

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

May 12, 2020

A Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, May 12, 2020, was called to order by Mayor/Chair Bill Wells at 3:02 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California.

ROLL CALL

Council/Agencymembers via virtual platform: Goble, Kendrick, and McClellan
Council/Agencymembers absent: None
Deputy Mayor/Vice Chair via virtual platform: Ortiz
Mayor/Chair present via virtual platform: Wells
Other Officers present via virtual platform: 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 April 28, 2020, Meeting and the Agenda of the May 12, 2020, Meeting in accordance with State Law and El Cajon City/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

PRESENTATIONS:

Presentation: First Look at the City's New Mobile App

Recognition: Certificate of Appreciation for Caltrans

Proclamation: National Public Works Week

AGENDA CHANGES: None

CONSENT ITEMS: (1 – 12)

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

Approves Minutes of the April 28, 2020, 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. Approval of a Reimbursement Agreement for Broadway Earthen Channel Improvements

1. Adopts Resolution No. 036-20, to authorize the City Manager to execute a reimbursement agreement between the City of El Cajon and East Main Street, LLC for purposes of reimbursing the City for improvements to Broadway Earthen Channel for costs incurred up to an amount of \$600,000; and
2. Appropriates \$600,000 to a Wastewater Specific Account to supplement the proposed FY2020-21 Budget for Broadway Earthen Channel Repairs, WW3586.

CONSENT ITEMS: (Continued)

5. Contract Amendment for Civil Engineering Services – Broadway Earthen Channel Repairs

Adopts Resolution No. 037-20, to increase the Agreement for Professional Services with NV5, Inc., for the civil engineering services for Phase B of the Broadway Earthen Channel Repairs in the not-to-exceed amount of \$177,473.

6. Time Extension of Tentative Parcel Map (TPM) 659; 636 South Johnson Avenue; Engineering Job No. 3606

Grants a one-year extension for TPM 659 (636 South Johnson Avenue) and sets the new expiration date to August 14, 2021, in accordance with Municipal Code Section 16.12.110.

7. Award of RFP No. 003-21 – Workers' Compensation Claims Administration

Adopts Resolution No. 038-20, to enter into an agreement with Athens Administrators for workers' compensation claims administration services in an amount not to exceed \$93,944 for a one-year term with the option to renew for four additional one-year terms.

8. Contract Extension for Custodial Services

Adopts Resolution No. 039-20, to extend the current Agreement for Custodial Services with NMS Management, Inc., for three months in the not-to-exceed amount of \$110,671.96.

9. Designation of an Authorized Agent for the Filing of an Application to the California Office of Emergency Services

Adopts Resolution No. 040-20, to designate and approve the Authorized Agent for filing an application to the California Office of Emergency Services (CalOES) for the purpose of obtaining Federal financial assistance and/or State financial assistance for all open and future disasters.

10. City of El Cajon Sustainability Initiative: Policies to Reduce Greenhouse Gas Emissions

Adopts Resolution No. 041-20, approving the City of El Cajon Sustainability Initiative: Policies to Reduce Greenhouse Gas Emissions.

CONSENT ITEMS: (Continued)

PULLED FOR DISCUSSION:

11. Heartland Fire Training Facility Lease Agreement

Adopts Resolution No. 042-20, approving and entering into a lease agreement with the Heartland Fire Training Authority for the use of the Heartland Fire Training Facility.

DISCUSSION

An online comment submitted by Steve Butcher, Heartland Fire Training Authority Manager, acknowledged Public Works Director Dirk Epperson, Principal Civil Engineer Jeff Manchester, Senior Management Analyst David Richards, Fire Chief Steve Swaney, and city staff for the collaboration and assistance on the lease agreement.

12. Declaration that a Local Emergency due to the COVID-19 Virus Continues to Exist

Adopts Resolution No. 043-20, in order, to declare that a local emergency due to the COVID-19 virus continues to exist.

MOTION BY McCLELLAN, SECOND BY ORTIZ, to APPROVE Consent Items 1 to 12.

MOTION CARRIED BY UNANIMOUS VOTE.

