
Angela L. Cortez, CMC, Secretary

CITY OF EL CAJON IN ITS CAPACITY AS SUCCESSOR AGENCY TO THE EL CAJON REDEVELOPMENT AGENCY, a public body corporate and politic

By _____
Bill Wells, Chair

ATTEST:

By _____
Angela L. Cortez, CMC, Secretary

McDOUGAL, LOVE, BOEHMER, FOLEY, LYON & CANLAS, a professional corporation

By _____
Steven E. Boehmer, President

Concurrence:

By _____
Morgan L. Foley

Summary of Changes, January 14, 2020

1. **Salary Structure/Pay Schedule for City Manager and City Attorney:**

In line with represented and unrepresented employees, the City Manager and City Attorney's pay schedule will be reflected as bi-weekly pay.

2. **Educational Incentives Modification for City Manager:**

In accordance with CalPERS reporting and in line with the City of El Cajon's intent and current payroll practice, educational incentives will be formally recognized as base rate of pay for the City Manager.

Additionally, 5% will be added to the City Manager's base rate of pay for the possession of the International City/County Management Association's Credentialed Manager designation.

3. **Benefits for City Manager:**

Include an annual executive physical examination through the provider on contract (currently San Diego Sports Medicine and Family Health Center; current examination cost - approximately \$1,200).



**City Council
Agenda Report**

DATE: January 14, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Mayor Wells
SUBJECT: Council Activity Report

RECOMMENDATION:

That the City Council accepts and files the following report of Council/Mayor activities attended during the current agenda period.

BACKGROUND:

Government Code Section 53232.3(d) requires members of a legislative body to provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

REPORT:

Since the last City Council meeting, I have attended the following events on behalf of the City of El Cajon:

- December 13 - Interview with Channel 10
- December 14 - Borrego Healthcare Fair
- December 15 - Skyline Church Senior Citizens Christmas Party
- December 17 - IRC Meeting
- December 17 - Meeting with Live Nation
- December 19 - Interview with KOGO
- December 20 - Second Chance Graduation
- January 14 - City Council Meeting

I am available to answer questions.

Submitted By: Bill Wells, Mayor



City Council
Agenda Report

DATE: January 14, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Bill Wells, Mayor
SUBJECT: City Council Assignments

RECOMMENDATION:

That the City Council approves City Council assignments (as identified in the report) to various boards and commissions representing El Cajon.

BACKGROUND:

The City Council represents the community and region on various boards and commissions. The following table includes proposed assignments:

Board/Commission	Primary	Alternate
SANDAG Board of Directors	Bill Wells	Steve Goble
SANDAG Public Safety Committee	N/A	Steve Goble
SANDAG Audit Committee	Bill Wells	N/A
MTS	Bob McClellan	Steve Goble
METRO Commission/Wastewater JPA	Gary Kendrick	Steve Goble
East County Advanced Purification JPA	Gary Kendrick	Steve Goble
League of California Cities, San Diego Division	Phil Ortiz	N/A
Heartland Communications	Gary Kendrick	Bob McClellan
Heartland Fire Training JPA	Gary Kendrick	Bills Wells
Chamber of Commerce - Gov't Affairs Committee	Steve Goble	N/A
East County Economic Development Council	Phil Ortiz	N/A
Harry Griffen Park Joint Steering Committee	Bob McClellan	N/A

Note that I was elected by the East County Mayors to represent East San Diego County on the San Diego Local Agency Formation Commission (LAFCO).

Prepared By: Graham Mitchell, City Manager

Reviewed By: N/A

Approved By: N/A



City Council
Agenda Report

DATE: January 14, 2020

TO: Honorable Mayor and City Councilmembers

FROM: Councilmember Kendrick

SUBJECT: COUNCILMEMBER GARY KENDRICK

METRO Commission/Wastewater JPA; Heartland Communications;
Heartland Fire Training JPA; East County Advance Water Purification Joint
Powers Authority Board.

RECOMMENDATION:

That the City Council accepts and files the following report of Council/Mayor activities attended during the current agenda period.

