

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

January 14, 2020

A Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, January 14, 2020, was called to order by Mayor/Chair Bill Wells at 3:04 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California.

ROLL CALL

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

Mayor Wells invited Arkan Somo, Neighborhood Market Association President to lead the PLEDGE OF ALLEGIANCE TO THE FLAG and MOMENT OF SILENCE. (The Courts have concluded that sectarian prayer as part of City Council Meetings is not permitted under the Constitution).

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

PRESENTATIONS: None

AGENDA CHANGES: None

CONSENT ITEMS: (1 – 10)

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

MOTION CARRIED BY UNANIMOUS VOTE.

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

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

2. Warrants

Approves payment of Warrants as submitted by the Finance Department.

3. Approval of Reading Ordinances by Title only

Approves the reading by title and waives the reading in full of all Ordinances on the Agenda.

4. Agreement for Civil Engineering Services

Adopts Resolution No. 001-20, 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

Adopts Resolution No. 002-20, appointing the professional staff of the City Attorney's office effective January 14, 2020.

CONSENT ITEMS: (Continued)

6. Acceptance of The Magnolia Improvement Project (IFM3471)
 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
 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

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

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.

CONSENT ITEMS: (Continued)

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

Approves Resolution No. 003-20, 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:

Paul Palombo, retired City personnel, thanked Council and staff for the opportunity to serve in the Public Works Department.

Arkan Somo, President of the Neighborhood Market Association, spoke in reference to the tobacco ordinance and requested the item be postponed to allow for additional discussions.

Jim Cirigiliano spoke in reference to Form 700 and Form 460, and requested that these forms be made available on the City's website.

Councilmember McClellan invited the students from Valhalla High School in the audience to introduce themselves to the public.

WRITTEN COMMUNICATIONS: None

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.

PUBLIC HEARINGS: (Item 11 - Continued)

DISCUSSION

Deputy Director of Community Development, Dan Pavao, provided a summary of the Item.

Mayor Wells opened the public hearing.

No one came forward to speak.

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

MOTION CARRIED BY UNANIMOUS VOTE.

Discussion ensued among Council and Staff in regard to recommendations to the City to monitor the property.

MOTION BY McCLELLAN, SECOND BY KENDRICK, to DIRECT staff to invoice the property owner for staff time and administrative costs in the amount of \$1,248.79, and direct staff to monitor the cleanup and renovation of the dwelling until fully compliant with State Housing Code habitability regulations.

MOTION CARRIED BY UNANIMOUS VOTE.

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 APPEAL: (Continued)

DISCUSSION

City Attorney Foley introduced the Item and described the process for the Administrative Hearing. The following witnesses were sworn in:

Appellant's witnesses:

Wei Sun, Appellant

He Zhou, Manager

Mr. George Gedulin, Attorney for the appellant

City's witness:

Sergeant Will Guerin, Presenting Officer for the City

Yan Gu, Translator

All questions to, and answers from Mr. Sun and Mrs. Zhou were provided by Ms. Gu, a translator procured by Mr. Gedulin and the City.

Mr. Gedulin, on behalf of the Cajon Massage owner, stated that the unlawful activities by the massage therapist arrested were not with the consent of Mr. Sun or Mrs. Zhou.

Mr. Sun answered questions from Mr. Gedulin in regards to the ownership of the business, the number of employees working at Cajon Massage, and the fact that some of the people working for him, worked as independent contractors. Mr. Sun testified that after learning of the arrest at his store, the therapist arrested for unlawful activities, was fired.

Mr. Sun provided a list of preventive measures, including background checks on future employees should the City allow him to continue operating Cajon Massage.

He Zhou testified, and denied any benefit from, or knowledge of unlawful activities at the business.

Discussion ensued among the City Council, Mr. Sun and Mrs. Zhou, regarding:

- The role of Mrs. Zhou in the business;
- Mr. Sun's name not listed on the lease for the property; and
- Employees not allowed to stay overnight at the Cajon Massage.

Sergeant Guerin gave opening remarks and explained the basis for the El Cajon Police Department's arrest of one (1) massage therapist working at El Cajon Massage. He responded to questions from Mr. Gedulin and Council concerning the contact with the arrestee, the facility's layout, and the incident being the second arrest under the same ownership.

ADMINISTRATIVE APPEAL: (Continued)

MOTION BY KENDRICK, SECOND BY ORTIZ, to DENY the appeal of a Special Operation License to operate a massage establishment at 1246 East Main Street, Unit 112.

MOTION CARRIED BY UNANIMOUS VOTE.

*Recess called at 4:25 p.m.
Meeting called back to order at 4:31 p.m.*

ADMINISTRATIVE REPORTS:

13. Update on Homeless Programs

RECOMMENDATION:

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

DISCUSSION

City Manager Mitchell provided detailed information of the Item.

Anna Marie Piconi Snyder, representing the East County Homeless Task Force, spoke in support of the City's homeless programs and encouraged other cities to join efforts. Ms. Snyder introduced stakeholders, collaborators, and supporters from various shelters and housing organizations.