PUBLIC COMMENT:

A comment submitted online by an unidentified person, expressed objection to the Administrative Zoning Permit (AZP) application in regards to the Novell Family Trust/Novel Carri L., APN: 484-261-29-00, APN: 1378 Peach St. El Cajon.

WRITTEN COMMUNICATIONS:

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PUBLIC HEARINGS:

13. Adoption of FY 2020-2021 One-Year Action Plan (CDBG and HOME)

RECOMMENDATION:

That the City Council:

1. Affirms the public hearing is still open and accepts public testimony;
2. Closes the public hearing;
3. Finalizes the allocations of CDBG and HOME funds as a part of the FY 2020-21 One-Year Action Plan; and
4. Adopts the next Resolution, in order, approving and adopting the FY 2020-21 One-Year Action Plan in the form presented, with such monetary and non-monetary changes as approved by the City Manager, and authorizes the City Manager or designee to submit the Plan to HUD and to execute all affiliated documents.

DISCUSSION

Housing Specialist, Marybrook Cox, provided detailed information on the Item.

Mayor Wells opened the public hearing.

No comments were received on this Item.

MOTION BY MCELLELLAN, SECOND BY KENDRICK, to CLOSE the Public Hearing.

MOTION CARRIED BY UNANIMOUS VOTE.

MOTION BY ORTIZ, SECOND BY McCLELLAN, to ADOPT Resolution No. 044-20, approving and adopting the FY 2020-21 One-Year Action Plan in the form presented, with such monetary and non-monetary changes as approved by the City Manager, and authorize the City Manager or designee to submit the Plan to HUD and to execute all affiliated documents.

MOTION CARRIED BY UNANIMOUS VOTE.

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PUBLIC HEARINGS: (Continued)

14. CDBG Cares Act - First Amendment to FY 2019-20 One-Year Action Plan and Amendment to Citizen Participation Plan

RECOMMENDATION:

Staff recommends that the City Council:

1. Opens the public hearing and accepts public testimony;
2. Closes the public hearing; and
3. Adopts the next Resolution, in order, amending the FY 2019-20 One-Year Action Plan and Citizen Participation Plan in accordance with the following:
 - a) Allocate and appropriate funds to a series of homeless prevention projects to include utility and rental assistance for the purpose of ensuring families remain housed;
 - b) Allocate and appropriate additional funds for emergency shelter and emergency motel voucher programs to provide short-term housing for homeless persons;
 - c) Adopt the proposed amendments to the Citizen Participation Plan for Consolidated Plan Programs; and
 - d) Authorize the City Manager, or designee, to make the necessary changes to the One-Year Action Plan, and submit all required documentation to the U.S. Department of Housing and Urban Development.

DISCUSSION

Housing Specialist, Marybrook Cox, provided detailed information on the Item.

Mayor Wells opened the public hearing.

An online comment submitted by Laura Tancredi-Baese, Chris Shilling and Lauren Pollick, representing Home Start, thanked the City for the financial support and acknowledged City Manager Mitchell, and city staff for a fair and transparent Request for Proposal process.

Discussion ensued among Council and Staff concerning the following:

- Award amounts are proposals made by both the Council, Staff and the requesting agency;
- All four agencies that requested funding were granted funds;
- Clarification made in reference to the Federal Government's 'use it or lose it' method;
- Religious based agencies were not considered for this specific program; and
- HUD's (Housing and Urban Development) guidelines limited the number of applications.

PUBLIC HEARINGS: (Item 14 - Continued)

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

MOTION CARRIED BY UNANIMOUS VOTE.

MOTION BY McCLELLAN, SECOND ORTIZ, to ADOPT Resolution No. 045-20, to amending the FY 2019-20 One-Year Action Plan and Citizen Participation Plan to allocate and appropriate funds to a series of homeless prevention projects to include utility and rental assistance for the purpose of ensuring families remain housed; allocate and appropriate additional funds for emergency shelter and emergency motel voucher programs to provide short-term housing for homeless persons; adopt the proposed amendments to the Citizen Participation Plan for Consolidated Plan Programs; and authorize the City Manager, or designee, to make the necessary changes to the One-Year Action Plan, and submit all required documentation to the U.S. Department of Housing and Urban Development.

