



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

Council Chamber  
200 Civic Center Way  
El Cajon, CA 92020

## Agenda

MARCH 24, 2020, 3:00 p.m.

**Due to the highly contagious nature of the Covid-19 virus, the City Council may attend the meeting telephonically. The City has provided alternative means to observe the meeting through the City's website. Please visit <https://www.cityofelcajon.us/videostreaming> for more details. Those wishing to attend the meeting may do so.**

**Members of the public who wish to send comments on an item on this agenda, or a Public Comment, please visit our website at <https://www.cityofelcajon.us/videostreaming>. Comments will be received up to the vote or conclusion of each item. Any person wishing to comment on an item on the agenda can submit it through the website link above. The City Council will endeavor to include all comments prior to taking action and will announce when the comment period for an item will conclude, prior to taking any action or concluding the discussion on the item.**

**The City of El Cajon encourages the participation of disabled individuals in the services, activities and programs provided by the City. Individuals with disabilities who require reasonable accomodation in order to participate in the City Council meeting should contact the City Clerk's Office at (619) 441-1763.**

**The City respectfully requests that those experiencing flu-like symptoms not attend the meeting in person.**

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

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 March 10, 2020, Meeting and the Agenda of the March 24, 2020, Meeting in accordance to State Law and Council/Authority/Successor Agency to the Redevelopment Agency Policy.

**PRESENTATIONS: None**

**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 March 10, 2020 Meeting, and the Joint Special Meeting of March 16, 2020, 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. Purchase of DANNAR Mobile Power Station Equipment

RECOMMENDATION:

That the City Council authorizes the Purchasing Agent, in accordance with Municipal Code section 3.20.010(C)(5), to execute a purchase agreement with DD DANNAR, LLC for DANNAR 4.0 Mobile Power Stations in the amount of \$436,835.

5. Authorization to Enter into an Investment Advisory Agreement with Nationwide for Co-Fiduciary Relationship

RECOMMENDATION:

That the City Council approves the Investment Advisory Agreement.

**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:**

**ADMINISTRATIVE REPORTS:**

**COMMISSION REPORTS:**

**ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS: None**

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

6. LEGISLATIVE REPORT: None

**ACTIVITIES REPORTS/COMMENTS OF COUNCILMEMBERS:**

7. **COUNCILMEMBER GARY KENDRICK: None**  
METRO Commission/Wastewater JPA; Heartland Communications; Heartland Fire Training JPA.; East County Advanced Purification JPA.
8. **COUNCILMEMBER BOB MCCLELLAN: None**  
MTS (Metropolitan Transit System Board); Harry Griffen Park Joint Steering Committee; Heartland Communications – Alternate
9. **COUNCILMEMBER STEVE GOBLE: None**  
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 Advanced Purification JPA - Alternate.
10. **DEPUTY MAYOR PHIL ORTIZ: None**  
East County Economic Development Council; League of California Cities, San Diego Division.

**JOINT COUNCILMEMBER REPORTS:**

**GENERAL INFORMATION ITEMS FOR DISCUSSION:**

**ORDINANCES: FIRST READING**

**ORDINANCES: SECOND READING AND ADOPTION**

11. Amendment of Chapter 9.30 of the El Cajon Municipal Code - Social Host of Parties

**RECOMMENDATION:**

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

An Ordinance Amending Chapter 9.30 of the El Cajon Municipal Code to include a prohibition of consumption of marijuana by minors at social gatherings.

**CLOSED SESSIONS:**

**ADJOURNMENT: The Adjourned Regular Joint Meeting of the El Cajon City Council/ El Cajon Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 24th day of March 2020, is adjourned to Tuesday, April 14, 2020, at 3:00 p.m.**



City Council  
Agenda Report

Agenda Item 1.