BACKGROUND:

Government Code Section 53232.3(d) requires members of a legislative body to provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

REPORT:

Since the last City Council meeting, I have attended the following events on behalf of the City of El Cajon:

December 22 - Chanukah Festival of Lights

December 27 - Retirement Party for Phil Smith, Waste Management

January 14 - City Council Meeting

I am available to answer questions.

Submitted By: Gary Kendrick, Councilmember



City Council
Agenda Report

Agenda Item 21.

DATE: January 14, 2020

TO: Honorable Mayor and City Councilmembers

FROM: Councilmember McClellan

SUBJECT: COUNCILMEMBER BOB MCCLELLAN

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

RECOMMENDATION:

That the City Council accepts and files the following report of Council/Mayor activities attended during the current agenda period.

BACKGROUND:

Government Code Section 53232.3(d) requires members of a legislative body to provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

REPORT:

Since the last City Council meeting, I have attended the following events on behalf of the City of El Cajon:

- December 12 - MTS Board Meeting
- December 18 - City Employee Retirement Lunch
- December 21 - ECTLC Annual Christmas Party
- January 14 - City Council Meeting

I am available to answer questions.

Submitted By: Bob McClellan, Councilmember



City Council
Agenda Report

Agenda Item 22.

DATE: January 14, 2020

TO: Honorable Mayor and City Councilmembers

FROM: Deputy Mayor Goble

SUBJECT: 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 Advance Water Purification Joint Powers Authority Board - Alternate.

RECOMMENDATION:

That the City Council accepts and files the following report of Council/Mayor activities attended during the current agenda period.

BACKGROUND:

Government Code Section 53232.3(d) requires members of a legislative body to provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

REPORT:

Since the last City Council meeting, I have attended the following events on behalf of the City of El Cajon:

- December 12 - Call with Megan Dunn from YIGBY
- December 12 - Conversation with Felicia M. regarding Mercedes property
- December 13 - Email with Tracy Morgan Hollingworth from PSAR
- December 14 - Toys for Joy Event by Rock Church
- December 14 - Snow Day Event at Wells Park
- December 17 - Lunch with Former Mayor/Supervisor Dick Brown
- December 21 - ECTLC Annual Christmas Party
- December 22 - Hanukkah Festival of Lights Celebration at Centennial Plaza
- December 24 - Cartwright Pest Control Bike Giveaway Event
- December 27 - Retirement Party for Phil Smith, Waste Management
- December 30 - Conversation with Teresa M. regarding dispensaries
- January 8 - Chamber Government Affairs Subcommittee Meeting
- January 13 - Meeting with City Manager
- January 14 - City Council Meeting

I am available to answer questions.

Submitted By: Steve Goble, Councilmember



City Council
Agenda Report

Agenda Item 23.

DATE: January 14, 2020

TO: Honorable Mayor and City Councilmembers

FROM: Councilmember Phil Ortiz

SUBJECT: DEPUTY MAYOR PHIL ORTIZ

East County Economic Development Council; League of California Cities,
San Diego Division.

RECOMMENDATION:

That the City Council accepts and files the following report of Council/Mayor activities attended during the current agenda period.

BACKGROUND:

Government Code Section 53232.3(d) requires members of a legislative body to provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

REPORT:

Since the last City Council meeting, I have attended the following events on behalf of the City of El Cajon:

- December 14 - Rock Church Community Christmas Event
- December 16 - Meeting with Government Affairs Manager, Crown Castle
- January 13 - League of California Cities Meeting
- January 14 - City Council Meeting

I am available to answer questions.

Submitted By: Phil Ortiz, Deputy Mayor



City Council
Agenda Report

DATE: January 14, 2020

TO: Honorable Mayor and City Councilmembers

FROM:

SUBJECT: Approve modifications to the El Cajon Tobacco Retailer's License Program

RECOMMENDATION:

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

An Ordinance of the City Council of the City of El Cajon, California, Amending Chapter 8.33 of the El Cajon Municipal Code to Regulate Retailers of Tobacco Products and Electronic Vapor Devices and Establishing a License for Such Activities.