Jim Cirigliano stated that homelessness is an ongoing problem. He spoke about direct interactions and taking proactive action such as providing transportation to homeless subjects.

Mary Case, representing Crisis House, spoke in support of the programs and spoke about the Homeless Emergency Aid Program (HEAP) funds.

Amanda McGimpsey, representing the East County Homeless Taskforce, spoke in support of the homeless programs and encouraged the city to strengthen their partnership with the homeless taskforce.

Discussion ensued among Council and Staff concerning the following:

- Implement smaller group settings and short term shelters on a property;
- Include representatives from other cities to encourage more participation;
- Seek emergency funding that will prevent eviction, similar to a program implemented in Chicago, IL;
- Report back on Psychiatric Emergency Response Team (PERT) and the East County Homeless Task Force teams' involvements; and
- Authorize the City Manager permission to move forward with the contract(s).

ADMINISTRATIVE REPORTS: (Continued)

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.

DISCUSSION

Public Works Director, Dirk Epperson, provided detailed information of the Item.

No one came forward to speak.

Discussion ensued among Council and Staff concerning the following:

- Explore the County tax bill format to lower costs;
- Consideration of PERSable expenses;
- Sewer bill on an impound accounts;
- Options to notify the citizens of upcoming changes;
- Risk involved when project includes multiple vendors; and
- Calendar a public hearing session as soon as possible.

MOTION BY WELLS, SECOND BY McCLELLAN, to ADOPT Resolution No. 004-20, 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.

MOTION CARRIED BY UNANIMOUS VOTE.

ADMINISTRATIVE REPORTS: (Continued)

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.

DISCUSSION

City Manager Mitchell provided summary information of the Item.

Julio Morales representing Urban Futures, Inc., spoke about the firm and provided information on his experiences and background.

No one came forward to speak.

MOTION BY WELLS, SECOND BY McCLELLAN, to ADOPT Resolution No. 005-20, 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.

MOTION CARRIED BY UNANIMOUS VOTE.

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.

DISCUSSION

Mayor Wells provided an oral report summarizing the recommended changes.

No one came forward to speak.

MOTION BY McCLELLAN, SECOND BY KENDRICK, to APPROVE changes to the Employment Contracts for the City Manager and City Attorney.

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.

17. Council Activities Report/Comments

Report as stated.

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.

DISCUSSION

Mayor Wells provided summary information of the Item.

No one came forward to speak.

MOTION BY KENDRICK, SECOND BY McCLELLAN, to APROVE City Council assignments (as identified in the report) to various boards and commissions representing El Cajon.

MOTION CARRIED BY UNANIMOUS VOTE.

ACTIVITIES REPORTS OF COUNCILMEMBERS:

20. COUNCILMEMBER GARY KENDRICK

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

In addition to the submitted report, Councilmember Kendrick stated that he attended the Holocaust Memorial event at the Chula Vista Library and the Art Garfunkel event at The Magnolia.

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS: (Continued)

21. COUNCILMEMBER BOB MCCLELLAN

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

Report as stated.

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.

In addition to the submitted report, Councilmember Goble stated that he attended the East County Chamber of Commerce First Friday Breakfast on January 10, 2020.

23. DEPUTY MAYOR PHIL ORTIZ

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

In addition to the submitted report, Deputy Mayor Ortiz advised that he did not attend the League of Cities Meeting on January 13, 2020.

JOINT COUNCILMEMBER REPORTS: None

GENERAL INFORMATION ITEMS FOR DISCUSSION: None

ORDINANCES: FIRST READING – None

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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.

DISCUSSION

Courtney Hamilton, representing the National Alliance Tobacco Outlets, spoke in support of the Item.

Rima Khoury, representing the Hookah Chamber, spoke in support of the Item and commended the leadership of the City.

Discussion ensued among Council and Staff concerning the following:

- Consideration of Mr. Somo's request to postpone the Item; and
- Lack of feedback from retailers on the draft notice previously sent by the City.

Mayor Wells requested that the City Clerk recite.

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

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.

MOTION BY McCLELLAN, SECOND BY KENDRICK to ADOPT Ordinance No. 5098, 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.

MOTION CARRIED BY UNANIMOUS VOTE.

CLOSED SESSIONS:

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

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

MOTION BY WELLS, SECOND BY KENDRICK, to ADJOURN to Closed Session at 6:23 p.m.

MOTION CARRIED BY UNANIMOUS VOTE.

RECONVENE TO OPEN SESSION AT 7:02 p.m.

City Attorney Foley reported the following actions:

Item 25: City Council received report from City Attorney.

Item 26: City Council received report and gave direction to legal counsel.

Item 27: City Council received report and gave direction the City's legal counsel.

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 14th day of January 2020, at 7:03 p.m., to Tuesday, January 28, 2020, at 3:00 p.m.

ANGELA L. CORTEZ, CMC
City Clerk/Secretary