**DATE:** March 24, 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

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**RECOMMENDATION:**

That the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency approves Minutes of the March 10, 2020 Meeting, and the Joint Special Meeting of March 16, 2020, of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

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Attachments

03-10-20 DRAFT Minutes - 3PM

03-16-20 DRAFT Joint Special Meeting

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# JOINT MEETING OF THE EL CAJON CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY TO THE EL CAJON REDEVELOPMENT AGENCY



## MINUTES

### CITY OF EL CAJON EL CAJON, CALIFORNIA

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**March 10, 2020**

A Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, March 10, 2020, was called to order by Mayor/Chair Bill Wells at 3:03 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California.

#### **ROLL CALL**

Council/Agencymembers present: 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

**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 February 25, 2020, meetings and the Agenda of the March 10, 2020, meeting in accordance with State Law and El Cajon City/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

**AGENDA CHANGES:** None

**CONSENT ITEMS: (1 – 6)**

**MOTION BY WELLS, SECOND BY McCLELLAN, to APPROVE Consent Items 1 to 6.**

**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 February 25, 2020, Meetings of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

2. Approval of Reading Ordinances by Title only

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

3. Warrants

Approves payment of Warrants as submitted by the Finance Department.

**PULLED FOR DISCUSSION:**

4. Updates to City Council Policy A-29

**RECOMMENDATION:** That the City Council approves the modifications to City Council Policy A-29.

#### **DISCUSSION**

In answer to a question by Stephanie Harper, City Manager Mitchell clarified the updates to City Council Policy A-29 are not for salary increases but rather to move certain positions to a confidential status.

5. Termination of Emergency Storm Damage Repairs

1. Adopts Resolution No. 021-20, proclaiming the termination of emergency storm damage repairs in the City of El Cajon; and
2. Approves an additional \$23,177.29 for repairs in Capital Improvement Program Project Sewer & Storm Drain Repair and Replacement 2015 (WW3519) to cover the cost of the emergency work.

**CONSENT ITEMS: (Continued)**

6. Contract Amendment for Slurry (Various Locations) Multi-year Contract

Adopts Resolution No. 022-20 to:

1. Exercise the City's option to renew the contract with American Asphalt South, Inc., for one (1) additional year;
2. Increase the slurry multi-year contract in the not-to-exceed amounts of \$600,912.28 for Option Period 1; and
3. Authorize the City Manager to approve options to renew the contract in the amounts of \$814,951.53 for Option Period 2, \$805,250.56 for Option Period 3, and \$795,355.57 for Option Period 4.

**PUBLIC COMMENT:**

Miss El Cajon 2019, Brianna Quemuel, and Miss Jamul 2019, Vanessa Hanna, introduced themselves to Council and spoke about the upcoming Miss El Cajon Pageant to be held at The Magnolia.

Stephanie Harper spoke about homeless items and how unclaimed or abandoned items are disposed by City personnel.

Mayor Wells encouraged Ms. Harper to leave her contact information to have a staff member contact her to clarify the difference between unclaimed and abandoned property.

**PUBLIC HEARINGS:**

7. Public Hearing to Consider Placing Sewer Charges on the San Diego County Tax Roll

**RECOMMENDATION:** That the City Council:

1. Opens the Public Hearing and receives testimony related to this report;
2. Closes the Public Hearing;
3. Adopts the next Resolution, in order, to (1) determine the lack of a majority protest, (2) overrule objections to the report, and (3) authorize the collection of sewer service charges as a fixed special assessment on the county property tax bill beginning Fiscal Year 2021; and
4. Awards a sole source contract to NV5, Inc., for sewer billing support and tax roll charges preparation in the not-to-exceed amount of \$194,251 for FY21.



**PUBLIC HEARINGS: (Item 7 - Continued)**

**DISCUSSION**

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

Discussion ensued among Council and Staff concerning the following:

- Saving considerations by using the County Tax Role v. other options;
- Consider using the possible savings for pipe failure emergencies;
- Rates not increased for many years in the past.

Mayor Wells opened the public hearing.