Attachments

Ord - 5098

ORDINANCE NO. 5098

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF EL CAJON, CALIFORNIA, AMENDING CHAPTER 8.33
OF THE EL CAJON MUNICIPAL CODE TO REGULATE RETAILERS
OF TOBACCO PRODUCTS AND ELECTRONIC VAPOR DEVICES AND
ESTABLISHING A LICENSE FOR SUCH ACTIVITIES

The City Council of the City of El Cajon does ordain as follows:

Section 1. Chapter 8.33 of Title 8 of the El Cajon Municipal Code is hereby repealed.

Section 2. Chapter 8.33 is hereby added to Title 8 of the El Cajon Municipal Code to read as follows:

Chapter 8.33 LICENSURE OF TOBACCO RETAILERS

8.33.010 Definitions.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly required otherwise:

- A. **“Authorized address”** means the name and mailing address authorized by each proprietor to receive all license-related communications and notices.
- B. **“Department”** means the community development department.
- C. **“Electronic vapor device”** means any device with a heating element, a battery, or an electronic circuit that provides nicotine or other vaporized liquids to the user in a manner that simulates smoking tobacco products, shisha, herbs, or any other product that produces smoke.
- D. **“Electronic vapor inhalation substance products”** means cartridges, cartomizers, e-liquid, smoke juice, tanks, tips, atomizers, vaporizers, electronic smoking device batteries, electronic smoking device chargers, and any other item

specifically designed for the preparation, charging, or use of electronic vapor devices.

E. **“Electronic vapor device retailers”** means any establishment that sells electronic cigarettes or any products used in conjunction with electronic cigarettes, including, but not limited to, kits, e-liquids and “juice.”

F. **“Hookah”** means a pipe commonly, but not always, made of glass, used for vaporizing and smoking tobacco, flavored tobacco, non-flavored tobacco, shisha, dried fruits, or other substances in which vapor or smoke is passed through a water basin before inhalation.

G. **“Person”** shall have the definition set forth in section 1.04.020 of the El Cajon

Municipal Code.

H. **“Proprietor”** means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten percent or greater interest in the stock, assets or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have, or can or does share ultimate control over the day-to-day operations of a business.

I. **“Tobacco product”** means: (1) any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, dipping tobacco, bidis or any other preparation of tobacco; (2) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale or otherwise distributed with the expectation that the product or matter will be introduced into the human lungs or mouth; (3) any electronic vapor device,

electronic vapor inhalation substance, and hookahs; and (4) any plant, weed, or plant product that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human lungs or mouth in smoke or vapor form, using any tobacco paraphernalia, but does not include any product specifically approved by the Federal Food and Drug Administration for use in treating nicotine or tobacco product dependence.

J. **“Tobacco paraphernalia”** means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines and any other item designed for the smoking or ingestion of tobacco products, hookahs, electronic vapor devices and electronic vapor inhalation substances.

K. **“Tobacco retailer”** means any person or proprietor who – personally or through an agent, employee, contractor, or other intermediary – sells, offers for sale or does or offers to exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia, hookahs, electronic vapor devices and electronic vapor inhalation substances. “Tobacco retailing” shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco, tobacco products or tobacco paraphernalia sold, offered for sale, exchanged or offered for exchange.

8.33.020 Requirement for tobacco retailer license.

A. It shall be unlawful for any person to act as a tobacco retailer without first obtaining and maintaining a valid tobacco retailer’s license pursuant to this chapter for each location at which that activity is to occur.

B. A license may only issue to authorize tobacco retailing at a specified, fixed, address, legally zoned for commercial activities at the location. For example, tobacco retailing by persons on foot and tobacco retailing from vehicles are prohibited.

C. No license may be issued to authorize tobacco retailing at any location that is licensed under state law to serve alcoholic beverages for consumption on the premises (e.g., an “on-sale” license issued by the California Department of Alcoholic Beverage Control) and no license may be issued to authorize tobacco retailing at any location offering food for sale for consumption by guests on the premises. For example, tobacco retailing in bars and restaurants is prohibited.

D. The license fee established pursuant to section 8.33.060 confers paid status upon a license for a term of one year. Each tobacco retailer shall apply for the renewal of his or her tobacco retailer’s license no later than thirty days prior to expiration of the payment term.