MOTION CARRIED BY UNANIMOUS VOTE.

15. Renette Park Freestanding Light Poles and Wireless Communication Facility - Proposed Specific Plan and Lease Agreement

RECOMMENDATION:

That the City Council:

1. Opens the public hearing and receives testimony;
2. Closes the public hearing;
3. Moves to adopt the next Resolution, in order, approving the California Environmental Quality Act Exemption;
4. Moves to adopt the next Resolution, in order, approving Specific Plan No. 532; and
5. Moves to adopt the next Resolution, in order, authorizing the City Manager to execute a Lease Agreement with New Cingular Wireless PCS, LLC.

DISCUSSION

Director of Planning, Anthony Shute, provided detailed information of the Item.

No comments were received on this Item.

PUBLIC HEARINGS: (Item 15 - Continued)

Discussion ensued among Council and Staff concerning the following:

- Concerns of possible health risks;
- Benefits of LED light technology; and
- City will be financially responsible for the electrical expenses.

MOTION BY GOBLE, SECOND BY McCLELLAN, to ADOPT Resolution No. 046-20, approving the California Environmental Quality Act Exemption.

MOTION CARRIED BY UNANIMOUS VOTE.

MOTION BY GOBLE, SECOND BY McCLELLAN, to ADOPT Resolution No. 047-20, approving Specific Plan No. 532; and to ADOPT Resolution No. 048-20, authorizing the City Manager to execute a Lease Agreement with New Cingular Wireless PCS, LLC.

MOTION CARRIED BY UNANIMOUS VOTE.

ADMINISTRATIVE REPORTS:

16. Award of RFP No. 013-20 - Residential and Commercial Garbage, Recyclable Material, and Organic Waste Collection Services and Consideration of a Solid Waste Franchise Agreement with EDCO Disposal Corporation

RECOMMENDATION:

That the City Council adopts the next Resolutions, in order, to:

1. Award RFP No. 013-20 – Residential and Commercial Garbage, Recyclable Material, and Organic Waste Collection Services to EDCO Disposal Corporation; and
2. Enter into a Solid Waste Franchise Agreement with EDCO Disposal Corporation for Commercial Garbage, Recyclable Material and Organic Waste Collection Services for a twenty-year term with the option to renew for an additional five-year period.

DISCUSSION

City Manager Mitchell read a protest letter received by the City's Purchasing Agent on May 11, 2020, in regards to the Notice of Intent to Award RFP (Request for Proposal) No. 013-20, for the Residential and Commercial Garbage, Recyclable Material, and Organic Waste Collection Services.

ADMINISTRATIVE REPORTS: (Item 16 - Continued)

City Manager Mitchell stated that the City met the minimum standards of providing the Notice of Intent to award the bid by way of posting on Planet Bids. City Manager Mitchell added that the City went above and beyond the minimum requirements by sending an email, and a hard copy of the notice to Republic Services and Waste Management on May 5, 2020, additionally a phone call was made to both companies.

City Manager Mitchell stated that a consultant was hired to vet the responsiveness of the proposals to assist the City Council in making an informed decision.

In response to a comment submitted in the protest letter about allowing stakeholders' input, City Manager Mitchell clarified the intent was to, once a company was chosen, allow the City Council to pursue input to understand the programs to be developed by the new company.

In response to Councilmember Goble's question in regards to the requirement of noticing with a five-business day period, Mr. Tagore-Erwin explained that the typical business day is Monday through Friday, and calendar day is Monday through Sunday; seven calendar days are allowed to cover the five business days. City Manager Mitchell stated that the City met the requirement for sufficient notification.

In response to Mayor Wells' question, City Manager Mitchell explained that the data would not change if the RFP period was extended, because the decision process was based on the highest and best proposal.

MOTION BY McCLELLAN, to POSTPONE the award of RFP No. 013-20 until the City can reconvene to a regular Council Meeting.

MOTION failed for a lack of a second.