The following speakers spoke against placing sewer charges on the tax roll:

1. Dolores Landers
2. William McNichols
3. Frank Kalinoski
4. Janet Saal
5. Mary H. King
6. Steve Renaldi
7. Richard Dascoli
8. Rebecca Pollack-Rude
9. Tracy Hollingworth
10. Diedre Kruse

The following speakers expressed concern and requested more information on the item:

1. Edward Rodden
2. Jo Doreen Moreland

The following speakers spoke in support of placing the sewer charges on the tax roll:

1. Janice Wakefield

Marisela Vela submitted a card in support of placing the sewer charges on the tax roll, but left before she was called to speak.

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

**MOTION CARRIED BY UNANIMOUS VOTE.**

**PUBLIC HEARINGS: (Item 7 - Continued)**

Discussion ensued among Council and Staff concerning the following:

- Praise from Council regarding the community outreach to provide information;
- Bi-annual bill versus bi-monthly billing cost savings;
- Property tax bill increase causing a reduction in home buying;
- Consideration of the impact of tax roll billing on properties with HOA's;
- Consideration of 'hand-billing' certain accounts, HOA's included.

**MOTION BY McCLELLAN, SECOND BY KENDRICK, to ADOPT the next Resolution to authorize the collection of sewer service charges as a fixed special assessment on the county property tax bill beginning Fiscal Year 2021 with the exception of HOA accounts; and Award a sole source contract to NV5, Inc., for sewer billing support and tax roll charges preparation in the not-to-exceed amount of \$194,251 for FY21.**

**MOTION FAILED BY A 3 TO 2 VOTE  
(GOBLE, ORTIZ, WELLS – NO).**

*Recess called at 5:15 p.m.  
Meeting called back to order at 5:25 p.m.*

**ADMINISTRATIVE REPORTS:**

City Manager Mitchell stated that staff overlooked to remove Item 8 under AGENDA CHANGES.

8. Subsidy Request for Use of The Magnolia

**RECOMMENDATION:**

That the City Council authorizes up to \$6,000 in assistance for Christian Youth Theater to access The Magnolia for the annual *Traditions of Christmas* shows between December 7 and 13, 2020.

9. Project Assistance Center Online

**RECOMMENDATION:**

That the City Council accepts the report.

**ADMINISTRATIVE REPORTS: (Item 9 - Continued)**

**DISCUSSION**

Sara Diaz, Information Technology Director, provided detailed information on the Item, and introduced the team working on the Project Assistance Center Online.

**MOTION BY McCLELLAN, SECOND BY KENDRICK, to ACCEPT the report.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

10. Opportunity Zones and Enhanced Infrastructure Financing Districts

**RECOMMENDATION:**

That the City Council receives a report about Opportunity Zones and Enhanced Infrastructure Financing Districts, and provides direction.

**DISCUSSION**

City Manager Mitchell introduced Larry Kosmont, President and CEO of Kosmont Companies, who provided a detailed report on the Item. Mr. Brian Moncrief, Senior Vice President, was present to answer questions from Council.

Discussion ensued among Council and Staff concerning opportunity zones in the City of El Cajon and timelines for a second phase of due diligence and marketing activities.

No one came forward to speak on this Item.

**MOTION BY WELLS, SECOND BY KENDRICK, to ACCEPT the report and move forward to the second phase of the program.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

11. Legislative Report

**RECOMMENDATION:**

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

Assistant City Manager DiMaggio spoke about upcoming legislation concerning prohibition of sales of all flavored tobacco products, penalties for violators of these sales, and software for age verification. He also spoke about upcoming legislation concerning payment on public work contracts.

**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.

**12. Council Activity Report**

Report as stated.

**ACTIVITIES REPORTS OF COUNCILMEMBERS:**

13. 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.

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

Council Activities Report/Comments.

Report as stated.

15. 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.

Council Activities Report/Comments.

**ACTIVITIES REPORTS OF COUNCILMEMBERS: (Item 15 – Continued)**

In addition to the submitted report, Councilmember Goble requested an annual report of merchant fees that the City has paid to credit card companies, and asked if the City would consider charging customers for the credit card convenience fee. City Manager Mitchell will provide a report, and ask Council for direction in order to add this item to the FY20/21 fee schedule.