E. Nothing in this chapter shall be construed to grant any person obtaining and maintaining a tobacco retailer’s license any status or right other than the right to act as a tobacco retailer at the location in the city identified on the face of the license. For example, nothing in this chapter shall be construed to render inapplicable, supersede, or apply in lieu of any other provision of applicable law, including, without limitation, any condition or limitation on smoking in enclosed places of employment made applicable to business establishments by California Labor Code section 6404.5.

8.33.030 Application procedure.

Application for a tobacco retailer's license shall be submitted in the name of each proprietor proposing to conduct retail tobacco sales and shall be signed by each proprietor or an authorized agent thereof. It is the responsibility of each proprietor to be informed of the laws affecting the issuance of a tobacco retailer's license. A license that is issued in error or on the basis of false or misleading information supplied by a proprietor may be revoked pursuant to section 8.33.090(C) of this chapter. All applications shall be submitted on a form supplied by the department and shall contain the following information:

- A. The name, address and telephone number of each proprietor.
- B. The business name, address and telephone number of the single fixed location for which a tobacco retailer's license is sought.
- C. The authorized address for each proprietor. If an authorized address is not supplied, each proprietor shall be understood to consent to the provision of notice at the business address specified in subsection B above.
- D. Whether any proprietor has previously been issued a license pursuant to this chapter that is, or was at any time, suspended or revoked and, if so, the dates of the suspension period or the date of revocation.
- E. Such other information as the department deems necessary for the administration or enforcement of the ordinance codified in this chapter.

8.33.040 Issuance of license.

Upon the receipt of an application for a tobacco retailer's license and the license fee, the department shall issue a license unless reasonable evidence in the record demonstrates one of the following bases for denial:

- A. The application is incomplete or inaccurate; or
- B. The application seeks authorization for tobacco retailing by a proprietor for which or whom a suspension is in effect pursuant to section 8.33.090 of this chapter; or
- C. The application seeks authorization for tobacco retailing by a proprietor for which or whom a suspension is in effect pursuant to section 8.33.090 of this chapter; or at a location which has had a license revoked pursuant to section 8.33.090(A)(4) of this chapter provided; however, this subsection shall not constitute a basis for denial of a license if the applicant provides the city with documentation demonstrating by clear and convincing evidence that the applicant (1) was not a proprietor at the time that (a) a violation of this chapter occurred, or (b) an appeal of a citation for a violation of this chapter was pending; and (2) has acquired or is acquiring the premises or business in an arm's length transaction. For the purposes of this subsection, an "arm's length transaction" is defined as a third-party sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, proprietors, or a sale for the primary purpose of

avoiding the effect of the violation of this chapter that occurred at the location, is presumed not to be an “arm’s length transaction;” or

D. The application seeks authorization for tobacco retailing that is prohibited pursuant to chapter 12.06 and section 8.33.020 of this chapter (e.g., mobile vending), or that is unlawful pursuant to Title 17 of this code (i.e., the zoning code), or that is unlawful pursuant to any other local, state or federal law.

8.33.050 Other requirements and prohibitions.

A. Display of License. Each license shall be prominently displayed in a publicly visible location at the licensed premises.

B. Positive Identification Required. No person shall engage in tobacco retailing without first examining the identification of each purchaser and confirming that the proposed sale is to a purchaser who is at least the minimum age in state law for being sold the tobacco product or tobacco paraphernalia.

C. Minimum Age for Persons Selling Tobacco. No person shall engage in tobacco retailing if the person is younger than the minimum age in state law for being sold or for possessing any tobacco product.

8.33.060 Fees for license.

A. The fee to issue or to renew a tobacco retailer’s license shall be established by resolution of the city council. The fee shall be calculated so as to recover the total cost of both license administration and license enforcement, including, for example, issuing the license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the cost of the total

program. All fees shall be used to fund the program. Fees are nonrefundable except as may be required by law.

B. A proprietor, in possession of a tobacco retailer's license, who has not been found to be in violation of this chapter for a period of 36 months immediately preceding the issuance or renewal of a tobacco retailer's license, shall receive a twenty percent (20%) discount on the annual tobacco retailer's license fee. This discounted fee will be applied to the annual license fee following a proprietor's compliance after 36 consecutive months.