MOTION BY WELLS, SECOND BY KENDRICK, to CONTINUE the Item as proposed by staff.

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

Director of Public Works, Dirk Epperson, and Mr. Richard Tagore-Erwin, President of R3 Consulting Group, provided detailed information of the Item.

ADMINISTRATIVE REPORTS: (Item 16 - Continued)

Discussion ensued among Council, staff and Mr. Tagore-Erwin regarding:

- Franchise fees;
- Substantial savings by selecting EDCO;
- Ordinances to be adopted to allow exceptions for excluding certain businesses that have no organic refuse;
- Importance of recycling and providing clean material; and
- Compliance with State of CA requirements for recycling.

Mayor Wells asked the City Clerk for any comments received on the Item.

City Clerk Cortez stated that a total of 98 comment cards were received, and added that many people submitted multiple comments, which would be combined in the interest of time management.

City Clerk Cortez read a comment from Kristine Costa, Community and Municipal Manager for Waste Management, who requested the City Council continue Agenda Item 16, until a regular public hearing can be held, so that the City Council can conduct an in-person meeting and receive input.

The following people submitted comment cards in support of EDCO Corporation:

Two unidentified citizens
Frank Giordano
Chad Bramwell
Christine La Marca

The following people submitted comment cards in support of Waste Management:

Mary Case, representing Crisis House
Harold Brown, representing the East County Transitional Living Center
Dave Johnston, representing the Rotary Club of El Cajon
Chris Bramwell, representing the El Cajon Valley Lions Club
Debra Emerson, representing St. Madeline Sophie's Center
Joe Alegria
Gene Beezer
Ramona Bommer
Debbie George
Jeffrey Hatfield
Anna Holmes
Tiffany McHugh
Audrey Ross

ADMINISTRATIVE REPORT: (Item 16 – Continued)

The following people submitted comment cards in support of Waste Management:
(Continued)

Michael Smith
Andrew Spear
Amy Spear
Lynn Spicer
Nicholas Wagner
Chris George
Rachel Murany
Fredrick Rowbotham
Cathy Zeman
Carlos Figueroa, Waste Management Employee (joined by 80+ of his colleagues)
Joe Mackey, Past Chair of El Cajon Chamber of Commerce

*Recess called at 5:32 p.m.
Meeting called back to order at 5:42 p.m.*

The following people submitted comment cards in support of Waste Management:
(Continued)

Chris Durkee
Ryan Sayre
Rolando Valenzuela comment in support of continuing this Item.

The following people submitted comments on a template letter in support of Waste Management:

Christopher Alley
Don Bastrom
Humbert Cabrera
Elizabeth Church
Kristina Dendy
Christopher Durkee
Henry Dmochowski
James Deyling
Debbie Descans
Kristopher Evans
Kaylyn Gonzalez
Mark Hoffman
Neil Hoffman

ADMINISTRATIVE REPORT: (Item 16 – Continued)

The following people submitted comments on a template letter in support of Waste Management: (Continued)

Tobias Haglund
Allison Harrah
Beverly Ireland
Tracey Kennedy
Kevin Kennedy
Christian Lupercio
Elana Levens-Craig
Mariallena Martin
Kevin Miller
Jeremy Miller
Stephanie Murphy
Sarah Perez
Julie Rausch
Dana Rivers
Victoria Trowbridge
Kristin Williams
Sandra Zolman
Helen Zamora

Jeff Malik submitted a comment card to ask the City Council to allow citizens to contract their own refuse companies in the open market.

Director of Public Works, Dirk Epperson mentioned that Mr. Steve South, President and CEO of EDCO Corporation was available telephonically. Mr. South introduced himself to the Council and stated he was available to answer questions from Council and staff.

Discussion ensued among Council, Staff, Mr. South and Mr. Tagore-Erwin concerning the following:

- Benefits to the City by allowing only one franchise hauler;
- Lease agreement of the transfer station on West Bradley Avenue;
- Concern for current Waste Management employees;
- Timeline and expiration concerns for the current RFP process;
- Pricing concern if a continuance of the Item is granted;
- Transition period for the company who will be chosen;
- EDCO's commitment to community engagement;
- Consideration for procuring the best deal for the rate payers and businesses;
- Contract with ECTLC to retrieve items in alley ways;
- Praise for the work performed by Kristine Costa, Kaylyn Gonzalez and Phil Smith from Waste Management; and
- Consideration of revenue impact on the City if Franchise fees are reduced.