16. DEPUTY MAYOR PHIL ORTIZ  
East County Economic Development Council; League of California Cities, San Diego Division.

Council Activities Report/Comments.

Report as stated.

**JOINT COUNCILMEMBER REPORTS: NONE**

**GENERAL INFORMATION ITEMS FOR DISCUSSION: None**

**ORDINANCES: FIRST READING**

17. Introduce Ordinance Amending Chapter 9.30 of the El Cajon Municipal Code – Social Host of Parties

**RECOMMENDATION:**

That the City Council considers approving the attached Ordinance amending Chapter 9.30 of the El Cajon Municipal Code ("ECMC") related to Social Host of Parties and, if approved, take the following actions:

1. By Motion, Second and Vote, moves to introduce the Ordinance; and
2. Directs the City Clerk to read the title of the Ordinance.

**DISCUSSION**

City Attorney Foley provided information about the Item.

**MOTION BY McCLELLAN, SECOND BY KENDRICK, to INTRODUCE the Ordinance.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

**ORDINANCES: FIRST READING (Continued)**

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

An ordinance of the City Council of the City of El Cajon, California, amending Chapter 9.30 of the El Cajon Municipal Code ("ECMC") related to Social Host of parties.

**CLOSED SESSIONS:**

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

- 18. Closed Session - Conference with Real Property Negotiator - pursuant to Section 54956.8 of the Government Code:

<u>Property</u>	<u>Negotiating Parties</u>	<u>Agency Negotiator</u>
1034 N. Magnolia Avenue	Crisis House	City Manager Assistant City Manager City Attorney/General Counsel

Under negotiation: Price and terms for lease of all or part of the property.

- 19. 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, et al. San Diego Superior Court Case No. 37-2019-00041565-CU-TT-CTL

**MOTION BY WELLS, SECOND BY KENDRICK, to ADJOURN to Closed Session at 6:35 p.m.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

RECONVENE TO OPEN SESSION AT 7:04 PM.

City Attorney Foley reported the following actions:

- Item 18: City Council gave direction to the City's negotiators.
- Item 19: City Council gave direction to 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 10th day of March 2020, at 7:05 p.m., to Tuesday, March 24, 2020, at 3:00 p.m.**

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ANGELA L. CORTEZ, CMC  
City Clerk/Secretary

DRAFT

# JOINT SPECIAL MEETING OF THE EL CAJON CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY TO THE EL CAJON REDEVELOPMENT AGENCY



## MINUTES

### CITY OF EL CAJON EL CAJON, CALIFORNIA

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**March 16, 2020**

A Joint Special Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Monday, March 16, 2020, was called to order by Mayor Bill Wells at 11:30 a.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California.

#### ROLL CALL

Council/Agencymembers via Skype: 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 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).



1. Ratification of Proclamation of the Existence of a Local Emergency

RECOMMENDATION:

That the City Council adopt the next Resolution, in order, to ratify the proclamation to ratify the City Manager's declaration of an emergency as a result of the world-wide pandemic caused by the COVID-19 virus.

DISCUSSION

At the request of City Attorney Foley, Mayor Wells roll called the Councilmembers attending remotely. All were present.

City Manager Mitchell stated that on March 13, 2020, he declared the existence of a local emergency, in order to seek reimbursement from the State of California or Federal Government in the event of incurring expenses while responding to the COVID-19 pandemic. In addition, the adoption of the next Resolution in order, provides staff additional authority relating to responding to the current emergency.

Mayor Wells stated that the public was invited to send questions via email to: [cityclerk@cityofelcajon.us](mailto:cityclerk@cityofelcajon.us).

**MOTION BY KENDRICK, SECOND BY McCLELLAN, to ADOPT Resolution No. 023-20 to ratify the proclamation to ratify the City Manager's declaration of an emergency as a result of the world-wide pandemic caused by the COVID-19 virus.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

City Manager Mitchell recommended that the March 24, 2020 meeting be held in similar format as the current meeting to limit the number of people in attendance at the Council Chamber.