8.33.070 Licenses nontransferable.

A tobacco retailer's license is nontransferable except between existing proprietors holding a license at the same location. If the information required in the license application pursuant to section 8.33.030, subsections (A) (1), (2) or (3) changes, a new tobacco retailer's license is required before the business may continue to act as a tobacco retailer. For example, if a proprietor to whom a license has been issued changes business location, that proprietor must apply for a new license prior to acting as a tobacco retailer at the new location. Also, if the business is sold, the new owner must apply for a license for that location before acting as a tobacco retailer.

8.33.080 License violation and compliance monitoring.

A. Violation of Tobacco-Related Laws. It shall be a violation of a tobacco retailer's license for a licensee or his or her agent or employee to violate any local, state or federal tobacco-related law.

B. License Compliance Monitoring.

1. Compliance with this chapter shall be monitored by the department. Any peace officer or code enforcement official also may enforce this chapter.

2. The department shall check the compliance of each tobacco retailer at least one time during a twelve--month period and shall conduct additional compliance checks within that period as warranted. The compliance checks shall be conducted to determine, at a minimum, if the tobacco retailer is complying with tobacco laws regulating underage sales. The department, or the police department, in assisting the department in performing compliance checks, shall use underage decoys and comply with the city's protocols for the compliance checks developed in consultation with the San Diego County Department of Health and Human Services, the San Diego County District Attorney, and the City Attorney's Office. When appropriate, the compliance checks shall determine compliance with other tobacco-related laws.

3. The city shall not enforce any tobacco-related minimum-age law against a person who otherwise might be in violation of such law because of the person's age (the "underage decoy") if the potential violation occurs when:

a. The underage decoy is participating in a compliance check supervised by a peace officer or a code enforcement official; or

b. The underage decoy is participating in a compliance check funded in part by the San Diego County Department of Health and

Human Services, funded in part, either directly or indirectly through sub-contracting, by the California Department of Health Services, or funded in part directly by fees or fines collected from tobacco retailers under this chapter.

8.33.090 Penalties for Violation.

A. Suspension or Revocation of License for Violation. In addition to any other penalty authorized by law, an administrative fine shall be paid, and a tobacco retailer's license may be suspended or revoked if the department finds, after notice to the licensee and opportunity to be heard, that the licensee, or his or her agents or employees, has or have violated the requirements or prohibitions of this chapter including the conditions of the license imposed pursuant to section 8.33.080 of this chapter.

1. Upon a finding by the department of a first license violation within any thirty-six month period, the tobacco retailer shall pay an administrative fine in the amount of \$2,500. The city may also conduct up to two compliance checks within twelve months of the first violation.
2. Upon a finding by the department of a second license violation within any thirty- six-month period, the tobacco retailer shall pay an administrative fine in the amount of \$2,500 and the license shall be suspended for sixty days. The city may also conduct up to two compliance checks within twelve months of the second violation.
3. Upon a finding by the department of a third license violation within any thirty-six month period, the tobacco retailer shall pay an administrative fine in

the amount of \$2,500 and the license shall be suspended for one hundred twenty days. The city may also conduct up to two compliance checks within twelve months of the third violation.

4. Upon a finding by the department of a fourth license violation within any thirty- six-month period, the license shall be revoked, and the tobacco retailer shall pay an administrative fine in the amount of \$2,500. Further, the proprietor or proprietors who had been issued the license shall never again be issued a tobacco retailer's license pursuant to this chapter.

5. A tobacco retailer with a suspended or revoked license:

a. Shall remove all tobacco products and tobacco paraphernalia from public view; and

b. Shall not display any advertisement relating to tobacco products or tobacco paraphernalia that promotes the sale or distribution of such products at the tobacco retailer location or that would lead a reasonable consumer to believe that such products can be obtained at the tobacco retailer location, including any use of the terms, "tobacco," or "smoke shop," or similar references in the name of the business operated by the tobacco retailer.;

c. Except in the case of a first or second suspension within any thirty-six month period, instead of complying with subsections (a) and (b) of this section, the tobacco retailer may elect to post a clear and legible sign at each point of sale and at every public entrance stating in seventy-two point type or larger: "TOBACCO PRODUCTS NOT FOR

SALE because this store has violated a public health law regulating tobacco” and such signs must be present and remain free of obstructions for the entire duration of the suspension period.