ADMINISTRATIVE REPORT: (Item 16 – Continued)

MOTION BY KENDRICK, SECOND BY ORTIZ, to ADOPT Resolution No. 49-20, to award RFP No. 013-20 – Residential and Commercial Garbage, Recyclable Material, and Organic Waste Collection Services to EDCO Disposal Corporation.

MOTION CARRIED BY UNANIMOUS VOTE.

17. East County Advanced Water Purification Wastewater Service Agreement

RECOMMENDATION:

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

1. Approve the East County Advanced Water Purification Wastewater Service Agreement (Agreement) among the East County Advanced Water Purification Joint Powers Authority (ECAWP JPA), the City of El Cajon, the Padre Dam Municipal Water District, and the San Diego County Sanitation District; and
2. Authorize the City Manager to execute the Agreement.

DISCUSSION

Director of Public Works, Dirk Epperson, provided detailed information of the Item and introduced Kyle Swanson, Director of Operations at Padre Dam Municipal Water District, available telephonically to answer questions.

No comments were received on this Item.

Discussion ensued among Council and Staff concerning the following:

- Having control over water rate and supply;
- Converting sewer water into drinkable water; and
- Growth and expansion possibilities.

MOTION BY GOBLE, SECOND BY KENDRICK, to ADOPT Resolution No. 050-20, to APPROVE the East County Advanced Water Purification Wastewater Service Agreement (Agreement) among the East County Advanced Water Purification Joint Powers Authority (ECAWP JPA), the City of El Cajon, the Padre Dam Municipal Water District, and the San Diego County Sanitation District; and authorize the City Manager to execute the Agreement.

MOTION CARRIED BY UNANIMOUS VOTE.

ADMINISTRATIVE REPORT: (Continued)

18. Sewer Billing Update; Consideration of Options

RECOMMENDATION:

That the City Council considers the method by which to bill El Cajon sewer customers and adopts the corresponding Resolution.

DISCUSSION

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

A comment submitted online by an unidentified person expressed concern for increasing billing rates.

Kevin Marcinek, Vice President of Minol USA, expressed concern that Minol was being inaccurately represented. Mr. Marcinek requested clarification on the evaluation, and the additional costs.

In response to Mr. Marcinek's comment, City Manager Mitchell, stated that even if the credit card fee was reduced by half, Minol USA would still not be the lowest of the three options.

Discussion ensued among Council and Staff concerning:

- Savings to tax payers;
- Tools to educate the public on the changes to sewer billing;
- Other municipalities using the tax roll option;
- Concerns for additional expenses on property tax bills that may create a hardship; and
- Ability to make payments to avoid financial burden.

MOTION BY McCLELLAN, SECOND BY GOBLE, to ADOPT Resolution No. 051-20, to Place Sewer Billing on the San Diego County Tax Roll and to suspend the collection of a portion of approved wastewater rate for Fiscal Year 20/20, and to provide information to the public on the new sewer billing system, and the availability to make monthly payments.

MOTION CARRIED BY UNANIMOUS VOTE.

COMMISSION REPORTS:

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.

19. Council Activities Report/Comments

Report as stated.

20. Legislative Update: None

ACTIVITIES REPORTS OF COUNCILMEMBERS:

21. 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.

22. COUNCILMEMBER BOB MCCLELLAN

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

Council Activities Report/Comments.

Report as stated.

23. 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.

Report as stated.

ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

24. 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 – None

ORDINANCES: SECOND READING AND ADOPTION – None

CLOSED SESSIONS: None

Adjournment: Mayor Wells adjourned the Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 12th day of May 2020, at 6:58 p.m., to Tuesday, May 26, 2020, at 3:00 p.m.

ANGELA L. CORTEZ, CMC
City Clerk/Secretary