City Clerk Cortez read a question submitted via email from Jessica Brodtkin Webb: "Does ratifying this state of emergency open up funding to be distributed from state or federal levels of government, or does it just allow for reimbursement?"

City Manager Mitchell re-stated that declaring a state of emergency allows the City to seek funding and reimbursement from the Federal Government for expenses incurred in response to the COVID-19 pandemic.

No further comments were offered.

Mayor Wells shared a personal thought, wishing everyone to stay healthy and encouraged citizens to help the elderly stay safe and well cared for.

Adjournment: The Joint Special Meeting of the El Cajon City Council/El Cajon Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 16th day of March 2020 was adjourned at 11:39 a.m., to Tuesday, March 24, 2020 at 3:00 p.m.

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ANGELA L. CORTEZ, CMC  
City Clerk/Secretary

DRAFT



## City Council Agenda Report

**Agenda Item 4.**

**DATE:** March 24, 2020  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Dirk Epperson, Director of Public Works  
**SUBJECT:** Purchase of DANNAR Mobile Power Station Equipment

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### RECOMMENDATION:

That the City Council authorizes the Purchasing Agent, in accordance with Municipal Code section 3.20.010(C)(5), to execute a purchase agreement with DD DANNAR, LLC for DANNAR 4.0 Mobile Power Stations in the amount of \$436,835.

### BACKGROUND:

The City appropriated funds in the current budget cycle to install solar panel and battery storage equipment at Fire Stations 6, 8, 9, and the Public Safety Center, which houses the City's Police Headquarters. The overall project is anticipated to significantly reduce energy costs by means of offsetting consumption from the power grid. Further, the equipment installed will provide added measures of energy resiliency for each of the aforementioned public safety facilities.

In December of 2019, the California Air Resources Board (CARB) announced a \$40 million statewide appropriation for the Clean Off-Road Equipment (CORE) Voucher Incentive Project, which includes the category of durable mobile power stations. The appropriation is intended to offset costs of zero-emissions equipment by means of a voucher or rebate, which is deducted directly from the purchase price of equipment.

Staff submitted a CORE voucher request during the week of March 2, 2020, and subsequently received conditional approval for the purchase of two (2) DANNAR 4.0 Mobile Power Stations (MPS). The voucher was approved for \$440,000, which reduces the cost of the units by more than fifty percent (50%). DD DANNAR, LLC is the sole manufacturer in the mobile power station category and the equipment specifications exceed the performance requirements set forth by the project. The MPS units are intended to serve as mobile battery storage units for the Public Safety Center and will discharge energy into the building during peak energy rate periods. Cost savings from pairing the MPS units with the existing building are expected to be around \$150,000 annually. In the event of an emergency, either MPS unit, or both, may be mobilized to serve community and citizen needs.

Staff recommends this sole source purchase be made to DD DANNAR, LLC. Municipal Code section 3.20.010(C)(5) authorizes the City to acquire equipment when it may only be obtained from one source.

**FISCAL IMPACT:**

Funding in the amount of \$436,835 is available through Activity 502900 CIP Project No. PS0071, Public Safety Energy Efficiency Improvements.

Prepared By: Dirk Epperson, Director of Public Works

Reviewed By: Vince DiMaggio, Assistant City Manager

Approved By: Graham Mitchell, City Manager

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**Attachments**

**Resolution**

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RESOLUTION NO. \_\_-20

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF EL CAJON APPROVING THE PURCHASE OF  
DD DANNAR MOBILE POWER STATION EQUIPMENT

WHEREAS, the City appropriated funds in the current budget cycle to install solar panel and battery storage equipment at Fire Stations 6, 8, 9, and the Public Safety Center, which houses the City's Police Headquarters, to significantly reduce energy costs by means of offsetting consumption from the power grid, and provide added measures of energy resiliency for each of the identified public safety facilities during peak energy rate periods; and

WHEREAS, in December of 2019, the California Air Resources Board ("CARB") announced a \$40 million statewide appropriation for the Clean Off-Road Equipment ("CORE") Voucher Incentive Project, which includes the category of durable mobile power stations; and