6. Any tobacco retailer who has paid a \$2,500 administrative fine as required by subsections (A) (1), (2), (3) or (4) of this section will be eligible for a refund of \$500 if, within ninety (90) days following the payment of the fine, that person, and each proprietor and employee of that person, shall attend a one (1) hour responsible vendor class, training, or other course of instruction approved by the department. “Responsible vendor” courses must include training related to the laws that restrict the sales of alcohol, tobacco products, tobacco paraphernalia, and electronic vapor devices, and other such products, including restrictions in this chapter. To be eligible for the refund the instructor must produce to the department a list of attendees and certificates for each person that successfully attends the training.

B. Suspension of License for Failure to Pay Renewal Fee. A tobacco retailer’s license that is not timely renewed pursuant to section 8.33.020(D) shall automatically be suspended by operation of law. If not renewed, a license shall be automatically revoked two years after the renewal date. To reinstate the paid status of a license that has been suspended due to the failure to timely pay the renewal fee, the proprietor must:

1. Submit the renewal fee plus a reinstatement fee of ten percent of the renewal fee; and

2. Submit a signed affidavit affirming that the proprietor has not sold any tobacco product or tobacco paraphernalia during the period the license was suspended for failure to pay the renewal fee.

C. Revocation of License Issued in Error. A tobacco retailer's license shall be revoked if the department finds, after notice and opportunity to be heard, that one or more of the bases for denial of a license under section 8.33.040 of this chapter existed at the time application was made or at any time before the license issued. The revocation shall be without prejudice to the filing of a new application for a license.

D. Appeal of Suspension or Revocation. A decision of the department to revoke or suspend a license may be appealed by a proprietor or a tobacco retailer by means of an administrative hearing before an independent fact finder, including, but not limited to, an administrative law judge from the state Office of Administrative Hearings, other private service providing retired judges for arbitration, or city-appointed administrative hearing officer. The appeal may also include a challenge to any fine accompanying the suspension or revocation. Any appeal must be filed with the city clerk within ten calendar days of mailing of the department's decision and be accompanied by the full amount of any applicable fine as provided in section 1.14.100 (except as provided in section 1.14.090). An appeal shall stay all proceedings in furtherance of the appealed action. A suspension or revocation pursuant to section 8.33.090(B) of this chapter is not subject to appeal.

E. Appeal of Fine. Any appeal of a fine not involving a suspension or revocation must be conducted pursuant to sections 1.14.080 – 1.14.110, each inclusive.

F. An administrative hearing to appeal a decision of the department to issue a fine and revoke or suspend a license held pursuant to subdivision (A) paragraphs (2) through (4) of this section, and subdivision (D) of this section is civil in nature and therefore the burden of proof required is a preponderance of the evidence. In such an appeal the administrative hearing officer shall only determine whether the violations of this chapter occurred in the time periods set forth in subdivision (A), paragraphs (2), (3) or (4), or subdivision (D) of this section. The administrative hearing officer shall not consider the appropriateness of the amount of the fine or whether the length of suspension of a license, or revocation of the license, creates a financial hardship on the tobacco retailer; nor shall the administrative hearing officer grant the applicant any stay of execution or delay of enforcement of a suspension or revocation sustained following the hearing.

G. The rules of evidence in an administrative hearing to appeal a decision of the department to revoke or suspend a license held pursuant to section 8.33.090(A) or (D) shall be in accordance with California Government Code sections 11513 and 11514 as those sections are amended from time to time. Except as provided in this subdivision (F), the provisions of administrative adjudication for the State of California (Chapter 5 of Part 1 of Division 3 of Title 2

of the California Government Code) shall not apply to any administrative hearing under this chapter.

8.33.100 Administrative fine.

A. Grounds for Fine. In addition to any other remedies available at law or in equity, if the department finds, based on substantial evidence, that any unlicensed person, including a person named on a revoked or suspended license, has engaged in tobacco retailing in violation of section 8.33.020 of this chapter, the department shall impose an administrative fine on that person pursuant to section 8.33.110(C) of this chapter.