WHEREAS, staff submitted a CORE voucher request during the week of March 2, 2020, and subsequently received conditional approval of a voucher in the amount of \$440,000.00 to be used for the purchase of two (2) DANNAR 4.0 mobile power stations; and

WHEREAS, DD DANNAR, LLC ("DANNAR") is the sole manufacturer in the mobile power station category, and the equipment specifications exceed the performance requirements set by the City for the project, and staff recommends this sole source purchase be made from DANNAR in accordance with El Cajon Municipal Code section 3.20.010(C)(5), which authorizes the City to acquire equipment when it may only be obtained from one source; and

WHEREAS, the City Council believes it to be in the City's best interests to authorize the Purchasing Agent, in accordance with El Cajon Municipal Code section 3.20.010(C)(5), to execute a purchase agreement with DANNAR for two (2) DANNAR 4.0 mobile power stations in the amount of \$398,000.00.

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 purchase of two (2) DANNAR 4.0 mobile power stations in the amount of \$398,000.00, and authorizes the City's Purchasing Agent to execute an agreement with DD DANNAR, LLC, with such changes or amendments as maybe approved by the City Manager.



City Council  
Agenda Report

**DATE:** March 24, 2020  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Vince DiMaggio, Assistant City Manager  
**SUBJECT:** Authorization to Enter into an Investment Advisory Agreement with Nationwide for Co-Fiduciary Relationship

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**RECOMMENDATION:**

That the City Council approves the Investment Advisory Agreement.

**BACKGROUND:**

The City offers two deferred compensation programs for employees: ICMA-RC and Nationwide. Both programs operate under IRS Code Section 457, which are plans specifically for government employees, and are colloquially known as "457 Plans."

The Nationwide Plan operates with employees choosing to voluntarily deposit pre-tax earnings into an account that subsequently invests a certain percentage of those funds into any of several mutual funds, depending upon the employee's risk tolerance and retirement objectives. The City acts as the single fiduciary for the Nationwide Plan, meaning that the City has a financial responsibility to ensure that the Nationwide program operates in the best financial interest of the employees.

The agreement before the Council adds Nationwide as a co-fiduciary to the Nationwide deferred compensation plan. This role allows Nationwide representatives to advise employees on specific investment strategies that could accomplish their financial objectives, as well as recommend to management the addition or subtraction of specific funds in the Plan based on factors including, but not limited to, historical performance, management record, and expense ratio.

Adding Nationwide as a co-fiduciary will allow Plan participants to receive expert advice on retirement planning and provide staff with recommendations regarding the optimal management of the deferred compensation plan.

Prepared By: Vince DiMaggio, Assistant City Manager

Reviewed By: N/A

Approved By: Graham Mitchell, City Manager

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City Council  
Agenda Report

**Agenda Item 11.**

**DATE:** March 24, 2020

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Angela Cortez, City Clerk

**SUBJECT:** Amendment of Chapter 9.30 of the El Cajon Municipal Code - Social Host of Parties

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**RECOMMENDATION:**

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

An Ordinance Amending Chapter 9.30 of the El Cajon Municipal Code to include a prohibition of consumption of marijuana by minors at social gatherings.

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Attachments

Ord - 5099

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ORDINANCE NO. 5099

AN ORDINANCE AMENDING CHAPTER 9.30 OF  
THE EL CAJON MUNICIPAL CODE TO INCLUDE A  
PROHIBITION OF CONSUMPTION OF MARIJUANA  
BY MINORS AT SOCIAL GATHERINGS

WHEREAS, on November 8, 2016, California voters passed Proposition 64, the Adult Use of Marijuana Act ("AUMA") authorizing persons 21 years of age or older to legally grow, possess, and use marijuana for non-medicinal purposes with certain restrictions; and

WHEREAS, AUMA took effect January 1, 2018, and it expressly authorized cities to regulate the use and sale of marijuana within their jurisdiction except as otherwise specifically and expressly provided; and