B. Appeal to Superior Court of Limited Jurisdiction. Notwithstanding the provisions of section 1094.5 or 1094.6 of the Code of Civil Procedure, and in accordance with section 1.14.150 of this code, within twenty days after mailing or personal service of the hearing officer's decision and findings, any person subject to a fine may seek review of the hearing officer's decision and findings by the superior court of limited jurisdiction. A copy of the notice of appeal to the superior court shall be timely served in person or by first-class mail upon the department by the contestant. The appeal shall be heard de novo, except that the contents of the department's file in the case shall be received in evidence. A copy of the records of the department of the notices of the violation and of the hearing officer's decision and findings shall be admitted into evidence as prima facie evidence of the facts stated therein.

C. Failure to Pay Fine. If no timely notice of appeal to the superior court is filed, or the department is not timely served with a copy of a notice of appeal, the

hearing officer's decision and findings shall be deemed confirmed and the fine shall be collected pursuant to section 1.14.130 of this code.

8.33.110 Enforcement.

The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.

- A. Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter shall constitute a violation.
- B. Violations of this chapter shall constitute a misdemeanor except that notwithstanding any provision of this subdivision any violation may, in the discretion of the city attorney, be charged and prosecuted as an infraction in accordance with section 1.24.010 of this code.
- C. Any person violating this chapter is subject to a civil action brought by the city attorney, punishable by a fine of two thousand five hundred dollars for each violation. Any continuing violation shall constitute a separate offense for each day of the violation.
- D. Violations of this chapter are hereby declared to be public nuisances.
- E. Violations of this chapter are hereby declared to be unfair business practices and are presumed to at least nominally damage each and every resident of the community in which the business operates.
- F. In addition to other remedies provided by this chapter or by other law, any violation of this chapter may be remedied by a civil action brought by the city attorney including, for example, administrative or judicial nuisance abatement

proceedings, civil or criminal code enforcement proceedings and suits for injunctive relief.

G. Any person acting for the interests of itself, its members, or the general public may bring an action for injunctive relief to prevent future such violations or to recover such actual damages as he or she may prove.

Section 3. This ordinance shall become effective thirty (30) days following its passage and adoption.

12/10/19 CC Agenda – 1st Reading

01/14/20 CC Agenda – 2nd Reading



City Council
Agenda Report

Agenda Item 25.

DATE: January 14, 2020

TO: City Clerk

FROM: City Attorney/General Legal Counsel

SUBJECT: Closed Session - Conference with Legal Counsel - Existing Litigation - pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9: Climate Action Campaign v. City of El Cajon
San Diego County Superior Court Case No. 37-2019-00041565-CU-TT-CTL

RECOMMENDATION:

That the following Closed Session be scheduled for the Tuesday, January 14, 2020, Joint City Council/Housing Authority/Successor Agency to El Cajon Redevelopment Agency agenda at 3:00 p.m.

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

NAME OF CASE:

Climate Action Campaign v. City of El Cajon, et al.
San Diego County Superior Court Case No. 37-2019-00041565-CU-TT-CTL

Morgan L. Foley
City Attorney/General Legal Counsel

MLF:hms



City Council
Agenda Report

DATE: January 14, 2020
TO: City Clerk
FROM: City Attorney/General Legal Counsel
SUBJECT: Closed Session - Conference with Legal Counsel - Anticipated Litigation
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of
Government Code section 54956.9:
One (1) potential case

RECOMMENDATION:

That the following Closed Session be scheduled for the Tuesday, January 14, 2020, Joint City Council/Housing Authority/Successor Agency to El Cajon Redevelopment Agency agenda at 3:00 p.m.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9: One (1) potential case

Morgan L. Foley
City Attorney/General Legal Counsel

MLF:hms



City Council
Agenda Report

DATE: January 14, 2020
TO: City Clerk
FROM: City Attorney/General Legal Counsel
SUBJECT: 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 vs. City of El Cajon San Diego Superior Court Case No. 37-2019-00005450-CU-WM-CTL

RECOMMENDATION:

That the following Closed Session be scheduled for the January 14, 2020, Joint City Council/Housing Authority/Successor Agency to El Cajon Redevelopment Agency agenda at 3:00 p.m.

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

NAME OF CASE:

El Cajon Police Officers Association vs. City of El Cajon
San Diego Superior Court Case No. 37-2019-00005450-CU-WM-CTL

Morgan L. Foley
City Attorney/General Legal Counsel

MLF:hms