WHEREAS, the City Council desires to prohibit the consumption of marijuana in addition to present prohibitions regarding consumption of alcohol and drugs at social gatherings hosted by person(s) having control of a residence or premises, and who is present at that residence or premises at the time that a minor possesses or consumes any alcoholic beverage or controlled substance; and

WHEREAS, the City Council desires to prohibit the consumption of alcohol, marijuana, and controlled substances at social gatherings in compliance with state law; and

WHEREAS, the existing provisions of Chapter 9.30 of the El Cajon Municipal Code ("ECMC") entitled "Social Host of Parties" impose criminal and civil liability, including enforcement costs and attorney fees, on social hosts who are or should be aware of the consumption of alcoholic beverages or possession or use of drugs by minors under their control at a residence or premises under their control yet fail to prevent it; and

WHEREAS, the City Council's purpose in enacting existing Chapter 9.30 was to curtail the consumption of alcohol and drugs by minors in order to prevent the many adverse side effects of alcoholic beverage and drug consumption including juvenile delinquency, victimization, and adverse health effects; and

WHEREAS, the City Council declares that consumption of marijuana presents many of the same adverse effects as alcoholic beverage and drug consumption by minors; and

WHEREAS, the City Council desires to amend Chapter 9.30 to impose criminal and civil liability, including enforcement costs and attorney fees, on social hosts who are or should be aware of the consumption of marijuana by minors under their control at a residence or premises under their control yet fail to prevent it; and

WHEREAS, the City Council further declares that the regulations enacted by this Ordinance are intended and necessary to ensure the public welfare.



NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CAJON DOES ORDAIN AS FOLLOWS:

SECTION 1: Sections 9.30.010, 9.30.020, 9.30.030, 9.30.040, and 9.30.070 of Chapter 9.30 of the El Cajon Municipal Code are hereby repealed.

SECTION 2: A new section 9.30.010 is hereby added to read as follows:

**9.30.010 Purpose and intent.**

The city council finds and determines that youth often obtain alcoholic beverages or possess and use marijuana or controlled substances at parties or other gatherings held at private residences or at rented residential and commercial premises which are under the control of a person or persons who knows or should know of the illegal conduct and fails to stop it. The city council further finds and determines that persons who will be held responsible for abetting or tolerating such conduct will be more likely to properly supervise or stop such parties or gatherings on property under their control. It is the purpose of this chapter to impose criminal liability on persons who are aware of, or should be aware of, the illegal conduct yet fail to prevent it. It is the further purpose of this chapter to impose civil liability for the recovery of the costs of enforcement services and to provide for the recovery of reasonable attorney fees in the event of litigation.

SECTION 3: A new section 9.30.020 is hereby added to read as follows:

**9.30.020 Definitions.**

Terms used in this chapter shall have the meaning given to them by state law except as expressly provided herein.

- A. "Adult" shall mean a person who is twenty-one years of age or older.
- B. "Alcoholic Beverage" shall mean any liquid or solid material intended to be ingested by a person, which contains ethanol, also known as ethyl alcohol, drinking alcohol, or alcohol, including but not limited to alcoholic beverages as defined in section 23004 of the Business and Professions Code, and which contains one percent (1%) or more of alcohol by volume; any intoxicating liquor; any malt beverage, beer, wine, spirits, liqueur, whiskey, rum, vodka, cordials, gin, and brandy; and any mixture containing one or more alcoholic beverages. Alcoholic beverage includes a mixture of one or more alcoholic beverages whether found or ingested separately or as a mixture.
- C. "Control" shall mean any form of dominion including ownership, tenancy, or other possessory right.
- D. "Controlled substance" shall mean a drug or substance whose possession and use is regulated under the schedules set out in California Health &

Safety Code section 11007 and includes, without limitation, "synthetic stimulants" and "synthetic cannabinoids" as those terms are defined in section 8.30.020(a) and (b) of this code. Such term does not include any drug or substance for which the individual found to have possessed or consumed such substance has a valid prescription issued by a licensed medical practitioner authorized to issue such prescription.

- E. "Enforcement services" shall mean the salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the gathering; the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers or other code enforcement personnel; the cost of repairing any damaged city equipment or property; and the cost arising from the use of any damaged city equipment in responding to or remaining at the gathering.
- F. "Gathering" shall mean a party, gathering, or event, where a group of three or more persons have assembled or are assembling for a social occasion or social activity at a residence or premises.
- G. "Marijuana" shall mean *cannabis* and *cannabis* products as described in California Health and Safety Code sections 11018 and 11018.1, and includes, without limitation, in leaf form, including flowers from the female plant; in edible or drinkable forms, including as an additive to consumable products; the oils and resins of marijuana; or in pills or other ingestible products.
- H. "Minor" shall mean a person under the age of twenty-one years.
- I. "Residence or premises" shall mean a hotel or motel room, home, yard, apartment, condominium, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or for a party or other social function, and whether owned, leased, rented, or used with or without compensation.
- J. "Social host" shall mean a person who permits a gathering where one or more minors consume one or more alcoholic beverages on property owned or controlled by the persons.

SECTION 4: A new section 9.30.030 is hereby added to read as follows:

**9.30.030 Prohibition.**

- A. It shall be the duty of any person having control of any residence or premises, who knowingly hosts, permits, or allows a gathering to take place at said residence or premises to take all reasonable steps to prevent the consumption of alcoholic beverages, marijuana, or controlled substances by any minor at the gathering. Whenever the person having control of the

residence or premises either knows or should know a minor has consumed an alcoholic beverage, marijuana, or controlled substance at the residence or premises in violation of this chapter it is presumed that the person had the ability to take all reasonable steps to prevent the consumption of an alcoholic beverage, marijuana, or controlled substances by a minor as set forth in subsection (B)(2) of this section; it is further presumed that the person has the ability to terminate the illegal conduct once it is, or should reasonably have been, discovered.

- B. No person who owns or has control of any residence or premises shall knowingly allow a gathering to take place or continue at the residence or premises if:
  - 1. At the gathering any minor possesses or consumes any alcoholic beverage, marijuana, or controlled substance; and
  - 2. The person knows or reasonably should know by taking all reasonable steps to prevent alcoholic beverage, marijuana, or controlled substance consumption by any minor, that a minor possesses or is consuming any alcoholic beverage, marijuana, or controlled substance at the gathering. Reasonable steps are (a) controlling access to alcoholic beverages, marijuana, or controlled substances at the gathering; (b) controlling the quantity of alcoholic beverages, marijuana, or controlled substances present at the gathering; (c) verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure that persons under the age of twenty-one years do not consume alcoholic beverages or marijuana while at the gathering; and (d) supervising the activities of minors at the gathering.
- C. This section does not apply to any location or place regulated by the California Department of Alcoholic Beverage Control.
- D. This section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian, as permitted by Article I, Section 4, of the California Constitution.

SECTION 5: A new section 9.30.040 is hereby adopted to read as follows:

**9.30.040 Prima facie evidence.**

Whenever an person having control of a residence or premises is present at that residence or premises at the time that a minor possesses or consumes any alcoholic beverage, marijuana, or controlled substance thereon, it shall be prima facie evidence that such person had the knowledge or should have had the knowledge specified in section 9.30.030 (A) or (B)(2) above.

SECTION 6: A new section 9.30.070 is hereby adopted to read as follows:

**9.30.070 Civil liability for enforcement services.**

When a gathering prohibited by section 9.30.030 occurs and a police officer or code enforcement officer is called to the scene, the person or persons having control of the residence or premises shall be liable for the cost of providing enforcement services during the second or a follow up response by the police, after a first warning to the person or persons having such control.

SECTION 7. This ordinance shall become effective thirty (30) days following its passage and adoption.

03/10/20 CC Agenda – 1<sup>st</sup> Reading  
03/24/20 CC Agenda – 2<sup>nd</sup> Reading

Ord - Amend ECMC Chapter 9.30 – Social Host of Parties 030520